
ENVIRONMENTAL Fact Sheet



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WMD-HW-22

2011

Management of Lead-Based Paint Waste

Purpose

The New Hampshire Department of Environmental Services receives many inquiries concerning the regulatory status of lead-based paint waste in New Hampshire. The regulatory status and subsequent disposal of lead-based paint waste has been an environmental and economic concern for a long time in New Hampshire, as well as on the regional and national levels. After DES's thorough review of the issues involved, the state's Hazardous Waste Rules (Env-Hw 100-1100), and the position of the US Environmental Protection Agency, DES has summarized the regulatory status of lead-based paint waste as follows.

Background

Childhood lead poisoning continues to be a major, preventable environmental health problem in the US today. One of the most significant sources of exposure is lead-based paint since many buildings (both public and private), especially those built before 1978, contain lead-based paint on interior and exterior walls, window sills and other surfaces accessible to children. To reduce a child's exposure to lead in the home, the removal of all the lead-based paint from the home may sometimes be conducted in a process called lead abatement. The NH Department of Health and Human Services, Division of Public Health Services (DHHS) is responsible for lead poisoning prevention and control. DHHS maintains a Healthy Homes and Lead Poisoning Prevention Program, which can be reached at 1-800-897-LEAD (in-state) or (603)271-4507, for information and guidance on the subject of lead poisoning and proper lead abatement methods.

DES regulates the disposal of lead-based paint *waste*, which may be generated when a building undergoes routine residential maintenance, construction, remodeling, rehabilitation work, lead abatement, or when structures, such as bridges, are repainted. The waste consists of lead-based paint chips, dust, debris, sludge and building parts, such as doors, window frames and painted woodwork. The management of lead-based paint waste generated from households and residences, public and commercial buildings, and structures are covered in this fact sheet.

Households and Residences

Whenever a homeowner or contractor generates any lead-based paint waste from routine residential maintenance, construction, remodeling, rehabilitation work, or lead abatement at a household or a residence, that lead-based paint waste is classified as a "household waste," and therefore is exempt from regulation under the Hazardous Waste Rules. However, lead-based paint waste from the demolition of a household or residence that results in the elimination of the household structure is *not* classified as a "household waste." (See below section on Public and

Commercial Buildings for guidance on this lead-based paint waste.) A household is any living abode including single residences, such as detached homes, and multiple residences, such as apartment buildings, college dormitories and public housing units. Although residential lead-based paint wastes are excluded from regulation under the Hazardous Waste Rules, DES encourages homeowners and contractors to use the following best management practices when handling this type of waste material.

- Collect lead-based paint waste and dust, and dirt and rubble in plastic trash bags for disposal.
- Store larger lead-based paint architectural debris pieces in covered containers, such as a roll-off container, until ready for disposal.
- Post appropriate warning signs to limit unknowing access at lead-based paint work sites and storage areas.
- Transport lead-based paint waste from the work site in covered containers directly to an approved solid waste facility. Contact the solid waste facility for any additional specific requirements.
- Any processing of lead-based paint waste (*e.g.*, chipping, grinding, shredding) in the work area should be conducted in an enclosure to contain any fugitive lead dust emissions.
- Use of lead-based paint waste as mulch is not allowed.
- Contact local municipalities or state solid waste offices to determine where and how lead-based paint waste can be disposed.

Lead-based Paint Waste Disposal

There are two recommended options for disposing of lead-based paint waste:

1. Lead-based paint waste, such as chips, dust, caustic paste waste (Peel Away), and any other solvent sludges, should be collected in secure containers like empty paint cans or heavy plastic bags, as appropriate. The waste should then be stored in a safe place, away from children, until a household hazardous waste collection day is held in your area. To find out when a collection day will be held near you, contact the DES Household Hazardous Waste coordinator at (603) 271-2047.
2. Lead-based paint wood or metal waste that are removed and replaced in whole, such as doors, window frames, and painted woodwork, should be collected in secure covered containers, such as a roll-off container, or heavy plastic bags, as appropriate. Lead-based paint waste can then be disposed of at a permitted, lined solid waste landfill following disclosure to and approval from the landfill owner/operator. Contact DES at (603)271-2925 for locations of solid waste landfills that may accept lead-based paint waste.

Public and Commercial Buildings

Lead-based paint waste generated from non-residential public or commercial buildings would be considered a “waste” under the Hazardous Waste Rule, and is not excluded as a “household waste.” A public building is any building used by the general public, such as schools, stores, or hospitals, which does not fit the definition of a household. A commercial building is any building not intended for use by the public, such as office complexes, industrial buildings and factories.

If the generator of the waste cannot rule out that lead-based paint was used based on their knowledge of the building, then a representative sample must be taken to test the waste for hazardous characteristics. In this case, a hazardous waste determination can be done by subjecting a representative sample of the waste to the toxicity characteristic leaching procedure (TCLP) to determine if it exhibits the characteristic of toxicity. If the extract from the sample of waste contains any of the contaminants listed in Env-Hw 403.06(d) at a concentration equal to or greater than the respective value in Table 4.9, it would be considered a toxic hazardous waste. (For lead, this value is 5.0 milligrams/liter). One of the most important yet most complex steps in conducting any hazardous waste determination is ensuring that the sample to be tested is indeed accurate and representative of the waste. For additional information or clarification on sampling and analysis, contact the DES Hazardous Waste Management Bureau at 1-866-HAZ-WAST (429-9278) (in-state) or (603) 271-2942.

If the waste is determined to be a hazardous waste, it must be handled and disposed of in accordance with the Hazardous Waste Rules (Env-Hw 100-1100). Generally, this means that the generator must ensure proper delivery of the waste to a facility authorized under the destination state's rules to handle hazardous waste (see Env-Hw 500). If the waste is determined not to be a hazardous waste, then the waste would be regulated as a solid waste that must be managed in accordance with the state's Solid Waste Rules (Env-Sw 100-300, 2100-3700). As a solid waste, the two recommended disposal options listed under **Households and Residences** would apply.

Structures

Lead-based paint waste generated from the routine maintenance, renovation, construction, or demolition of non-residential structures, such as bridges, water towers, or tanks, and may include sandblast grit would be subject to a hazardous waste determination. This hazardous waste determination would be the same as for **Public and Commercial Buildings**. Depending on the specific situation and painting history of the structure, other metals, such as chromium, may need to be included in the TCLP analysis.

For More Information

This fact sheet provides general information only. Should there be additional questions on this topic, please contact DES at (603) 271-2942 or toll-free within New Hampshire at 1-866-HAZWAST. The New Hampshire Hazardous Waste Rules may be downloaded at <http://des.nh.gov/organization/commissioner/legal/rules/index.htm#waste> .