

January 23, 2023 @ 4:59pm  
USEPA – Region II  
Regional Hearing Clerk

## **STANDARD OPERATING PROCEDURE**

### **ABATEMENT OF LEAD-BASED PAINT AND LEAD-BASED PAINT HAZARDS**

April 1, 2022

Prepared for:

Housing Authority of the City of Passaic  
52 Aspen Place  
Passaic, New Jersey 07055

Project No. 21584.00



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## 1.0 INTRODUCTION

### 1.1 Purpose

Vanasse Hangen Brustlin Inc. (VHB) has developed this Standard Operating Procedure (SOP) on behalf of the Housing Authority of the City of Passaic (HACP) and Passaic Affordable Housing Coalition (PAHC) to establish the procedures for conducting Lead-Based Paint (LBP) Abatement in Target Housing.

### 1.2 Regulatory Background

Title 40 of the Code of Federal Regulations (C.F.R.), Part 745, Subpart L contains the United States Environmental Protection Agency (EPA) Lead-Based Paint Activities regulations. When conducting LBP Abatement, various State and Local regulations may also apply including but not limited to the following:

- A. New Jersey Administrative Code (N.J.A.C. Title 8. Department of Health (NJDOH) Chapter 62. Standards for Lead Certification.
- B. N.J.A.C. Title 5. Department of Community Affairs (DCA), Chapter 17 Lead Hazard Evaluation and Abatement Code.

### 1.3 Applicability

This Plan applies to HACP owned and managed Target Housing, including those managed by PAHC. Currently, HACP/PAHC Target Housing includes the following locations:

- A. Alfred Speer Village (HACP) – 33 Aspen Place, Passaic, New Jersey 07055.
- B. Vreeland Village (PAHC) – 234 Chestnut Street, Passaic, New Jersey 07055.

Note that, in addition to the pre-1978 residential structures, the conversion of any class of property (i.e., commercial, industrial, etc.) constructed prior to 1978 to residential use makes such property subject to the requirements of 40 C.F.R. Part 745 and this Plan.

### 1.4 Limitations

HACP/PAHC are not certified by the EPA or State of New Jersey as Abatement Firms. HACP/PAHC employees are not certified by the EPA and/or NJDOH as Abatement Workers/Supervisors. As such, HACP/PAHC shall not engage in lead abatement activities.

## 2.0 SCOPE

This plan is intended to provide direction to HACP/PAHC staff for conducting abatement of LBP or LBP hazards in Target Housing.

The EPA defines abatement as *"any measure or set of measures designed to permanently eliminate lead-based paint hazards."* Abatement includes, but is not limited to, the following:

- A. The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust or soil.

- B. All preparation, cleanup, disposal, and post-abatement clearance testing activities associated with such measures.
- C. Specifically, abatement includes, but is not limited to projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:
  - a. Shall result in the permanent elimination of lead-based paint hazards; or
  - b. Are designed to permanently eliminate lead-based paint hazards and are described in (A) and (B) above.
- D. Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals certified in accordance with 40 C.F.R. 745.226, except as detailed in (G) below.
- E. Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section.
- F. Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to State or local abatement orders.
- G. Abatement does not include renovation, remodeling, landscaping or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

### **3.0 DETERMINATION OF ABATEMENT ACTION**

The determination of whether a LBP Activity is an abatement action shall be made by the Property Manager of the specific Target Housing facility, in conjunction with the Executive Director or designee.

The Property Manager for each location will be trained as a EPA Certified Renovator under the EPA Lead Renovation, Repair, and Painting (RRP) Rule and will therefore be qualified to make this determination.

### **4.0 PROCEDURES FOR IMPLEMENTING AND ABATEMENT ACTION**

When the Property Manager, Executive Director, or designee confirms that an LBP Activity is an Abatement action, a 3<sup>rd</sup>-party fully licensed contractor shall be retained to perform the work.

The State of New Jersey Department of Community Affairs (DCA) maintains a List of Certified Lead Abatement Contractors (pursuant to N.J.A.C. 5:17). The list can be found at the following location: [https://www.state.nj.us/dca/divisions/codes/publications/pdf\\_lead/ld\\_abat.c.pdf](https://www.state.nj.us/dca/divisions/codes/publications/pdf_lead/ld_abat.c.pdf)

The Executive Director or designee shall determine on a case-by-case basis, if a Lead Abatement requires obtaining multiple competitive bids. The Executive Director or designee should also be consulted on a case-by-case basis if there is a preferred contractor(s) for performing the Abatement.

## 6.0 CONTRACTOR RESPONSIBILITIES

The Contractor shall have sole responsibility for ensuring compliance with all Federal, State, and Local regulations regarding lead abatement. This shall be reflected in the Contract Documents for each project.

## 7.0 RECORDKEEPING

The Contractor is required by the EPA to maintain all records associated with an abatement for no less than three (3) years and to provide copies of all records to the building owner. Contractor shall be required to provide copies of all documentation pertaining to the abatement project including but not limited to reports, regulatory submissions, notifications, testing results, and plans/designs.

## 8.0 COMPLIANCE VERIFICATION

The HACP/PAHC Property Manager who initiates an Abatement shall complete the form titled *Abatement Compliance Checklist* presented in **Appendix II**. A copy of the completed checklist shall be retained in the Property Management Office, along with all Contractor provided records, for at least three (3) years from the completion of the Abatement.

## 9.0 SIGNATURES

This Plan was prepared and is respectfully submitted by:



Christopher Glowacki, CIH, CIEC  
Senior Project Manager  
Vanasse Hangen Brustlin Inc.

4/1/2022

Date

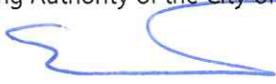
This Plan was approved and accepted by:



Pamela Mitchell  
Executive Director  
Housing Authority of the City of Passaic

6.9.2022

Date



Eric Bernstein, Esq.  
General Counsel, Housing Authority of the City of Passaic  
Eric M. Bernstein & Associates, LLC

6/13/2022

Date

**APPENDIX I**

**EPA – LEAD ABATEMENT VERSUS  
LEAD RENOVATION, REPAIR, AND PAINTING**

## **LEAD-ABATEMENT VS. LEAD RENOVATION REPAIR and PAINTING**

**Abatement and Lead Renovation Repair and Painting (RRP) activities may sometimes look similar, but they are not!**

Abatement is a specialized activity designed to address lead in the home. RRP activities (including most home contracting work) disturb paint as a consequence of the activity, but they are often undertaken for reasons unrelated to lead issues.

### **Lead-Based Paint Activities (Abatement)**

- Lead-Based Paint Activities include lead-based paint inspections, risk assessments and abatements (lead-based paint removal).
- Lead abatement projects are designed to permanently eliminate existing lead-based paint hazards. They may be ordered by a Federal, State, or Local government in response to a lead-poisoned child or other reason or may be undertaken voluntarily at any time.
- Lead risk assessments are designed to identify lead hazards and management strategies and lead inspections are designed to locate all lead-based paint in a home.
- Individuals must be trained and certified to conduct lead-based paint activities and firms must be certified.
- Lead-based activities are regulated differently than renovation, repair and painting jobs, even though, in some cases, the activities are similar.

### **Lead Renovation, Repair and Painting (RRP)**

- RRP projects are typically performed at the option of the property owner for aesthetic or other reasons, or as an interim control to minimize lead hazards. It is **NOT** designed to permanently eliminate lead-based paint hazards.
- Since RRP projects can disturb lead-based paint in homes and buildings built before 1978, thus creating new lead hazards, individual renovators must be trained in certified lead-safe RRP practices. Only firms that are certified can accomplish this work.

### Lead Abatement Activities versus RRP Projects

Lead abatement activities and RRP projects may sometimes look similar, but they are two (2) separate programs that require different certifications and are regulated differently by EPA. The similarities and differences between the two are shown in the table below.

	<b>Lead Abatement Activities</b>	<b>Similar or Different</b>	<b>RRP Projects</b>
<b>Purpose</b>	<ul style="list-style-type: none"> <li>Permanently eliminate existing lead-based paint hazards</li> </ul>	Different	<ul style="list-style-type: none"> <li>Conduct renovations, repairs or painting to reduce lead-based paint hazards</li> </ul>
<b>Initiated By</b>	<ul style="list-style-type: none"> <li>Federal, State, or Local government</li> <li>Voluntary request by property owner</li> </ul>	Different	<ul style="list-style-type: none"> <li>Voluntary request by property owner</li> </ul>
<b>Certifications</b>	<ul style="list-style-type: none"> <li>Individuals must be trained and certified in lead abatement activities</li> <li>Firms must be certified to conduct lead abatement activities</li> </ul>	Similar	<ul style="list-style-type: none"> <li>Individuals must be trained and certified in RRP activities</li> <li>Firms must be certified to conduct RRP activities</li> </ul>
<b>Occupant Protection</b>	<ul style="list-style-type: none"> <li>Firms are required to make sure occupants are out of the home, child care facility or preschool</li> </ul>	Different	<ul style="list-style-type: none"> <li>Firms are not required to make sure occupants are out of the home, child care facility or preschool</li> <li>Firms must distribute EPA's <i>The Lead-Safe Certified Guide to Renovate Right</i> before starting renovation work</li> <li>Occupants should not be present in the work area</li> </ul>

Source: <https://www.epa.gov/lead/lead-abatement-versus-lead-rrp>

**APPENDIX II**

**ABATEMENT COMPLIANCE CHECKLIST**

## ABATEMENT COMPLIANCE CHECKLIST

Property Address: \_\_\_\_\_ Abatement Date(s): \_\_\_\_\_

### Pre-Abatement Checklist

1. The determination has been made that Lead Abatement is necessary and I have conferred with the Executive Director or designee regarding contractor selection and bid requirements.

*Initials:* \_\_\_\_\_ *Date:* \_\_\_\_\_

2. I am aware that HACP/PAHC are not certified as abatement firms, and their employees are not certified to perform abatement work.

*Initials:* \_\_\_\_\_ *Date:* \_\_\_\_\_

3. Contractor selected to perform abatement is listed on The State of New Jersey Department of Community Affairs (DCA) List of Certified Lead Abatement Contractors (pursuant to N.J.A.C. 5:17).  
[https://www.state.nj.us/dca/divisions/codes/publications/pdf\\_lead/ld\\_abat\\_c.pdf](https://www.state.nj.us/dca/divisions/codes/publications/pdf_lead/ld_abat_c.pdf)

*Selected Contractor:* \_\_\_\_\_

*Certification No.:* \_\_\_\_\_ *Received Copies of Current Certification(s)* \_\_\_\_\_

4. Contractor has provided the required pre-project documentation including but not limited to copies of regulatory agency notifications, abatement plan/design, and copies of licenses for all workers/supervisors assigned to the project:

*Initials:* \_\_\_\_\_ *Date:* \_\_\_\_\_

### Post-Abatement Checklist

1. Contractor has provided copy of abatement report and all other final documentation as required by the contract and these records have been filed in the Property Management Office.

*Initials:* \_\_\_\_\_ *Date:* \_\_\_\_\_

2. I am aware that all abatement records must be retained in the Property Management Office for at least three (3) years from the start date of completion of the abatement.

*Date abatement completed:* \_\_\_\_\_ *Initials:* \_\_\_\_\_ *Date:* \_\_\_\_\_

### Certification

\_\_\_\_\_  
HACP/PAHC Authorized Representative  
(print name)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date