

10A NCAC 41C .0808 LEAD-BASED PAINT ABATEMENT PERMITS

(a) No person shall conduct abatement without an abatement permit issued by the Program, except as provided for in G.S. 130A-453.09(c). All abatement activities shall be conducted by a certified firm.

(b) All applications shall be made in writing on a form provided or approved by the Program. The application shall include at least all of the following:

- (1) name, address, contact name, and telephone number of the owner and operator of the target housing or child occupied facility;
- (2) name, certification number, address, contact name, and telephone number of the certified firm;
- (3) name, certification number, address, and telephone number of the inspector and risk assessor;
- (4) name, certification number, address, and telephone number of the project designer;
- (5) location and street address, including building number or name and floor or room number, city, county, and state, of the building where the abatement is taking place;
- (6) scheduled start and completion dates of lead-based paint abatement work including preparation work and cleanup;
- (7) work schedule, including days of the week and hours to be worked;
- (8) amount of material to be abated;
- (9) method(s) of abatement;
- (10) non-hazardous waste transporter, address, contact name, and telephone number;
- (11) non-hazardous waste disposal site, address, contact name, and telephone number;
- (12) hazardous waste transporter, address, contact name, and telephone number;
- (13) hazardous waste disposal site, address, contact name, and telephone number;
- (14) for ordered abatements, the name, title, and authority of the State or local government representative who has ordered the abatement, the date that the order was issued, and the date the abatement was ordered to begin;
- (15) for emergency abatements, a description of the nature of the emergency and an explanation of how failure to correct the situation would cause a lead-based paint hazard;
- (16) contract price for the abatement; and
- (17) the name of the representative of the certified firm, address, original signature, and date.

(c) Applications for lead abatement permits shall be postmarked or received by the Program at least 10 working days prior to the scheduled abatement start date. For emergency lead abatement activities, the Program will take action immediately. Applications for emergency lead-based paint abatement activities shall be submitted along with a letter from the owner or the certified risk assessor explaining the nature of the emergency.

(d) Application for revision to an issued lead abatement permit shall be made by the applicant in writing on a form provided or approved by the Program and shall be received by the Program in accordance with the following:

- (1) Revision to a start date for a project that will begin after the start date stated in the approved permit shall be received on or before the previously stated start date or previously revised start date;
- (2) Revision to a start date for a project that will begin before the start date stated in the approved permit or subsequent revisions shall be received at least 10 working days before the new start date;
- (3) Revision to a completion date that will be extended beyond the completion date stated in the approved permit shall be received by the original completion date or previously revised completion date;
- (4) Revision to a completion date that will be earlier than the completion date stated in the approved permit or subsequent revision shall be received by the new completion date; and
- (5) Revision to permits other than start or completion dates shall be submitted to the Program prior to initiating the activity which the revision addresses.

(e) The following shall be maintained on site during abatement activities and be immediately available for review by the Program:

- (1) a copy of the abatement permit issued by the Program and all revisions with the Program's confirmation of receipt;
- (2) photo identification cards issued by the Program for all personnel performing lead abatement activities;
- (3) the occupant protection plan; and
- (4) any applicable abatement design, risk assessment and inspection reports.

(f) All permitted abatement activities shall be conducted in accordance with Rule .0807 of this Section.

(g) A certified supervisor shall be on-site at all times when permitted abatement activities are being conducted.

(h) In accordance with G.S. 130A-23, the Program may suspend or revoke the permit for any violation of G.S. 130A, Article 19A or these Rules. The Program may also revoke the permit upon a finding that its issuance was based upon incorrect information or misrepresentations that materially affected the decision to issue the permit. Notwithstanding permit revocation for violation of the rules of this Section, a lead-based paint abatement permit shall also be subject to revocation if the abatement activities are in violation of the following provisions with regard to lead-based paint abatement, as determined by the agencies which administer these Rules:

- (1) Department of Labor Rules found at Chapter 7, Title 13 of the North Carolina Administrative Code;
- (2) Department of Transportation Rules found at Title 19A, of the North Carolina Administrative Code;
- (3) Solid Waste Management Rules found at Chapter 13, Title 15A of the North Carolina Administrative Code; and
- (4) NC Childhood Lead Poisoning Prevention Program requirements found at G.S. 130A, Article 5, Part 4.

History Note: Authority G.S. 130A-453.09; 130A-453.11; 150B-21.1(a)(3);
Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 16, 2019.