IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL SERVICES DIVISION

PROGRAM IMPLEMENTATION GUIDANCE

TOPIC: Lead base paint disposal from residential buildings.

Procedure Number: 05-01 **Replaces Number:** None

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Approval: **E&WM Bureau Chief:** Brian Tormey BT. **Date:** 12/21/04
Division Administrator: Wayne Gieselman WG. **Date:** 1-3-05

Synopsis of Guidance: Lead based paint from residential buildings is excluded from hazardous waste management and may be disposed of in an Iowa landfill.

Applicable Federal Code provisions: 40 CFR 261.4(b)(1), 49 FR 44978 and FR 70241

Guidance:

This document has been written to clarify Iowa's landfill disposal requirements for waste from residential buildings that contains lead-based paint (LBP). This document will help to ensure consistency with EPA's RCRA Subtitle C hazardous waste regulations. These guidelines will facilitate additional residential abatement, renovation and remodeling, and rehabilitation activities, thus protecting children from continued exposure to lead paint in homes and making residential dwellings lead-safe for children and adults.

This documents applies to residential lead-based paint debris, chips, dust, and sludges, and includes lead-based paint removed from a painted surface by sanding, scraping, or using chemical strippers. Residential lead-paint waste refers to waste containing lead-based paint, which is generated as a result of activities such as abatement, rehabilitation, renovation, and remodeling in homes and other residences. (Residences include single family homes, apartment buildings, public housing and military barracks.) The definition of residential LBP waste does not include residential LBP demolition and deconstruction waste, and does not include LBP waste from nonresidential structures such as public and commercial buildings, warehouses, bridges, water towers, and transmission towers.

The Environmental Protection Agency distinguishes demolition and deconstruction activities from abatement, rehabilitation, renovation, and remodeling on the basis that demolition and deconstruction result in the elimination of the residential structure, while the structure remains when the other listed activities are conducted.

Pursuant to 40 CFR 261.4(b)(1), household wastes are excluded from hazardous waste management requirements. These EPA regulations also define "household waste" to include "any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas)." The two criteria used to define the scope of the exclusion are: (1) the waste must be generated by individuals on the premises of a household and (2) the waste must be found in the wastes generated by consumers in their homes. (49 FR 44978 and 63 FR70241).

LBP wastes generated as a result of renovation and remodeling efforts by residents of households meet these criteria and are excluded from RCRA's hazardous waste management and disposal regulations. This interpretation holds regardless of whether the waste exhibits toxicity characteristics or whether the LBP activities were performed by the residents or a contractor. Contractors may dispose of hazardous-LBP wastes from residential lead paint abatements as household garbage in a municipal solid waste landfill (MSWLF) or in a construction and demolition (C&D) landfill. A construction and demolition landfill that receives residential lead-based paint waste and does not receive any other household waste is not a MSWLF.

Although excluded from hazardous waste regulations, we continue to endorse the basic steps for the proper handling of LBP waste as the best management practices (BMP'S) including:

- Collect paint chips and dust, dirt and rubble in plastic trash bags for disposal
- Store larger LBP architectural debris in containers until ready for disposal
- Consider using a covered mobile dumpster for storage of LBP debris where and how LBP debris can be disposed
- Contact local municipalities or county solid waste offices to determine where and how LBP debris can be disposed

Residents and contractors are encouraged to take common sense measures to minimize the generation of lead dust, limit access to stored LBP wastes including debris, and maintain the integrity of waste packaging material during transfer of LBP waste. Furthermore, while LBP waste from residences can be discarded in a municipal solid waste landfill or a construction and demolition landfill, dumping and open burning of residential LBP is not allowed. Residents and contractors should contact the landfill they intend to use for final disposal prior to initiating a renovation or remodeling project to determine if there are any special policies or handling requirements related to LBP wastes.

If you have further questions, please contact Jim Thayer at jim.thayer@dnr.state.ia.us, (515) 281-3426 or Jane Mild at jane.mild@dnr.state.ia.us, (515) 281-5105.

This guidance is consistent with the new EPA rule. For further information go to http://www.epa.gov/garbage/landfill/pd-paint.htm