

STANDARD OPERATING PROCEDURE FOR LEAD-BASED PAINT ABATEMENT



GATEWAY NATIONAL RECREATION AREA

210 New York Avenue
Staten Island, NY 10305

August 7, 2025

Table of Contents

1.0 GENERAL INFORMATION	3
1.1 Purpose	3
1.2 Regulatory Background.....	3
1.3 Applicability.....	3
1.4 Limitations.....	3
2.0 SCOPE	4
3.0 DETERMINATION OF ABATEMENT ACTION	5
4.0 PROCEDURES FOR IMPLEMENTING A LEAD ABATEMENT	5
5.0 CONTRACTOR RESPONSIBILITIES	5
5.1 Notification	5
5.2 Certified Supervisor.....	6
5.3 Occupant Protection	6
5.4 Post-abatement clearance	6
5.5 Abatement Report	6
5.6 Contractor Records	7
6.0 RECORDKEEPING.....	7
6.1 Contract Documents in FMSS	7
6.2 Update Housing Unit Information	8
7.0 SIGNATURES.....	8
APPENDIX I	9
APPENDIX II	12
APPENDIX III	14

1.0 GENERAL INFORMATION

1.1 Purpose

Gateway has developed this Standard Operating Procedures (SOP) document to establish the procedures for conducting Lead-Based Paint (LBP) Abatement throughout its housing portfolio.

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, including those pertaining to LBP Abatement. When conducting LBP Abatement, New Jersey state regulations may also apply.

1.3 Applicability

This Plan applies to all LBP Abatement activities in Target Housing¹ administered by the National Park Service within Gateway National Recreational Area (GATE) and in dormitory housing constructed prior to 1978. The current GATE pre-1978 housing portfolio (Target Housing and Dormitories) is attached at Appendix I.

Additionally, the requirements of 40 C.F.R. Part 745, Subpart L and this SOP apply to LBP Abatement activities in any building constructed prior to 1978 not currently residential housing but that is subsequently converted to residential use.

1.4 Limitations

GATE is not currently certified by the EPA or New Jersey as an Abatement Firm. GATE employees are not currently certified by the EPA and/or NJ as Abatement Workers/Supervisors. As such, GATE shall not engage in LBP Abatement activities except by certified outside contractors (obtained and qualified through applicable federal contracting procedures) (qualified Certified Abatement Contractor).² This SOP for LBP Abatement is not a replacement for compliance with all applicable laws and there may be additional regulations with which GATE and/or its contractors must comply.

¹ The term “target housing” means any housing constructed prior to 1978, except housing for the elderly or persons with disabilities or any 0-bedroom dwelling (unless any child who is less than 6 years of age resides or is expected to reside in such housing). 15 U.S.C. § 2681(17).

² To be a “qualified Certified Abatement Contractor,” in addition to meeting any applicable qualification requirements in the Federal Acquisition Regulation, the contractor must be certified to perform LBP Abatement pursuant to 40 C.F.R. Part 745 Subpart L. If GATE intends or desires in the future that its maintenance staff perform LBP Abatement in Target Housing, it will obtain firm and employee certification in accordance with the procedures at 40 C.F.R. 745.226 and this SOP shall apply.

2.0 SCOPE

This plan is intended to provide direction to qualified Certified Abatement Contractors and subcontractors for conducting LBP Abatement (as defined below) in GATE's pre-1978 housing portfolio and to GATE staff responsible for oversight and record keeping.

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, except projects that are covered under paragraph (G) below.
- F. Projects resulting in the permanent elimination of lead-based paint hazards, which 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.

Although the scope of this SOP is confined to abatement, it is not intended to discourage the use of interim controls or similar lead hazard control measures.³

3.0 DETERMINATION OF ABATEMENT ACTION

The determination of whether a lead-based paint abatement activity is necessary shall be made by GATE's Environmental Compliance Manager or designee. If the Environmental Compliance Manager or designee is not an EPA-certified renovator pursuant to the Renovation, Repair, and Painting (RRP) Rule, in making a determination the Environmental Compliance Manager or designee will consult with a GATE maintenance supervisor or staff who is certified.

See **Appendix II** for differences between lead abatement and lead renovation, repair, and painting activities.

4.0 PROCEDURES FOR IMPLEMENTING A LEAD ABATEMENT

When the Environmental Compliance Manager confirms that LBP Abatement is necessary, a 3rd-party qualified Certified Abatement Contractor shall be retained to perform the work and the solicitation and contracting documents shall require such certification.

The EPA maintains a "Locator" for Lead-Based Paint Professionals in which certified Lead Abatement Contractors can be identified based on distance from a given zip code. The EPA locator can be found at <https://cdxapps.epa.gov/ocspp-oppt-lead/firm-location-search>. The State of New Jersey also maintains a list of certified Lead Abatement Contractors at https://www.nj.gov/dca/codes/offices/leadhazard_abatement.shtml.

Any procurement contract to perform Lead Abatement work shall be solicited and awarded in compliance with applicable laws, including the Federal Acquisition Regulation.

5.0 CONTRACTOR RESPONSIBILITIES

The qualified Certified Abatement 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, which are described in Section 6.1. Requirements with which the contractor must comply include the following:

5.1 Notification

The qualified Certified Abatement Contractor is responsible for providing notice to the EPA or the state of New Jersey, as applicable, prior to conducting LBP Abatement activities. Notification of the commencement of LBP Abatement activities as a result of a federal, state, or local order should be received by EPA as early as possible before, but must be received no later than the start date of the LBP

³ Interim controls may constitute renovations pursuant to 40 C.F.R. Part 745 Subpart E, in which case they would be regulated under the Renovation, Repair, and Painting ("RRP") Rule located at that subpart. A separate Standard Operating Procedure concerns work covered by the RRP Rule.

Abatement activities. All other notifications must be received by EPA (or the state of New Jersey, as applicable) at least 5 business days before the start date of any LBP Abatement activities.

5.2 Certified Supervisor

The qualified Certified Abatement Contractor is responsible for ensuring that a certified supervisor is present at each abatement project for all work site preparation and during the post-abatement cleanup of work areas. When the supervisor is not on-site, he or she must be available via other means of communication and be able to be present at the work site in no more than 2 hours.

5.3 Occupant Protection

The qualified Certified Abatement Contractor shall provide a copy of its occupant protection plan, developed by a certified abatement supervisor or project designer, to GATE in advance of LBP Abatement activities and shall coordinate with GATE for communication with the occupant where protective measures require any adjustment to the occupant's use of all or any part of the housing unit. If voluntarily undertaking a LBP Abatement activity, GATE will endeavor to prioritize such work in unoccupied units.

5.4 Post-abatement clearance

After an abatement, the qualified Certified Abatement Contractor is responsible for completing required post-abatement clearance of the site. Obligations include ensuring (a) a certified inspector or risk assessor performs a visual inspection to determine if deteriorated painted surfaces and/or visible amounts of dust, debris or residue are still present; (b) if deteriorated painted surfaces or visible amounts of dust, debris or residue are present, eliminating these conditions prior to the continuation of the clearance procedures; and (c) after the visual inspection and any post-abatement cleanup, conducting clearance sampling for lead in dust. Clearance sampling may be conducted by employing single-surface sampling or composite sampling techniques and shall be consistent with the requirements of 40 CFR § 745.227(e)(8). Clearance sampling shall be conducted by a third party other than the qualified Certified Abatement Contractor, regardless of whether the Certified Abatement Contractor is also qualified to perform clearance sampling.

5.5 Abatement Report

A certified supervisor or project designer⁴ of the qualified Certified Abatement Contractor shall prepare, retain, and provide to NPS an Abatement Report which shall include the following information:

- A. Start and completion dates of abatement.
- B. The name and address of each certified firm conducting the abatement and the name of each supervisor assigned to the abatement project.
- C. The occupant protection plan prepared pursuant to 40 CFR § 745.227(e)(5).

⁴ To be a certified "supervisor" or "project designer" the individual must be certified to perform the relevant discipline pursuant to 40 C.F.R. 745.226(b) or (c), respectively. Certification requirements include having completed an accredited course in the specified discipline, passing a certification exam (if applicable), and meeting or exceeding specified experience and/or education requirements.

D. The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing.

E. The results of clearance testing and all soil analyses (if applicable) and the name of each recognized laboratory that conducted the analyses.

F. A detailed written description of the abatement, including abatement methods used, locations of rooms and/or components where abatement occurred, reason for selecting particular abatement methods for each component, and any suggested monitoring of encapsulants or enclosures.

5.6 Contractor Records

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 GATE. The Contractor shall be required to provide copies of all documentation pertaining to the LBP Abatement including but not limited to notifications, the abatement report, abatement certifications, regulatory submissions, testing results, and plans/designs.

6.0 RECORDKEEPING

The Manager (or designee) who initiates the LBP Abatement activity shall complete the form titled *Abatement Compliance Checklist* included in **Appendix III**. A copy of the completed checklist shall be retained, along with all Contractor provided records, for at least three (3) years from the completion of the abatement action.

6.1 Contract Documents in FMSS

The Facility Management Program Manager will ensure the project is tracked in the Facility Management Software System (FMSS) to enable ready access to the contractor-provided records.

- A. A work order will be created for any LBP Abatement work. The work order title will include “LBP Abatement” to denote that it is work subject to the abatement regulations.
- B. The LBP Abatement work order shall be linked to the park-wide “Standing Work Order”⁵ for LBP work in the “Originating Record” field in the order tracking. This ensures that all LBP abatement work can be identified by running a query for related work orders on the Standing Work Order (and identifying those titled as “LBP Abatement”).
- C. Once an abatement project has been successfully funded in PMIS, the park will utilize “PST work order tracking”⁶ to enter relevant Contracting Officer Representative (COR) details into the individual LBP abatement work orders contained in the project.
- D. The COR responsible for administering and monitoring the contract at GATE will be input in the work order title and the “Lead” field.

⁵ The Standing Work Order for LBP work shall remain in “COSTED” status.

⁶ PST refers to the Project Scoping Tool, a section within FMSS, which is utilized solely for tracking work performed by contractors.

- E. Upon completion of the LBP Abatement work, the Facility Management Program Manager (or designee) will upload the completed *Abatement Compliance Checklist* together with the contractor-provided records to the relevant LBP Abatement work order utilizing the “Attachments” field of the work order.
- F. The Facility Management Program Manager (or designee) will be responsible for ensuring contractor-provided records concerning the LBP Abatement work and the Abatement Compliance Checklist are maintained for 3 years following contract completion. To facilitate ease of locating LBP Abatement work records, the work order will be kept in an open status in FMSS for the entirety of the EPA-required 3-year recordkeeping period.

6.2 Update Housing Unit Information

After completing the *Abatement Compliance Checklist*, the Facility Management Program Manager will provide the LBP Abatement information and records for the unit to the Housing Manager. The Housing Manager or designee will update iQMIS with the new LBP Abatement information for each unit affected. Information about LBP Abatement will be updated in iQMIS under the “Building” information section. Records pertaining to the LBP Abatement, including the Abatement Report and any testing results, will be uploaded to the “Housing Attachments” within the applicable “Housing Unit” section of iQMIS.

If a unit is occupied at the time of the LBP Abatement activities, the new LBP information obtained upon completion of the work will be disclosed to the tenant in accordance with the process described in Section II of the *GATE Standard Operating Procedure for Federal Lead Paint Disclosure Rule*.

7.0 SIGNATURES

APPENDIX I
GATE Residential Housing Constructed Prior to 1978

Quarter Number	Quarter Name	Rent Class	Date Built
00000001	FBF-1	Plex	1/1/1965
00000002	FBF-2	Plex	1/1/1965
00000003	FBF-3	Plex	1/1/1965
00000004	FBF-4	Plex	1/1/1965
00000005	FBF-5	Plex	1/1/1965
00000009	MF-9	House	1/1/1920
00000010	MF-10	House	1/1/1920
00000011	MF-11	House	1/1/1920
00000012	MF-12	House	1/1/1920
00000013	MF-13	House	1/1/1920
00000014	MF-14	House	1/1/1920
00000016	MF -16	House	1/1/1920
00000017	MF-17	House	1/1/1920
00000018	MF-18	House	1/1/1920
00000019	MF-19	House	1/1/1920
00000020	MF-20	House	1/1/1920
00000021	MF-21	House	1/1/1920
00000022	TILDEN 22	Dormitory	1/1/1938
00000023	TILDEN 23	Dormitory	1/1/1938
00000041	SHU 41-L-DORM	Dormitory	1/1/1941
00000064	SHU 64	House	1/1/1907
0000006A	MF 6A	Apartment	1/1/1920
0000006B	MF 6B	Apartment	1/1/1920
0000006C	MF 6C	Apartment	1/1/1920
0000006D	MF 6D	Apartment	1/1/1920
00000133	TILDEN-133	House	1/1/1938
00000134	TILDEN-134	House	1/1/1938

00000135	TILDEN-135	House	1/1/1938
00000136	TILDEN-136	House	1/1/1938
0000029A	SHU 29A	Plex	01/01/1899
0000029B	SHU 29B	Plex	01/01/1899
0000030A	SHU 30A	Plex	01/01/1899
0000030B	SHU 30B	Plex	1/1/1905
00000338	SHU 338	House	1/1/1905
00000340	SHU 340	House	01/01/1899
0000066E	SHU 66E	Plex	1/1/1908
0000066W	SHU 66W	Plex	1/1/1908
0000071A	SHU 71A	Plex	1/1/1909
0000071B	SHU 71B	Plex	1/1/1909
0000072A	SHU 72A	Plex	1/1/1909
0000072B	SHU 72B	Plex	1/1/1909
0000073A	SHU 73A	Plex	1/1/1909
0000073B	SHU 73B	Plex	1/1/1909
0000075A	SHU 75A	Plex	1/1/1910
0000075B	SHU 75B	Plex	1/1/1910
0000106A	TILDEN-106A	Plex	1/1/1920
0000106B	TILDEN -106B	Plex	1/1/1920
0000144A	SHU 144A	Plex	1/1/1939
0000144B	SHU 144B	Plex	1/1/1939
0000145A	SHU 145A	Plex	1/1/1939
0000145B	SHU 145B	Plex	1/1/1939
000MF-15	MF 15	House	2/14/1920
0099101A	MONT 101A	Plex	1/1/1933
0099101B	MONT 101-B	Plex	1/1/1933
0099102A	MONT 102-A	Plex	1/1/1939
0099102B	MONT 102-B	Plex	1/1/1939
0099103A	MONT 103-A	Plex	01/01/1872
0099103B	MONT 103-B	Plex	01/01/1872

0099106A	MONT 106-A	Plex	1/1/1932
0099106B	MONT 106-B	Plex	1/1/1932
0099107A	MONT 107-A	Plex	1/1/1932
0099107B	MONT 107-B	Plex	1/1/1932
0099110A	MONT 110-A	Plex	1/1/1933
0099110B	MONT 110-B	Plex	1/1/1933
0099111A	MONT 111-A	Plex	01/01/1890
0099111B	MONT 111-B	Plex	01/01/1890
0099112B	MONT 112-B	Plex	01/01/1890
0099113A	MONT 113-A	Plex	01/01/1889
0099113B	MONT 113-B	Plex	01/01/1889
0099114A	MONT 114-A	Plex	01/01/1889
0099114B	MONT 114-B	Plex	01/01/1889
0099118A	NYA-118A	Plex	1/1/1946
0099118B	NYA-118B	Plex	1/1/1946
0099118C	NYA -118C	Plex	1/1/1946
0099118D	NYA -118D	Plex	1/1/1946
0099118E	NYA-118E	Plex	1/1/1946
0099119A	NYA-119A	Plex	1/1/1939
0099119B	NYA-119B	Plex	1/1/1939
00999115	MONT 115	House	1/1/1933
0000000C	FBF-C	House	1/1/1965
0000000D	FBF-D	House	1/1/1965
0000000E	FBF-E	House	1/1/1965

APPENDIX II

LEAD-ABATEMENT VS. LEAD RENOVATION REPAIR and PAINTING

Abatement and 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 (including 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 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.

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 and certified lead-safe RRP practices, and firms must be certified.

Lead Abatement Activities versus RRP Projects

Lead abatement activities and RRP projects may sometimes look similar, but they are two 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.

	Lead Abatement Activities	Similar or Different	RRP Projects
Purpose	Permanently eliminate existing lead-based paint hazards	Different	Conduct renovations, repairs or painting to reduce lead-based paint hazards
Initiated By	- Tribal, state or local government - Voluntary request by property owner	Different	Voluntary request by property owner
Certifications	- Individuals must be trained and certified in lead abatement activities - Firms must be certified to conduct lead abatement activities	Similar	- Individuals must be trained and certified in RRP activities - Firms must be certified to conduct RRP activities
Occupant Protection	Firms are required to make sure occupants are out of the home, child care facility or preschool	Different	- Firms are not required to make sure occupants are out of the home, child care facility or preschool - Firms must distribute EPA's <i>The Lead-Safe Certified Guide to Renovate Right</i> before starting renovation work - Occupants should not be present in the work area

Source: <https://www.epa.gov/lead/lead-abatement-versus-lead-rrp> (Last updated July 5, 2024)

Note: Occupant protection for RRP includes posting signs.

APPENDIX III
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 Contracting Officer regarding contractor selection and bid requirements.

Initials: _____ Date: _____

2. I am aware that the GATE is not certified as an abatement firm, and their employees are not certified to perform abatement work.

Initials: _____ Date: _____

3. Contractor selected to perform abatement is licensed and certified by the EPA/State of New Jersey (circle one) to perform all aspects of lead abatement and any/all associated work of the assigned project.

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, Occupant Protection Plan, 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 uploaded to FMSS and provided to the Housing Manager to be filed in the Housing Office and uploaded to iQMIS.

Initials: _____ Date: _____

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

Date abatement completed: _____ Initials: _____ Date: _____

Certification

_____	_____	_____
GATE Authorized Representative (print name)	Signature	Date