

February 1999

Re: NEPA Call-In Technical Inquiry 0459 - Lead Contamination in Soil

This letter is in response to your January 25, 1999 request for information about GSA's requirements concerning lead-contaminated soil. You stated you are in the process of transferring GSA property in your region to a county government. The county is concerned about a report prepared for the site that discusses elevated levels of lead in the soil. You are aware that you must disclose information about the elevated lead levels prior to conveying the property, and would like to know what other obligations GSA has in dealing with the contaminated soil.

## SUMMARY OF FINDINGS

NEPA Call-In reviewed Federal environmental regulations and found requirements for cleanup levels if the site is being cleaned up pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or the Resource Conservation Recovery Act (RCRA). There are no other Federal cleanup or other requirements for soil contaminated with lead that apply to your site. However, depending upon the land use classification of the specific site, the particular State requires remedial action when soil lead levels meet or exceed 50 parts per million (ppm) for non-industrial sites or 500 ppm for industrial sites. Our detailed findings are presented below.

## DETAILED FINDINGS

NEPA Call-In first reviewed Environmental Protection Agency guidance, "Revised Interim Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities," 1994. This guidance sets a 400 ppm soil cleanup level for sites being regulated by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or the Resource Conservation Recovery Act (RCRA). If your site were under the jurisdiction of one of these Federal authorities, soil would have to be remediated to the 400 ppm standard.

We then contacted a representative of the National Lead Information Center, (800) 424-5323, for information related to your inquiry. The representative we spoke with stated there are no current Federal regulations or standards for cleanup of lead-contaminated soil other than CERCLA or RCRA, as cited above. The representative further stated we should inquire with the State about its requirements, since State regulations are typically more stringent than Federal regulations.

NEPA Call-In then searched the Bureau of National Affairs (BNA) database of environmental regulations, but did not locate additional Federal requirements that would apply to your site. We then searched the BNA database for regulations for the State. We reviewed the State Final Regulations (WFR), Chapter HFS 163.03(27) for Lead Abatement, other Lead Hazard Reduction and Lead Management Activities, and Accreditation of Training Courses, states:

"The Department recommends soil with lead levels above 5,000 mg/g be removed or paved over. The State Department of Natural Resources (DNR) standard for non-industrial lead in soil under NR 720.11, Table 2, is 50 parts per million (ppm) (industrial soil clean-up level is 500 ppm)."

Therefore, if the site report in question reveals lead levels in excess of 5,000 mg/g, the State suggests management of the soil in the form of abatement or paving over, which should be done in consultation with the State DNR.

We then contacted the State DNR to inquire about any additional requirements. We were directed to Ms. Terry Evanson, State DNR. Ms. Evanson stated regulatory cleanup levels for soil that is contaminated with lead depend upon the classification of the site; non-industrial or industrial. If the site is classified as industrial, soil lead levels must meet or exceed 500 ppm to warrant remedial action. If the site is classified as non-industrial, soil lead levels only need to reach or exceed 50 ppm to warrant remedial action. Clarification of the land use classification and procedures for determining soil cleanup standards specific to a site or facility are provided in WFR NR 720.11 and 720.19 (enclosed).

Ms. Evanson further stated you should contact Mr. Resty Pelayo, Hydrogeologist, State DNR, for specific inquiries related to the applicability of the State regulations to the site in question.

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