

Managing Lead-Containing Paint Waste

Background

Lead poisoning in children is one of the most common and preventable pediatric environmental health problems in the United States today, and lead-containing paint (LCP) has proven to be a primary source of exposure. Many buildings (both public and private), especially those built before 1978, contain LCP on interior and exterior walls, window sills, and other surfaces accessible to children. Although lead is found in other materials commonly used in and around households and businesses (e.g., flashing, pipes, and lead-acid batteries), the primary focus of this fact sheet is LCP and how to properly manage LCP waste.

How are LCP activities and LCP wastes regulated?

The Vermont Department of Health (DoH), which is the state's lead agency for public health policy and advocacy, maintains a Lead Surveillance Program that can be reached at (802) 865-7786 (or toll-free within Vermont at 1-800-439-8550) for information about the health effects of lead, or to report high lead levels. A "Lead Resource Guide" is also available on-line at:

<http://healthvermont.gov/enviro/lead/lead.aspx>

The Vermont DoH maintains Lead Control Regulations which cover LCP activities such as LCP removal or "abatement."

The Vermont Department of Environmental Conservation (DEC) regulates the disposal of LCP wastes as either solid or hazardous wastes. LCP waste can be generated when a building undergoes routine maintenance, remodeling, lead abatement activity, or demolition. Examples of LCP wastes include painted architectural components (e.g., painted doors, window frames, and woodwork), chips, dust, and sludge. The regulatory requirements that apply to LCP wastes are determined based on the source of the waste, and the quantity of lead in the paint. As discussed below, while LCP wastes from households and residences are only subject to limited requirements, LCP wastes from businesses or that are removed from public and commercial buildings are potentially subject to regulation as hazardous waste.

Painted architectural components that are salvaged and reused are not considered waste and therefore are not regulated as solid or hazardous waste. Nonetheless, anyone handling these items should determine if the paint contains lead, take appropriate safety precautions, and notify any subsequent purchaser of the presence of LCP.

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How is LCP waste from households regulated?

Any LCP waste generated by a homeowner or contractor working at a household (e.g., general, painting, or lead abatement contractors) is classified as "household waste" and therefore exempt from regulation under the Vermont Hazardous Waste Management Regulations (VHWMR). By definition, household waste is any waste material derived from a household (e.g., single and multiple residences, apartment buildings, college dormitories, hotels and motels, and public housing units) provided the waste is not generated through a business activity conducted within the household. Although LCP waste from a household is exempt from regulation as hazardous waste, it still must be disposed of properly.

How can LCP waste from households be managed and disposed?

The DEC encourages homeowners and contractors alike to use the following Best Management Practices when managing LCP wastes:

- ✓ Store LCP waste in a safe place away from children.
- ✓ Collect LCP waste in heavy plastic trash bags for disposal.
- ✓ Any processing of LCP waste (e.g., chipping, grinding, shredding) in the work area should be conducted in an enclosure, and with appropriate worker safety protection, to contain any fugitive lead dust emissions.
- ✓ Use of LCP waste as mulch is not allowed.
- ✓ Contact your local municipality or Solid Waste Management District for information about where LCP waste can be disposed.

In general, there are two ways to dispose of household LCP waste:

1. LCP wastes that fall in the category of painted architectural components can be disposed of at a certified municipal solid waste or construction and demolition waste landfill. Contact the DEC's Solid Waste Program at (802) 828-1138 for information about solid waste landfills that can accept LCP waste (and for potential reuse opportunities).
2. Although LCP waste such as chips, dust, caustic paste waste, and other sludges (i.e., lead abatement wastes) can also be disposed of in a permitted solid waste landfill, the DEC recommends that these wastes be collected in secure containers like empty paint cans or heavy plastic bags, and disposed of through a local household hazardous waste collection event. To find out when a collection event will be held near you, contact your municipality or Solid Waste Management District. A list of Vermont Solid Waste Districts is provided on-line at:

<http://www.anr.state.vt.us/dec/wastediv/solid/swmdlist.htm>

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How can LCP waste from businesses be managed and disposed?

Some LCP wastes generated as a result of business activity, or that are removed from non-residential public or commercial buildings, are subject to regulation under the VHWMR (i.e., they are not exempted as a "household waste"). A public building is any building used by the general public, such as a school, store, or hospital. A commercial building is any building not intended for occupancy by the public, such as an office complex, industrial building, or factory.

Since most painted architectural components (not paint chips and dust from abatement activities) do not contain enough lead to be regulated as hazardous waste, it is both the U.S. Environmental Protection Agency's and Vermont DEC's policy to allow these wastes to be disposed of at a certified municipal solid waste or construction and demolition waste landfill even if they are generated by a business.

If a business that generates lead abatement waste (such as dust, paint chips, and sludges) cannot, based on knowledge of the waste, rule out the possibility that lead is present in the waste above regulatory limits, then the business must test a representative sample of the waste for lead using the Toxicity Characteristic Leaching Procedure (TCLP). If the concentration of lead is found to exceed the 5.0 milligrams/liter TCLP limit, the waste exhibits the hazardous waste characteristic of toxicity for lead and is subject to regulation as hazardous waste.

LCP wastes generated from the routine maintenance, renovation, construction, or demolition of non-residential structures, such as bridges, water towers, or tanks (e.g., sandblast grit) also must be evaluated to determine if they are subject to regulation as hazardous waste. Depending on the makeup of the structure, other metals, such as chromium, cadmium, and arsenic, may need to be included in the TCLP analysis.

For more information contact:

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1 National Life Drive, Davis 1
Montpelier VT 05620-3704
802-828-1138

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