

TI-909

Prepared: February 08, 2001

Short Description:

Lead-Based Paint Disposal.

Inquiry:

Following are the caller's questions of February 2, 2001, regarding lead-based paint (LBP) waste disposal in the state of Indiana:

- 1) When can LBP waste be disposed of as household waste instead of hazardous waste?

- 2) If it is known that the LBP waste in question doesn't qualify for disposal as household waste, what are the disposal procedures for the LBP waste, which consists of paint scrapings from a commercial building?

Response:

GSA's Environmental Management Technical Guide E402.1097 for LBP states that disposal of lead-containing paint chips, debris, and waste water must be done in accordance with Environmental Protection Agency (EPA), state, and local regulations. Thus, guidance from Indiana Department of Environmental Management (IDEM) was sought in the research process. IDEM's guidance builds on both federal law and Indiana Administrative Code (IAC).

Lead-based paint is defined by IDEM as paint or another surface coating that contains lead in an amount equal to or greater than: a) one (1) milligram (mg) per square centimeter (cm²); or b) one half of one percent (0.5%) by weight (IAC 23-1-35). The caller stated that the potential LBP waste in question would be 0.025 to 1.6 percent (%) lead by weight, based on preliminary sampling of the paint that will be scraped from the exterior of a building. In accordance with Indiana's definition of LBP, some of the samples fall into the LBP range, and thus research was conducted on how to properly dispose of the LBP waste that will be generated should the caller choose to carry out the project.

The caller's first inquiry was whether the potential LBP waste in question might not qualify as a hazardous waste under the Resource Conservation and Recovery Act (RCRA) due to the household exemption rule (40 CFR 261.4(b)(1)). Residential LBP waste is waste generated by a homeowner or contractor through LBP removal activities from a household. "Household" is defined as: single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreations areas (IDEM guidance document, Managing Lead-Based Paint Waste:

http://www.state.in.us/idem/olq/publications/guidance/mang_lead_based_paints.pdf). Because the caller stated that the potential LBP waste in question would be generated from a commercial building, the household waste exemption does not apply in this situation.

The caller's next question was that of how to dispose of the potential commercial

LBP waste. IDEM LBP guidance states that if nonresidential LBP waste is removed from the original substrate to which it was adhered (resulting in, for example, paint chips, blasting grit with paint chips, or stripping agent with paint chips), then the generator is required to make a hazardous waste determination for the concentrated waste and, if found to be hazardous, the waste is subject to RCRA hazardous waste rules. The hazardous waste determination may be ascertained by testing or knowledge of the waste. The entire waste stream must be analyzed. The analysis should include the eight RCRA metals (lead, arsenic, barium, cadmium, chromium, mercury, selenium, and silver). At a minimum, lead, chromium, and cadmium have a high probability of being present. LBP waste is hazardous if it exceeds 5.0 mg/L for lead or chromium, or if it exceeds 1.0 mg/L for cadmium as determined by the Toxicity Characteristic Leaching Procedure (TCLP).

Per IDEM, concentrated hazardous LBP waste such as chips, dust, etc., from nonresidential sources is subject to all applicable hazardous waste management standards. If more than 2200 pounds of the hazardous waste is generated in a month, the site is subject to large quantity generator (LQG) standards and the waste may not be stored on-site for greater than 90 days. If the site generates between 220 and 2200 pounds of hazardous waste in a month, the site is subject to small quantity generator (SQG) standards and the waste may not be stored on-site for greater than 180 days (or 270 days for a small quantity generator that transports waste greater than 200 miles). Hazardous waste generated by LQGs and SQGs must be transported to a permitted treatment, storage, and disposal (TSD) facility using a hazardous waste manifest. A site that generates less than 220 pounds of hazardous waste is a conditionally exempt small quantity generator (CESQG). Concentrated waste from a CESQG may be managed in a Municipal Solid Waste Landfill (MSWLF).

If the concentrated nonresidential LBP waste is determined to be non-hazardous waste via TCLP, yet the waste is present in quantities greater than 220 pounds, the LBP waste qualifies as special waste. Special waste must be handled in accordance with Indiana's special waste regulations (329 IAC 10-8.1 and IC 13-20-7). Under the special waste regulations, the generator must make a waste determination that includes the aforementioned TCLP analysis. In most cases, the landfill can approve special waste for disposal. If the landfill does not have the ability to approve disposal, a special waste certification is required. A special waste certification application or special waste landfill list may be obtained by contacting Indiana's Special Waste Program staff at (317) 308-3103.

In addition, since the caller mentioned that the project that will generate the LBP waste has not been started, the following resources were suggested as aids for planning and implementing all stages of the caller's project in accordance with federal, state, and local regulations:

1) GSA's Environmental Management Technical Guide E402.1097 for Lead-Based Paint;

2) The IDEM Permit Guide: Waste Handling and Disposal-Related Issues for Lead-Based Paint Abatement:

<http://www.state.in.us/idem/guides/permit/waste/leadabatement.html#nonabatement>;

3) GSA's Environmental Management Technical Guide E201.0997 for Hazardous Waste; and

4) The National Lead Information Center (Operated under EPA's Office of Pollution Prevention and Toxics): 1-800-424-LEAD.

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