METROPOLITAN HEALTH DEPARTMENT
DIVISION OF POLLUTION CONTROL

Regulation No. 9
Radon in Public Buildings

As provided for in Section 10.56.260, “Process Emissions” of Chapter 10.56, “Air Pollution Control” of the Metropolitan Code of Laws of the Metropolitan Government of Nashville and Davidson, Tennessee and by Metropolitan Ordinance No. S088-526

Adopted July 13, 1989
by the
Metropolitan Board of Health
Nashville and Davidson County, Tennessee

SECTION 9-1 DEFINITIONS

As used in this Regulation, all terms not defined herein, shall have the meaning given them in Chapter 10.56, “Air Pollution Control,” Section 10.56.010, “Definitions” of the Metropolitan Code of Laws.

(a) **Acceptable Level -** There are no Federal or State standards for exposure to radon in public buildings. In the absence of a specific Federal or State standard 4.0 picocuries/liter (pCi/l) guidance level will be used in this Regulation.

(b) **Department –** The Department of Health of the Metropolitan Government, including the Board, agents, employees and division.

(c) **Department Head –** The chief administration officer of the Department which occupies the public building.

(d) **Director –** The chief administration officer of the Metropolitan Board of Health or his/her designated representative.

(e) **Contractor –** Any person that contracts with the Metropolitan Government to erect, renovate, or construct a building.

(f) **Lessor –** Any person that leases a building to the Metropolitan Government.

(g) **Public Buildings –** Any building owned or used for government purposes by the Metropolitan Government and/or its agencies, except those buildings of the Metropolitan Nashville Airport Authority, the Nashville Electric Service, and the Metropolitan Development and Housing Authority.

(h) **Radon –** Means the radioactive gaseous element and its short-lived decay products produced by the disintegration of the element radium occurring in air, water, soil or other media.

(i) **Seller –** Any person who sells a building to the Metropolitan Government.

SECTION 9-2 MONITORING

(a) All public buildings must be surveyed by the Department within 180 days of the effective date of this Regulation to determine the concentration of radon gas. The initial survey should be a short term screening test of all occupied rooms on and below the ground level. This paragraph shall become effective July 1, 1990.

(b) All public buildings must be surveyed by the Department at least once every five years after the initial survey.

(c) Public buildings acquired, leased, or constructed after the effective date of this Regulation, may not be occupied by the Metropolitan Government unless the building has been surveyed and has an acceptable level of radon gas. It is the responsibility of the contractor, lessor, or seller to conduct the survey in accordance with guidelines established by the Director and all results of this survey must be furnished to the Director prior to occupancy.

(d) The Department must re-survey all public buildings after an approved reduction plan has been implemented.

SECTION 9-3 FOLLOW-UP MEASUREMENTS

The following follow-up measures must be taken:

(a) If the measured concentration is equal to or less than 4 pCi/l no additional action is required.

(b) If the measured concentration is greater than 4 pCi/l but less than 20 pCi/l, a confirmatory test should be conducted over at least a nine (9) month school year within two (2) years.

(c) If the measured concentration is 20 pCi/l or greater, but less than 100 pCi/l, a confirmatory test should be conducted over at least a three (3) month period within one (1) year.

(d) If the measured concentration is 100 pCi/l or greater, a confirmatory test should be conducted over at least seven (7) days within thirty (30) days.

(e) If the confirmatory test measured concentration is greater than 4 pCi/l, but less than 20 pCi/l a reduction plan must be submitted by the Department Head to the Director within twelve (12) months and action taken within twenty-four (24) months to lower the level below 4 pCi/l. If the confirmatory test measured

concentration is greater than 20 pCi/l but less than 100 pCi/l a reduction plan must be submitted by the Department Head to the Director within six (6) months and action taken within twelve (12) months to lower the level below 4 pCi/l. If the confirmatory test measured concentration is greater than 100 pCi/l but less than 200 pCi/l, a reduction plan must be submitted by the Department Head within three (3) months and action taken within six (6) months to lower the level below 4 pCi/l. If the confirmatory test measured concentration is 200 pCi/l or greater the area should be vacated and action taken to reduce the level below 4 pCi/l before being occupied again.

(f) Any public building that has taken all reasonable measures, as determined by the Director, but are unable to reduce the radon level below 4 pCi/l must submit an occupancy plan to the Director for approval. No public building may be occupied after a reduction plan has been implemented which failed to reduce the radon level below 4 pCi/l unless the building has an occupancy plan approved by the Director.

SECTION 9-4 REDUCTION PLAN

For all public buildings with a measured concentration greater than 4 pCi/l, the Department Head must submit a reduction plan to the Director for approval in accordance with Section 9-3 of this Regulation. This reduction plan must include all reasonable measures for reducing the radon level below 4 pCi/l, including, but not limited to: increase ventilation, cover exposed earth, sealing cracks and openings, sub-slab suction, etc. This reduction plan must also include a schedule for the mitigation.

SECTION 9-5 OCCUPANCY PLAN

For any public building where all reasonable measures have been taken to reduce radon gas and when these measures have failed the Department Head must submit an occupancy plan to the Director for approval. This occupancy plan must be submitted within thirty (30) days of notification from the Department.

SECTION 9-6 SEVERABILITY

The provisions of any part, section, subsection, paragraph, phrase or clause of this Regulation that shall be adjudged invalid or unconstitutional by any court of competent jurisdiction, the judgment shall not affect, compare, or invalidate the remainder of this Regulation, but should be confined in its operation to the part, section, subsection, paragraph, phrase, or clause of this Regulation that shall not be directly involved in the controversy in which such judgment shall have been redeemed.