



# UNIVERSAL ENGINEERING SCIENCES

## LEAD-BASED PAINT SURVEY

Conducted on

### BUILDING BL190012 – 3<sup>rd</sup> FLOOR LIVING AREA

3 La Croix Court

Key Largo, Monroe County, Florida

Universal Project No. 0640.1200036.0000

Universal Report No. 11863

March 29, 2012

*Prepared for:*

FDEP/Office of Greenways and Trails

Florida Keys Overseas Heritage Trail

3 La Croix Court

Key Largo, Florida 33037

Attention: Ms. Shelley Welch, Administrative Assistant

*Prepared by:*

Universal Engineering Sciences, Inc.


1818 7<sup>th</sup> Avenue North, Unit 1

Lake Worth, Florida 33461

(561) 540-6200

Business License No. ZA-0000017

*Conducted by:* James E. Adams  
Project Manager

  
Signature

*Reviewed by:* Robert Sport  
Senior Project Manager  
EPA Certified Lead Paint Risk Assessor

  
Signature

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## 1.0 INTRODUCTION

In this report, Universal Engineering Sciences (Universal) presents the results of the lead-based paint survey performed on March 21, 2012 on the 3<sup>rd</sup> floor living area of Building BL190012 located at 3 La Croix Court in Key Largo, Monroe County, Florida. This service was conducted based on FDEP's Purchase Order No. A57D51, issued March 16, 2012. ***This report is not intended for compliance with 40 CFR part 745.***

### 1.1 GENERAL

Lead-Based Paint (LBP), as defined by the Housing Urban Development (HUD), is dried paint film with a lead concentration equal to or greater than 1.0 mg/cm<sup>2</sup> (milligrams of lead per square centimeter) when measured by a portable X-Ray Fluorescence (XRF) Lead Paint Analyzer, or a lead concentration of 5,000 parts per million (ppm) when analyzed by an American Industrial Hygiene Association (AIHA) Environmental Lead Laboratory (ELLAP) laboratory, or 0.5 percent (% wt) by weight when analyzed by an AIHA/ELLAP laboratory.

### 1.2 PURPOSE AND SCOPE

The purpose of this study was to perform an evaluation of the 3<sup>rd</sup> floor living area at the above-referenced facility for the presence of LBP. The activities and procedures used to accomplish this task are as follows:

1. Review available information concerning the 3<sup>rd</sup> floor living area including the date of initial construction, significant renovations, types of construction, and information regarding the subject space's use.
2. Walk-through and observe accessible areas within the 3<sup>rd</sup> floor living area to identify, locate, and assess suspect LBP.
3. Collection of paint chip samples from all combinations of assessable painted, glazed, shellacked, and/or stained components.
4. Analyze the collected paint chip samples at an AIHA/ELLAP accredited laboratory using Flame Atomic Absorption (FAA) Environmental Protection Agency (EPA) method SW-846, 3<sup>rd</sup> edition, 7420 for the presence of lead.
5. Prepare and submit a report of our findings.

Complete destructive observation and sampling procedures were not generally used during our evaluation of the facility. Inaccessible areas within the building such as inside partitions or other sealed areas are beyond the scope of this study. The scope of our survey was limited to the interior of the 3<sup>rd</sup> floor living area and did not include an evaluation of fixtures, equipment, or stored materials.

### 1.3 INSPECTION PROCEDURES

The lead-based paint chip survey was performed on March 21, 2012 by Mr. James E. Adams under the guidance of Mr. Robert Sport, an EPA certified lead inspector and risk assessor. Paint scrapes of interior and exterior components were collected and transported to the AIHA/ELLAP accredited laboratory for analysis by FAA/EPA Method SW-846, 3<sup>rd</sup> edition, 7420.

## 2.0 FINDINGS

A total of four paint chip samples were collected from component coatings. Of the four analyzed samples, none were documented to contain lead above the Federal lead guidelines for lead in paint of 5.000 ppm (or 0.5% wt). A summary of the paint chip laboratory analysis is presented in Appendix A. Tables 1 and 2 in Section 3.0 presents a summary of the paint chip sample results.

## 3.0 LABORATORY ANALYSIS (PAINT CHIP SAMPLES)

Laboratory analysis was performed in accordance with FAA/EPA Method SW-846, 3<sup>rd</sup> edition, 7420. A summary of the paint chip laboratory analysis is presented in Appendix A. Table 1 presents a summary of the laboratory paint chip sample results.

TABLE 1  
Paint Chip Analytical Results

Sample No.	Location	Wall Side	Component	Substrate	Color	Results
PC-1	Elevator Eq. Room	B	Door Frame	Wood	Varnish	0.019
PC-2	Bathroom Door	D	Door	Wood	Varnish	0.032
PC-3	Bathroom Wall	D	Ceramic Tile Wall	Ceramic	Glaze	<0.010
PC-4	Bathroom Shower	D	Ceramic Tile Shower Floor	Ceramic	Glaze	<0.010

Notes:

Results reported in percent by weight (% wt)

As noted in the table above, two of the samples were documented to contain detectable concentrations of lead that were below the HUD standard of 0.5 percent by weight. However, should the colors/components be disturbed, the coatings may be regulated by OSHA. The remaining samples were found to be below the laboratory method detection limits.

Please note, it is not possible to separate the glaze from the ceramic tile; therefore, the ceramic tiles collected for analysis were submitted as bulk samples. The analytical method includes testing the glaze and substrate. Since the two cannot be separated, the glaze portion of the sample becomes heavily diluted, which often generates a negative result. Universal collected additional samples of the ceramic tile (including some spare floor tile from the open space) and analyzed said samples with a portable Radiation Monitoring Devices, Inc. (RMD) LPA-1 XRF analyzer.

The RMD LPA-1 XRF Analyzer method of measurement is based on spectrometric analysis of lead K-shell XRF within a controlled depth of interrogation. K-shell measurements of lead in paint is the EPA/HUD's preferred method of XRF measurement. The K-Shell line (the higher energy emission) is normally used for paint analysis because it measures lead in all layers of paint films, including those layers nearest the substrate where higher lead levels are often found. K-shell X-rays can penetrate multiple layers of paint and/or various other coatings without being affected by the thickness and composition of the layers. The RMD LPA-1 XRF Analyzer uses a controlled depth concept which restricts the penetration of the energetic K-shell X-rays into the substrate so that the analyzer will not locate objects deep in a wall or component such as lead pipes. The RMD LPA-1 XRF Analyzer distinguishes the lead X-ray from interfering X-ray radiation from other metals. The RMD LPA-1 XRF Analyzer calculates and then displays the specific lead content as milligrams per square centimeter (mg/cm<sup>2</sup>) of surface area. Table 2 presents a summary of the XRF results.

TABLE 2  
XRF Results

Sample No.	Location	Wall Side	Component	Substrate	Color	Results	HUD Standard
PC-1	Bathroom Walls	D	Ceramic Tile Walls	Ceramic	Glaze	4.4	1.0
PC-2	Open Area Floor	B	Ceramic Tile Floor	Ceramic	Glaze	>9.9	1.0
PC-4	Bathroom Shower	D	Ceramic Tile Shower Floor	Ceramic	Glaze	0.0	1.0

Notes:

Results reported in milligrams per square centimeter (mg/cm<sup>2</sup>)

As noted in the table above, the glazing on the ceramic tile collected from the walls of the bathroom was documented to contain levels of lead well above the HUD standard of 1.0 mg/cm<sup>2</sup>. Although the ceramic floor tile inside the main open area is not scheduled to be removed during the upcoming renovations, Universal collected a sample from a stack of spare tiles inside the storage room. The glaze of the ceramic floor tile from the main open area was documented to contain levels of above the instrument's highest threshold of 9.9 mg/cm<sup>2</sup>.

#### 4.0 SUMMARY

Inspection of Building BL190012 3<sup>rd</sup> floor living area located at 3 La Croix Court in Key Largo, Monroe County, Florida, indicated none of the component coatings had reported results above the HUD standard of 0.5 % wt, according to the laboratory analytical report. However, since glaze from ceramic surfaces cannot be separated, the samples of glaze from the ceramic tiles become diluted when mixed with the ceramic substrate. To verify lead levels, Universal analyzed the ceramic tiles with a portable RMD LPA-1 XRF Analyzer. The XRF measurements documented levels of lead well above the HUD standard in the ceramic tile collected from the walls of the bathroom. Additionally, XRF measurements for the ceramic floor tiles in the main open area were also documented levels of lead well above the HUD standard. As such, it is Universal's opinion that the ceramic tiles on the walls of the bathroom and the floors of the main open area be treated as lead-containing during any renovation activities.

#### 5.0 REGULATORY INFORMATION

LBP activities are governed by various regulations and guidelines. The regulations and guidelines are focused on the protection of building occupants, protection of the environment, disposal procedures, and worker protection.

The disturbance of LBP coatings is regulated by the Occupational Safety and Health Administration (OSHA), which has noted that the HUD LBP definition may not be applicable to regulations. The OSHA regulation does not define lead content of the coating, but instead, regulates the disturbance of the materials with any lead content.

The demolition of buildings is regulated under the National Emissions Standards for Hazardous Air Pollutants (NESHAP) statute for general dust control. Specifications for the proper work practices, controls and disposal should be developed to document compliance with all applicable regulations.

Specifications for the proper work practices, controls and disposal should be developed to document compliance with all applicable regulations. Those components/colors not tested, or in locations not inventoried in this report, should be tested for lead content prior to any disturbance (repair, renovation, abatement, or demolition) that may cause airborne release of lead. Components/colors that may be identified to contain the presence of lead should not be disturbed in any uncontrolled manner, such as during repair, renovation or demolition. Any

disturbance of these materials should only be done by properly trained personnel in a controlled and documented manner.

It is the Florida Department of Environmental Protection's (FDEP) experience that demolition debris which includes wood, concrete or metal painted with LBP 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 FDEP 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 Construction and Debris (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. Universal has included a memo entitled "Management of Lead-Based Paint Debris," dated February 13, 2002, from the FDEP's Bureau of Solid and Hazardous Waste in **Appendix D**.

It has been Universal's past experience that the Florida Department of Environmental Protection and OSHA allows components with lead containing coatings to remain in-place during demolition provided that wet techniques and other engineering controls are employed during the process. However, the mixed demolition debris must be disposed of in a proper landfill according to the results of the TCLP. Further, components that have lead containing coatings and debris mixed with lead containing coatings can not be recycled and must be disposed in an appropriate landfill. With respect to lead related tasks such as any manual demolition of structures, manual scraping, manual sanding, heat gun applications, and power tool cleaning with dust collection systems, OSHA requires employee protective measures until the employer performs an employee exposure assessment and documents that the employee performing any of the lead related tasks is not exposed above the Permissible Exposure Limit (PEL) of 50 micrograms of lead per cubic meter of air ( $\mu\text{g}/\text{m}^3$ ) averaged over an 8-hour period. UES recommends employee exposure monitoring during any lead related tasks.

The EPA regulations are as follows:

Residential Lead Based Paint Hazard Reduction Act of 1992, Public Law 102-550: Title X of the Housing & Community Development Act of 1992

Deals with training requirements for managing and procedures for evaluating the risks of identified lead based paint.

40 CFR 745 - Subpart L - Lead-Based Paint Activities

Includes a "Model Accreditation Plan" outlining the training and certification program applicable to personnel performing lead-based paint activities.

40 CFR 745 - Subpart F - Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property

Requires disclosure and an allowance for gathering of information concerning the presence or potential of lead-based paint hazards during a residential property sale.

Resource Conservation & Recovery Act (RCRA)

Deals with the waste and disposal requirements associated with lead based paint materials.

The OSHA regulations are as follows:

29 CFR 1926.62, Lead Exposure in Construction: Interim Final Rule

Deals with the potential exposure to lead based paint materials to which construction workers may be subjected.

29 CFR 1910.134: Use of Respirators

The OSHA Respiratory Protection Rule defines the program and requirements as to when personnel are allowed to wear respirators, maintenance of respirators, etc. In general, OSHA coverage extends to all private sector employer and employees. Those not covered under the standard typically include self-employed persons and federal, state and local municipal employees. The office of public & Indian housing, department of housing & urban development regulation are as follows:

Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1995)

Deals with requirements for testing and managing the potential for lead based paint exposure in public housing, primarily focused to the safety of children.

24 CFR 35 - Subpart H - Disclosure of Known Lead-Based Paint and/or Lead-Based Paint Hazards Upon Sale or Lease of Residential Property

Requires disclosure and an allowance for gathering of information concerning the presence or potential of lead-based paint hazards during a residential property sale.

The State of Florida regulations is as follows:

F.S. 442 - Right-to-Know Law

The document addresses the requirements to advise personnel of hazardous materials that may be in the workplace.

## **6.0 CONTROLLING AGENCIES**

The Controlling Agency for the coordination of projects involving asbestos removal projects or demolition for Monroe County is the South District Branch offices of the Florida Department of Environmental Protection located at 2796 Overseas Highway, Suite 221 in Marathon, Florida 33050. The asbestos contact is Ms. Barbara Nevins, who can be reached at (305) 289-7070. The Federal controlling agency is EPA Region 4, Sam Nunn Atlanta Federal Building, 61 Forsyth Street, Atlanta, Georgia 30303, (404) 347-4727.

## **7.0 CONDITIONS AND LIMITATIONS**

All work was conducted under the guidance of an EPA accredited lead inspector/risk assessor to obtain paint chip samples of the assessable painted surfaces which were observed during the walk-through on March 21, 2012. This survey is applicable for the time that the inspection was conducted. Component surface coatings that were not tested by Universal, should be tested before any disturbance to the components (such as repair, renovation, or demolition). The testing results may not be acceptable for activities (such as renovation and repair) which may disturb the coatings and be regulated by OSHA.

APPENDIX A







**EMSL Analytical, Inc.**

5125 Adanson Street, Suite 900, Orlando, FL 32804

Phone: (407) 599-5887 Fax: (407) 599-9063 Email: [orlandolab@emsl.com](mailto:orlandolab@emsl.com)

Attn: **Jamie Adams**  
**Universal Engineering Sciences**  
**1818 7th Ave. North Unit 1**  
**Lake Worth, FL 33461**

Customer ID: UESO59  
Customer PO: 12-094  
Received: 03/23/12 11:16 AM  
EMSL Order: 341202230

Fax: (561) 540-6242 Phone: (561) 540-6200  
Project: **0640.1200036**

EMSL Proj:

**Test Report: Lead in Paint Chips by Flame AAS (SW 846 3050B\*/7000B)**

<i>Client Sample Description</i>	<i>Lab ID</i>	<i>Collected</i>	<i>Analyzed</i>	<i>Lead Concentration</i>
PC-1 Site: varnish on door frame elev	0001	3/21/2012	3/26/2012	0.019 % wt
PC-2 Site: varnish on door bath	0002	3/21/2012	3/26/2012	0.032 % wt
PC-3 Site: ceramic tile wall bath	0003	3/21/2012	3/26/2012	<0.010 % wt
PC-4 Site: ceramic tile shower floor bath	0004	3/21/2012	3/26/2012	<0.010 % wt

Initial report from 03/28/2012 09:39:04

Blanca Cortes, Ph.D., Laboratory Manager  
or other approved signatory

Reporting limit is 0.010 % wt based on the minimum sample weight per our SOP. The QC data associated with these results included in this report meet the method QC requirements, unless specifically indicated otherwise. Unless noted, results in this report are not blank corrected. EMSL bears no responsibility for sample collection activities. Samples received in good condition unless otherwise noted. \* slight modifications to methods applied. "<" (less than) result signifies that the analyte was not detected at or above the reporting limit. Measurement of uncertainty is available upon request.  
Samples analyzed by EMSL Analytical, Inc. Orlando, FL AIHA-LAP, LLC ELLAP 163563

**Lead & Metals Chain of Custody**  
**EMSL Order Number (Lab Use Only):**

341202230

Orlando, FL  
 Suite 900  
 5125 Adanson St  
 Orlando, FL 32804  
 PHONE: (407) 599-5887  
 FAX: (407) 599-9063

Company: Universal Engineering Sciences, Inc.		EMSL-Bill to: <input checked="" type="checkbox"/> Same <input type="checkbox"/> Different If Bill to is Different note instructions in Comments** <i>Third Party Billing requires written authorization from third party</i>	
Street: 1818 7th Avenue North Unit One			
City/State/Zip: Lake Worth, FL 33461			
Report To (Name): James Adams		Fax: 561.540.6242	
Telephone: 561.540.6200		Email Address: jadams@universalengineering.com	
Project Name/Number: 0640.1200036			

Please Provide Results: Email    Purchase Order: 12-094    State Samples Taken: FL

**Turnaround Time (TAT) Options\* - Please Check**

3 Hour   
  6 Hour   
  24 Hour   
  48 Hour   
  72 Hour   
  96 Hour   
  1 Week   
  2 Week

*\*Analysis completed in accordance with EMSL's Terms and Conditions located in the Price Guide*

Matrix	Method	Instrument	Reporting Limit	Check
Chips <input type="checkbox"/> mg/cm <sup>2</sup> <input checked="" type="checkbox"/> % by wt.	SW846-7000B/7420 or AOAC 974.02	Flame Atomic Absorption	0.01%	<input type="checkbox"/>
	NIOSH 7082	Flame Atomic Absorption	4 µg/filter	<input type="checkbox"/>
Air	NIOSH 7105	Graphite Furnace AA	0.03 µg/filter	<input type="checkbox"/>
	NIOSH 7300 modified	ICP-AES	0.5 µg/filter	<input type="checkbox"/>
	SW846-7000B/7420	Flame Atomic Absorption	10 µg/wipe	<input type="checkbox"/>
Wipe* <input type="checkbox"/> ASTM <input type="checkbox"/> non ASTM <i>*If no box is checked, non-ASTM Wipe is assumed</i>	SW846-6010B or C	ICP-AES	0.5 µg/wipe	<input type="checkbox"/>
	SW846-1311/7420/SM 3111B	Flame Atomic Absorption	0.4 mg/L (ppm)	<input type="checkbox"/>
TCLP	SW846-6010B or C	ICP-AES	0.1 mg/L (ppm)	<input type="checkbox"/>
	SW846-7000B/7420	Flame Atomic Absorption	40 mg/kg (ppm)	<input type="checkbox"/>
Soil	SW846-7421	Graphite Furnace AA	0.3 mg/kg (ppm)	<input type="checkbox"/>
	SW846-6010B or C	ICP-AES	1 mg/kg (ppm)	<input type="checkbox"/>
	SM3111B or SW846-7000B/7420	Flame Atomic Absorption	0.4 mg/L (ppm)	<input type="checkbox"/>
Wastewater	EPA 200.9	Graphite Furnace AA	0.003 mg/L (ppm)	<input type="checkbox"/>
	SW846-6010B or C	ICP-AES	1 mg/kg (ppm)	<input type="checkbox"/>
	EPA 200.9	Graphite Furnace AA	0.003 mg/L (ppm)	<input type="checkbox"/>

Other: \_\_\_\_\_    Preservation Method (Water): \_\_\_\_\_

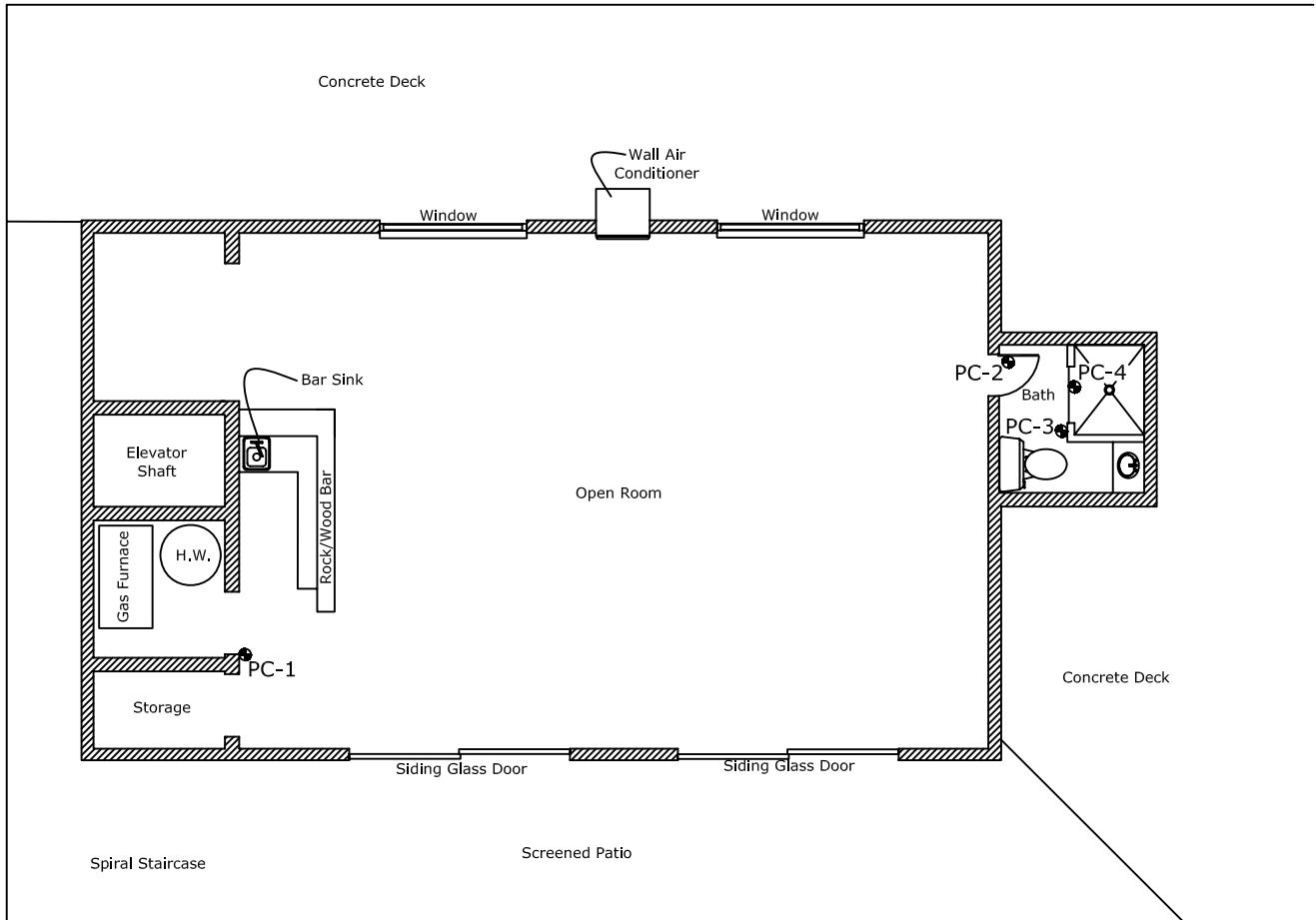
Name of Sampler: \_\_\_\_\_    Signature of Sampler: \_\_\_\_\_

Sample #	Location	Volume/Area	Date/Time Sampled
PC-1	Varnish on Door Frame (Elev)	—	3-21-12
PC-2	Varnish on Door (Bath)	—	↓
PC-3	Ceramic Tile - Wall (Bath)	—	
PC-4	Ceramic Tile - Shower Fl. (Bath)	—	

Client Sample #'s	<u>1-4</u>	Total # of Samples:	<u>4</u>
Relinquished (Client):	<u>[Signature]</u>	Date:	<u>3/22/12</u> Time: <u>10:57</u>
Received (Lab):	<u>Brentin Desabatino</u>	Date:	<u>3/23/12</u> Time: <u>10:30am</u>

Comments/Special Instructions: Project Name: Building #BL190012 - 3rd Floor Living Area





**UNIVERSAL**  
ENGINEERING SCIENCES

**BUILDING BL190012 3rd FLOOR LIVING AREA  
3 LA CROIX COURT  
KEY LARGO, MONROE COUNTY, FLORIDA**

**LEAD PAINT CHIP SAMPLE LOCATION MAP**

<b>DRAWN BY:</b> JA	<b>DATE:</b> 3/26/12	<b>CHECKED BY:</b> RS	<b>DATE:</b> 3/29/12
<b>SCALE:</b> NTS	<b>PROJECT NO:</b> 0640.1200036.0000	<b>REPORT NO:</b> 11863	<b>PAGE NO:</b> 1



# Certificate of Achievement

This is to certify that

**Mr. James E. Adams**  
**ATC Associates, Inc.**

on the 20th day of June 1997 successfully completed the factory training for

**RMD's LPA-1 Lead Paint Inspection System**

including, but not limited to, the topics of Radiation Safety  
and the Proper Use of the Instrument.



Jacob H. Paster, Vice President, RMD, Inc.  
44 Hunt St., Watertown, Massachusetts



# United States Environmental Protection Agency

This is to certify that

Robert B. Sport

has fulfilled the requirements of the Toxic Substances Control Act (TSCA) Section 402, and has received certification to conduct lead-based paint activities pursuant to 40 CFR Part 745.226 as a:

Risk Assessor

In the Jurisdiction of:

Florida

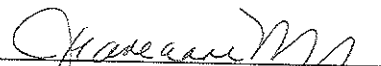
This certification is valid from the date of issuance and expires July 18, 2013

FL-R-6414-3

Certification #

SEP 15 2010

Issued On

  
Jeaneanne M. Gettle, Chief

Pesticides and Toxic Substances Branch



CWD International, Inc. dba

# Environmental Training Fund

38850.6722CERT/PBRARE

900 N.W. 5TH Avenue, Fort Lauderdale, Florida 33311

(954) 524-7208 Processed By:

***This is to Certify that  
Robert Sport***



3532 Maggie Blvd. , Orlando, FL 32811

***has successfully completed an English  
Lead 8 Hr. Risk Assessor Refresher***

**13-May-10 TO 13-May-10**

Initial courses include an extensive hands-on component.

Complies with Sec. 402 TSCA 15 USC 2682 and Accredited by the IL-DPH, CT-DPH, MO-DOH, PA-DLI, TX

Trainer(s): James F. Stump

Training Address: 900 Northwest Fifth Ave., Fort Lauderdale, FL 33311

Passed the hands-on assessment & completed the course exam on: 13-May-10



UNDER CIVIL AND CRIMINAL PENALTIES OF LAW FOR MAKING OR SUBMISSION OF FALSE OR FRAUDULENT STATEMENTS OR REPRESENTATIONS (18 U.S.C. 1001 AND 15 U.S.C. 2615), I CERTIFY THAT THIS TRAINING COMPLETES WITH ALL APPLICABLE REQUIREMENTS OF TITLE 40 OF THE "TOXIC SUBSTANCE CONTROL ACT", 40 CFR PART 740 OR 741, AND ALL OTHER APPLICABLE FEDERAL, STATE OR LOCAL REQUIREMENTS, AS AMENDED.

James F. Stump, Training Manager

***This Certificate Expires:***

SUNSET DATE: 12-May-13

12-May-13

GA-PreAudit

Certificate Number.....



Course Number SE1019

USEPA's actual expiration date will appear on individual's license. See individual state rules for actual state expiration date.



# Certificate of Achievement

This is to certify that

**Robert Sport**  
of **ATC Associates, Inc.**

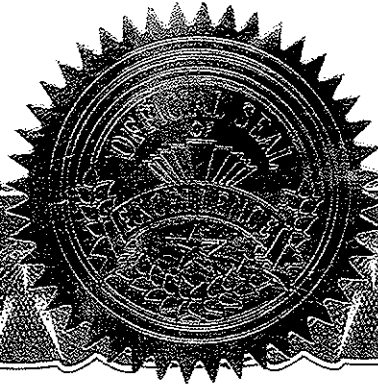
on the 15th day of December 2000 successfully completed the factory training for

**RMD's LPA-1 Lead Paint Inspection System**

including, but not limited to, the topics of Radiation Safety and the Proper Use of the Instrument.



Jacob Paster, Vice President, RMD  
44 Hunt St., Watertown, Massachusetts





**Memorandum**

**Florida Department of  
Environmental Protection**

---

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

---

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.

CC: District Waste Program Administrators  
Satish Kastury  
Chris McGuire  
Richard Tedder