

# Residential Lead-Paint Waste Disposal

## Summary for contractors, landfill operators, and residents

Waste/Hazardous Waste #4.41/September 2003 (Revised)

### Environmental concerns

Lead poisoning of children is a serious health threat. In order to reduce a child's exposure to lead in the home and ensure the safe removal of lead-based paint waste from residences, the Minnesota Legislature and U.S. EPA have passed laws:

- requiring every contractor who performs lead-hazard reduction work in homes and residences to be licensed and their workers certified by the Minnesota Department of Health (Minn. Stat. §§ Ch. 144).
- defining authorized and prohibited disposal methods for managing residential lead-paint waste (Minn. Stat. §§ Ch. 116.87 - 116.89).

### General provisions of the law

- Defines *residential lead-based paint waste* as lead-based paint that has been abated, rehabilitated, renovated and remodeled from residential structures and that does not contain any chemical paint stripper or free liquids. Residential lead-based paint waste includes but is not limited to lead-based paint debris, chips, dust, and sludge. This definition does not include lead-based paint that has been removed from a business or other structures such as a water tower or bridge. For more information, see the nonresidential lead-based paint disposal section in Table 2 of this fact sheet.
- Specifies that the responsibility for proper disposal of the lead-based paint waste belongs to the person who removed the lead paint from the residence.

- Allows lead-based paint that is still attached to woodwork, walls, or other debris generated by renovation or demolition to be disposed of in a permitted, demolition landfill.
- Encourages the recycling of lead-based paint chips. The Minnesota Pollution Control Agency (MPCA) strongly recommends recycling by sending lead-based paint chips to a smelter to recover the lead.

### Authorized disposal methods

Residential lead-based paint waste may be safely disposed of at:

- a permitted and lined landfill with a leachate collection system that began operation after January 1, 1989, and meets mixed municipal facility standards;
- a permitted, demolition landfill (*only for woodwork, walls, and debris with lead-based paint still attached*);
- a permitted, construction and demolition (C & D) landfill that meets the federal criteria of 40 CFR part 257 subpart b (groundwater monitoring and financial assurance); or
- a permitted, hazardous waste facility.

**NOTE:** Some household hazardous waste collection sites accept lead-based paint waste from residents. Contact your local collection site for details.

### Prohibited disposal methods

Residential lead-based paint waste **must not** be:

- incinerated at a mixed municipal solid waste incinerator;



- left at a residence where the waste was removed from;
- disposed of at a demolition landfill; or
- placed in a municipal solid waste compost or refuse-derived fuel facility.

## Requirements for contractors

1. **All contractors must be licensed and all workers certified** by the Minnesota Department of Health (MDH) before they can perform residential lead-hazard reduction, including:
  - lead work ordered in response to a documented problem;
  - lead work done with government funding;
  - intentional lead work that had not been ordered in advance; or
  - lead work done to fulfill a contract (for example, a real estate transfer).
2. **Supervisors and contractors must complete lead-hazard reduction training** in order to obtain a license. Training is offered by the Midwest Center for Occupational Health and Safety and other MDH-approved training course providers. Individuals who successfully complete the training may apply for a license from the MDH.
3. At the time of disposal, **the contractor must demonstrate to the landfill operator that the paint waste was removed from a residence.**
4. **The contractor must have documentation signed by the resident or owner of the residence.**

Before transporting waste to a landfill, contractors must contact landfill operators to find out if the landfill is permitted to accept residential lead-based paint waste and determine what type of notification form or procedure the landfill operator requires.

MPCA staff recommends that contractors make copies of the completed notification form for the resident, landfill operator, and their waste management records.

5. **Contractors may have their license revoked if they do not comply with residential paint waste disposal requirements.** Authorized disposal methods were outlined on the first page of this fact sheet.

## Requirements for landfill operators

1. Landfill operators that meet the lead-based paint requirements must ensure that the industrial waste management plan for that landfill addresses residential lead-based paint waste acceptance procedures.
2. Landfill operators must ensure that the lead-based paint waste is from a residence. If the lead-based paint is not residential, then the standard hazardous waste rules from Minn. Rules, Ch. 7045 apply.
3. Residential lead-based paint waste that meets the regulatory criteria will not require a Toxicity Characteristic Leaching Procedure (TCLP) test.

NOTE: Some landfills may have their own guidelines and forms. Contact the operator of the landfill you intend to use before transporting waste.

## Requirements for residents

Residents who remove lead-based paint from their residence are not required to have a license, but must follow the proper lead-hazard reduction procedures developed by the MDH. They should manage the lead-based paint waste as outlined in this fact sheet.

**Table 1: Residential Lead-Based Paint Waste Disposal Summary**

Waste	Disposal option										
Lead paint waste debris containing lead-based paint, but without any chemical paint strippers or free liquids	Lined Mixed Municipal Solid Waste landfill or C & D landfills that meet the criteria of 40 CFR part 257 subpart b										
Demolition debris with lead-based paint attached to woodwork, walls, doors or other elements	Permitted demolition debris landfill										
Lead-based paint chips without any chemical paint strippers or any free liquids	To smelter to recover lead										
Lead-based paint waste including but not limited to lead-based paint debris, chips, dust, and sludge removed with chemical paint strippers or containing any free liquids <i>Refer to "Evaluate Waste; Determine Generator Size", Hazardous Waste fact sheet #1.01 for a definition of TCLP</i>	<table> <tr> <td colspan="2">Conduct Toxicity Characteristic Leaching Procedure (TCLP)</td></tr> <tr> <td>↓</td><td>↓</td></tr> <tr> <td>If passes TCLP</td><td>If fails TCLP</td></tr> <tr> <td>↓</td><td>↓</td></tr> <tr> <td>Industrial solid waste landfill disposal facility</td><td>Hazardous waste disposal facility</td></tr> </table>	Conduct Toxicity Characteristic Leaching Procedure (TCLP)		↓	↓	If passes TCLP	If fails TCLP	↓	↓	Industrial solid waste landfill disposal facility	Hazardous waste disposal facility
Conduct Toxicity Characteristic Leaching Procedure (TCLP)											
↓	↓										
If passes TCLP	If fails TCLP										
↓	↓										
Industrial solid waste landfill disposal facility	Hazardous waste disposal facility										

**Table 2: Non-Residential Lead-Based Paint Waste Disposal Summary**

Waste	Disposal option										
Demolition debris with lead-based paint attached to woodwork, walls, doors or other elements	Send to any permitted, demolition debris landfill										
All other lead-based paint waste	<table> <tr> <td colspan="2">Conduct Toxicity Characteristic Leaching Procedure (TCLP)</td></tr> <tr> <td>▼</td><td>▼</td></tr> <tr> <td><b>If passes TCLP</b></td><td><b>If fails TCLP</b></td></tr> <tr> <td>▼</td><td>▼</td></tr> <tr> <td>Industrial solid waste landfill disposal facility</td><td>Hazardous waste disposal facility</td></tr> </table>	Conduct Toxicity Characteristic Leaching Procedure (TCLP)		▼	▼	<b>If passes TCLP</b>	<b>If fails TCLP</b>	▼	▼	Industrial solid waste landfill disposal facility	Hazardous waste disposal facility
Conduct Toxicity Characteristic Leaching Procedure (TCLP)											
▼	▼										
<b>If passes TCLP</b>	<b>If fails TCLP</b>										
▼	▼										
Industrial solid waste landfill disposal facility	Hazardous waste disposal facility										

**For More Information****Midwest Center for Occupational Health and Safety**

Training courses .....(612) 626-4515

**Minnesota Department of Health**

Licensing, Certification, Training .....(651) 215-0900

Residential Lead-Hazard Reduction Rules/Statutes .....(651) 215-0890

**Minnesota Pollution Control Agency**

Residential Lead-Based Paint Disposal Rules/Statutes .....(651) 296-3264

Approved Landfills and Industrial Solid Waste Plans .....(651) 297-2274

Hazardous Waste, TCLP Testing of Paint Waste .....(651) 297-8370

Air Quality Lead Rules, Sandblasting Emissions .....(651) 297-8370