

Title 26 DEPARTMENT OF ENVIRONMENT

Subtitle 02 OCCUPATIONAL, INDUSTRIAL, AND RESIDENTIAL HAZARDS

Chapter 07 Procedures for Abating Lead Containing Substances from Buildings

Authority: Environment Article, §§1-404 and 7-206—7-208, Annotated Code of Maryland

.02 Definitions.

A. The following terms have the meanings indicated.

B. Terms Defined.

(1) "Abate" or "abatement" means the elimination of exposure to lead-based substances that may result in lead toxicity or poisoning, by the removal or encapsulation of lead-containing substances, by thorough cleanup procedures, and by post-cleanup treatment of surfaces.

(2) "Business entity" means a partnership, firm, association, corporation, sole proprietorship, or other business unit and any employee of it.

(3) "Child" means a person under the age of 6.

(4) "Contractor" means any business entity, public unit, or person performing the actual abatement for a lead abatement project.

(5) "Department" means the Maryland Department of the Environment.

(6) "Encapsulate" or "encapsulation" means to resurface or cover surfaces and to seal or caulk seams with durable material, so as to prevent or control chalking, flaking lead-containing substances from becoming part of house dust or accessible to children.

(7) "HEPA" or "high efficiency particle air" means a filter capable of filtering out particles of 0.3 microns or greater from a body of air at 99.97 percent efficiency or greater.

(8) "Lead abatement project" means any work performed in order to abate the presence of a lead-containing substance.

(9) "Lead-containing substance" means any paint, plaster or other surface coating material containing more than 0.50 percent lead by weight calculated as lead metal in the dried solid, or more than 0.7 milligrams per square centimeter by the X-ray fluorescence analyzer.

(10) "Owner" means a person, firm, corporation, guardian, conservator, receiver, trustee, executor, or other judicial officer, who, alone or jointly or severally with others, owns, holds, or controls the whole or any part of the freehold or leasehold title to any property, with or without accompanying actual possession of it, and shall include in addition to the holder of legal title, any vendee in possession of it, but may not include a mortgagee or an owner of a reversionary interest under a ground rent lease.

(11) "Public unit" means:

(a) Any agency, bureau, department, or instrumentality of State government;

(b) Any agency, bureau, department, or instrumentality of federal or local government;

(c) Any public, quasi-public, or municipal corporation.

(12) "Quantitation limit" means the minimum quantity or level of lead that can reliably be measured or quantified to a specified degree of accuracy and precision.

(13) "Woodwork" means all wooden or metal interior or exterior fittings or ornamentation, such as moldings, doors, staircases, and window sashes and trim.

(14) Work Area.

(a) "Interior work area" means a hallway, room or group of rooms in which abatement takes place on the inside of a residential property, or group day care center.

(b) "Exterior work area" means an outdoor porch, stairway, or other element of woodwork on the exterior of a residential property, a group day care center, or a building appurtenant to a residential property or group day care center, on which abatement takes place.

.12 Procedures for Determining Compliance.

A. The Department may inspect a work area at any time during a lead abatement project to determine compliance with this regulation.

B. After receipt of notice of completed cleanup required by Regulation .08D the Department shall, within 24 hours, notify the contractor or owner of the time and date on which an initial inspection will take place, if one is to be made. If the contractor or owner is not reachable by telephone, notice shall be sent by first class mail. Any inspection performed under this subsection shall be completed within 2 working days of giving telephone notice to the contractor or owner. Notice by mail will require an additional 5 working days for completion of the inspection.

C. The inspection performed under §B shall be a visual inspection to determine whether surfaces requiring abatement have been abated.

D. The inspector shall immediately notify the contractor or owner, if either is present, of the results of the inspection under §B, and shall point out and describe any areas with inadequate treatment. If the contractor or owner is not present during the inspection under §B, the inspector shall notify the contractor and owner of the results of the inspection, and shall include the locations and characteristics of surfaces with inadequate treatment, by letter mailed within 24 hours of the inspection, by first class mail.

E. Before repainting or recoating under Regulation .08C, the contractor shall receive notice of:

- (1) A satisfactory inspection under §B; or
- (2) The decision not to conduct an inspection under §B.

F. Upon completion of all requirements of Regulations .08 and .09, a contractor shall notify the Department of readiness for final inspection.

G. Within 24 hours of receipt of notice under §F, the Department shall notify the contractor or owner of the time and date on which an inspection will take place, if one is to be made. If the contractor or owner is not reachable by telephone, notice shall be sent by first class mail. Any inspection performed under this section shall be completed within 2 working days of giving this notice to the contractor and owner. Notice by mail will require an additional 5 working days for completion of the inspection.

H. Every inspection performed under §G shall include at least:

- (1) Dust sampling to be followed by analysis in accordance with §I; and
- (2) Visual inspection.

I. The Department shall submit a dust sample collected under §H of this regulation for extractable lead analysis to a laboratory:

- (1) Recognized by the U.S. Environmental Protection Agency under 15 U.S.C. §2685(b) as accredited under the National Lead Laboratory Accreditation Program; and
- (2) That demonstrates it can achieve a quantitation limit equal to or less than 50 percent of the lowest lead dust level specified in §K(1) of this regulation.

J. The Department shall notify the owner and the contractor in writing, sent by first class mail, of the results of the final inspection within 24 hours of receiving the results of lead dust analysis conducted under §I. If the results of the lead dust analysis conducted under §I do not meet the standards set out in §K, the contractor shall perform a further cleanup as described in Regulation .08H. If results of the lead dust analysis meet the standards set out in §K, the Departmental notice shall state that the lead abatement project has been completed and complies with the standards set out in §K. A statement of completion and compliance may not preclude the Department from taking any future enforcement action against the same group day care center, residential property, or building appurtenant to a group day care center or residential property.

K. The Department shall consider a lead abatement project to be in compliance with this chapter if:

- (1) Floor lead dust levels are less than 10 micrograms per square foot;
- (2) Window sill lead dust levels are less than 100 micrograms per square foot;

(3) Window well lead dust levels are less than 100 micrograms per square foot; and

(4) All abated surfaces and all floors have been treated to provide smooth and easily cleanable surfaces.

L. This regulation does not apply to abatement projects conducted in owner-occupied dwellings by the owner, unless the abatement is ordered by the Department, a local government unit, or a court of competent jurisdiction.