

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations - 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations - Policy

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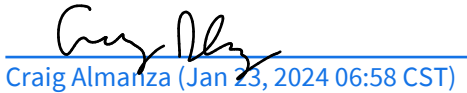
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EFFECTIVE DATE: 01/22/24

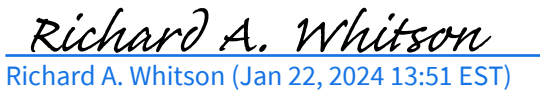
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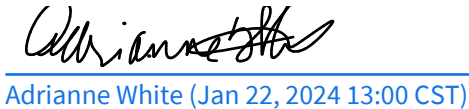
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Table of Contents

	<u>Page</u>
SECTION 1- INTRODUCTION.....	3
SECTION 2- STATUTORY AND RULE AUTHORITY	3
SECTION 3- ACRONYMS.....	6
SECTION 4- DEFINITIONS.....	7
SECTION 5- TIP/COMPLAINT INVESTIGATION OVERVIEW	8
SECTION 6- TIP/COMPLAINT INVESTIGATION STEPS.....	10
APPENDIX A.....	15
APPENDIX B	17

SECTION 1 - INTRODUCTION

This Standard Operating Procedure (SOP) provides Division of Solid Waste Management (DSWM) Toxic Substances Program (TSP) staff with the procedures to follow to conduct and document the tip and complaint investigations regarding lead-based paint. This SOP delineates the required steps in the process, including responsible personnel, and approximate process milestones. Additional information includes statute and rule authorization, a process flow chart, and supporting documentation (when necessary). This SOP is only intended to describe routine conditions normally encountered with lead-based paint Tip/Complaint Investigation. Additional processes and/or irregular conditions that could be involved with conducting a lead-based paint Tip/Complaint Investigation will be considered independently of this SOP. In such cases, the staff will consult with their supervisor and/or section manager and, as appropriate, the Deputy Director of Central Office Operations and/or the Director.

SECTION 2 - STATUTORY AND RULE AUTHORITY

Tennessee Code Annotated

§ 68-131-401 (Short title) states:

This part shall be known and may be cited as the "Tennessee Lead-Based Paint Abatement Certification Act of 1997."

§ 68-131-402 (Certification program for lead abatement professionals) states:

- (a) *The department of environment and conservation shall establish a certification program for lead abatement professionals.*
- (b) *The program shall:*
 - (1) *Certify all individuals involved in lead-based paint abatement activities;*
 - (2) *Accredit training providers;*
 - (3) *Establish standards for such program;*
 - (4) *Insure compliance with regulations;*
 - (5) *Enforce the certification program;*
 - (6) *Revise regulations and procedures when necessary; and*
 - (7) *Establish reciprocity provisions with other state certification programs.*
- (c) *The program shall conform to certification standards promulgated by the environmental protection agency for such programs but shall not be more stringent than those standards. Furthermore, it is the intent of the general assembly that in this program the department shall only establish a certification program, and not provide the training for either the trainers or the lead-based paint professionals.*
- (d) *The commissioner shall establish a program for the education of owners and occupants of target housing and child-occupied facilities concerning lead-based paint hazards. This program shall require persons who perform renovation in such facilities for compensation*

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations – 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations – Policy

to provide owners and occupants with a lead hazard information pamphlet prior to commencing the renovation. The program shall meet the requirements of the federal program under the Lead Based Paint Exposure Reduction Act (15 U.S.C. § 2681 et seq.).

§ 68-131-403 (Inspections — Where lead-based paint activities have occurred or are being conducted — Warrants) states:

- (a) The commissioner and the commissioner's designated staff have the authority to enter the business premises of persons and firms certified to engage in lead-based paint activities during business hours upon presenting credentials identifying themselves as employees of the department.*
- (b) The commissioner and the commissioner's designated staff shall have the authority to enter any structure, including residences, where lead-based paint activities have occurred, or are being conducted, for the purpose of determining compliance with lead-based paint abatement requirements, provided they either:*
 - (1) Obtain the consent of the owner or an adult occupant of the premises after presenting credentials identifying themselves as employees of the department; or*
 - (2) Apply for and obtain a warrant from a court with jurisdiction, which shall be issued by the court upon a showing of probable cause that the inhabitants of the dwelling are likely to suffer adverse health effects from continued exposure to a lead-based paint hazard.*

§ 68-131-404 (Unlawful acts) states:

- (a)*
 - (1) On and after the effective date of regulations promulgated by the commissioner pursuant to this chapter, no person shall perform or represent that such person is qualified to perform any lead-based paint activities without having received the appropriate certification from the department, unless such person is:*
 - (A) An owner performing abatement upon that person's own residential property;*
 - (B) An employee of a property management company doing routine cleaning and repainting upon property managed by that company, where there is insignificant damage to, wear of, or corrosion of existing lead-containing paint or coating substances; or*
 - (C) An owner routinely cleaning or repainting the owner's property, where there is insignificant damage to, wear of, or corrosion of existing lead-containing paint or coating substances.*

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations – 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations – Policy

- (2) *“Lead based paint activities,” as used in this part has the same meaning as in the rules promulgated by the United States environmental protection agency for the federal lead-based paint program under the Toxic Substances Control Act (15 U.S.C. § 2601 et seq.). This includes lead-based paint inspection, risk assessment, and abatement activities, but does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but instead are designed to repair, restore or remodel a structure, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards.*
- (b) *Failure of a lead-based paint abatement contractor to conduct lead-based paint activities in accordance with the requirements of the rules promulgated pursuant to this chapter is unlawful.*
- (c) *Failure or refusal to establish, maintain, provide, copy, or permit access to records or reports required by the rules promulgated under this chapter is unlawful.*
- (d) *Failure or refusal to permit entry or inspection as required by § 68-131-403 is unlawful.*
- (e) *Failure of anyone, including a renovator of target housing, to comply with the requirements of the rules promulgated under this part is unlawful.*

Tennessee Rule Authorities

The Rule citations listed below are provided for informational purposes. Rules are subject to amendments, so please refer to the most recent versions of rules published by the Secretary of State’s office. Additionally, the following rules are not a comprehensive list of all the regulations that could apply to conducting an investigation related to a lead-based paint activity.

Rule 1200-01-18-.01 LEAD-BASED PAINT ABATEMENT – contains procedures and requirements for the accreditation of lead-based paint activities training providers, accreditation of training courses, requirements for the certification of individuals, the certifications of firms engaged in lead-based paint activities, and work practice standards for performing such activities. It also requires that only certified individuals and firms, shall perform or offer to perform, all lead-based paint activities. This rule is applicable to target housing built prior to 1978 and “child-occupied facilities” (COFs) that may be in target housing or in public and commercial buildings as defined in the rules.

Rule 1200-01-18-.05 LEAD-BASED PAINT HAZARDS – identifies lead-based paint hazards and the concentrations of lead in paint, dust, and soil that constitute a hazard or defines when a clearance level is achieved. EPA finalized lead hazard standards and clearance levels which became effective January 6, 2020 and codified in 40 CFR 745.65. These standards and levels are more stringent than state rules.

Rule 1200-01-18-.06 RESIDENTIAL PROPERTY RENOVATION – requires each person who performs a renovation, repair, or painting activity (RRP) in target housing and child-occupied

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations – 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations – Policy

facilities for compensation to provide a lead hazard information pamphlet to the owner and occupant of such housing and facility prior to commencing the RRP activity. This rule is applicable to target housing built prior to 1978 and “child-occupied facilities” (COFs) that may be in target housing or in public and commercial buildings as defined in the rules.

SECTION 3 – ACRONYMS

ASA – Administrative Services Assistant

CID – Criminal Investigative Division

COF – child-occupied facility

DLHS – dust-lead hazard standards as defined by EPA

DSWM – Division of Solid Waste Management

EBLL – elevated blood lead level as defined by the Centers for Disease Control

EPA – Environmental Protection Agency

ERP – Enforcement Response Policy

LBP – lead-based paint

NLLAP – National Lead Laboratory Accreditation Program

NOI – notice of inspection

NRC – National Response Center

OIG – EPA Office of Inspector General

PPE – personal protective equipment

PRP – principle responsible person

RFD – request for documents

RRP – Renovation, Repair and Painting

TDEC – Tennessee Department of Environment and Conservation

TSCA – Toxic Substance Control Act

TSP – Toxic Substances Program

QAPP – Quality Assurance Project Plan

XRF – X-ray fluorescent analyzer

SECTION 4 - DEFINITIONS

“Abatement” means any measures or set of measures designed to permanently eliminate lead-based paint hazards in “targeted housing” and “child-occupied facilities”. Such term includes but is not limited to:

- (a) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and
- (b) All preparation, clean-up, disposal, and post-abatement clearance testing activities associated with such measures.
- (c) Specifically, abatement includes, but is not limited to:
 - 1. Projects for which there is a written contract or other documentation which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:
 - (i) Shall result in the permanent elimination of lead-based paint hazards; or
 - (ii) Are designed to permanently eliminate lead-based paint hazards and are described in subparagraphs (a) and (b) of this definition.
 - 2. Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals certified in accordance with paragraph (7) of this Rule, unless such projects are covered by subparagraph (d) of this definition;
 - 3. Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this paragraph, unless such projects are covered by subparagraph (d) of this definition; or
 - 4. Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to State or local government abatement orders.
- (d) Abatement does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but instead are designed to repair, restore, or remodel a given structure or dwelling, even though these Activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

“Child-occupied facility” (COF) means a building, or portion of a building constructed prior to 1978, visited regularly by the same child, six (6) years of age or under, on at least two (2) different days

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations – 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations – Policy

within any week (Sunday through Saturday period), provided that each day's visit lasts at least three (3) hours and the combined weekly visits last at least six (6) hours, and the combined annual visits last at least sixty (60) hours. Child-occupied facilities may include, but are not limited to, day-care centers, pre-schools, and kindergarten classrooms.

"LBP Hot Spot" is a general term and concept that refers to:

Any geographic area (known also as a "target area") with widespread and/or severe childhood lead poisoning which the Tennessee Department of Health Childhood Lead Poisoning Prevention Program has identified based on the prevalence of childhood lead poisoning (e.g., EBLL testing in targeted areas should address "toxic dwellings" that are possibly the single greatest source of childhood lead poisoning in many communities) or indicators of lead poisoning risks (e.g., housing stock predominated by older, low-income rental dwellings in disrepair).

"Lead-hazard reduction activities" means the inspection and assessment of lead-based paint hazards; the planning, implementation, and inspection of interim controls; and abatement activities.

"Target population," means a particular vulnerable population among which EBLLs are prevalent (such as among certain new immigrant groups, children less than six years of age, pregnant woman, and woman of childbearing age).

SECTION 5 - TIP/COMPLAINT INVESTIGATION OVERVIEW

The DSWM lead-based paint (LBP) program is required by its federal grant workplan and funding conditions to initiate an investigation of a tip or complaint within 24-hours of receipt, log the preliminary findings of what the complaint is, and discuss it with the program manager. Tips and complaints received for locations identified as LBP Hot Spots and Environmental Justice (EJ) areas receive top priority for investigation.

Often, a tip provides insufficient information for the TSP program manager to immediately make an informed judgment about the appropriate response. Typically, to obtain such information, the program will first contact the "tipster" or alleged violator (by telephone, e-mail, or U.S. mail) to obtain relevant details and corroborating documentation such as the name of the liable "principle responsible person" (PRP), location of the complaint, what potential violation occurred, and the circumstances surrounding the occurrence.

Prioritization

Prioritization of LBP tip/complaint investigations is based on:

- a. The unit is occupied by a EBLL case
- b. The unit is occupied by a child less than 6 years old or a pregnant woman
- c. The extent and circumstance of the infraction outlined in the LBP Program's Enforcement Response Policy (ERP)

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations - 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations - Policy

- d. Cases referred by the National Response Center (NRC) or EPA tip/complaint line
- e. Cases referred by an LBP program certified entity or other entity
- f. Cases referred by a relevant regulatory agency
- g. Cases referred by the EPA, EPA's Office of Inspector General (OIG), or EPA/ TDEC Criminal Investigative Division (CID)
- h. Imminent threat to human health and the environment
- i. The time elapsed since the alleged environmental infraction occurred
- j. Compliance history of identified responsible parties

The factors and the gravity-based matrices presented Tables 1 and 2 may have equal merit or weighed to prioritize inspecting the tip/complaint project site.

TABLE 1: GRAVITY-BASED MATRIX FOR INVESTIGATING PRE-RENOVATIONS AND LBP ACTIVITIES TIPS/COMPLAINTS

FACILITY TYPE	EXTENT		
	MAJOR	SIGNIFICANT	MINOR
Target Housing	One or more occupants under age 6 and/or pregnant woman;	No information about age of the youngest occupant, or one or more occupants between ages of 6 and 17	No occupants under age 18
Child-Occupied Facilities	One or more occupants under age 6 (by definition, a child-occupied facility is regularly visited by one or more children under 6)		Renovation activities were completed during a period when children did not access the facility (e.g., as summer vacation) and there is no continuity of enrollment (i.e., the same children are not returning after the break).

TABLE 2: GRAVITY-BASED MATRIX FOR INVESTIGATING LBP TRAINING PROVIDER TIPS/COMPLAINTS

EXTENT			
Potential that the trainer’s violations will affect human health by impairing the student’s ability to learn	MAJOR	SIGNIFICANT	MINOR
	Eleven or more students attending class where violations occurred	Six to ten students attending class where violations occurred	One to five students attending class where violations occurred

The preliminary corroborating information received within the first 24-hours, will dictate how the LBP program will react. If the alleged tip/complaint involves a violation and/or risk of harm to human health, the environment the program manager will assign a staff member to initiate a complaint investigation following the priorities previously cited.

SECTION 6 - TIP/COMPLAINT INVESTIGATION STEPS

Prior to DSWM staff conducting an environmental compliance investigation staff investigating the complaint must first meet all the qualifications and initial LBP certification training for LBP supervisor, LBP inspector, and LBP risk assessors established by DSWM.

The TSP managers shall determine the appropriateness and relevance of a firm’s training based on the type and nature of work to be performed by inspection staff. Additional program-specific specialized training may be recommended to further develop compliance investigation skills as well as passing the state’s third-party LBP certification exams.

A TSP Manager will assign a TSP LBP Compliance Monitoring Inspector to conduct and document the systematic steps shown in the tables below for investigating and resolving an LBP tip/complaint.

Step 1	TSP Responsible Person	Activity: Verify Complaint and Responsible Party	Time
	TSP LBP Compliance Monitoring Inspector that has completed specialized LBP training courses and the 3rd party national certification exam for that course	<ol style="list-style-type: none"> Determine geographic area where the entity is routinely located relative to the complaint. Obtain addresses, telephone numbers, and contact information for each firm. From the LBP database, verify if the entity was or is currently LBP certified or accredited in the state of Tennessee, by EPA, or another authorized state program. Obtain supporting documentation. If the responsible party is a firm, verify the state of incorporation and obtain a copy of the firm’s incorporation status from that state’s Secretary of State. Determine if the firm is a licensed contractor or other professionally licensed entity 	Within 24-hours of complaint/tip receipt

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations – 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations – Policy

		<p>(contractor, engineering, or architectural firm) and obtain corroborating documentation.</p> <ol style="list-style-type: none"> 4. If LBP activities are potentially in violation, determine if the entity had a contract/permit for the activity and obtain a copy of the contract/permit. 5. Obtain a copy of any bid documents, contracts, and scopes of work for the activity that the entity was/is conducting. 6. Ascertain whether the activity conducted is regulated by the LBP regulations. 7. If a regulated activity, assign a DSWM identification number to the investigation (see Appendix A). 8. If required, determine approximate number of site visits to be performed based on time constraints and number of LBP Program staff needed for the site visit. 	
Step 2	TSP Responsible Person	Activity: Preparing for the Site Visit	Time
	TSP LBP Compliance Monitoring Inspector that has completed specialized LBP training courses and the 3rd party national certification exam for that course	<ol style="list-style-type: none"> 1. When possible, review any project files that the state of Tennessee has available for the entity to be investigated. This includes licenses, certifications, operating permits, proof of business structure, and resident agent. 2. Review completeness of project notification/documentation packages if the entity is certified/accredited by the LBP program. 3. Review database information and compliance history for the firm. 4. Determine if media sampling or XRF testing will be performed. Consult the latest approved version of the Quality Assurance Project Plan to prepare and conduct field sampling activities. 5. Ensure that the appropriate Personal Protective Equipment (PPE) are assembled in the field bag for field use. 6. Reserve a vehicle for the dates chosen for the site visit. 7. If necessary, reserve a hotel room in the area where the inspection/s will take place. 8. Get directions to the location that will be visited. 9. Compile necessary forms and other documentation that may be needed for the site visit. 	2 hrs. to 4 hrs.

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations - 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations - Policy

Step 3	TSP Responsible Person	Activity: Performing the Site Visit	Time
	<p>TSP LBP Compliance Monitoring Inspector that has completed specialized LBP training courses and the 3rd party national certification exam for that course</p>	<ol style="list-style-type: none"> 1. Site visits should be unannounced, however, there may be times when an appointment will have to be made. 2. If visiting a site where the potential non-compliance infraction occurred, complete a reconnaissance of the site prior to entering the premises. The reconnaissance should include taking photos and notes to document date, day and time of your visit, site conditions, and surroundings, if warranted. 3. All photos taken and logged must follow the Photo SOP. 4. Upon arrival at a firm's office or the site, identify yourself as a State of Tennessee inspector and present your State of Tennessee ID or federal credential to the person. Never relinquish your state ID or federal credential or allow it to be copied. 5. Ask for the site/facility contact person and/or person in charge and explain why you are there. 6. Ask for the names of all individuals of the firm that will be participating in the inspection, opening conference discussion, and site walk-through. 7. Complete and sign an LBP Program Notice of Inspection (NOI) and offer a copy to the entity. 8. Request documents associated with the complaint. If all records are not available at the time of the site visit, complete an LBP Program Request for Documents and give a copy to the entity. The number of years of documents requested will be dictated by the amount of time the entity has been engaged in activities noted in the complaint and/or three years. 9. For any information that appears to be missing, ask if it could be located elsewhere in the office or another facility. Review records that substantiate or vacate the complaint. Records to review may include contracts, bid documents, daily work logs, project reports, facility schematics, inventories, and operating permits. 10. Conduct a facility walk-through to identify items and conditions associated with the complaint. If warranted, document equipment serial numbers and manufacturer, site conditions and take samples of media as appropriate. If media samples are taken, offer to split samples such as 	<p>After arrival: 4 hrs. to 15 hrs.</p>

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations – 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations – Policy

		<p>soil, water, and liquids with the entity's representative.</p> <ol style="list-style-type: none"> 11. Perform an exit interview with the Firm's representative. Explain that an investigation report will be written based on the documentation received, sample analytical results, and activities observed during the facility walk-through. 12. Explain that a determination of compliance or non-compliance will be made by the appropriate corresponding TDEC enforcement staff. 13. Leave the Firm's premises. 	
Step 4	TSP Responsible Person	ACTIVITY: Data entry of the investigation site visit.	Time
	TSP LBP Compliance Monitoring Inspector that has completed specialized LBP training courses and the 3rd party national certification exam for that course. TSP's ASA for LBP Group (if Inspector does not have access to database)	<ol style="list-style-type: none"> 1. All the activities described in step 3 require the completion of a file inspection database entry for facility site visits as soon as possible after the event. 2. Ensure to assign a DSWM project identification number to the inspection (see Appendix A). 3. Input LBP information into the LBP data base. If the inspector does not have access to the data base, then email this report to TSP's Administrative Services Assistant (ASA) for the Lead Group so that they may input the information. 	0.5 hrs. to 8 hr.
Step 5	TSP Responsible Person	ACTIVITY: Writing file investigation report	Time
	TSP LBP Compliance Monitoring Inspector. TSP's ASA for LBP Group (if Inspector does not have access to database)	<ol style="list-style-type: none"> 1. First, complete the "Toxic Substances Control Act" (TSCA) 402 File Inspection of Firm Offering to Perform Lead Inspections, Risk Assessments, or Project Designs Checklist/Report" form to document site visit and documents reviewed. 2. Write the complaint investigation report using the report template. The complaint investigation report should include, at a minimum, the following: <ol style="list-style-type: none"> i. Signed and dated the LBP Checklist/Report form. ii. All File Inspection Data Entry Forms completed for each visit to the site. iii. Documentation that identifies: <ol style="list-style-type: none"> a) Certifications/accreditation to conduct LBP activities for staff conducting the complaint investigation. 	2 hrs. to 6 hrs.

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations - 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations - Policy

		<ul style="list-style-type: none"> b) The responsible party's firm authorized representative and address. c) The responsible party's firm corporate structure and business type. d) The responsible party's firm business licenses, professional licenses, and certifications. e) The responsible party's firm offer to perform or performance of lead-based paint activities. f) The responsible party's firm project specifications or statement of work. g) The responsible party's firm daily project site logs. h) LBP Program Chain-of-Custody for samples collected. i) Laboratory results for samples collected. 	
Step 6	TSP Responsible Person	ACTIVITY: Distribute Report	Time
	TSP LBP Compliance Monitoring Inspector that has completed specialized LBP training courses and the 3rd party national certification exam for that course. TSP's ASA for TSP Group (if Inspector does not have access to database)	<p>Record in the LBP database, or the designated DSWM shared drive folder, the following:</p> <ol style="list-style-type: none"> 1. If no violations were noted in the investigation report, then record findings in database and place it in a hard-copy or electronic file folder. 2. Also record in the data base findings for each individual and place in their permanent file a note referencing the firm report to see inspection findings for their specific files. 3. If violations were noted in the investigation report, record findings in database or DSWM shared drive for the firm and, if warranted, the specific individuals. Place the investigation report in a file folder with other information previously gathered and hold the folder out for further action by the supervisor/program manager/enforcement coordinator. 	1 hr. to 3 hrs.

REVISION HISTORY TABLE

Revision Number	Date	Brief Summary of Change
0	01/22/24	Initial

APPENDIX A

INSPECTION / INVESTIGATION REPORT

DSWM FILE # NOMENCLATURE

INSPECTION / INVESTIGATION REPORT

DSWM FILE # NOMENCLATURE

INSTRUCTIONS:

Assigning a file number and inspection report name –

A separate filename and inspection report must be written for each type of inspection and each site.

Lead-based Paint - Inspection files should be named using the project notification number nomenclature with the following syntax: XX-MMYF-Firm Certification number-#; Where XX is the county code, MMYF is the month and the year of the LBP notification receipt date, and # is the sequential number of projects for that firm.

Table 1: Front Page of Inspection / Investigation Reports for LBP

<p style="text-align: center;">Lead-based Paint Abatement Program Complaint Investigation Report 201 Main Street LBP Removal Memphis Light Gas and Water (MLGW) DSWM Project #: 79-101305-MLGW-01</p> <p>(This is the project number that should follow the syntax: XX-MMDDYY-COMPANY-#: where XX = county code, mmddy = month/day/year and # = the number of inspection or investigation for that company sequentially)</p>
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APPENDIX B

SHIPMENT OF ENVIRONMENTAL LABORATORY SAMPLES

Shipment of Environmental Laboratory Samples

The shipment of the following preserved samples is not regulated, provided the amount of preservative used does not exceed the amounts found in 40 CFR 136, Appendix C. It is a shipper's responsibility to ensure that proper amounts of preservative are used:

- Drinking water
- Sediment
- Soil
- Paint chips
- Dust wipes

For the determination of total lead in aqueous samples, samples are not filtered, but acidified with (1 + 1) nitric acid to pH <2 (normally, 3 mL of (1 + 1) acid per liter of sample is sufficient for most ambient and drinking water samples). Preservation may be done at the time of collection, however, to avoid the hazards of strong acids in the field, transport restrictions, and possible contamination, it is recommended that the samples be returned to the laboratory within two weeks of collection and acid preserved upon receipt in the laboratory. Following acidification, the sample should be mixed, held for 16 hours, and then verified to be pH <2 just prior to withdrawing an aliquot for processing or "direct analysis." If for some reason such as high alkalinity the sample pH is verified to be >2, more acid must be added, and the sample held for 16 hours until verified to be pH <2.

Environmental samples should be packed prior to shipment using the following procedures:

1. Allow sufficient headspace in all bottles to compensate for any pressure and temperature changes (approximately 10 percent of the volume of the container).
2. Be sure the lids on all bottles are tight (will not leak). Ensure that the centrifuge tubes containing dust wipes and soil are sealed tight.
3. Place bottles in separate and appropriately sized polyethylene bags and seal the bags with tape (preferably plastic electrical tape).
4. Select a sturdy cooler in good repair. Secure and tape the drain plug with fiber or duct tape. Line the cooler with a large heavy duty plastic bag.
5. Place two to four inches of Styrofoam peanuts in the bottom of the cooler and then place the bottles and tubes in the cooler with sufficient space to allow for the addition of more peanuts between the bottles and tubes.
6. Put "blue ice" (or ice that has been "double bagged" in heavy duty polyethylene bags and properly sealed) on top of and/or between the samples. Fill all remaining space between the bottles or cans with peanuts.
7. Securely fasten the top of the large garbage bag with tape (preferably plastic electrical tape).

SWM-TWP-P-001 - Lead Based Paint Tip and Complaint Investigations – 01/22/24 Standard Operating Procedure (SOP) - Lead Based Paint Tip and Complaint Investigations – Policy

8. Place the Chain-of-Custody Record and the CLP Traffic Report Form (if applicable) into a plastic bag and tape the bag to the inner side of the cooler lid.
9. Close the cooler and securely tape (preferably with fiber tape) the top of the cooler shut. Chain-of-Custody seals should be affixed to the top and sides of the cooler within the securing tape so that the cooler cannot be opened without breaking the seal.
10. Shipping containers must be marked "THIS END UP," and arrow labels which indicate the proper upward position of the container should be affixed to the container. A label containing the name and address of the shipper should be placed on the outside of the container. Labels used in the shipment of hazardous materials (e.g., Cargo Only Aircraft, Flammable Solids, etc.) are not permitted to be on the outside of containers used to transport environmental samples.