

ONEIDA COUNTY HEALTH DEPARTMENT

Adirondack Bank Building, 4th Floor, 185 Genesee St., Utica, NY 13501

ANTHONY J. PICENTE, JR.
ONEIDA COUNTY EXECUTIVE



PHYLLIS D. ELLIS, BSN, MS, F.A.C.H.E.
DIRECTOR OF HEALTH

ENVIRONMENTAL HEALTH DIVISION

Phone: (315) 798-5064 • Fax: (315) 798-6486 • Email: environmentalhealth@ocgov.net

April 27, 2015

CERTIFIED & REGULAR MAIL

Tracy Wilson
5575 Valley Road
Oriskany, NY 13424

RE: NOTICE AND DEMAND
Case #215-1453Pb
Lead Hazards
5565 Valley Road
Oriskany, NY 13424

To Whom It May Concern:

A lead poisoning investigation has been performed by a representative of this department in response to a referral received from the Childhood Lead Poisoning Prevention Program regarding the report of a child with an elevated blood lead level (BLL) residing at or frequently visiting the above referenced dwelling. A lead hazard assessment of the dwelling was performed on April 24, 2015. On this date, the existence of "conditions conducive to lead poisoning" was verified.

OWNERS: YOU MUST CONTACT THIS OFFICE BY (May 11, 2015)

CHILDREN MAY BE AT RISK!

TAKE NO ACTIONS UNTIL YOU HAVE CALLED 315-798-5412 AND TALKED WITH AN INVESTIGATOR

Pursuant to Section 1373 of the New York State Public Health Law, this letter serves as the required Notice and Demand for the discontinuance of conditions conducive to lead poisoning. A condition conducive to lead poisoning is defined as a surface that contains more than 0.5% lead by weight or more than 1.0 mg/cm² of lead and is either in deteriorating condition, an accessible mouthable surface, or subject to friction or abrasion. Measurement of lead in surface coatings was determined by laboratory analysis of paint chips samples and/or with a special calibrated field instrument known as an x-ray fluorescence analyzer. Those surface locations or building components which are conditions conducive to lead poisoning are noted on the attached Investigation Report.

Correction of all areas listed in Interior Surfaces (Attachment) must be completed by May 27, 2015 or before.

Corrections of all areas listed in Exterior Surfaces (Attachment) are by due June 27, 2015.

A representative of this department is willing to meet with you or your representative at the listed address by appointment, to walk you through the required steps, to show you what is needed to perform the work and to answer your questions. **We advise you to take this offer.** The department will conduct re-inspections to ensure compliance with applicable laws, rules and guidelines at or around the above listed due dates.

Initial steps should immediately be taken to minimize further exposure to lead and lead dust. These initial steps include 1) restricting children's access to any areas where leaded paint is in disrepair; 2) wet cleaning or wet mopping of all surfaces that may contain lead dust and 3) removing any large visible paint chips from areas accessible to children. It is important that the person performing these operations be aware of the significance of these measures in reducing the child's lead exposure.

There are a variety of methods to eliminate conditions conducive to lead poisoning, some of which require an EPA certified abatement firm (abatement) and some which do not (interim controls). Cleaning, paint stabilization and on-going maintenance are interim controls. Abatement is lead paint removal, replacement, enclosure or encapsulation of specific building components. Interim controls will eliminate the lead hazards and conditions conducive to lead poisoning. Abatement will also eliminate the lead hazards and conditions conducive to lead poisoning, but in addition eliminates any potential for future exposure to lead paint surfaces on the abated component.

Enclosed with this notice is the EPA's Renovate Right: The Lead-Safe Certified Guide to Renovate Right to assist you in understanding how to perform the required work in a lead safe manner. Further information regarding lead poisoning, lead safe work practices, EPA regulations and certifications can be found on the EPA's website, www.epa.gov.

As of April 22, 2010, any work conducted for compensation, including rent, in pre-1978 housing or child-occupied facilities that involves renovation, repair, or painting activities that disrupts more than 6 square feet of painted surfaces per room on the interior, or more than 20 square feet of painted surfaces on the exterior, or that involves demolition or window replacement will need to be conducted by an EPA certified renovation firm.

During certain work activities, all or part of the dwelling unit may have to be vacated to prevent exposure to lead dust and/or lead paint particles. This could include only leaving the dwelling during those periods when work activities are in

progress or, in some cases, temporarily relocating for an extended time period. You and the contractor will be responsible to advise the child's parents/guardians of this necessary action. In all cases, the work area must be properly cleaned at the end of each day. Children and pregnant women must never go near the work area.

LOCATIONS TO REPAIR, CORRECT OR WATCH

The following samples contained equal to or greater than 1.0 mg/cm² metallic lead as determined by the RMD LPA-1/Niton XLp 300A Lead-in-Paint Analyzer and are in some manner in a condition "conducive to lead poisoning" during the initial investigation. The lead present in these samples may be at the surface and/or in underlying painted layers that may now be exposed. Please be aware that although the paint samples were analyzed from the specific areas listed below, the required interim lead-based paint hazard remediation or abatement includes all surfaces that are of similar construction and paint history in the room or area.

IT IS THESE SURFACES THAT REQUIRE ATTENTION:

INTERIOR SURFACES

- | | | |
|-----|--|------------------------|
| 8. | Room 1/2, half door (white) | 2.7 mg/cm ² |
| 22. | Stairwell/Hall, landings (white/green) | 1.5 mg/cm ² |

EXTERIOR SURFACES

- | | | |
|-----|---|-------------------------|
| 40. | House Exterior, window sash (white) | 1.1 mg/cm ² |
| 41. | House Exterior, window well (white) | 1.2 mg/cm ² |
| 42. | House Exterior, window casing (white) | 1.3 mg/cm ² |
| 43. | House Exterior, exterior window track (white) | 1.1 mg/cm ² |
| 47. | House Exterior, older siding (grey) | 17.2 mg/cm ² |

Failure to complete and comply with the terms and provisions of this Notice and Demand may result in maximum penalties being assessed against you, including, but are not limited to, monetary penalties, revocation and/or suspension, denial of permits, placarding, closure or demolition of the premises and any such other action as permitted by law. Payment or Non-Payment of fines does not relieve you from the required remediation of hazards listed in the Notice and Demand. When an owner of a dwelling fails to comply with notice and demand for discontinuance of a condition conducive to lead poisoning, the procedures for enforcement, including formal hearings, receivership and cooperation and assistance from those public officers, departments and agencies of the State and its political subdivisions, as provided in sections 1373, 1374 and 1375 of the Public Health Law, shall be followed.

Any change in tenancy will not be considered a correction of these conditions. If the dwelling becomes vacant, the dwelling unit shall not be re-occupied until a representative of this office certifies that the required corrections in the notice have been satisfactorily completed.

Please also be aware that the federal Residential Lead-Based Paint Hazard Reduction Act, 42 U.S.C. 4852d, requires sellers and landlords of most residential housing built before 1978 to disclose all available records and reports concerning lead-based paint and/or lead-based paint hazards, including the test results contained in this notice, to purchasers and tenants at the time of sale or lease or upon lease renewal. This disclosure must occur even if hazard reduction or abatement has been completed. Failure to disclose these test results is a violation of the U.S. Department of Housing and Urban Development and the U.S. Environmental Protection Agency regulations at 24 CFR Part 35 and 40 CFR Part 745 respectively, and can result in a fine of up to \$11,000 per violation. If you wish to find out more about your obligations to comply with Federal regulations, call (1-800-424-LEAD).

Please contact this office regarding acceptable lead hazard reduction methods, as well as those requiring an EPA certified contractor or if you have any other questions.

Sincerely,



Eric Jackson
Public Health Sanitarian

EJ/js

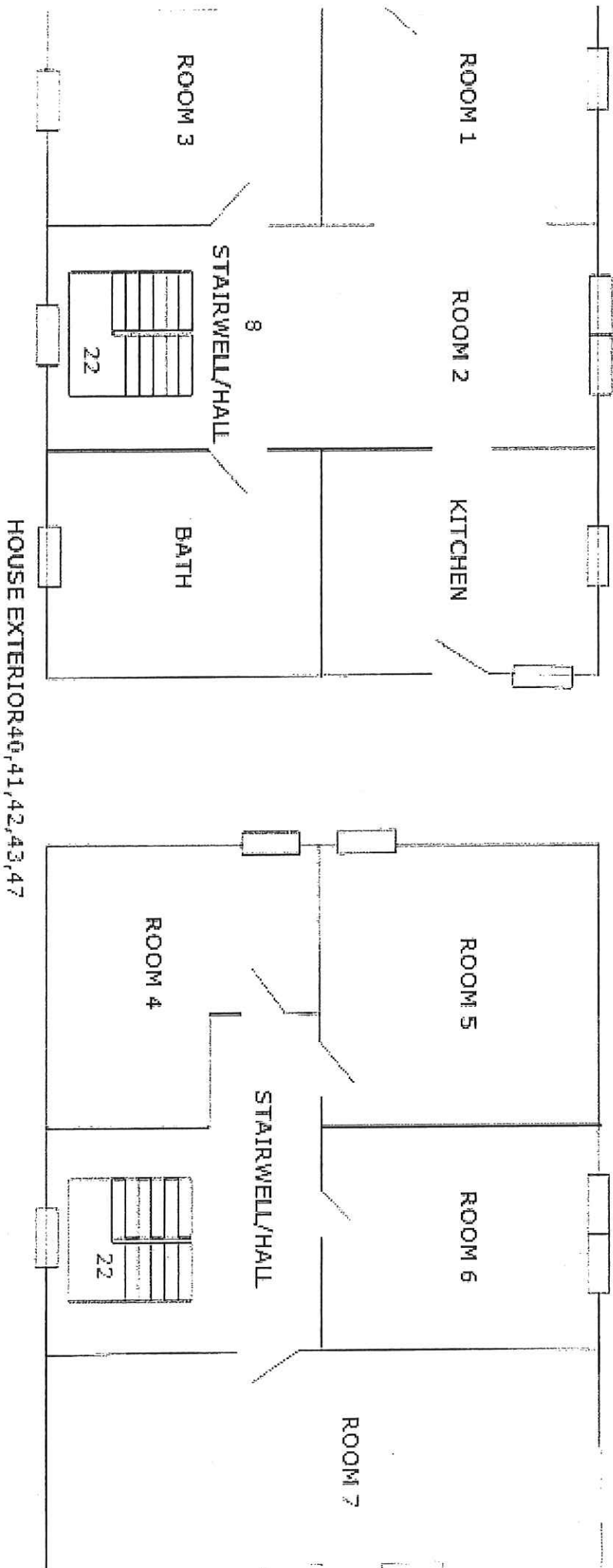
Enclosures

CC: Whitestown Codes Department
Tenant

5565 VALLEY ROAD, FLOOR 1 & 2, ORISKANY, NEW YORK 13424

CASE #215-1453

4/24/2015



RED - Components with Lead-based paint above 1.0 mg/cm², paint deteriorating, STABILIZE

BLUE - Components with Lead-based paint above 1.0mg/cm², paint intact, MONITOR

