

In the Matter of Clean Air Environmental Services, Inc.

ATTACHMENT 1

RENOVATION, REPAIR, AND PAINTING RULE COMPLIANCE PLAN

CLEAN AIR ENVIRONMENTAL SERVICES, INC.

RENOVATION, REPAIR, AND PAINTING RULE COMPLIANCE PLAN

I. Introductory Statement.

This Renovation, Repair, and Painting ("RRP") Rule Compliance Plan ("the Plan") is being implemented in order to promote compliance by Clean Air Environmental Services, Inc., ("CAES") with the requirements for Residential Property Renovation, codified at Title 40 of the Code of Federal Regulations, Part 745, Subpart E, commonly known as the Renovation, Repair, and Painting (RRP) Rule. The Plan is designed to help ensure that covered companies and their employees, engaged in renovation activities involving "target housing" properties¹ and "child-occupied facilities,"² have the necessary guidance and/or training to conduct renovation activities in compliance with the RRP Rule.

IN THE EVENT OF ANY DISCREPANCY BETWEEN THE REQUIREMENTS IN THIS DOCUMENT AND THE RRP RULE, THE RRP RULE PREVAILS.

II. Objective.

The objective of the Plan is to ensure CAES's compliance with federal laws and regulations governing lead-based paint work.

III. Applicability.

This Plan covers all CAES employees, contractors, and subcontractors working on projects involving lead-based paint. Primarily, the Plan covers employees, contractors, and subcontractors working on the "renovation," as that term is defined at 40 C.F.R. § 745.83, of property originally constructed prior to 1978. Note that, in addition to pre-1978 residential structures¹ and child-occupied

¹ "Target Housing" means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless a child who is less than 6 years of age resides or is expected to reside in such housing) or any 0-bedroom dwelling. Section 401 of TSCA, 15 U.S.C. Section 2681(17); see also, 40 C.F.R. § 745.223.

facilities², the conversion of any class of property (e.g., Commercial, Industrial, etc.) constructed prior to 1978 to residential use makes such property subject to the requirements of 40 C.F.R. Part 745 and this Plan. The requirements of this Plan shall apply for a period of one year, commencing ninety (90) days from the date of signature of the Consent Agreement and Final Order.

IV. Procedures.

This document, created and adopted by CAES, sets forth procedures which will address the following broad categories of compliance that apply to the Rule cited above: A) obtaining, maintaining and renewing the EPA RRP-Firm Certification(s); B) obtaining, maintaining and renewing RRP Certifications of Individual Renovators, which are issued by EPA-accredited training providers; C) on-the-job training of uncertified CAES employees who perform RRP work; D) pre-renovation education of owners and occupants; E) compliance with lead-safe work practice standards for renovation projects; F) compliance with post-renovation cleaning verification; G) creation and retention of records of compliance; and H) management of general contractor/subcontractor roles for RRP Rule projects.

a. Firm & Individual Certification(s).

RRP Rule- CAES has obtained EPA RRP Firm Certification for the RRP Rule under certificate number NAT-F153170-1, valid from April 29, 2021, to May 13, 2026. Prior to CAES's license expiring, it will take the necessary steps to renew its firm's license. All renewals are now done electronically at <https://www.epa.gov/lead/getcertified>. CAES's individual Renovators' certifications shall be kept in an electronic file database that is monitored by CAES. As expiration dates near, Renovators shall be scheduled for a "Refresher" class at an EPA-accredited training provider. Once training is completed,

² "Child-Occupied Facility" means a building, or portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours. Child-occupied facilities may be located in target housing or in public or commercial buildings. 40 C.F.R. § 745.83.

certifications for individual renovators are issued by the training provider as a course completion certificate upon completion of the course.

b. Training of Respondent's Employees.

RRP Rule - As the general contractor, whenever CAES undertakes a project, which is subject to the RRP Rule, it will ensure that an RRP Certified Renovator(s) (appropriately trained individual(s) in possession of a current Renovator certificate issued by an EPA-accredited training provider (school)) is assigned to that project. The assigned Certified Renovator(s) may be an employee(s) of CAES, or a contractor or subcontractor(s) CAES hires. This assigned Certified Renovator(s) will be responsible, in part, for compliance with the RRP Rules for that project, and in that role must perform, and document, a number of specific RRP Rule compliance- related functions.

- i. **Assigned Certified Renovator(s)**- If CAES chooses an employee(s) as the assigned Certified Renovator(s), CAES will require and ensure that employee(s) have valid and current Renovator certification from an EPA- accredited training provider before such employee(s) can serve the Certified Renovator function.
- ii. If CAES is involved in multiple concurrent projects, CAES will be required to ensure the availability of a sufficient number of Certified Renovators to maintain proper coverage and ensure compliance with the RRP Rule at all renovations.
- iii. If the only Certified Renovator on a specific project is the assigned Certified Renovator, CAES will require and ensure that the Certified Renovator trains the other workers who are performing RRP work on the lead- safe work practices required by the RRP Rule. The Certified Renovator will create a record of this training, and CAES will retain that record, as well as the other RRP records of compliance contained in the RRP Compliance Checklist, which is Appendix A to this Plan.

c. Records Retention.

- i. Review and Update Existing Documents and Templates** - CAES has conducted a review of its existing RRP documents and templates, and ensured that the language in all documents used in the course of its lead-based paint RRP work do not contain references to “abatement”, or to any other types of work CAES performs, i.e., asbestos abatement. CAES will repeat this review annually.
- ii. CAES will generate and maintain the following records of compliance with the RRP Rule for each renovation it conducts:**

 - 1.** Documentation that one or more certified renovators was assigned to each project, including the name of each individual certified renovator assigned and a copy of his or her current certificate;
 - 2.** Documentation that a certified renovator provided on-the-job training and direction to workers who performed the renovation, and that includes the topics that must be identified for each worker, pursuant to 40 C.F.R. § 745.86(b)(6)(i);
 - 3.** Documentation that a certified renovator performed the post-renovation cleaning verification;
 - 4.** Signed and dated acknowledgements of receipt of the Renovate Right pamphlet from both owners and/or occupants (i.e., pre-renovation education) or certificates of mailing providing proof of attempted distribution of the Renovate Right pamphlet;
 - 5.** Documentation of results of any testing performed by an inspector, risk assessor or certified renovator;
 - 6.** Documentation that, when the final invoice for the renovation is delivered or within 30 days of the completion of the renovation, whichever is

earlier, CAES provided information pertaining to compliance with the RRP to the owner of the building and, if different, an adult occupant of the dwelling, or if the renovation took place in a child-occupied facility, an adult representative of the child-occupied facility;

7. Documentation of compliance with any other provisions of the RRP Rule not specified above;

8. Any agreed-upon RRP Recordkeeping Forms collected in Appendix A.

iii. CAES will maintain all records of compliance with the RRP Rule for each renovation for a minimum of 3 years after completion of the work. If the specified documents are maintained in hard copy, all such documents covering all projects with RRP Rule requirements shall be maintained at CAES's office located at 215-1/2 North Perry Street, Johnstown, NY 12095, in a central file dedicated to RRP Rule documentation, with copies of the specified documents to be kept with the individual project files (including scope of work, contracts, proof of payment). If hard copy records are not maintained, records of RRP compliance shall be maintained electronically in a folder dedicated to RRP Rule documentation and in an easily accessible format, and copies of the specified RRP compliance documents shall also be kept with the individual project files or folders. All electronic files containing the specified RRP compliance documents shall be backed up regularly and copies shall be maintained off-site, in the cloud or on some independent medium to prevent inadvertent loss or destruction of the data. Records shall be maintained in PDF format or another format to prevent modification of historical data. Any and all records shall be submitted to EPA upon request.

d. Managing general contractor/subcontractor roles for projects subject to the RRP Rule.

- i. Whether CAES serves as the sole contractor, as a general contractor hiring subcontractors, or as a subcontractor to another general contractor, CAES will require and ensure RRP compliance (worker training, lead-safe work practices, recordkeeping, etc.), creation and retention of all records of compliance (and provide copies to whichever firm contracted the work to CAES), and information distribution ("Renovate Right" booklet, found at <https://www.epa.gov/sites/default/files/documents/renovaterightbrochure.pdf>) to the owner and/or tenants, as required/applicable.
- ii. Before CAES subcontracts renovation tasks to another firm (including individuals), CAES will seek (and retain) documentation that any such firm is EPA-certified for RRP. CAES shall also seek and retain documentation that any such subcontractor uses certified/trained workers at a renovation as required/applicable and that a specifically identified Certified Renovator has been assigned as the Certified Renovator to satisfy the assigned Certified Renovator responsibilities, or CAES will perform all such tasks itself. Upon completion of the project, CAES will ensure all requirements of the RRP Rule are met, and CAES will require the subcontractor to provide CAES with a copy of all records of compliance, which CAES will then retain in its files for a minimum of 3 years after completion of the project.

Clean Air Environmental Services, Inc.

RENOVATION, REPAIR, AND PAINTING ("RRP") RULE COMPLIANCE PLAN

It is the goal of Clean Air Environmental Services, Inc., to make sure that every one of its employees engaged in projects involving lead-based paint in Target Housing and/or Child-Occupied Facilities are Certified Renovators, to ensure that the difference between RRP and Lead Abatement are clarified. Copies of our current employees' Renovator certificates are provided herewith.

If in the future, CAES becomes certified to perform, and then offers to perform, lead abatement work, it will maintain clear differentiation between that work and any existing RRP work, and abide by the federal lead abatement regulations found at 40 C.F.R. Part 745, Subpart L.

Compliance Plan Authorization and Effective Date (attested by highest corporate officer)

Clean Air Environmental Services Inc

12-04-24

Contractor/Subcontractor Name and Title

Date



12-04-24

Signature of Authorized Officer

Date

Adam Bido

Print Name of Authorized Officer

President

Title

APPENDIX A- RRP COMPLIANCE CHECKLIST

1. Assigned Certified Renovator (copy of current certificate)
 - record of on-the-job training of other workers
 - post-renovation cleaning verification
2. Acknowledgement of receipt of Renovate Right pamphlet from owners/occupants
3. Documentation of results of any testing performed by an inspector, risk assessor or certified renovator
4. RRP compliance information provided to owners/occupants with final invoice or within 30 days of completion of renovation project
5. Maintenance of records (hard copies and/or electronically maintained records in dedicated RRP compliance file and individual project file
6. If applicable, subcontractor RRP documentation

**APPENDIX B- EPA SAMPLE COMPLIANCE CHECKLIST
(FOR REFERENCE)**

CHECKLIST FOR RENOVATIONS REGULATED BY THE RRP RULE

THE PURPOSE OF THIS FORM IS TO DOCUMENT COMPLIANCE WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S LEAD RENOVATION, REPAIR, AND PAINTING RULE ("RRP RULE"), 40 C.F.R. § 745.80, *et seq.*, OR ANY APPLICABLE U.S. EPA-AUTHORIZED STATE OR TRIBAL PROGRAM REGULATING LEAD-BASED PAINT SAFE WORK PRACTICES.

**IN THE EVENT OF ANY DISCREPANCY BETWEEN THE REQUIREMENTS
IN THIS DOCUMENT AND THE RRP RULE, THE RRP RULE PREVAILS.**

General Project Information:

Property Address: _____

City

State

Zip

Contractor/subcontractor firm name and certification number (copy of the firm certificate must be on file with Respondent)

Firm Name

Certification Number

Assigned certified renovator name & certification number (copy of training certificate must be available on the work site and attached to this checklist):

Renovator Name

Certification Number

Brief description of Renovation Project (include painted surfaces disturbed and estimated size):

Did the contractor/subcontractor obtain a written determination from a certified inspector or risk assessor that lead-based paint was not present on the components affected by the renovation?

☐ Yes and a copy of the determination is attached to this checklist. (Form is **COMPLETE**. Sign Certification on last page.)

☐ No (Continue to Next Section, "Lead Testing Information")

CHECKLIST FOR RENOVATIONS REGULATED BY THE RRP RULE

LEAD TESTING INFORMATION:

Were EPA or applicable state recognized lead test kits used by certified renovator on each and every component (for example, each window to be replaced must be tested unless it is assumed to have lead-based paint) to determine whether lead was present on components affected by renovation?

Yes

N/A

Identify workers and kits used and describe components tested, sampling locations and results below. Follow the lead test kit directions completely when testing components. Document paint chip sampling using the template on the following page and attach any laboratory results.

Certified Renovator Name	Certification Number

Attach additional sheets as needed.

Test Kit Manufacturer and Model	Date of Testing	Component and Location Tested	Result

Attach additional sheets as needed

**CHECKLIST FOR RENOVATIONS
REGULATED BY THE RRP RULE**

General Information

Name of Property Owner: _____
Address: _____
City: _____ State: _____ Zip code: _____ Contact #: _____
Email: _____

Renovation Information

Renovation Address: _____ Unit#: _____
City: _____ State: _____ Zip code: _____
Certified Firm Name: _____
Address: _____
City: _____ State: _____ Zip code: _____ Contact #: _____
Email: _____
Certified Renovator Name: _____
Date Certified ____/____/____

For each sample collected, fill out all of the following information:

Sample Identifier: _____
Sample Collector Name: _____
Sampling Location: _____
Sampling site description: _____ Date of Collection: _____
Sample Dimensions (cm): _____ Calculate Sample Area (cm). _____
*NLLAP-recognized entity and location: _____
Submission date: ____/____/____ Results: _____ Result Date: _____

Attach additional sheets as necessary.

*National Lead Laboratory Accreditation Program

Was lead-based paint determined to be present on the components affected by the renovation?

☐ Yes (Continue to Next Section, "Notification, Work Practices, and Recordkeeping").

☐ Presumed to be present on the components affected by the renovation (Continue to Next Section, "Notification, Work Practices, and Recordkeeping").

☒ No (Form is COMPLETE, complete and sign Certification on last page.)

**CHECKLIST FOR RENOVATIONS
REGULATED BY THE RRP RULE**

NOTIFICATION, WORK PRACTICES, AND RECORDKEEPING:

(40 C.F.R. Parts §§ 745.84-745.86 or applicable state program)

Please acknowledge one of the following:

- ☐ Signed and dated acknowledgments of receipt of the Renovate Right pamphlet from, as applicable: owners and, if not owner-occupied, adult occupants of dwelling units, owners of multi-unit housing for renovations in common areas; and owners and adult representatives of child-occupied facilities are attached to this checklist;

OR

- ☐ Certificates of mailing of the Renovate Right pamphlet to the following, as applicable: owners and, if not owner-occupied, adult occupants of dwelling units; owners of multi-unit housing for renovations in common areas; and owners and adult representatives of child-occupied facilities are attached to this checklist.

OR

- ☐ Certificates of attempted delivery of the Renovate Right pamphlet to adult occupants of dwelling units or adult representatives of child-occupied facilities are attached to this checklist.

Comments on pamphlet delivery (*i.e.*, obstacles encountered and how they were addressed):

If the Renovation Project involved a common area of a multi-unit building, was a signed statement describing the steps taken to notify all occupants of multi-unit housing of the renovation activities, to provide the Renovate Right pamphlet to all occupants, and to inform of any changes to the renovation activities, obtained and attached?

Yes ☐ Not Applicable (N/A)

If the Renovation Project was performed in a child-occupied facility, was a signed statement describing the steps taken to notify all parents and guardians of children using child-occupied facilities of the renovation activities, to provide the Renovate Right pamphlet, and to provide a copy of the records showing compliance with the RRP Rule and any dust clearance sampling reports obtained and attached?

Yes ☐ N/A

NOTIFICATION, WORK PRACTICES, AND RECORDKEEPING: continued

If applicable, certified renovator provided training to workers on (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Posting warning signs | <input type="checkbox"/> Avoiding spread of dust to adjacent areas |
| <input type="checkbox"/> Maintaining containment | <input type="checkbox"/> Waste handling |
| <input type="checkbox"/> Setting up plastic containment barriers | <input type="checkbox"/> Post-renovation cleaning |

List Names of workers trained (attach a copy of any records documenting which elements were taught to each worker):

Certified Renovator posted signs defining work area to keep others out of renovation work area. Warning signs were posted at entrance to work area.

Yes N/A

Work area contained to prevent spread of dust and debris? (Check all that apply)

(INTERIOR)

- ☐ All objects in the work area were removed or covered.
- ☐ HVAC ducts in the work area were closed and covered.
- ☐ Windows and doors in the work area were closed and sealed.
- ☐ Floor surfaces covered by plastic extending 6 feet from work area.
- ☐ Doors in the work area were closed and sealed.
- ☐ Doors that must be used in the work area were covered to allow passage but prevent spread of dust.
- ☐ Floors in the work area were covered with taped-down plastic.

(EXTERIOR)

- ☐ Windows in and within 20 feet of the work area were closed.
- ☐ Doors in and within 20 feet of the work area were closed and sealed.
- ☐ Ground was covered by plastic extending 10 feet from work area - plastic anchored to building and weighed down by heavy objects.
- ☐ If necessary, vertical containment was installed if property line prevents 10 feet of plastic ground cover, or if necessary to prevent migration of dust and debris to adjacent property.

NOTIFICATION, WORK PRACTICES, AND RECORDKEEPING: (continued)

Please acknowledge the following if applicable:

None of the prohibited and restricted work practices was employed.

Yes **N/A**

Waste was contained on-site and while being transported off-site.

Yes **N/A**

Work site was properly cleaned after renovation (check all that apply):

Yes **N/A**

- ☐ All chips and debris were picked up, protective sheeting misted, folded dirty side inward, and taped for removal;
- ☐ Plastic sheeting misted, folded dirty side inward, and taped for removal; and
- ☐ Work area surfaces, walls, and objects were cleaned using HEPA vacuum and/or wet-cloths or mops (interiors).

Certified renovator performed post-renovation cleaning verification. Describe results, including the number of wet and dry cloths used:

OR

If dust clearance testing was performed instead of cleaning verification, the sample results were below clearance standards and a copy of the report was provided to property owners and, if not owner-occupied, adult occupants of residential dwellings or adult representatives of child-occupied facilities and posted in common areas of any multi-unit housing. A copy of the results is attached to this checklist.

Yes **N/A**

Name(s) of dust sampling technician, inspector, or risk assessor, if used (attach copies of their certification to this checklist):

If the renovation is an emergency renovation under the RRP Rule, describe in detail the nature of the emergency, the work that was done, and document the provisions of the RRP Rule that were not followed and the post-renovation cleanup.:

CONTRACTOR/SUBCONTRACTOR CERTIFICATION

I, the undersigned contractor/subcontractor, certify under penalty of law that the above information is true and complete, and do hereby certify that I have complied with all requirements of the Lead Renovation, Repair, and Painting Rule ("RRP Rule"), 40 C.F.R. § 745.80, et seq., and/or any applicable state laws or program regulating lead-based paint safe work practices, including compliance with all information distribution, notice requirements and work practice standards in performing this Renovation Project. I certify that I have provided the occupants (if any) of the Property to be Renovated, with all documentation required to be supplied under the RRP Rule and/or state program, shall retain all records required by law for at least 3 years or longer if required by state law, and shall provide copies to EPA of all the records required to be retained by the RRP Rule or applicable state program upon request. I have provided _____, with a completed copy of this Renovation Recordkeeping Checklist and all associated documentation to support its contents.

Contractor/subcontractor Name and Title

Date

Signature of Authorized Officer

Date

Print Name of Authorized Officer

Title