



Wastes Containing Lead-Based Paint Technical Guidance Document SW-2010-G1

Waste that contains lead-based paint can be generated during home renovations or as a result of lead abatement projects. This document describes when a hazardous waste determination must be made, where the waste may be disposed of, and how the waste should be handled when it arrives at the landfill.

Background

Growing concerns associated with human exposure to the heavy metal “lead” has resulted in requirements related to the management of:

- 1) debris coated with lead-based paint; and
- 2) lead-paint chips and dust.

The U.S. EPA has established regulations to ensure that the management of these wastes at project sites and during transportation and disposal is protective of human health and the environment (e.g. prevents human inhalation and ingestion).

Homes constructed prior to 1978 are likely to contain lead-based paints. Special care must be taken during renovation and repair work to prevent paint chips and dust from affecting the health of workers, residents, and visitors to these properties. The U.S. EPA now requires contractors removing lead-based paint waste to contain both the debris and paint chips/dust in plastic bags or wraps for storage, transport and disposal. This requirement inhibits the ability of construction and demolition (C&D) landfill personnel to properly conduct the required screening of incoming wastes for chemical containers and other wastes that are unacceptable for disposal in C&D landfills. When lead-based paint debris arrives at C&D landfills in plastic bags or wrapped in plastic sheeting, C&D landfill workers are unable to determine if unacceptable wastes are present unless each individual bag is opened and inspected.

Hazardous Waste Determination and Disposal

Coated Debris

Debris which is coated with lead-based paint is not subject to a hazardous waste determination regardless of where the debris is generated. Such materials (e.g., window and door frames, base boards, and other painted wood) are considered non-hazardous waste that may be disposed of in a C&D or municipal solid waste (MSW) landfill. There are no “waste” laws or regulations that require debris coated with lead-based paint to be bagged or wrapped but the EPA lead abatement rules will often result in bagging and wrapping. Consequently, it is possible that bagged or wrapped debris could be brought to MSW or C&D landfills for disposal.

Paint Chips and Dust

Homeowners: Accumulated lead-based paint chips or dust generated from residential dwellings through work performed by a homeowner or renter is household waste. All household waste is exempt from Kansas hazardous waste regulations, however it should be managed in a manner that is protective of human health and the environment, including protecting persons who transport the waste to landfills. Therefore, it is recommended that lead-based paint chips and dust be contained in plastic bags or other non-breakable containers and either taken directly to the landfill by the homeowner, or put out for collection with other household trash. This handling method is a recommendation, not a regulation.

Contractors: If a contractor, private business, or government unit removes lead-based paint from any structure, including a residential dwelling, they are subject to the Kansas solid and hazardous waste laws and regulations. This includes making a determination as to whether or not the waste is hazardous based on lead concentrations.

If the house was constructed prior to 1978, and/or if a screening technique determines that lead-based paint was used on the structure, the generator can assume that the paint chip/dust waste is hazardous. Alternatively, the generator can submit a representative sample of the paint chip/dust waste to a KDHE-certified laboratory for analysis to determine if it exceeds regulatory limits for lead. The paint chip/dust waste should be analyzed using the Toxicity Characteristic Leaching Procedure (TCLP) method to determine if it exceeds the regulatory limit of 5.0 milligrams per liter (mg/L) for lead. If the result is 5.0 mg/L or greater, then the paint chip/dust waste is a hazardous waste.

If the paint chips/dust waste is hazardous, and less than 55 pounds is generated on a given job site during any one month, the waste may be disposed of in an MSW landfill in a manner similar to paint waste generated by a household. Such “conditionally exempt small quantity generator” waste may not be disposed of in a Kansas C&D landfill because these landfills do not meet applicable federal requirements.

If the waste is hazardous and 55 pounds or more is generated during any one month, the generator

will need to obtain an EPA Identification number and comply with all applicable Kansas hazardous waste storage, transportation, and disposal regulations.

Bagged Waste at MSW and C&D Landfills

MSW Landfills: MSW landfills may receive debris coated with lead-based paint that arrives in bags or wrappers. This debris does not need to be inspected or screened at MSW landfills and does not require a Solid Waste Disposal Authorization.

C&D Landfills: Debris coated with lead-based paint is an acceptable waste for disposal at C&D landfills, but dust or chips from renovation activities are not acceptable. Bagged or wrapped waste causes operational difficulties at C&D landfills due to the requirement to screen waste for unauthorized materials. For this reason, it is recommended that C&D landfills inform customers that they will accept bagged or wrapped lead abatement project debris **only** if the bags or cleanup sheeting wrappers are transparent.

Alternatively, facilities may choose to accept any bagged or wrapped waste and modify their operating plans to fully screen by opening all bags and wrappers that aren’t transparent prior to transfer from the screening area to the disposal area. Proper safety precautions should be taken when opening bags or unwrapping debris. While such a practice is allowed, it is discouraged. C&D landfills may choose to screen out bagged or wrapped waste without opening it by promptly placing the waste in an onsite container for screened waste which will be taken to an MSW landfill.

For additional information regarding the proper management of solid or hazardous waste in Kansas, you may visit the Bureau of Waste Management website at <http://www.kdheks.gov/waste/> or contact the Bureau at: (785) 296-1600, bwm_web@kdheks.gov, or the address at the top of this document.