

4761.2000 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 4761.2000 to 4761.2700 have the meanings given them in this part and in Minnesota Statutes, section 144.9501.

Subp. 2. **Abatement.** "Abatement" has the meaning given in Minnesota Statutes, section 144.9501, subdivision 3.

Subp. 3. **Abrasive blasting.** "Abrasive blasting" has the meaning given in part 7025.0020, subpart 2.

Subp. 4. **Affected property.** "Affected property" means a:

- A. residence;
- B. school;
- C. child-occupied facility; or
- D. play area as defined in Minnesota Statutes, section 144.9501, subdivision 25a.

Subp. 5. **Assessing agency.** "Assessing agency" has the meaning given in Minnesota Statutes, section 144.9501, subdivision 4a.

Subp. 6. **Building component.** "Building component" means a specific design or structural element or fixture of a building that is distinguished from other elements or fixtures by form, function, and location, including, but not limited to, a bedroom wall, an exterior window sill, a baseboard in a living room, a kitchen floor, an interior bathroom window sill, a porch floor, stair treads on a stairwell, or an exterior wall.

Subp. 7. **Certified lead firm.** "Certified lead firm" has the meaning given in Minnesota Statutes, section 144.9501, subdivision 6d.

Subp. 8. **Child.** "Child" has the meaning given in Minnesota Statutes, section 144.9501, subdivision 6a.

Subp. 9. **Child-occupied facility.** "Child-occupied facility" means a building, or portion of a building, that is visited by the same child for at least two days a week for at least three hours each day and:

- A. the combined weekly visits last at least six hours; and
- B. the combined annual visits last at least 60 hours.

Child-occupied facility includes the indoor and outdoor spaces that are used to provide a child care program, as defined in part 9503.0005, subpart 7; exterior structures; and ground surfaces.

Subp. 10. **Clearance inspection.** "Clearance inspection" means a visual identification of deteriorated paint and bare soil and the sampling and analyses of interior dust and exterior

soil lead concentrations in an affected property to ensure that the lead standards under part 4761.2510, subparts 2 and 3, are not exceeded.

Subp. 11. **Common area.** "Common area" means a portion of a building that is generally accessible to all residential occupants, including, but not limited to, a hallway, stairway, laundry or recreational room, play area, community center, on-site day care facility, garage, or boundary fence.

Subp. 12. **Composite sample.** "Composite sample" means collection of more than one sample of the same medium, such as dust, soil, or paint, from the same type of surface, such as a floor, interior window sill, or window trough. A composite sample allows multiple samples to be analyzed as a single sample.

Subp. 13. **Containment.** "Containment" means the area that is prepared according to part 4761.2645, subparts 3 and 4, to isolate the area where lead hazard reduction activities will occur.

Subp. 14. **Deteriorated paint.** "Deteriorated paint" has the meaning given in Minnesota Statutes, section 144.9501, subdivision 8.

Subp. 15. **Documented methodologies.** "Documented methodologies" means the following written protocols, standards, or methods that are generally used and accepted for conducting regulated lead work:

A. Soil Testing and Research Analytical Laboratories, Department of Soil Science, Agricultural Experiment Station, University of Minnesota, Determination of Lead in Soil (July 1990);

B. American Society for Testing and Materials, Standard Practice for Field Collection of Settled Dust Samples Using Wipe Sampling Methods for Lead Determination by Atomic Spectrometry Techniques (E 1728-99) (March 2000);

C. American Society for Testing and Materials, Standard Specification for Wipe Sampling Materials for Lead in Surface Dust (E 1792-01) (March 2002);

D. American Society for Testing and Materials, Standard Practice for Collection of Floor Dust for Chemical Analysis (D 5438-00) (June 2000);

E. American Society for Testing and Materials, Standard Specification for Non-Reinforced Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1795-00) (August 2000);

F. American Society for Testing and Materials, Standard Specification for Reinforced Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1797-00) (August 2000);

G. American Society for Testing and Materials, Standard Guide for Selection and Use of Liquid Coating Encapsulation Products for Leaded Paint in Buildings (E 1796-97) (May 1998);

H. United States Department of Housing and Urban Development, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (June 1995), including the 1997 edition of Chapter 7. The guidelines are available on the Internet at: www.hud.gov/offices/lead/guidelines/hudguidelines/index.cfm;

I. Code of Federal Regulations, title 40, section 141.86, paragraph (b), clause (2), for water sampling methodology to determine lead content;

J. United States Environmental Protection Agency, Residential Sampling for Lead: Protocols for Dust and Soil Sampling (EPA 747-R-95-001) (March 1995); and

K. any other protocol or method referenced in the EPA regulation for lead-based paint activities, Code of Federal Regulations, title 40, section 745.227, paragraph (a), or any future documented protocol or method adopted or accepted by the EPA.

The publications listed in items A to J are incorporated by reference. The publications are not subject to frequent change and, unless otherwise noted, are available through the Minitex interlibrary loan system.

Subp. 16. **Dry sanding.** "Dry sanding" means sanding without moisture and includes both hand and machine sanding.

Subp. 17. **Dry scraping.** "Dry scraping" means scraping without moisture and includes both hand and machine scraping.

Subp. 18. **Dust sampling.** "Dust sampling" means collecting dust samples, either from single surfaces or as a composite sample, according to documented methodologies.

Subp. 19. **Emergency project.** "Emergency project" means a project that is not planned but results from a sudden, unexpected event the consequences of which, if not immediately attended to, present a safety or public health hazard or would damage a building or building components. Emergency project includes work required by nonroutine failures of equipment.

Subp. 20. **Encapsulation.** "Encapsulation" means application of a covering or coating that acts as a barrier between the lead-based painted surface and the environment.

Subp. 21. **Enclosure.** "Enclosure" means the use of rigid, durable construction materials that are mechanically fastened to the substrate to act as a barrier between the lead-based painted surface and the environment and to prevent the escape of lead dust and debris to the environment.

Subp. 22. **EPA.** "EPA" means the United States Environmental Protection Agency.

Subp. 23. **Expected to reside.** "Expected to reside" means there is actual knowledge of an intention that a child will reside in a residence. If a female resident is known to be pregnant, there is actual knowledge that a child will reside in the residence.

Subp. 24. **Ground surface.** "Ground surface" means any horizontal surface at or near ground level, including, but not limited to, bare soil, grass, sidewalks, and driveways.

Subp. 25. **High-efficiency particulate air filter or HEPA filter.** "High-efficiency particulate air filter" or "HEPA filter" means a filter capable of trapping and retaining at least 99.97 percent of all monodispersed particles 0.3 microns in diameter or larger.

Subp. 26. **Housing for the elderly.** "Housing for the elderly" means retirement communities or similar types of housing reserved for households composed of one or more persons 62 years of age or older or another age if recognized as elderly by a specific federal housing assistance program.

Subp. 27. **HUD.** "HUD" means the United States Department of Housing and Urban Development.

Subp. 28. **Lead-based or lead-contaminated.** "Lead-based" or "lead-contaminated" means containing lead at or in excess of the lead levels under part 4761.2510, subparts 1, 2, 3, and 4.

Subp. 29. **Lead hazard reduction.** "Lead hazard reduction" has the meaning given in Minnesota Statutes, section 144.9501, subdivision 17.

Subp. 30. **Modified-wet abrasive blasting.** "Modified-wet abrasive blasting" has the meaning given in part 7025.0020, subpart 8.

Subp. 31. **Occupant.** "Occupant" means a person who lives or resides in a residence.

Subp. 32. **Paint.** "Paint" means any coating applied to cover a surface. Surface coatings include, but are not limited to, latex and oil-based paints, varnishes, and sealants.

Subp. 33. **Person.** "Person" has the meaning given in Minnesota Statutes, section 326.71, subdivision 8.

Subp. 34. **Project.** "Project" means the area preparation, paint stabilization, enclosure, replacement, removal, or encapsulation operations and clearance inspection, which includes dust and soil sampling, for lead hazard reduction in a quantity that exceeds 20 square feet on exterior surfaces, two square feet in an interior room, or ten percent of the total surface area on an interior or exterior type of component with a small surface area. Project includes paint stabilization, enclosure, replacement, removal, or encapsulation operations when work is subdivided into quantities less than those specified in this subpart, if the total area affected by the lead hazard reduction exceeds the specified quantities.

Subp. 35. **Regulated lead work.** "Regulated lead work" has the meaning given in Minnesota Statutes, section 144.9501, subdivision 26a.

Subp. 36. **Residence.** "Residence" means:

A. a building used or intended for use as single-family habitation, including attached structures such as porches and stoops. Residence includes ground surfaces and all other structures located within the same lot; or

B. a dwelling unit within a building used or intended for use as multifamily habitation, including common areas located within the same building, exterior structures, and ground surfaces. Residence does not include other dwelling units within the same building.

Subp. 37. **School.** "School" means an elementary school, as defined in Minnesota Statutes, section 120A.05, subdivision 9, or a nonpublic school, as defined in Minnesota Statutes, section 123B.41, subdivision 9, that ordinarily enrolls pupils in prekindergarten through grade 6, or any portion thereof. School includes the exterior structures and ground surfaces.

Subp. 38. **Substrate.** "Substrate" means the building material directly beneath the painted surface out of which the building components are constructed, including, but not limited to, wood, drywall, plaster, concrete, brick, or metal.

Subp. 39. **Vacuum blasting.** "Vacuum blasting" has the meaning given in part 7025.0020, subpart 14.

Subp. 40. **Water blasting.** "Water blasting" means using pressurized water to remove a surface coating.

Subp. 41. **Wet wipe.** "Wet wipe" means to clean surfaces within a work area by first wiping with detergent water and then with clean rinse water.

Subp. 42. **Window sill.** "Window sill" means the interior horizontal ledge at the base of a window opening.

Subp. 43. **Window trough.** "Window trough" means the horizontal surface on which the sash of a window sits when the window is closed.

Subp. 44. **Work area.** "Work area" means an area established by the person performing lead hazard reduction that is restricted, by barrier tapes, fences, doors, or walls of plastic sheeting, to anyone who is not directly involved in the lead hazard reduction. There may be more than one work area in an affected property.

Subp. 45. **X-ray fluorescence analyzer.** "X-ray fluorescence analyzer" means a device that uses gamma ray-induced fluorescence of lead atoms to measure a material's lead content.

Subp. 46. **Zero-bedroom residence.** "Zero-bedroom residence" means a residential dwelling unit in which the living area is not separated from the sleeping area. Zero-bedroom residence includes efficiencies, studio apartments, dormitory housing, military barracks, and rental of individual rooms in a residential dwelling.

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