

1 15A NCAC 18A .3105 is proposed for readoption with substantive changes as follows:

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3 **15A NCAC 18A .3105 LEAD POISONING HAZARD AND CLEARANCE STANDARD FOR SOIL**

4 (a) Bare soil at a residential housing unit or a child-occupied facility is a lead poisoning hazard when:

- 5 (1) it contains greater than 400 parts per million lead in high contact areas for ~~children~~ children;
6 ~~including sandboxes, gardens, play areas, pet sleeping areas, and areas within three feet of a~~
7 ~~residential housing unit or a child-occupied facility; or~~
8 (2) except as specified in Subparagraph (a)(1) of this Rule, it contains 1200 ~~2000~~ parts per million lead
9 or greater in other locations at a residential housing unit or a child-occupied facility. ~~facility where~~
10 ~~contact by children is less likely; or~~
11 (3) ~~it is determined by the Department to be hazardous to children less than six years old pursuant to 15~~
12 ~~U.S.C. 2681 et seq., 42 U.S.C. 4851 et seq. and the regulations promulgated under these Sections.~~

13 (b) Unless other remediation is otherwise determined by the Department to be necessary to protect the public health
14 based on the basis of credible site-specific evidence including soil lead bioavailability, soil lead speciation, ~~or soil~~
15 particle size, land use and condition, or epidemiologic ~~or other relevant scientific~~ data, all remediation plans pursuant
16 to G.S. 130A-131.9C shall require that that: (1) bare soil lead concentrations greater than 400 parts per million ~~and~~
17 ~~less than 2000 parts per million~~ at a residential housing unit or a child-occupied facility in high contact areas for
18 children ~~including sandboxes, gardens, play areas, pet sleeping areas, and areas within three feet of the unit or facility~~
19 or bare soil areas containing 1200 parts per million lead or greater in other locations at a residential housing unit or a
20 child-occupied facility be:

- 21 (A)(1) ~~permanently~~ covered with four to six inches of ~~gravel, gravel or mulch, or sod with a vegetative~~
22 mulch that shall be maintained and replaced as often as necessary to ensure there is four to six inches
23 of cover;
24 (2) covered with sod or other vegetative cover that shall be maintained and replaced as often as
25 necessary to ensure there is sod or other vegetative cover;
26 (B)(3) ~~physically restricted by a permanent barrier;~~
27 (C)(4) ~~removed; or~~
28 (D)(5) ~~paved over with concrete or asphalt; asphalt.~~
29 (2) ~~bare soil lead concentrations of 2000 parts per million or greater at a residential housing unit or a~~
30 ~~child-occupied facility be:~~
31 (A) ~~physically restricted by a permanent barrier;~~
32 (B) ~~removed; or~~
33 (C) ~~paved over with concrete or asphalt; and~~
34 (3) ~~ground coverings such as gravel, mulch, sod, or other vegetative covers must be established and~~
35 ~~maintained.~~

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37 *History Note:* Authority G.S. 130A-131.5; 130A-131.7; ~~130A-131.8; 130A-131.9A-G;~~
38 *Eff. October 1, 1990;*

1 *Transferred and Recodified from 15A NCAC 19I .0105 Eff. August 28, 1991;*
2 *Transferred and Recodified from 15A NCAC 21E .0405 Eff. February 18, 1992;*
3 *Amended Eff. August 1, 1996; January 1, 1995;*
4 *Temporary Amendment Eff. November 21, 1997;*
5 *Amended Eff. April 1, 1999.*