

15A NCAC 18A .3106 ABATEMENT AND REMEDIATION

(a) Notwithstanding the existence of a certificate of compliance, the Department may require abatement of lead-based paint hazards and remediation of other lead poisoning hazards identified at a residential housing unit that is occupied or regularly visited by a child less than six years old who has confirmed lead poisoning when:

- (1) a visual inspection reveals that the owner or managing agent has failed to continue to comply with the maintenance standard; or
- (2) the blood lead level of a child with confirmed lead poisoning increases on two consecutive blood tests within a six-month period.

(b) When compliance with the maintenance standard is used to meet remediation requirements, maintenance standard activities must be conducted in accordance with an approved remediation plan in accordance with G.S. 130A-131.9C. The remediation plan must address all lead poisoning hazards identified on interior and exterior surfaces including floors, walls, ceilings, windows, porches, decks, garages, railings, steps, and bare soil.

(c) Abandonment of a residential housing unit or a child-occupied facility is an acceptable method of remediation. A remediation plan of abandonment shall contain a statement that the owner or managing agent agrees to submit a modified remediation plan to the Department at least 14 days before the abandoned unit or facility is reoccupied if the property will be used as a residential housing unit or a child-occupied facility. The lead-based paint hazards must be abated and other lead poisoning hazards must be remediated in accordance with an approved remediation plan. Nothing in this Rule shall be construed as authorizing an owner or managing agent to evict an occupant of a residential housing unit in violation of G.S. 42.

(d) Demolition of a residential housing unit or a child-occupied facility is an acceptable method of remediation. The remediation plan shall indicate containment measures for lead-contaminated dust and soil, and storage and disposal methods for lead-contaminated construction debris. The owner or managing agent must notify the Department and the occupants of any adjacent unit or facility of the dates of demolition at least three days prior to commencement of demolition.

History Note: Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A; 130A-131.9B; 130A-131.9C; 130A-131.9D; 130A-131.9E
Eff. January 1, 1995;
Amended Eff. September 1, 1996;
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Amended Eff. April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, 2019.