

**NORTH CAROLINA ADMINISTRATIVE CODE
CHAPTER 10A
SUBCHAPTER 41C - OCCUPATIONAL HEALTH**

SECTION .0800 - LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM

10A NCAC 41C .0801 GENERAL

(a) In addition to the definitions found in 40 CFR Part 745 Subpart D and Subpart L, the following definitions shall apply throughout this Section:

- (1) "Accredited training course" means a lead training course accredited by the Program.
- (2) "Accredited training provider" means a training provider who is accredited by the Program, and who provides accredited training courses.
- (3) "Design" means a written or graphic plan prepared by a certified project designer specifying how an abatement project will be performed, and includes, but is not limited to, scope of work and technical specifications. The certified project designer's signature and certification number shall be on all such abatement designs.
- (4) "Emergency Lead-Based Paint Abatement" means abatement conducted to remediate a lead-based paint hazard which has been determined by a certified risk assessor and the Program to be an imminent lead-based paint hazard to building occupants in a child occupied facility.
- (5) "Immediate family" means an individual's family members limited to spouse, parents, siblings, grandparents, children, and grandchildren.
- (6) "Occupant Protection Plan" means a written plan which describes the measures and management procedures that will be taken during abatement to protect building occupants from exposure to lead-based paint hazards. The plan shall be unique to each residential dwelling or child-occupied facility. For projects less than five units, the plan shall be prepared by a certified supervisor or project designer. For projects with five or more units, the plan shall be prepared by a certified project designer. The plan shall include the preparer's signature and certification number.
- (7) "Program" means the Lead-Based Paint Hazard Management Program within the Division of Public Health.
- (8) "Start date" means the date on which activities begin on a permitted lead abatement project requiring the use of certified individuals, including the abatement area isolation and preparation or any other activity which may disturb lead-based paint.
- (9) "Working day" means Monday through Friday. Holidays falling on any of these days are working days.
- (10) "Certified Industrial Hygienist" means a person who has met the education, experience, and examination requirements established by the American Board of Industrial Hygiene for certified industrial hygienists and whose certification has not been revoked by that organization.

(b) Lead-Based Paint Activities, 40 CFR Part 745 Subpart D and Subpart L, is hereby incorporated by reference, including any subsequent amendments and editions. This document is available for inspection at the Division of Public Health, 1915 Mail Service Center, Raleigh, North Carolina 27699-1915. A copy of this document may be obtained in writing from the US Government Bookstore, 999 Peachtree Street, Suite 120, Atlanta, GA, at a cost of fifty five dollars (\$55.00).

*History Note: Authority G.S. 130A-453.01; 130A-453.11; 150B-21.1(a)(3);
Temporary Adoption Eff. July 7, 1997;*

Eff. July 1 1998;
Temporary Amendment Eff. May 17, 2002.

10A NCAC 41C .0802 CERTIFICATION OF INDIVIDUALS

(a) No person shall perform lead-based paint activities until that person has been certified by the Program in the appropriate certification category, except as provided for in G.S. 130A-453.03(b).

(b) An applicant for certification shall successfully complete applicable training courses accredited by the Program or accredited by a state, tribe, or territory that has a written reciprocating agreement with the Program, and shall successfully complete the examination specified in Rule .0804 of this Section. Successful completion includes attendance of at least 95 percent of the course, passing the course exam with a minimum score of 70% and passing the hands-on skills assessment. An applicant for initial certification shall have successfully completed an accredited initial training course for a specific discipline within the 12 months immediately preceding application. If initial training was completed more than 12 months prior to application, the applicant shall have successfully completed an accredited refresher course for the specific discipline at least every 24 months from the date of completion of initial training and within 12 months prior to applying for certification. However, an applicant who completed training prior to the effective date of this Rule and applies for certification prior to December 31, 1998, shall meet the following requirements:

- (1) Training taken prior to July 1, 1995, shall be recognized for certification if the applicant has completed a refresher course at least every 24 months from the date of initial training; if the applicant has not attended a refresher course at least every 24 months from the date of initial training, the applicant shall complete an accredited initial training course; or
- (2) Applicants for certification who have successfully completed an initial training course for a specific discipline between July 1, 1995, and July 1, 1998, shall successfully complete an accredited refresher course for the specific discipline by December 31, 1998, or by date of application whichever is first and within 12 months prior to applying for certification.

(c) In addition to the requirements in Paragraph (b) of this Rule, an applicant, other than those for the worker category, shall meet the following:

- (1) a risk assessor shall meet the training requirements for inspector and the examination requirements pursuant to Rule .0804 of this Section for inspector and risk assessor, and shall have:
 - (A) a Bachelor=s degree and one year experience in a related field that demonstrates skills directly transferable to the job activities for risk assessor; or
 - (B) an Associate=s degree and two years experience in a related field that demonstrates skills directly transferable to the job activities for risk assessor; or
 - (C) certification as an industrial hygienist, professional engineer, registered architect; or
 - (D) a high school diploma or equivalent and at least three years of experience in a related field that demonstrates skills directly transferable to the job activities for risk assessor.
- (2) a supervisor shall meet the examination requirements pursuant to Rule .0804 of this Section for supervisor and shall have:
 - (A) one year experience as a certified lead abatement worker; or
 - (B) at least two years experience in a related field that demonstrates skills directly transferable to the job activities for supervisor.
- (3) a project designer shall meet the training requirements for supervisor and project designer and the examination requirements pursuant to Rule .0804 of this Section for supervisor and shall have:
 - (A) a Bachelor=s degree in engineering, architecture, or related profession, and one year of experience in building construction and design; or

- (B) an Associate=s degree and two years experience in a related field that demonstrates skills directly transferable to the job activities for designer; or
 - (C) certification as an industrial hygienist, professional engineer, or registered architect; or
 - (D) a high school diploma or equivalent, and four years experience in building construction and design or a related field that demonstrates skills directly transferable to the job activities for designer.
- (4) an inspector shall meet the examination requirements pursuant to Rule .0804 of this Section for inspector.
- (d) To obtain certification, the applicant shall submit to the Program:
- (1) a completed application with the following information:
 - (A) full name and social security number of applicant;
 - (B) address, including city, state, zip code, and telephone number;
 - (C) date of birth, sex, height, and weight;
 - (D) discipline applied for;
 - (E) name, address, and telephone number of employer;
 - (F) training agency attended;
 - (G) name of training course completed; and
 - (H) dates of course attended;
 - (2) two current, identical, 1 1/4 inch x 1 1/4 inch color photographs of the applicant;
 - (3) confirmation of completion of accredited initial and refresher training courses, as applicable, from the training agency; the confirmation shall be in the form of an original certificate of completion of the accredited training course bearing the training agency=s official seal, or an original letter from the training agency, on training agency letterhead, confirming completion of the course; however, if an applicant is certified in a state, tribe, or territory that has a reciprocating agreement with the Program, the applicant shall submit a copy of the state issued certification and meet the requirements of Paragraphs (b), (d)(1) and (2) of this Rule;
 - (4) when education is a requirement, a copy of the diploma or other written documentation; and
 - (5) when work experience is a requirement, work history documenting lead or other related experience including employer name, address, and telephone number; positions held and a description of work duties performed; and dates when the positions were held.
- (e) All certifications shall expire at the end of the twelfth month after the certification is issued.
- (f) An applicant for renewal of certification shall successfully complete the required accredited refresher training course within 12 months prior to applying for certification renewal, and shall meet the requirements of Paragraphs (d)(1), (2), and (3) of this Rule. If a person fails to obtain the required refresher training within 24 calendar months of the date of last training, that person may be re-certified only by meeting the requirements of Subparagraphs (b), (c), and (d) of the Rule.
- (g) All certified persons shall be assigned a unique certification number by the Program.
- (h) In accordance with G.S. 130A-23, the Program may suspend or revoke certification for any violation of G.S. 130A, Article 19A or these Rules, or upon finding that its issuance was based upon incorrect information or misrepresentations that materially affected the decision to issue certification. The Program may also suspend or revoke certification upon finding that the certified person has violated any requirement referenced in Rule .0808(h) of this Section. A person whose certification is revoked shall repeat the initial training course and meet the requirements set out in Paragraphs (b), (c), and (d) of this Rule. A person whose certification is revoked because of fraudulent misrepresentations or because of violations that create a significant public health hazard shall not reapply for certification before 12 months after the revocation, and shall repeat the initial training course and meet the requirements set out in Paragraphs (b), (c), and (d) of this Rule.

(i) Certification for persons who were certified under the Interim Lead Abatement Certification Program and who were conducting specified lead-based paint activities, as defined in the Interim Lead Abatement Certification Program, prior to the effective date of these Rules, shall remain valid until the completion of the project begun prior to the effective date of these Rules.

*History Note: Authority G.S. 130A-453.03; 130A-453.11; 150B-21.1(a)(3);
Temporary Adoption Eff. July 7, 1997;
Eff. July 1, 1998.*

10A NCAC 41C .0803 CERTIFICATION OF FIRMS

(a) All firms who conduct lead-based paint activities shall become certified by the Program. The Program shall issue a certificate of approval to firms meeting the requirements in Paragraphs (b) and (c) of this Rule.

(b) To become certified the firm shall submit a completed application to the Program. The form shall include:

- (1) the name, address and telephone number of the firm;
- (2) a statement that attests that all individuals to be used by the firm to perform lead-based paint activities are certified by the Program;
- (3) a statement that attests that the firm will perform lead-based paint activities in accordance with these Rules and all applicable local, State, and Federal requirements, including all applicable record keeping requirements;
- (4) a disclosure of any action by EPA or an EPA authorized program involving violations, suspensions, revocations, or modifications of a firm's activities; and
- (5) the original signature, title, and printed name of an official of the firm.

(c) All certifications shall expire at the end of the twelfth month after the certification is issued and can be renewed by submitting a completed application provided by the Program.

(d) In accordance with G.S. 130A-23, the Program may suspend or revoke certification for any violation of G.S. 130A, Article 19A or the rules of this Section, or upon finding that its issuance was based upon incorrect information or misrepresentations that materially affected the decision to issue certification or recertification. The Program may revoke certification upon a finding that a certified firm has violated any requirement referenced in Rule .0808(h) of this Section. Certification may be revoked upon revocation of certification by EPA or an EPA authorized program. A firm whose certification has been revoked because of fraudulent misrepresentations or because of violations that create a significant public health hazard shall not be eligible for certification for a period of 12 months from the date of revocation.

*History Note: Authority G.S. 130A-453.04; 130A-453.11; 150B-21.1(a)(3);
Temporary Adoption Eff. July 7, 1997;
Eff. July 1, 1998.*

10A NCAC 41C .0804 PROGRAM ADMINISTERED EXAMS

(a) The Program shall offer examinations for each individual certification category except worker. Individuals pass the exam by achieving a score of at least 70 percent. Individuals seeking certification shall pass the appropriate exam. The examination shall be administered by the Program or by a state, tribe, or territory that has a written reciprocating agreement with the Program. If an individual does not successfully complete the examination after three attempts, the individual shall retake the initial course from an accredited training program before reapplying for certification.

(b) Applicants seeking North Carolina certification who wish to take the Program administered examination shall first complete all other requirements for certification; the applicant will be notified of the exact time and location of the examination. The applicant shall present photo identification for verification of identity at the time of the examination.

(c) Applicants seeking North Carolina certification who have been certified by a state, tribe, or territory that has a written reciprocating agreement with the Program shall meet the requirements of Rule .0802 Paragraphs (b), (d)(1) and (2) of this Section. A copy of that state=s, tribe=s, or territories= issued certification shall be verification that the applicant has met all other requirements for certification.

*History Note: Authority G.S. 130A-453.05; 130A-453.11; 150B-21.1(a)(3);
Eff. July 1, 1998.*

10A NCAC 41C .0805 ACCREDITATION OF TRAINING COURSES

(a) Training courses taught in North Carolina for lead certification shall be accredited by the Program, and shall be offered by an accredited training provider, pursuant to Rule .0806 of this Section. If the course is accredited by a state, tribe, or territory that has a written reciprocating agreement with the Program, the course shall meet the requirements of Paragraphs (b), (c), (e), (h), and (i) of this Rule and Rule .0806 of this Section to become accredited by the Program.

(b) A training provider may apply for initial and refresher training course accreditation for any of the following disciplines: inspector, risk assessor, supervisor, project designer, and worker. Training provider applying for accreditation shall submit a completed training course application to the Program for review and approval, pursuant to Paragraph (e) of this Rule. Once a training course is accredited, any changes in curriculum, hands-on exercises, principal instructor, or quality control plan from the original course accreditation application shall be approved by the Program prior to implementation.

(c) For all courses, the training provider shall administer a closed book examination. Initial courses, except the Project Designer Course shall also include a hands-on skills assessment. The initial course examination shall consist of a minimum of 50 multiple choice questions, and the refresher course examinations shall consist of a minimum of 25 multiple choice questions.

(d) Training courses shall be evaluated for accreditation purposes by the Program for course administration, course length, curriculum, training methods, instructors' qualifications, instructors' teaching effectiveness, technical accuracy of written materials and instruction, examination, and training certificate. The evaluation shall be conducted using 40 CFR Part 745 Subpart L.

(e) Training course providers shall submit the following for evaluation and accreditation by the Program:

- (1) a completed application on a form provided by the Program, along with supporting documentation. The form and supporting documentation shall include the following:
 - (A) name, address, and telephone number of the training provider, and name and signature of the contact person, training manager, and principal instructor;
 - (B) course title, location and the language in which the course is to be taught;
 - (C) course agenda;
 - (D) a copy of all written instructional material used;
 - (E) learning or performance objectives for each topic to be taught;
 - (F) a copy or description of all audio/visual materials used;
 - (G) a description of each hands-on training activity and skills assessment, including criteria for student proficiency;
 - (H) a description of instructional facilities and equipment;
 - (I) a copy of a sample exam with correct answers marked;
 - (J) a sample certificate with the following information:
 - (i) Name, address, and social security number of student;
 - (ii) Training course title specifying initial or refresher;
 - (iii) Inclusive dates of course and applicable examination;
 - (iv) Statement that the student successfully completed the course and passed the required examination and hands-on skills assessment;
 - (v) Unique certificate number;

- (vi) Printed name and signature of the training course manager and printed name of the principal instructor;
 - (vii) Name, address, and telephone number of the training provider;
 - (viii) Training course location;
 - (ix) For worker training courses taught in languages other than English, the certificate shall indicate the language of the course; and
 - (K) a list of accredited lead training courses currently being provided for certification.
- (2) A list of instructors who will teach in North Carolina and their qualifications in accordance with Paragraph (f) of this Rule.
 - (3) A copy of the course quality control plan that meets the requirements of 40 CFR 745 Subpart L Subsection .225(c)(9).
- (f) All instructors and training managers shall be approved by the Program. Any person seeking approval as a training manager or instructor for courses covered under these Rules and taught in North Carolina shall meet the following requirements:
- (1) Training managers and instructors shall meet the requirements of 40 CFR 745 Subpart L Subsection .225(c), except that guest instructors who teach work practice topics and hands-on training shall meet the training requirements for principal instructors; however, guest instructors whose course instruction is limited to conducting training for XRF instruments are not required to meet the requirements for principal instructors;
 - (2) Principal instructors and guest instructors who teach work practice topics or hands-on training shall meet the training requirements for certification, pursuant to Rule .0802 of this Section, for the discipline in which instructor approval is sought; and
 - (3) All training providers shall submit to the Program a completed application with the following information:
 - (A) name, address, and telephone number of the applicant;
 - (B) name, address, and telephone number of the training provider that is employing the applicant;
 - (C) when training course completion is a requirement, confirmation of completion of an accredited initial or refresher training course from the training agency, the confirmation shall be in the form of an original certificate of completion of the accredited training course or the following information: the course title, dates of instruction, names of instructors, name, address, and telephone number of the training provider;
 - (D) when education is a requirement, a copy of the diploma or other written documentation; and
 - (E) when work experience is a requirement, documentation of relevant work history, including employer name, address, and telephone number, positions held, dates when positions were held, and legible copies of any relevant licenses, registrations, or certifications.
- (g) An application for course accreditation shall be processed as follows:
- (1) The Program shall review the application and supporting documentation and advise the applicant of any deficiencies. If the deficiencies are not corrected within one year from the date of application, the application and any supporting documentation may be returned to the applicant and the applicant shall be required to re-submit a completed application. Approval of submitted documentation does not constitute course accreditation;
 - (2) If the submitted documentation meets all applicable requirements of this Rule, the Program shall notify the applicant of this and also advise the applicant that it may contact the Program to schedule an on-site audit. The on-site audit shall be of a class of at least two student attendees and taught in North Carolina;
 - (3) If the Program determines, as a result of the on-site audit, that the training course meets all applicable requirements of this Rule, it shall issue course accreditation. If the course does

not meet these requirements, the Program shall notify the applicant of the deficiencies and advise the applicant that it may request one additional on-site audit, which shall be held no more than six months from the date of the first audit;

- (4) If the Program determines, as the result of the second audit, that the training course meets all applicable requirements of this Rule, it shall issue course accreditation. If the course does not meet all these requirements, the Program shall notify the applicant of the deficiencies, return all application materials, and advise the applicant that it may not reapply for course accreditation for the audited course for a period of six months from the date of the last audit.

(h) Training course providers shall perform the following in order to maintain accreditation of all initial and refresher courses:

- (1) Issue a certificate of training meeting the requirements of Part (e)(1)(J) of this Rule to any student who successfully completes the required training, passes the hands on skills assessment, and passes the applicable examination.
- (2) Submit to the Program written notice of intention to conduct a training course for North Carolina lead certification purposes if the course is to be taught in North Carolina. Notices for training courses, except lead worker, shall be postmarked or received 10 working days before the training course begins. Notices for lead worker training courses shall be postmarked or received five working days before the training course begins. If the training course is canceled, the training course provider shall notify the Program at least one working day prior to the scheduled start date. Notification of intent to conduct a training course shall be made using a form provided by the Program and shall include the following:
 - (A) Training provider name, address, telephone number and contact person;
 - (B) Training course title;
 - (C) Inclusive dates of course and applicable exam;
 - (D) Start and completion times;
 - (E) Location of the course facility and directions to the course facility if the site is not routine for the training provider;
 - (F) Language in which the course is taught;
 - (G) Principal instructor; and
 - (H) Signature of the training manager.
- (3) Notify the Program, in writing, at least 10 working days prior to the scheduled course start date, of any changes to course length, curriculum, training methods, training manual or materials, instructors, examination, training certificate, training course manager or contact person.
- (4) Submit to the Program information and documentation for any course approved under Paragraph (e) of this Rule if requested by the Program.
- (5) Ensure that all training managers and instructors are approved by the Program.
- (6) Ensure that all training courses covered under this Rule meet the requirements of 40 CFR Part 745 Subpart L, Subsection 225(c), (d), and (e) and the following requirements:
 - (A) The instructor must follow the curriculum that was approved by the Program or a state, tribe, or territory with whom the Program has a reciprocity agreement. The schedule may be adjusted, but all curriculum elements shall be covered.
 - (B) All initial and refresher training courses shall have a maximum of 40 students;
 - (C) A day of training shall include at least six and one-half hours of direct instruction, including classroom, hands-on training or field trips;
 - (D) Work time and instruction time shall not exceed 12 hours in a 24 hour period;
 - (E) A training course shall be completed within a two-week period;
 - (F) A single instructor is allowed only for a worker course. Other initial disciplines shall have a minimum of two instructors;

- (G) Instructor ratio for hands-on training shall be no more than 10 students per instructor;
 - (H) All course materials shall be in the language in which the course is being taught;
 - (I) Each training course shall be discipline specific;
 - (J) Students shall be allowed to take an examination no more than twice for each course. After two failures, the student shall retake the full course before being allowed to retest; and
 - (K) Training providers shall provide examination security to prevent student access to the examination materials before and after the exam. Training providers shall take measures to preclude cheating during the exam, such as providing space between students, prohibiting talking, and monitoring students throughout the exam.
- (7) Verify, by photo identification, the identity of any student requesting training.
 - (8) For each course accredited by the Program, and taught in North Carolina, the training provider shall submit a completed renewal application on a form provided by the Program. Effective July 1, 1999, a renewal application shall be submitted prior to the next course offering and annually thereafter. If an annual training course renewal lapses, the provider shall submit a renewal application prior to offering the course again in North Carolina.
 - (9) Work practice and worker protection demonstrations and hands-on exercises, including, but not limited to respirator fit testing, presented in all training courses covered under this Rule shall be conducted in accordance with Rule .0807 of this Section and 29 CFR 1926.62, which is hereby incorporated by reference, including any subsequent amendments and editions. Copies may be obtained by writing the NC Department of Labor, Bureau of Education, Training and Technical Assistance, 319 Chapanoke Road, Suite 105, Raleigh, NC, 27603, at a cost of ten dollars and sixty cents (\$10.60).
 - (i) Training course providers shall permit Program representatives to attend, evaluate and monitor any training course, take the course examination and have access to records of training courses without charge or hindrance to the Program for the purpose of evaluating compliance with these Rules. The Program shall perform periodic and unannounced on-site audits of training courses.
 - (j) In accordance with G.S. 130A-23, the Program may suspend or revoke accreditation for a training course for any violation of G.S. 130A, Article 19A or these Rules and may revoke accreditation upon revocation of accreditation by the EPA or by an EPA authorized accreditation program.

*History Note: Authority G.S. 130A-453.07; 130A-453.11; 150B-21.1(a)(3);
Eff. July 1, 1998.*

10A NCAC 41C .0806 ACCREDITATION OF TRAINING PROVIDERS

- (a) All training providers who offer lead training courses in North Carolina for individual certification shall be accredited by the Program before offering training courses.
- (b) To become accredited, the training provider shall:
 - (1) employ a training manager who meets the requirements of 40 CFR 745 Subpart L Subsection .225(c); and
 - (2) submit a completed application to the Program including:
 - (A) the name, address and telephone number of the training provider;
 - (B) a statement that all courses taught in North Carolina for certification will comply at all times with all of the requirements of these Rules;
 - (C) a statement that the training provider is responsible for maintaining the validity and integrity of the hands-on skills assessment to ensure that it accurately evaluates the trainees' performance of the work practices and procedures associated with the course topics;

- (D) a statement that the training provider is responsible for maintaining the validity and integrity of the course examination to ensure that it accurately evaluates the trainees= knowledge and retention of the course topics;
- (E) a completed application for training manager, pursuant to Rule .0805(f) of this Section with documentation for meeting the requirements of 40 CFR 745 Subpart L Subsection .225(c); and
- (F) the original signature, title, and printed name of an official of the training company.

(c) In accordance with G.S. 130A-23, the Program may suspend or revoke accreditation of a training course provider for any violation of G.S. 130A, Article 19A or these Rules, and may revoke accreditation upon revocation of accreditation by EPA or by an EPA authorized state. The Program shall revoke training provider accreditation upon finding that the training provider has falsified training documents. When training provider accreditation is revoked for falsification of training documents, the training course provider shall not be eligible for reaccreditation for a period of three years from the date of revocation.

*History Note: Authority G.S. 130A-453.07; 130A-453.11; 150B-21.1(a)(3);
Eff. July 1, 1998.*

10A NCAC 41C .0807 STANDARDS FOR CONDUCTING LEAD-BASED PAINT ACTIVITIES

(a) All lead-based paint activities and design activities shall be conducted in accordance with 40 CFR 745 Subpart L, Subsection .227.

(b) For each inspection, risk assessment, or lead hazard screen conducted, the certified inspector or risk assessor shall submit to the Program a legible copy of the summary of the activity on a form provided or approved by the Program. The form shall be submitted within 45 days of the activity.

*History Note: Authority G.S. 130A-453.10; 130A-453.11; 150B-21.1(a)(3);
Eff. July 1, 1998.*

10A NCAC 41C .0808 LEAD-BASED PAINT ABATEMENT PERMITS

(a) No person shall conduct abatement without an abatement permit issued by the Program, except as provided for in G.S. 130A-453.09(c). All abatement activities shall be conducted by a certified firm.

(b) All applications shall be made in writing on a form provided or approved by the Program. The application shall include at least all of the following:

- (1) name, address, contact name, and telephone number of the owner and operator of the target housing or child occupied facility;
- (2) name, certification number, address, contact name, and telephone number of the certified firm;
- (3) name, certification number, address, and telephone number of the inspector and risk assessor;
- (4) name, certification number, address, and telephone number of the project designer;
- (5) location and street address, including building number or name and floor or room number, city, county, and state, of the building where the abatement is taking place;
- (6) scheduled start and completion dates of lead-based paint abatement work including preparation work and cleanup;
- (7) work schedule, including days of the week and hours to be worked;
- (8) amount of material to be abated;
- (9) method(s) of abatement;
- (10) non-hazardous waste transporter, address, contact name, and telephone number;
- (11) non-hazardous waste disposal site, address, contact name, and telephone number;
- (12) hazardous waste transporter, address, contact name, and telephone number;
- (13) hazardous waste disposal site, address, contact name, and telephone number;

- (14) for ordered abatements, the name, title, and authority of the State or local government representative who has ordered the abatement, the date that the order was issued, and the date the abatement was ordered to begin;
- (15) for emergency abatements, a description of the nature of the emergency and an explanation of how failure to correct the situation would cause a lead-based paint hazard;
- (16) contract price for the abatement; and
- (17) the name of the representative of the certified firm, address, original signature, and date.

(c) Applications for lead abatement permits shall be postmarked or received by the Program at least 10 working days prior to the scheduled abatement start date. For emergency lead abatement activities, the Program will take action immediately. Applications for emergency lead-based paint abatement activities shall be submitted along with a letter from the owner or the certified risk assessor explaining the nature of the emergency.

(d) Application for revision to an issued lead abatement permit shall be made by the applicant in writing on a form provided or approved by the Program and shall be received by the Program in accordance with the following:

- (1) Revision to a start date for a project that will begin after the start date stated in the approved permit shall be received on or before the previously stated start date or previously revised start date;
- (2) Revision to a start date for a project that will begin before the start date stated in the approved permit or subsequent revisions shall be received at least 10 working days before the new start date;
- (3) Revision to a completion date that will be extended beyond the completion date stated in the approved permit shall be received by the original completion date or previously revised completion date;
- (4) Revision to a completion date that will be earlier than the completion date stated in the approved permit or subsequent revision shall be received by the new completion date; and
- (5) Revision to permits other than start or completion dates shall be submitted to the Program prior to initiating the activity which the revision addresses.

(e) The following shall be maintained on site during abatement activities and be immediately available for review by the Program:

- (1) a copy of the abatement permit issued by the Program and all revisions with the Program's confirmation of receipt;
- (2) photo identification cards issued by the Program for all personnel performing lead abatement activities;
- (3) the occupant protection plan; and
- (4) any applicable abatement design, risk assessment and inspection reports.

(f) All permitted abatement activities shall be conducted in accordance with Rule .0807 of this Section.

(g) A certified supervisor shall be on-site at all times when permitted abatement activities are being conducted.

(h) In accordance with G.S. 130A-23, the Program may suspend or revoke the permit for any violation of G.S. 130A, Article 19A or these Rules. The Program may also revoke the permit upon a finding that its issuance was based upon incorrect information or misrepresentations that materially affected the decision to issue the permit. Notwithstanding permit revocation for violation of the rules of this Section, a lead-based paint abatement permit shall also be subject to revocation if the abatement activities are in violation of the following provisions with regard to lead-based paint abatement, as determined by the agencies which administer these Rules:

- (1) Department of Labor Rules found at Chapter 7, Title 13 of the North Carolina Administrative Code;
- (2) Department of Transportation Rules found at Title 19A, of the North Carolina Administrative Code;

- (3) Solid Waste Management Rules found at Chapter 13, Title 15A of the North Carolina Administrative Code; and
- (4) NC Childhood Lead Poisoning Prevention Program requirements found at G.S. 130A, Article 5, Part 4.

*History Note: Authority G.S. 130A-453.09; 130A-453.11; 150B-21.1(a)(3);
Eff. July 1, 1998.*

10A NCAC 41C .0809 FEES

(a) The fees required by G.S. 130A-453.08 for individual and firm certification shall be submitted with a completed application for certification. The amount of the fee shall be one hundred fifty dollars (\$150.00) for each category of individual certification except that the fee for worker shall be fifty dollars (\$50.00). The fee for firm certification shall be fifty dollars (\$50.00).

(b) The fee required by G.S. 130A-453.08 for examination shall be submitted with a completed application for certification. The amount of the fee shall be seventy-five dollars (\$75.00).

(c) The fees required by G.S. 130A-453.08 for initial course accreditation and renewal course accreditation shall be submitted with a training course application. The amount of the fee shall be fifteen hundred dollars (\$1500.00) for each initial course accreditation if the course does not have prior approval by a state, tribe, or territory that has a reciprocating agreement with the Program; one thousand dollars (\$1000.00) for each course accreditation if the course is accredited by a state, territory, or tribe that has a reciprocating agreement with the Program; and five hundred dollars (\$500.00) for each renewal course accreditation.

(d) The fees required by G.S. 130A-453.08 for course provider accreditation shall be submitted with a completed application. The amount of the fee shall be one hundred fifty dollars (\$150.00).

(e) The fee required by G.S. 130A-453.09 for abatement permits shall be submitted with a completed permit application. The amount of the fee shall be two percent of the contract price, not to exceed five hundred dollars (\$500.00).

(f) The fee for a replacement photo identification card shall be fifteen dollars (\$15.00).

(g) In the case of issuing a refund for permits, an administrative cost of two hundred dollars (\$200.00) shall be retained by the Program.

*History Note: Authority G.S. 130A-453.08; 130A-453.11; 150B-21.1(a)(3);
Eff. July 1, 1998.*

Source: North Carolina Office of Administrative Hearings

Website-- http://ncrules.state.nc.us/ncadministrativ_/title10ahealtha/

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