

1 Pollution Control Agency

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3 Adopted Permanent Rules Relating to Priorities for Soil Lead
4 Abatement

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6 Rules as Adopted

7 4760.0500 SCOPE.

8 Parts 4760.0500 to 4760.0540 establish procedures for
9 determining priorities for response action for residential sites
10 and playgrounds in the state where soils are found to be
11 contaminated with lead, as required by Minnesota Statutes,
12 section 116.53, subdivision 2.

13 4760.0510 DEFINITIONS.

14 Subpart 1. **Scope.** As used in parts 4760.0500 to
15 4760.0540, the following terms have the meanings given them.

16 Subp. 2. **Child.** "Child" means a human being under the age
17 of six years.

18 Subp. 3. **Distributing authority.** "Distributing authority"
19 means a governmental agency or entity, such as a local board of
20 health, that distributes funds for the abatement of soil lead
21 contamination.

22 Subp. 4. **Elevated blood lead level.** "Elevated blood lead
23 level" means a confirmed concentration of 25 micrograms or more
24 of lead in each deciliter of whole blood.

25 Subp. 5. **Person.** "Person" has the meaning given in
26 Minnesota Statutes, section 116.06, subdivision 8.

27 Subp. 6. **Playground.** "Playground" means an open area,
28 including vacant lots, used for outdoor games, recreation, and
29 amusement that may contain swings, seesaws, slides, or other
30 means for children's recreation and play.

31 Subp. 7. **Residence.** "Residence" means a house, duplex,
32 apartment, or other building or structure used or intended for
33 use as human habitation and the real property upon which the
34 building or structure is located.

35 Subp. 8. **Response action.** "Response action" has the

1 meaning given in Minnesota Statutes, section 116.51, subdivision
2 5.

3 Subp. 9. Site. "Site" means an area of land that has been
4 sampled for soil lead concentration. A site may be as small as
5 a residence or as large as a census tract.

6 4760.0520 PRIORITY RANKING SYSTEM.

7 Subpart 1. Priority one. A site is a priority one site if
8 the site contains more than 300 parts per million lead and the
9 site is a residence of a child with an elevated blood lead level
10 or the residence of a pregnant woman with a blood lead level of
11 ten micrograms per deciliter or more.

12 Subp. 2. Priority two. A site is a priority two site if
13 the site contains more than 300 parts per million lead and the
14 site is a residence or a playground and the site is frequented
15 by a child with an elevated blood lead level.

16 Subp. 3. Priority three. A site is a priority three site
17 if it is a census tract that meets one or more of the following
18 criteria:

19 A. it contains the residence of a child with an
20 elevated blood lead level or a pregnant woman with a blood lead
21 level of ten micrograms per deciliter or more;

22 B. any soil sample within the census tract indicates
23 a soil lead level of more than 300 parts per million; or

24 C. the census tract is on the following list:

25	CENSUS TRACT		CITY	LOWER	MEAN	UPPER
26	NUMBER			CONFIDENCE		CONFIDENCE
27				LIMIT		LIMIT
28						
29	1.	84	Minneapolis	460.019	736.507	1179.170
30	2.	332	St. Paul	361.915	733.350	1485.990
31	3.	83	Minneapolis	358.645	460.916	592.350
32	4.	71	Minneapolis	340.962	514.736	777.080
33	5.	78	Minneapolis	336.858	459.276	626.180
34	6.	72	Minneapolis	324.952	412.103	522.630
35	7.	69	Minneapolis	322.637	407.247	514.050
36	8.	79	Minneapolis	310.606	514.142	851.050
37	9.	93	Minneapolis	291.339	640.391	1407.640
38	10.	18	Minneapolis	241.486	437.469	792.510
39	11.	23	Minneapolis	239.560	536.452	1201.290
40	12.	12	Duluth	250.261	519.718	1079.300
41	13.	82	Minneapolis	264.749	379.520	544.050
42	14.	25	Minneapolis	182.547	509.773	1423.570
43	15.	354	St. Paul	260.405	363.646	507.820
44	16.	15	Minneapolis	209.802	450.573	967.660
45	17.	366	St. Paul	112.570	588.720	3078.890
46	18.	47	Minneapolis	192.907	417.770	904.750

1	19.	70	Minneapolis	37.422	363.044	3522.060
2	20.	94	Minneapolis	187.400	400.858	857.460
3	21.	22	Minneapolis	251.728	346.117	476.720
4	22.	92	Minneapolis	112.740	495.288	2175.890
5	23.	86	Minneapolis	186.407	349.367	654.790
6	24.	337	St. Paul	245.707	319.574	415.650
7	25.	35	Minneapolis	160.398	338.992	716.440
8	26.	344	St. Paul	218.728	320.605	469.930
9	27.	57	Minneapolis	164.839	290.643	512.460
10	28.	65	Minneapolis	52.789	257.315	1254.250
11	29.	21	Minneapolis	66.709	255.534	978.840
12	30.	19	Minneapolis	171.870	282.398	464.000
13	31.	36	Minneapolis	94.638	254.595	684.910
14	32.	111	Minneapolis	110.134	257.701	602.990
15	33.	312	St. Paul	47.241	227.399	1094.610
16	34.	103	Minneapolis	40.160	218.218	1185.740
17	35.	368	St. Paul	3.343	136.804	5597.760
18	36.	2	Minneapolis	104.219	239.240	549.190
19	37.	17	Minneapolis	46.312	192.512	800.230
20	38.	27	Duluth	57.187	191.895	643.920
21	39.	85	Minneapolis	146.515	244.739	408.810
22	40.	16	Duluth	69.174	197.015	561.120
23	41.	54	Minneapolis	39.020	161.430	667.850
24	42.	50	Minneapolis	186.525	255.434	349.800
25	43.	95	Minneapolis	123.395	217.816	384.490
26	44.	320	St. Paul	0.124	31.690	8091.850
27	45.	325	St. Paul	122.539	213.922	373.450
28	46.	99	Minneapolis	79.929	189.789	450.650
29	47.	60	Minneapolis	114.333	204.372	365.320
30	48.	61	Minneapolis	74.229	173.984	407.800
31	49.	49	Minneapolis	56.477	159.926	452.870
32	50.	371	St. Paul	135.290	216.914	347.786
33	51.	18	Duluth	28.309	112.400	446.290
34	52.	75	Minneapolis	93.796	195.579	407.810
35	53.	340	St. Paul	99.113	183.212	338.672
36	54.	363	St. Paul	29.196	110.590	418.900
37	55.	350	St. Paul	22.960	99.916	434.810
38	56.	19	Duluth	90.188	196.893	429.840
39	57.	28	Duluth	56.699	139.281	342.145
40	58.	112	Minneapolis	48.806	126.633	328.561
41	59.	16	Minneapolis	29.691	98.646	327.741
42	60.	52	Minneapolis	0.750	16.699	372.000
43	61.	357	St. Paul	115.904	188.437	306.360
44	62.	73	Minneapolis	71.059	148.505	310.357
45	63.	349	St. Paul	58.097	136.714	321.717
46	64.	315	St. Paul	152.960	214.613	301.116

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48 Subp. 4. Prioritizing census tracts. Priority three
49 census tracts are further prioritized as described in items A to
50 D.

51 A. A census tract is a priority A if the upper and
52 lower confidence level values for soil lead, within a 95 percent
53 confidence interval, exceed 300 parts per million and a child
54 with an elevated blood lead level or a pregnant woman with a
55 blood lead level of ten micrograms per deciliter or more resides
56 within the census tract.

57 B. A census tract is a priority B if the upper
58 confidence level value for soil lead, within a 95 percent
59 confidence interval, exceed 300 parts per million and a child

1 with an elevated blood lead level or a pregnant woman with a
2 blood lead level of ten micrograms per deciliter or more resides
3 within the census tract.

4 C. A census tract is a priority C if the upper and
5 lower confidence level values for soil lead, within a 95 percent
6 confidence interval, exceed 300 parts per million.

7 D. A census tract is a priority D if the upper
8 confidence level value for soil lead, within a 95 percent
9 confidence interval, exceeds 300 parts per million.

10 Subp. 5. **Individual residences and playgrounds within a**
11 **census tract.** A residence or playground within a census tract
12 that meets the criteria for a priority one or a priority two
13 site must be prioritized as a priority one or a priority two
14 site.

15 Subp. 6. **Ranking.** A site must be ranked at the highest
16 priority for which it qualifies, whether the site is a residence
17 or a playground or a census tract.

18 4760.0530 ABATEMENT PRIORITY LIST.

19 Subpart 1. **Distributing authority.** A distributing
20 authority shall prepare an abatement priority list that ranks
21 known sites within the distributing authority's jurisdiction
22 according to the priorities established in part 4760.0520. The
23 abatement list shall list those known residences and playgrounds
24 that are priority one or priority two and those known census
25 tracts as priority 3A, 3B, 3C, or 3D. The abatement list shall
26 be prepared before the distributing authority uses public funds
27 to abate any site.

28 Subp. 2. **Amendment of list.** A distributing authority may
29 at any time amend its abatement priority list. A distributing
30 authority shall add additional sites to its abatement priority
31 list at any time that information becomes available identifying
32 new sites.

33 Subp. 3. **Additional sampling.** A distributing authority
34 may elect to take additional samples before prioritizing a
35 residence or playground or a census tract. The distributing

1 authority shall consider all sample results that the authority
2 considers reliable in making a decision on the proper priority
3 ranking for a particular residence or playground or census tract.

4 4760.0540 RESPONSE ACTION.

5 Subpart 1. Use of public funds. No distributing authority
6 shall authorize public funds for abatement until the authority
7 has prepared an abatement priority list. Public funds shall be
8 used for abatement in order of priority established by the
9 abatement priority list.

10 Subp. 2. Additional abatement. Nothing in parts 4760.0500
11 to 4760.0540 shall be construed to preclude any person from
12 abating any site, regardless of priority, if the person pays for
13 the abatement without the use of public funds or if the soil
14 abatement is part of a publicly funded abatement project that is
15 not strictly limited to soil lead abatement.

16 Subp. 3. Abatement not required. Parts 4760.0500 to
17 4760.0540 do not require:

18 A. any person to abate any site at that person's
19 expense; or

20 B. a distributing authority to abate any site that
21 does not exceed the soil lead standard of 300 parts per million.

22 Subp. 4. Abatement procedures. A person who undertakes
23 abatement of a site contaminated with lead shall follow the
24 abatement procedures in chapter 4760.