



LEAD BASED PAINT WASTE MANAGEMENT

Delaware Department of Natural Resources and Environmental Control,
Solid & Hazardous Waste Management Section (SHWMS)

What is Lead Based Paint Waste?

Lead Based Paint (LBP) waste is any component, fixture, portion of a residence, or other structure coated wholly or partly with LBP. LBP waste is commonly generated through structural deterioration, renovation, or demolition. LBP waste can be generated from the following areas of a structure: ceilings, floors, walls, doors, windows, exterior paints/siding, beams, and radiators. Common examples of LBP waste are paint chips, dust, and waste generated from abatement or remediation activities.

How is Lead Based Paint Waste Generated?

Lead Based Paint (LBP) waste is most commonly generated from lead abatement/remediation projects on homes, buildings, or structures built before 1978. LBP waste is also generated through the normal deterioration of structures built before 1978. It is important to be knowledgeable about LBP waste points of generation as exposure to lead, and improper management of LBP waste, can cause health (e.g., lead poisoning) and environmental issues (e.g., soil and water contamination). Thus, making a hazardous waste determination on any paint waste, including known LBP waste, is critical for proper, and responsible, disposal.

LBP waste is commonly generated in the forms of:

- Paint Chips, Removed Paint, or Removed Coatings (e.g., walls, windowsills, trim, exterior coatings).
- Paint Removal Media (i.e., blasting grit, blasting water, chemical strippers, cleaning water)
- Cleaning Tools and Equipment (e.g., paper towels, gloves, sponges, mops, filters, tape)
- Remodeled/Removed Furnishings (i.e., carpets, doorframes, windows, paneling, beams)

Who is a Generator of Lead Based Paint Waste?

A generator of LBP waste is any person, by site, whose act or process produces LBP waste or whose act first causes LBP waste to become subject to regulation. In the case of LBP waste, a generator is any business that performs painting operations, lead paint abatement, or lead paint remediation within its course of operations and disposes of any LBP waste. As soon as lead paint and/or items contaminated with lead paint (e.g., blasting media, debris, water, dust) are removed for disposal, they become a waste. Whenever a generator generates a waste, a hazardous waste determination must be made to ensure proper waste accumulation and disposal.

Making a Hazardous Waste Determination for Lead Based Paint Waste

It is the responsibility of the generator to determine if paint debris and paint related waste generated is a hazardous waste (lead or otherwise) at the point of generation. A hazardous waste determination can be made through sufficient process knowledge or analytical testing. In the case of known LBP waste, the waste is (at minimum) a potentially toxic hazardous waste as it contains lead. LBP hazardous waste carries the D008 waste code.

Be aware that using generator knowledge for making hazardous waste determinations is not suitable in all situations. It is recommended that if there is any uncertainty if a solid waste is a hazardous waste, that analytical data should be used to confirm whether waste is hazardous or non-hazardous. Laboratory analysis is typically performed to determine whether a waste exhibits one or more of the four hazardous characteristics (ignitability, corrosivity, reactivity, toxicity).

It is best practice to assume that any removed paint, removed walls/siding, spent media, dust, and contaminated water used in operations on painted structures are hazardous waste until proven otherwise. Items that become contaminated with

paint waste, such as rags or wipes, also need to be considered a potentially hazardous waste. Rags, mops, and wipes contaminated with hazardous waste, lead paint or otherwise, are not allowed to be laundered and must be managed as hazardous waste unless proven to be non-hazardous.

Documentation used to make a hazardous waste determination, whether by process knowledge or laboratory analysis, must be maintained for three (3) years from the date of shipping the waste off-site for management.

Managing and Disposing of Lead Based Paint Waste

LBP waste must be managed in accordance with Delaware's *Regulations Governing Hazardous Waste* (DRGHW). Regulatory requirements vary by generator status, but regardless of status, all generators must comply with the following hazardous waste regulations:

- obtain a provisional/temporary EPA ID number from the SHWMS for the location of the waste removal; and
- store waste in containers that are in good condition and compatible with the waste; and
- keep the container closed unless adding to the container; and
- label the container with the words "Hazardous Waste" (e.g. Lead Paint Waste, D008); and
- mark the container with the date when waste is first placed into the container; and
- count the waste towards the monthly hazardous waste generation total; and
- ship accumulated hazardous waste off-site for management in accordance with generator status (i.e., within 90 or 180 days)

When moving hazardous waste off site, a Delaware permitted hazardous waste transporter must transport the hazardous waste to an authorized treatment, storage or disposal facility (TSDF). Documentation demonstrating delivery to a permitted TSDF (e.g. tolling agreement, manifest) must be maintained for three (3) years for all generators.

More Information

This factsheet is not intended to be a substitute for DRGHW and it is the responsibility of generators to ensure that they comply with all applicable regulations. State hazardous waste regulations are in 7 DE Admin Code 1302, of Delaware's *Regulations Governing Hazardous Waste*, Parts 260-266, 268. <http://regulations.delaware.gov/AdminCode/title7/1000/1300/1302/index.shtml>

For more assistance, contact DNREC, Solid and Hazardous Waste Management Section (SHWMS) at 302-739-9403 or Karen J'Anthony, Program Manager, at karen.janthony@state.de.us

For assistance in obtaining a list of certified lead abatement contractors, and for more information on lead based health concerns, please visit Delaware's Division of Public Health (DPH) website at: <http://www.dhss.delaware.gov/dph/hsp/leadregcomm.html>