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

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

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

(1) it contains greater than 400 parts per million lead in high contact areas for children;
   including sandboxes, gardens, play areas, pet sleeping areas, and areas within three feet of a
   residential housing unit or a child-occupied facility; or

(2) except as specified in Subparagraph (a)(1) of this Rule, it contains 1200 2000 parts per million lead
   or greater in other locations at a residential housing unit or a child-occupied facility, where
   contact by children is less likely; or

(3) it is determined by the Department to be hazardous to children less than six years old pursuant to 15
   U.S.C. 2681 et seq., 42 U.S.C. 4851 et seq. and the regulations promulgated under these Sections.

(b) Unless other remediation is otherwise determined by the Department to be necessary to protect the public health
   based on the basis of credible site-specific evidence including soil lead bioavailability, soil lead speciation, or soil
   particle size, land use and condition, or epidemiologic or other relevant scientific data, all remediation plans pursuant
   to G.S. 130A-131.9C shall require that:

(A)(1) bare soil lead concentrations greater than 400 parts per million and
   less than 2000 parts per million at a residential housing unit or a child-occupied facility in high contact areas for
   children including sandboxes, gardens, play areas, pet sleeping areas, and areas within three feet of the unit or facility
   or bare soil areas containing 1200 parts per million lead or greater in other locations at a residential housing unit or a
   child-occupied facility be:

   permanently covered with four to six inches of gravel, gravel or mulch, or sod with a vegetative
   mulch that shall be maintained and replaced as often as necessary to ensure there is four to six inches
   of cover;

   covered with sod or other vegetative cover that shall be maintained and replaced as often as
   necessary to ensure there is sod or other vegetative cover;

(B)(3) physically restricted by a permanent barrier;

(C)(4) removed; or

(D)(5) paved over with concrete or asphalt.

(2) bare soil lead concentrations of 2000 parts per million or greater at a residential housing unit or a
   child-occupied facility be:

   (A) physically restricted by a permanent barrier;
   (B) removed; or
   (C) paved over with concrete or asphalt; and

(3) ground coverings such as gravel, mulch, sod, or other vegetative covers must be established and
   maintained.

History Note:  Authority G.S. 130A-131.5; 130A-131.7; 130A-131.8; 130A-131.9A-G;
Eff. October 1, 1990;
Transferred and Recodified from 15A NCAC 19I .0105 Eff. August 28, 1991;

Transferred and Recodified from 15A NCAC 21E .0405 Eff. February 18, 1992;

Amended Eff. August 1, 1996; January 1, 1995;

Temporary Amendment Eff. November 21, 1997;

Amended Eff. April 1, 1999.