

17 November 1997

Re: NEPA Technical Inquiry 0176A - Lead-Based Paint Removal Guidelines

Dear NEPA Call-In User:

This letter is in further response to your October 8, 1997 request for information about lead-based paint (LBP) removal requirements for a GSA building under your management. You stated you wanted to initiate a renovation project to replace large curtain windows in the building which are not energy efficient. The frames of this window style, as well as other surrounding surfaces, are suspected of being painted with LBP. You also stated this 386,000 square foot building was built in the 1940's. You wanted to test for the presence of lead, and requested guidance on the regulatory issues which apply to a renovation project like this.

SUMMARY OF FINDINGS

NEPA Call-In has not yet received the report titled, "The Applicability of RCRA Disposal Requirements to Lead-based Paint Waste," from the National Lead Information Center. We will forward this report to you immediately upon receipt.

DETAILED FINDINGS

In our previous response dated October 24, 1997, NEPA Call-In determined an action such as this is subject to the requirements of the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). GSA guidance for LBP activities is contained in the GSA Technical Guide E402.1097, "Lead-Based Paint." Federal regulations affecting LBP activities such as removal actions in public buildings (except child-occupied facilities), commercial buildings, and steel structures are currently being developed by the Environmental Protection Agency (EPA). If you decide to abate LBP, the Occupational Safety and Health Administration (OSHA) has developed training standards for workers and contractors performing lead removal activities. Waste produced from LBP removal activities may be regulated by the Resource Conservation and Recovery Act (RCRA). The State of Colorado is currently developing its own standards for LBP activities. Finally, we identified a report titled, "The applicability of RCRA disposal requirements to lead-based paint waste," available from the National Lead Information Center, (800) 424-5323. NEPA Call-In stated we would forward this report to you upon receipt from the National Lead Information Center.

Since our previous response, we have not yet received the above mentioned report from the National Lead Information Center. We will forward the report to you immediately upon receipt. The materials in this TI have been prepared for use by GSA employees and contractors and are made available at this site only to permit the general public to learn more about NEPA. The information is not intended to constitute legal advice or substitute for obtaining legal advice from an attorney licensed in your state and may or may not reflect the most current legal developments. Readers should also be aware that this response is based upon laws, regulations, and policies in place at the time it was prepared and that this response will not be updated to reflect changes to those laws, regulations and policies.

Sincerely,

(Original Signed)

NEPA Call-In Researcher