

Hazardous Waste/Toxics Reduction Policy Clarification

Guidance Title: Management of Building Demolition Waste

Guidance Number: 1997-PO-002A

Effective Date: November 21, 1997

Purpose

This policy interpretation supersedes policy number 97-002 and clarifies the requirements for management of building demolition wastes that may contain architectural components or other debris that are painted with lead-based paint. This policy does not address "household" wastes that may contain lead based paint. Management requirements for those wastes are addressed under DEQ Policy #96-001. This policy also does not affect the responsibility to comply with requirements for handling of asbestos as part of building demolition activities. Those requirements are specified in OAR 340-032-5600 through 5650.

Applicability

This policy applies to anyone handling commercial building demolition wastes that may contain debris painted with lead-based paints.

This policy statement is intended solely as guidance for employees of the Department of Environmental Quality (DEQ). It does not constitute rulemaking by the Environmental Quality Commission and may not be relied upon to create a right or benefit, substantive or procedural, enforceable by law or in equity, by any person. DEQ may take action at variance with this policy statement.

Discussion

Building demolition wastes often include items such as wood trim, siding and other architectural components that have been painted with lead-based paint. The presence of lead-based paint on such items can be detected using relatively simple sensing devices. Under RCRA, generators of demolition wastes that contain items painted with lead-based paint are required to determine whether or not these wastes are hazardous. The Toxicity Characteristic Leaching Procedure (TCLP) is the test that usually is most relevant to making such determinations. However, taking a representative sample of demolition debris for purposes of TCLP testing is often difficult, and no definitive state or federal guidance has been developed to address this issue. In addition, once disposed of in a landfill

setting, lead in lead-based paint poses little risk of contaminating ground water resources, since it does not readily solubilize or migrate through subsurface formations.

Given the uncertainties involved with performing accurate TCLP tests on demolition debris, the high volumes of these materials, the relatively low risk of exposure to these materials when managed accordingly, and the costs and questionable environmental benefits of managing such debris as hazardous wastes, DEQ has adopted the following policy regarding the management of such demolition debris:

1. Hazardous waste determinations (i.e., TCLP testing) will generally not be required of generators of demolition debris that may contain materials coated with lead-based paint, provided that:
 - A. The generator of such debris takes reasonable precautions, prior to demolition, to minimize contamination of the debris from other sources of contaminants. Such precautions will generally involve inspecting the structure and removing potentially hazardous materials such as mercury thermostats, lead piping, and containerized paints, solvents or other chemicals. If such materials are found and are determined to be hazardous wastes, they must be managed in accordance with applicable DEQ hazardous waste regulations; and
 - B. The demolition debris is disposed of at a solid waste landfill that is permitted by DEQ and which meets the current design standards for municipal solid waste disposal facilities of 40 CFR Part 258.



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For the purposes of this policy, current design standards for municipal solid waste disposal facilities of 40 CFR Part 258 means the facility has, at a minimum, a composite liner and leachate collection system as specified in 40 CFR 258.40(a)(2) and meet 40 CFR 258.53 ground-water sampling and analysis requirements.

2. Demolition debris that contain materials coated with lead-based paint may be disposed of at DEQ-permitted landfills that do not meet the disposal facility standards of 40 CFR Part 258 (i.e., landfills which meet the standards of OAR 340 Division 95), only if the debris has been determined not to be hazardous waste in accordance with proper waste determination protocols (e.g., knowledge of process, TCLP waste analysis).

3. This policy shall not restrict DEQ's right to require a complete hazardous waste determination for any demolition debris, based on information indicating that such a determination is necessary and appropriate.

As a general matter, DEQ encourages demolition contractors to recycle as much material as possible from demolition projects. This policy clarification is expected to enhance such recycling efforts, by streamlining procedures and eliminating unnecessary regulatory requirements. However, DEQ does not advocate the composting or the burning as hogged fuel wood demolition debris containing lead paint. Demolition wastes that are not reused or recycled may be disposed of in a solid waste landfill permitted by DEQ, as long as the procedures specified above have been followed.