

US EPA ARCHIVE DOCUMENT



Massachusetts Policy on the Management of Wastes from Lead Abatement, Remodeling and Renovation Activities Conducted in Households

This policy provides further clarification of the household hazardous waste exemption cited at 310 CMR 30.104(6) as it relates to the management of lead-based paint (LBP) waste generated from lead abatement, remodeling and renovation activities in residences. LBP waste is composed of coated building components (doors, window frames and painted woodwork), and concentrated residue from chemical and physical paint removal activities (paint chips, dust, and sludges). This policy adds LBP waste to the household waste exemption, 310 CMR 30.104(6), and is consistent with recent USEPA guidance discussed below. LBP coated building components and concentrated residues generated by residents or by contractors performing activities in residences are classified as household waste, and are therefore exempt from hazardous waste regulations. Accordingly, LBP wastes from residences may be managed as non-hazardous solid waste. However, this policy does not apply to LBP wastes generated from activities conducted in non-residential buildings or from structures (e.g., bridges, tanks); such wastes continue to be subject to the Massachusetts Hazardous Waste Management Regulations, 310 CMR 30.000. This policy is intended to facilitate lead abatement activities, especially in HUD-funded public housing initiatives, by reducing waste management and disposal costs while ensuring public and environmental protection.

The Department's management approach mirrors the federal approach described in a July 31, 2000 memo by Elizabeth Cotsworth, Director of the Office of Solid Waste, USEPA, entitled "Regulatory Status of Waste Generated by Contractors and Residents from Lead-Based Paint Activities Conducted in Households." This memo clarifies the federal regulatory status of lead-based paint waste generated as a result of lead abatement, renovation and remodeling activities in homes and other residences. Specifically, EPA clarifies that the "household waste" exemption, which has been historically limited to residents, is applicable to waste generated by contractors conducting lead abatement, remodeling and renovation activities in residences, thereby allowing both contractors and residents to manage LBP waste as non-hazardous solid waste. The memo further states that LBP waste can be discarded in a municipal solid waste landfill or a municipal solid waste combustor. Finally, the memo expands the definition of "residence" to include not only single-family homes, multifamily homes, apartment buildings, but public and military housing as well.

By this policy, the Department adopts the guidance provided in EPA's July 31, 2000 interpretive memo and strongly recommends that residents and contractors comply with the "Best Management Practices" (BMPs) for removing, packaging and disposing of lead abatement wastes specifically described in the memo. The Department believes that the management of LBP waste under this policy provides adequate protection to human health and the environment and that by reducing disposal costs, this policy will facilitate lead abatement activities and greatly reduce human exposure to lead, particularly among children.

Those who generate, store, transport, treat, recycle and dispose of LBP waste must comply with all applicable solid waste laws and regulations.

Signed by James C. Colman, Assistant Commissioner, Bureau of Waste Prevention on 5/4/01

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