

**Memorandum**

**Florida Department of  
Environmental Protection**

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TO: County Solid Waste Directors  
Other Interested Parties

FROM: William W. Hinkley, Chief  
Bureau of Solid and Hazardous Waste

DATE: February 13, 2002

SUBJECT: Management of Lead-Based Paint Debris  
Memo # SWM-21.36

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This memo is intended to give counties guidance on the management of lead-based paint (LBP) debris. LBP debris includes lead-based paint building components plus chips, dust, contaminated soils and sludges generated from lead abatement projects.

The EPA's Office of Solid Waste issued a memo on July 31, 2000 clarifying that LBP debris from residences, whether generated by the homeowner or by contractors, is considered "household waste" and is thus exempt from regulation as a hazardous waste under the Resource Conservation and Recovery Act (RCRA). As such, this material can be disposed of as household waste in a Municipal Solid Waste (MSW) landfill or Waste-to-Energy facility, and is exempt from hazardous waste testing requirements. This memo also included several suggested BMPs for the proper handling and disposal of LBP debris.

The Department believes that designing a system that expedites LBP debris remediation in a cost effective matter, removes the exposure risk that LBP poses to human health, and gets this material into a proper and regulated management system that is protective of the environment is a sound approach that offers more protection and less process. The Department concurs with the EPA's interpretation that LBP debris from a residence (including single family homes, apartment buildings, public housing, and military barracks) is "household waste" and is thus not subject to hazardous waste regulations. LBP debris generated from a commercial or industrial source is not entitled to this same exemption.

It is the Department's experience that demolition debris which includes wood, concrete, or metal painted with lead based paint will generally not fail the Toxicity Characteristic Leaching Procedure (TCLP) test and so will not be regulated as a hazardous waste. Because of this, the Department will not expect generators of large pieces of LBP debris to characterize the waste stream through testing prior to disposal. Large sized pieces of debris created from demolition jobs should be stored in containers, preferably covered, until ready for disposal in a Class I or III landfill or a C&D disposal facility, provided that the owner or operator is willing to accept them. All demolition contractors and others dealing with LBP debris should check with the facility owner where they intend to dispose of this material.

Generators of chips, dust, contaminated soils and sludges from commercial or industrial sources which may be contaminated with LBP continue to be responsible for the proper characterization of the waste stream prior to disposal. Such materials generated from renovation or remodeling jobs that can be vacuumed, swept up, or otherwise easily collected should be subjected to the TCLP test. If the materials are determined to be hazardous, they must be managed accordingly. If they are not hazardous, the materials should be placed into plastic bags or similar containers and taken to a Class I landfill for disposal.

Dust, paint chips and other small LBP materials from households are not regulated as hazardous waste. Because this material can be "hazardous in nature" even though it may not be regulated as a hazardous waste, the Department does not consider it to be construction and demolition debris, and thus it cannot be disposed of at a Class III landfill or C&D disposal facility. These materials should be placed into plastic bags or similar containers and taken to a Class I landfill for disposal.

This memo addresses only the disposal aspects of LBP debris. The reader should be aware that other aspects of LBP abatement and management may be regulated by other entities. For example, EPA and HUD have issued health and safety management practices for the handling of this material, which recommend the use of gloves, dust masks, respirators when appropriate, and other Personal Protection Equipment.

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