

Applicability of the RCRA Household Waste Exclusion to Wastes and Debris Containing Lead-Based Paint



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Purpose

This guidance interpretation clarifies the regulatory status under RCRA of wastes that may contain lead-based paint, but which can be considered household wastes [as defined in 40 CFR §261.4(b)(1)], and are thus exempt from regulation as hazardous wastes under RCRA. It does not address the regulatory status of lead paint wastes that are generated from other sources, such as from commercial or public buildings, structures, or other non-residential sources. This guidance reflects the EPA July 31, 2000 revised household waste lead-based paint guidance listed at the Web site at the end of this guidance. This guidance supersedes previous Department hazardous waste policy number 1996-PO-001.

Problem statement

Wastes which may contain lead-based paint that are generated from normal household activities are considered household wastes, and therefore, are not regulated as hazardous wastes under RCRA. Such wastes are considered normal household refuse for regulatory purposes.

The types of wastes that are subject to this exclusion include paint scrapings, rags, plastic sheets, painted architectural components (*e.g.*, doors, windows, trim, support structures, and other interior or exterior wood debris) and other similar wastes generated from household maintenance, renovation, remodeling and or other normal household activities. Such wastes could be generated by the householder, or by a person or business hired by the householder to do the work. The term "household" in this context includes units described in 40 CFR 261.4(b)(1) such as single and multiple family residences, hotels and motels. Whole structure demolition debris containing lead-based paint is not considered household waste, since whole structure demolition is not considered normal "household" activity, even if the demolished structure is a house or other type of dwelling unit.

Analysis

In recent years, there has been an increasing focus on the issue of how RCRA applies to wastes that contain lead paint. Some lead-based paint wastes can exhibit a hazardous characteristic when tested in accordance with the Toxicity Characteristic Leaching Procedure (TCLP). In EPA's proposed regulations under TSCA title X for lead-based paint activities (59 FR 45872, September 2, 1994), the Agency discussed how RCRA standards may actually "over-regulate" these wastes, and can impede high-priority lead abatement actions. Those final regulations are expected to defer RCRA regulation of lead abatement wastes, in favor of an alternate regulatory framework established under TSCA authorities. The TSCA regulations will not, however, address lead-based paint wastes that are considered household hazardous wastes under RCRA.

Additional Information

To learn more about management of lead-based paint waste, refer to the following Web sites:

EPA Household Waste -- Lead-Based Paint guidance <http://www.epa.gov/lead/>

- Oregon State Health Division Lead-Based Paint Program

Alternative formats

Documents can be provided upon request in an alternate format for individuals with disabilities or in a language other than English for people with limited English skills. To request a document in another format or language, call DEQ in Portland at 503-229-5696, or toll-free in Oregon at 1-800-452-4011 or email deqinfo@deq.state.or.us.