

# **Georgia Department of Natural Resources**

Environmental Protection Division  
Lead-Based Paint & Asbestos Program  
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**October 31, 2001**

**To: To All Regulated Parties**

**From: Donald H. McCarty, Jr.**  
**Program Manager**  
**Lead-Based Paint & Asbestos Program**

**Subject: Georgia's Lead-Based Paint Waste Disposal Requirements**

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## **Legal Authority:**

Georgia Department of Natural Resources Rules for Solid Waste Management, Chapter 391-3-4.

Georgia Department of Natural Resources Rules for Hazardous Waste Management, Chapter 391-3-11.

Georgia Department of Natural Resources Rules for Hazardous Site Response, Chapter 391-3-19.

Georgia Department of Natural Resources Rules for Lead-Based Paint Abatement, Certification, and Accreditation, Chapter 391-3-24.

U. S. Environmental Protection Agency, Office of Solid Waste, Director's Memorandum, dated July 31, 2000, entitled "Regulatory Status of Waste Generated by Contractors and Residents from Lead-Based Paint Activities Conducted in Households"

Georgia Environmental Protection Division, Hazardous Waste Management Branch, Branch Chief's Memorandum, dated March 31, 1994, entitled "Lead Abatement Wastes"

## **Purpose:**

This document provides guidance to Georgia accredited lead-based paint abatement contractors, demolition contractors, structural painting contractors, environmental consultants, environmental training providers, waste handling and disposal operators, and the general public to ensure compliance with the various Georgia environmental laws and rules governing lead-based paint wastes. While federal laws govern lead-based paint abatement and lead waste handling, the Georgia Environmental Protection Division (EPD) has been delegated by the U. S. Environmental Protection Agency (EPA) the various program activities providing compliance and enforcement under the authority of

the laws of the State of Georgia. Since these program areas deal with lead as a potential environmental and health hazard, this document provides clarification to all concerned parties for a consistent regulatory response regarding lead-based paint waste in Georgia.

### **Definitions:**

**Child Occupied Facility** means a building constructed prior to 1978, visited by the same child, six years of age or under, on at least two different days within the same week (Sunday through Saturday period), provided each day's visit lasts at least three hours and the combined weekly visit lasts at least six hours. Child-occupied facilities include, but are not limited to, day-care centers, pre-schools and kindergarten classrooms. *Ref. Chapter 391-3-24-.03(5)*

**Construction and Demolition Waste** means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial building and other structures. Such waste include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill materials, and other nonputrescible wastes which have a low potential for groundwater contamination. *Ref. Chapter 391-3-4-.01.(14)*

**Hazardous Waste** means any solid waste, which has been defined as a hazardous waste in regulations promulgated by the Georgia Board of Natural Resources. *Ref. Chapter 391-3-11.*

**Household Waste** means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). *Ref. Chapter 391-3-4-.01(24)*

**Lead-Based Paint Activities** means lead-based paint inspection, lead-based paint risk assessment, and lead-based paint abatement for target housing and child occupied facilities. *Ref. Chapter 391-3-4-.03(40)*

**Municipal Solid Waste** means any solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks and means solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste, but does not include solid waste from mining, agricultural, or silvicultural operations or industrial processes or operations. *Ref. Chapter 391-3-4-.01(37)*

**Target Housing** means any residential dwelling constructed prior to 1978, except residential dwelling for the elderly or persons with disabilities (unless any child who is age 6 or under resides or is expected to reside in such residential dwelling for the elderly or persons with disabilities) or any 0-bedroom dwelling. *Ref. Chapter 391-3-24-.03(58)*

**Toxicity Characteristic Leaching Procedure** means Method No. 1311 as described in the *U. S. Environmental Protection Agency Test Methods for Evaluating Solid Waste*,

**Guidance:**

EPD regulates lead-based paint abatement industry in the areas of target housing and child occupied facilities. The focus of the *Georgia Rules for Lead-Based Paint Abatement, Certification and Accreditation, Chapter 391-3-24.*, is to regulate lead-based paint activities. While EPD regulates lead as a hazardous waste under the *Georgia Rules for Hazardous Waste Management, Chapter 391-3-11.*, certain exemptions for hazardous waste disposal requirements exist. The *Georgia Rules for Solid Waste Management, Chapter 391-3-4.*, and the *Georgia Rules for Hazardous Waste Management* provides for the exemption of hazardous waste disposal requirements, when the waste is generated from a household. This is called Household Waste or Municipal Solid Waste, depending upon the rules cited.

The EPA Office of Solid Waste Memorandum dated July 31, 2000, interpreted that waste generated from lead-based paint activities, including abatement, renovation and remodeling in homes and other residences enjoy the household hazardous waste exemption status. The purpose was to reduce disposal cost for these contractors. The EPA Memorandum does not provide for any such hazardous waste disposal exemption, if the lead-based paint waste is derived from abatement, renovation and remodeling in child occupied facilities. The EPA Memorandum provides no interpretation regarding demolition of lead-based painted structures. EPD clarifies its position regarding these activities with a series of questions and answers.

**Where can I dispose of my Lead-Based Paint abatement, renovation, remodeling, or demolition waste from residential projects?**

1. When such debris from residential projects is architectural building components, such as doors, window frames, banisters, flooring, porch post and other painted woodwork, then the waste may be disposed in a permitted Municipal Solid Waste (MSW) Landfill or permitted Construction and Demolition (C&D) Landfill. Since this a residential project, no Toxicity Characteristic Leaching Procedure (TCLP) analysis is required to characterize Toxic Characteristic (TC) for the lead among the waste. This waste is considered household waste and is excluded from regulation as a hazardous waste. Good work practices must be taken to avoid lead contamination of the soil.
2. When such debris from the residential projects consist of paint chips, dust, soil and/or sludge generated from the abatement, renovation, or remodeling, then the waste may be disposed of in a permitted MSW Landfill with a liner and leachate collection system. This waste is considered a household waste and is excluded from regulation as a hazardous waste and requires no TCLP analysis. Due to the potentially higher concentration of lead among these wastes, the Division requires disposal in a lined MSW Landfill at a minimum.

**Where can I dispose of my Lead-Based Paint abatement, renovation, remodeling or demolition waste from other non-residential projects?**

1. When the debris does not exhibit Toxic Characteristic (TC) for lead that exceeds the regulatory threshold of 5 milligrams per kilogram as a hazardous waste, then the waste may be disposed of in a permitted MSW Landfill or a permitted C&D Landfill,

if from painted components. If the solid waste is composed of paint chips, dust, soil, and/or sludge, and the TC is less than 5 milligrams per liter, this waste portion may be disposed in a permitted MSW Landfill with a liner and leachate collection system.

2. When the debris exhibits the TC for lead that equals or exceeds the regulatory threshold of 5 milligrams per liter as a hazardous waste and in a quantity of 220 pounds or greater per month, then the waste must be disposed in a manner to comply the *Georgia Rules for Hazardous Waste Management*.
3. When the debris exhibits the TC for lead that equals or exceeds the regulatory threshold of 5 milligrams per liter as a hazardous waste and the total quantity of waste from the project site is less than 220 pounds per month, then the waste is classified as a Conditionally Exempt Small Quantity Generator (CESQG) waste. Disposal in a MSW or C& D Landfill is permissible depending upon waste form, as discussed in the earlier question.

**Can any contractor or individual disturb lead-based paint through abatement, renovation, remodeling or demolition at any type facility and leave lead-based paint chips, dust or sludge on the ground?**

No. Regardless of the lead content, open dumping of any solid waste is a prohibited act under the *Georgia Rules for Solid Waste Management*. Rule 391-3-4-.04(4)(c) states, “no solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow, or permit open dumping on his property. Further, when the disturbance of lead-based paint through abatement, renovation, remodeling or demolition at any type facility contaminates the soil with lead exceeding the TC regulatory threshold of 5 milligrams per liter for lead as a hazardous waste, then open dumped lead-based paint waste must be cleaned up.

**What are the clean up standards for lead-based paint contaminated soil?**

1. Lead-based paint contaminated soil must be cleaned up to background level in the soil. The Division must agree with the background level used for the clean up standard designated. If the soils lead content equals or exceeds 400 milligrams per kilogram, *Georgia Rules for Hazardous Site Response, Chapter 391-3-19-.04(3)(b)* requires clean up or notification to the Division within thirty (30) days.
2. If required by the Division, clean up of lead-based paint contaminated soil surrounding residential facilities must be conducted in such a manner to meet the abatement requirement of the *Georgia Rules for Lead-Based Paint Abatement, Certification, and Accreditation*.
3. If required by the Division, clean up of lead-based paint contaminated soil surrounding non-residential structures or facilities must be conducted in such a manner to meet the clean up requirements prescribed in the *Georgia Rules for Hazardous Waste Management and/or Georgia Rules for Hazardous Sites Response*.

**Can Facility Owners adopt more stringent waste disposal criteria than required under federal or state rules for Contractors to comply under contract?**

Yes. While Georgia EPD enforces the minimum requirements under Georgia laws and rules, Facility Owners may adopt more stringent contract specifications. EPD will not enforce these more stringent specifications, unless outlined in agreed terms in an order executed by the Director.