


FACT SHEET

GENERATORS' AND TRANSPORTERS' RESPONSIBILITIES FOR MANAGEMENT AND DISPOSAL OF LEAD-BASED PAINT DEBRIS

What Is This Rule Proposing?

The Environmental Protection Agency (EPA) is proposing to suspend current requirements for disposal of lead-based paint (LBP) debris and allow disposal of LBP debris in construction and demolition (C&D) landfills. EPA analysis found disposal in C&D landfills to be safe (i.e., protective of human health and the environment) and less costly than disposal in other types of landfills.

Under the proposed Toxic Substances Control Act (TSCA) rule, generators would no longer need to test LBP debris for lead. Instead, a generator may dispose of the LBP debris in a C&D landfill or in one of the landfill options listed below.

What Is LBP Debris?

LBP debris is any component, fixture, or portion of a residence or other building coated wholly or partly with LBP. LBP debris can also be any solid material coated wholly or partly with LBP resulting from a demolition. Examples include ceilings, crown molding, walls, chair rails, doors, door trim, floors, fireplaces, shelves, and radiators and other heating units.

Who Is Affected By This Rule?

This rule covers persons and firms who renovate, remodel, demolish, abate, or delead residences or public and commercial buildings or transport LBP debris. Examples include renovation or abatement contractors and construction and demolition professionals.

What Are My Options For Disposal Of LBP Debris?

Under the proposed TSCA standards, LBP debris may be disposed of in:

- A C&D landfill;
- A landfill receiving waste from conditionally exempt small quantity generators (CESQG);
- A hazardous waste disposal facility;
- A hazardous waste disposal facility authorized to manage hazardous waste by a State that has an EPA-approved hazardous management program;
- A hazardous waste treatment, storage, and disposal facility that has qualified for interim status to manage hazardous waste; or
- A Resource Conservation and Reservation Act (RCRA) hazardous waste incinerator.

The proposal will not allow LBP debris to be disposed of in a municipal solid waste landfill facility (MSWLF) although the proposal asks for comment on this. EPA believes that organic materials found in MSWLF's—such as common garbage—facilitate leaching of lead. On the other hand, EPA has found that lead does not leach as much when exposed to materials such as those found in a C&D landfill.

What Management Requirements Do I Have To Follow?

The following describes the proposed management requirements to reduce LBP exposures when disposing of LBP debris:

- **Concentrated Wastes.** Generators disposing of concentrated LBP wastes—such as sludges

and paint chips—must comply with existing Federal RCRA hazardous waste regulations as they are not eligible for disposal under the proposed TSCA standards.

- **Reuse.** LBP debris may not be used as mulch, roadbed, or fill material.

LBP debris may not be reused if it contains deteriorated LBP. Once the LBP is removed from the component, the component is no longer considered LBP debris and may be reused.

- **Access Limitations And Storage Requirements.** LBP debris may not be stored for more than 180 days after generation. Once you have generated LBP debris, you have 180 days to dispose of it in a C&D landfill.

After 3 days, LBP debris must be stored in a place with restricted access such as 6-foot dumpsters; covered drums or dumpsters; mobile homes; fenced areas that are locked; or locked, unoccupied structures.

- **Notification.** When LBP debris is transferred from one person to another, the person transferring the LBP debris must notify the recipient of the presence of LBP debris, the date it was generated, and the address of the generator and refer the recipient to the management and disposal standards for LBP debris. Both the recipient and the transferor must sign and date this notification and keep a copy for 3 years.
- **Transportation.** Vehicles transporting LBP debris must be covered.

FOR MORE INFORMATION

- For general information on lead-based paint and lead-based paint hazards, call the National Lead Information Center at 1-800-424-LEAD (5323).
- The Federal Register notice and this fact sheet are available in electronic format on the Internet through the EPA Public Access Server. The notice is available at www.epa.gov/fedrgstr. This fact sheet and other documents related to this rule are available at www.epa.gov/lead. For additional information or to order paper copies of any documents, call the National Lead Information Center at 1-800-424-LEAD (5323). You may also obtain information by calling the RCRA Hotline: callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD 703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline operates weekdays, 9:00 a.m. to 6:00 p.m. Write to the RCRA Information Center (5305W), US EPA, 401 M Street, SW, Washington, DC 20460.
- Submit written comments, in triplicate, by mail to: TSCA Public Docket Office, (7407), docket number OPPTS-**62160**, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW, Rm G099, East Tower, Washington, DC 20460. The public must send an original and two copies. Each comment must bear the docket control number OPPTS-**62160**.
- Comments and data may also be submitted electronically to: oppt.ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS-**62160**. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. No confidential business information (CBI) should be submitted through e-mail.
- All comments, which contain information claimed as CBI, must be clearly marked as such. Three copies, sanitized of any comments containing information claimed as CBI, must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information, any portion of which they believe is entitled to treatment as CBI by EPA, must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.