

## **IX. LEAD POISONING PREVENTION REGULATON, as amended.**

### **Sec. 30R-9-1. Scope and General Requirements**

This regulation, adopted pursuant to Chapter 30 of the Darien Code of Ordinances, is intended to protect and promote public health within the Town of Darien and assist in enforcement of the Regulations of Connecticut State Agencies (RCSA) Section 19a-111-1 et seq. (the Lead Poisoning Prevention and Control Regulations) and various sections of the Connecticut General Statutes.

### **Sec. 30R-9- 2. Definitions**

(1) “*Abatement*” means any set of measures designed to eliminate lead hazards in accordance with the abatement standards established pursuant to Sections 19a-111c, 20-474 through 20-482 and subsections (e) and (f) of Section 19a-88 of the Connecticut General Statutes, the RCSA Lead Poisoning Prevention and Control Regulations, and the RCSA sections 20-478-1 and 10-478-2 as amended including, but not limited to, the encapsulation, replacement, removal, enclosure or covering of paint, plaster, soil or other material containing toxic levels of lead and all preparation, clean-up, disposal and reoccupancy clearance testing.

(2) “*Authorized Agent*” means the person designated by the Director of Health to act for the Director of Health in the performance of any duties. The Authorized Agent shall possess all required training and be certified where required or specified by the Director of Health.

(3) “*Certified Lead Inspector*” means any lead consultant who completes an appropriate approved training course and possesses a current certificate as a lead inspector from the Connecticut Department of Public Health. A certified lead inspector conducts inspections to determine the presence of lead in paint, other surface coverings and various environmental media.

(4) “*Certified Lead Inspector Risk Assessor*” means any lead consultant who completes an appropriate approved training course and possesses a current certificate as a lead inspector risk assessor from the Connecticut Department of Public Health. A certified lead inspector risk assessor conducts inspections and collects and interprets information to assess the level of risk from lead hazards.

(5) “*Certified Lead Planner-Project Designer*” means any lead consultant who completes an appropriate approved training course and possesses a current certificate as a lead planner-project designer from the Connecticut Department of Public Health. A certified Lead Planner–Project Designer designs lead abatement, lead hazard remediation, and lead management plans and activities.

(6) “*Child*” means a person under the age of six (6) years.

(7) “*Director of Health*” means the Darien Director of Health who is charged with the responsibility and authority for preserving and improving the public health and preventing the spread of diseases in the Town of Darien.

(8) “*Dwelling*” means every building or shelter used or intended for human habitation, including exterior surfaces and all common areas thereof, and the exterior of any other structure located within the same lot, even if not used for human habitation.

(9) “*Lead Abatement Plan*” means a written plan that identifies the location of lead hazards and describes how the lead hazards will be abated and how human health and safety and the environment will be protected.

(10) “*Lead Consultant*” means any person who performs lead detection, risk assessment, abatement design or related services in disciplines including, but not limited to, inspector, inspector risk assessor and planner–project designer.

(11) “*Lead Hazard*” means deteriorated lead-based paint, lead-based paint on a deteriorated substrate, or lead-based painted friction or impact surfaces that result in the creation of dust or paint chips, and house dust, bare soil or drinking water that contain a toxic level of lead.

(12) “*Lead Hazard Remediation*” means the use of interim control measures to eliminate or minimize lead exposure hazards including, but not limited to, engineering controls, paint stabilization, spot paint repair, occupant protection, dust control, specialized cleaning, and covering of soil with mulch or other material approved by the Director of Health.

(13) “*Lead Management Plan*” means a written plan that is developed to maintain a lead-safe environment by describing how intact, encapsulated or enclosed lead-based paint and covered lead contaminated soil or sand areas will be monitored to ensure that lead hazards that may develop will be identified and thereafter abated or remediated.

(14) “*Licensed Lead Abatement Contractor*” means any entity that contracts to perform lead hazard reduction by means of abatement, including, but not limited to, the encapsulation, replacement, removal, enclosure, or covering of lead hazards and possesses a current license as a lead abatement contractor from the Connecticut Department of Public Health. A licensed lead abatement contractor performs lead abatement activities and utilizes certified lead abatement supervisors to oversee such lead abatement activities and certified lead abatement workers to perform such abatement activities.

(15) “*Licensed Lead Consultant Contractor*” means any entity that contracts to perform lead hazard reduction consultation work, possesses a current license as a lead consultant contractor from the Connecticut Department of Public Health, and utilizes certified lead inspectors, lead inspector risk assessors, and/or lead planner-project designers to perform such consulting activities.

(16) “*Owner*” means any person, partnership, firm, association, corporation, sole proprietorship or any other business concern, state or local government agency or political subdivision or authority thereof, or any religious social or union organization, whether operated for profit or otherwise, who, alone or jointly with others owns, holds or controls the whole or any part of the deed or title to any property. No holder of an easement, mortgage, bank or lender holding the mortgage, shall be considered an owner except when the holder of an easement, mortgagee, banker or lender takes physical possession of the property.

(17) “*Post abatement inspection*” means a process consisting of (a) an inspection to ascertain if all lead hazards has been properly abated and (b) a series of lead dust wipe samples as described in the RCSA Lead Poisoning Prevention and Control Regulations.

(18) “*Toxic level of lead*” means a level of lead that when present in dried paint, plaster or other accessible surface on or in a residential dwelling contains equal to or greater than 0.50 percent lead by dry weight as measured by atomic absorption spectrophotometry (AAS), Graphite furnace atomic absorption spectrophotometry (GFAAS), inductively coupled plasma-atomic emission spectrophotometry (ICP-AES) or another accurate and precise testing method approved by the commissioner of health, by a laboratory approved by the department for lead analysis, or equal to or greater than 1.0 milligrams lead per square centimeter of surface as measured on site by an X-ray fluorescence analyzer of another accurate and precise testing method that has been approved by the commissioner.

### **Sec. 30R—9-3. General Requirements**

#### **Sec. 30R- 9-3-1. Lead-Based Paint Testing**

The Director of Health may order the owner of a dwelling where lead hazards have been identified or verified by an authorized agent of the Director of Health to engage the services of a State of Connecticut licensed Lead Consultant Contractor at the expense of the owner.

The licensed Lead Consultant Contractor shall utilize a State of Connecticut Certified Lead Inspector or Lead Inspector Risk Assessor to conduct comprehensive paint testing, document paint conditions and evaluate compliance with the requirements of the provisions of the Connecticut General Statutes Section 19a-111c, the RCSA Lead Poisoning Prevention and Control Regulations, and other applicable Connecticut General Statutes and regulations.

Where a **child is in residence** a comprehensive lead inspection that will include comprehensive paint testing, dust testing, testing of bare soil areas, and potable water testing shall be performed by the lead consultant.

The owner shall provide a copy of the report that is generated by the lead consultant to the Director of Health within a time frame that is specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations.

**Sec. 30R-9-3-2. Lead Abatement, Lead Hazard Remediation, and Lead Management Plans**

Whenever the lead inspection report identifies lead hazards or intact painted surfaces that contain a toxic level of lead, the Director of Health shall order the owner to appropriately abate, remediate, and/or manage the condition(s) and may order the owner of the property to engage the services of a Licensed Lead Consultant Contractor. The Licensed Lead Consultant Contractor shall utilize a Certified Lead Planner–Project Designer to design a lead abatement/hazard remediation plan and/or a lead management plan in accordance with the requirements of the RCSA Lead Poisoning Prevention and Control Regulations.

The lead abatement/remediation and lead management plans shall be submitted to the Director of Health within a time frame that is specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations.

**Sec. 30R-9-3-3. Post Abatement and Lead Hazard Remediation Inspection**

A post abatement/hazard remediation inspection including clearance dust wipes must be conducted by a Certified Lead Inspector, Lead Inspector/Risk Assessor, or a trained Code Enforcement Official following completion of the lead abatement/hazard remediation work.

The report shall be submitted to the Director of Health within a time frame specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations.

The Director of Health must approve the post abatement/hazard remediation inspection report prior to re-occupancy of areas that have been abated or remediated.

**Sec. 30R-9-4 Additional Requirements for Residences Associated with Children Who Have Confirmed Blood Lead Levels Greater Than or Equal to 15 Micrograms per Deciliter**

**Sec. 30R-9-4-1. Lead-Based Paint Testing, Lead Abatement and Lead Hazard Elimination**

Whenever the Director of Health has received a report of a blood lead level in a child that is greater than or equal to 15 micrograms per deciliter or otherwise determines that a child has an abnormal body burden of lead, the Director of Health may order the owner of the dwelling in which such child resides to engage the services of a State of Connecticut Licensed Lead Consultant Contractor to inspect and test the paint, bare soil

areas, potable water and dust on the premises for toxic levels of lead at the owner's expense.

The owner shall provide a copy of the lead inspection report that is generated by the lead consultant contractor to the Director of Health within a time frame that is specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations.

The licensed Lead Consultant Contractor shall utilize a State of Connecticut certified Lead Inspector or Lead Inspector Risk assessor to conduct the comprehensive lead inspection and testing.

#### **Sec. 30R- 9-4-2. Lead Abatement and Lead Management Plans**

Whenever the lead inspection report identifies lead hazards or intact painted surfaces that contain a toxic level of lead, the Director of Health shall order the owner to appropriately abate and/or manage the condition(s) and may order the owner of the property to engage the services of a Licensed Lead Consultant Contractor.

The Licensed Lead Consultant Contractor shall utilize a Certified Lead Planner–Project Designer to design a lead abatement plan and/or a lead management plan in accordance with the requirements of the RCSA Lead Poisoning Prevention and Control Regulations. The lead abatement and lead management plans shall be submitted to the Director of Health within a time frame that is specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations.

#### **Sec. 30R- 9-4-3. Post abatement inspection**

A post abatement inspection including clearance dust wipes must be conducted by a Certified Lead Inspector, Lead Inspector /Risk Assessor, or a trained Code Enforcement Official.

The report shall be submitted to the Director of Health within a time frame specified by the Director of Health that is consistent with the Lead Poisoning Prevention and Control Regulations. The Director of Health must approve the post abatement inspection report prior to reoccupancy of the abated areas.

#### **Sec. 30R-9-4-4. Lead Abatement**

The Director of Health may order the owner of a dwelling to engage the services of a State of Connecticut licensed Lead Abatement Contractor at the expense of the owner to ensure compliance with standards established in the RCSA Lead Poisoning Prevention and Control Regulations and to abate and eliminate lead hazards in accord with an approved lead abatement plan.

**Sec. 30R-9-4-5. Fine**

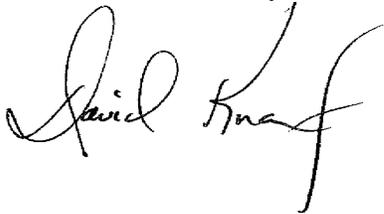
Any person, persons, or entities that are found in violation of any provision of this regulation shall be subject to a fine of one hundred dollars per day of occurrence.

**Sec. 30R-9-4- 8. Appeal Rights**

Any person or persons aggrieved by an order of the Director of Health may appeal to the Commissioner of Health of the State of Connecticut from such order, pursuant to Section 19a-229 of the Connecticut General Statutes, as amended or as hereafter amended. The right of appeal notice and information must be included in any order issued by the Director of Health in conjunction with this Regulation.

**Effective Date of these Regulations**

These regulations, Articles II, III, IV, VI, VII, VIII and IX shall be in full force and effect on March 29, 2010 by David Knauf, Director of Health for the Town of Darien.

A handwritten signature in black ink that reads "David Knauf". The signature is written in a cursive style with a large, looping initial "D".

Dated March 29, 2010.