

DESIGN AND CONSTRUCTION GUIDELINES AND STANDARDS

DIVISION 2 • EXISTING CONDITIONS

02 83 00 • LEAD PAINT REMEDIATION

SECTION INCLUDES

Lead Paint Remediation
Lead Contaminated Waste Disposal

RELATED SECTIONS

01 74 19 Waste Management
02 41 00 Demolition
07 40 00 Siding
09 90 00 Painting

TECHNICAL STANDARDS PROJECT GOALS



DHCD in the mid 1990's initiated a lead based paint abatement program to delead all the family housing units built before 1978. At this time, over 90% of the 15,000 family housing units have received letters of compliance which are on file at the housing authority's' offices.

The state deleading regulations apply to buildings built before 1978 that have children under the age of 6 living in the units. Therefore, lead paint abatement is only a concern when working on buildings built before 1978.

If the majority of the project work is deleading, then the project should be bid with General Bidders being DCAM certified in Deleading. This eliminates the need for Deleading subcontractor and thus makes construction administration easier.

PROJECT GOALS:

Lead paint hazards are a concern to the designer for a variety of reasons, including:

Childhood Lead Poisoning Prevention Program (CLPPP)

- 105 CMR 460.000 Lead Poisoning Prevention and Control. Web Site www.state.ma.us/DPH/CLPPP

Board of Health regulations

United States Occupational Health and Safety Administration (OSHA)

- Public Law 91-596 "Occupational Safety and Health Act of 1970" regulations
- Chapter 306 of the Acts of 2004- approved safety and health training for contractors.

Massachusetts Division of Occupational Safety (DOS)

- 454 CMR 22.00 Renovation, Repair and Painting (RPR) Regulations in Massachusetts Information for Contractors

Environmental Protection Agency (EPA)

- Regulation 40 CFR 745 Contractors and all subcontractors compliance with certifications.

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A typical project goal for DHCD projects is obtaining: **Letters of Deleading Compliance** for all residential units within the project scope.

Units tested that have no lead violations may receive **Letters of Initial Lead Inspection Compliance**.

Some projects may only require **Letters of Interim Control** until all exterior work is completed. **Letters of Interim Control** are good for two years.

Letters of Reoccupancy (for units only) are issued when all interior deleading work has been completed.

The owner must fully delead the units and get **Letters of Full Deleading Compliance** for deleading interior and exterior work by the end of the second year if a child under 6 still lives in the unit.

Changing regulations are a fact of life with regulated construction activities such as lead paint. Finding cost effective solutions that comply with the regulations and minimize health and environmental risks is a general project goal when lead paint is involved. Our preferred methodology is removal and disposal of lead painted components, whether interior or exterior components.

If lead paint components are covered or made intact, on going compliance may be a problem. After **Letters of Full Deleading Compliance** have been received, items that have been made intact such as exterior trim may start to peel over time and fall out of compliance requiring remediation. Also, care must be taken for renovations work in units which have **Letters of Full Deleading Compliance** must follow precautions required by CLPPP regulations.

Post Compliance Assessment Determinations may be required to obtain a **Letter of Maintained Compliance** or a **Letter of Restored Compliance** after additional renovation work has been completed.

INVESTIGATION

Typically, the Designer retains the services of a lead paint consultant to test all units within the project scope for the presence of hazardous levels of lead paint. An initial test of 5 units is usually recommended to get a sample of the lead paint abatement issues at the site. It is a good idea to have the same lead paint consultant perform the initial testing of the units and perform the re-occupancy inspections after the construction is complete.

The Designer's job is to transform this raw information into a construction scope. The first step toward this goal is to establish an unambiguous understanding of the test reports and summary information in order to determine the location and quantity of components needing lead paint abatement. The use of uniform building component terminology is a crucial part of this process. For example, when a lead tester uses the

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term “door frame”, there is a strong chance that the referenced component is actually the *casing*. Be clear. Communication with the initial tester is important to identify any uncertainty concerning the intent of the inspection reports.

The Designer should identify any additional testing required, such as the determination of the lead contaminated waste disposal requirements. Results should be included in the project manual. For most jobs, especially for those with repetitive conditions, it is not necessary to print all of the initial inspection reports in the project manual. A deleading schedule of all violations with a recommended action should be included in the specifications.

DESIGN

Once the location of the lead hazards has been determined, the design goal is the selection of appropriate abatement methods.

In general, the options are *removal, covering or restoration*. For example;

- Old, beat-up basement windows that are covered with lead paint are better removed, discarded and replaced with a new window.
- Lead paint on building trim or siding can be covered by new materials but can create problems with components falling out of compliance if future construction work is done in these areas.
- An ornate entranceway can be abated through the removal of the paint, and repainting, essentially restoring the component.

Alternative approaches exist for each component; the Designer’s task is to identify the approach that best balances budget, environmental risk, longevity and appearance. Some items such as door removal, exterior shutter removal and interior cabinet door removal may be considered low risk as defined by the Department of Public Health’s Regulations which can be found at: www.state.ma.us/dph/clppp. The Designer should review the lead paint consultant summary reports and quantify the items to be abated with their scope of work and construction budget.

An important step in the design of abatement projects is working with the regulatory agencies that have a say in the process which include CLPPP, Department of Occupational Safety (DOS) and the local Board of Health.

WAIVERS

Waivers no longer apply to tenant re-entry at the end of the work day or for non-deleading contractors doing the installation of building components after the components have been removed.

EXECUTION

Full time abatement monitoring is not required for lead paint abatement projects. Normal construction administration services, with the parallel services of the inspection company conducting the post abatement compliance inspections is usually adequate project oversight. The

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contractor and the lead consultant should coordinate the re-inspections to allow residents to reoccupy their units as quickly as possible.

WASTE DISPOSAL

Waste Disposal requirements should be outlined in the contract documents. The Contractor shall contact the regional EPA, state and local authorities to determine lead paint debris disposal requirements. The requirements of Resource Conservation and Recovery Act (RCRA) shall be complied with as well as applicable state solid waste plan requirements. During the actual abatement, the Contractor shall not leave debris on the property, incinerate debris, dump waste by the road or in an unauthorized dumpster, or introduce lead-contaminated water into storm or sanitary sewers.

The Contractor shall submit a written manifest to the LHA prior to removing any waste from the site and shall submit the completed manifest to the LHA after waste is disposed at the approved landfill. Waste shall be removed from the site in a timely manner.

Alternatives to hazardous waste disposal, including recycling or reclamation shall be permitted only with documentation assuring these processes are in compliance with applicable EPA and DEP regulations, and require the Authority's written approval.

The Contractor shall submit to the LHA for approval, a Waste Management Plan including the waste transfer procedure and route, and shall comply with all DEP and DOT regulations concerning hazardous and non-hazardous waste removal and transportation. If a waste sub-contractor is utilized for the disposal procedure, the Contractor shall submit for the LHA's approval, the sub-contractor's qualifications to perform the work as specified in the contract documents. The Contractor shall be responsible for all actions of any sub-contractor as pertaining to waste removal transport and disposal in the contractor documents. The Contractor must prove that the waste is disposed of properly.

Waste containers used by the Contractor shall comply with EPA and DOT regulations for containers. The Contractor shall contact state and local authorities to determine their criteria for containers. Such information shall be shared with the LHA. The more stringent regulations shall apply.

If the Contractor is not a certified hazardous waste transporter, a contract shall be entered into with a certified transporter. The Contractor shall require the certified hazardous waste transporter to follow the RCRA and DOT regulations.

The construction process often continues after the abatement work is done, with other trades becoming involved with the installation of the final architectural product. These sections of the specification should be alerted to the project intent and the presence of lead based paint, with the appropriate precautions identified. The contract documents should clearly make the contractor responsible for compliant work practices. For example, if a painter is scheduled to coat a previously leaded surface, it should be noted that no "dust generating" procedures are allowed.

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Also, cladding and siding must be installed in a manner consistent with all current abatement regulations, even though the work is not being done by licensed abatement contractors.

All Contractors and subcontractors must have no less than 10 hours of OSHA-approved safety and health training for lead paint abatement. Any renovation, repair and painting work done on buildings built before 1978 where lead based paint may be present, shall use only contractors and subcontractors licensed by the Massachusetts Division of Occupational Safety (DOS) as Lead Safe Renovation Contractors.