

## I. Residential Sites and the “Household Hazardous Waste” Exemption

### 1. Residential Lead Removal Work Done by “Do-It-Yourselfers.”

The hazardous waste regulations have an exemption for so-called “household hazardous waste” (see 40 CFR 261.4(b)(1)). Household hazardous waste is defined as hazardous waste derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

As a result of this exemption, homeowners conducting “do-it-yourself” lead removal operations are technically not required to dispose of hazardous debris or residues at permitted hazardous waste facilities. However, DEP recommends against homeowners placing these materials in the trash, or in the public sewer; instead, DEP recommends that homeowners make arrangements to dispose of such materials at a local household hazardous waste collection day, if possible. Also, homeowners are warned not to dispose of such wastes on the ground, or into an on-site septic system, since such disposal is prohibited by law (e.g., by Section 22a-432 of the Connecticut General Statutes).

Homeowners should also be aware that conducting remodeling or renovation projects involving lead removal by themselves can put them at risk of inhaling/ingesting lead dust or contaminating their home environment with toxic levels of lead. As a result, homeowners should seriously consider having such work performed by a qualified contractor in accordance with the Connecticut Department of Public Health and Addiction Services’ (DPH) Lead Poisoning Prevention and Control Regulations (RCSA Sections 19a-111-1 through 19a-111-11). Persons interested in learning more about these regulations may call the Lead Program at DPH at the number listed in Appendix 1.

Contractors involved in lead removal projects may have to be licensed with the Department of Consumer Protection if the work comes under the heading of “home improvement.” Certain contractors may also have to be certified or licensed by the Lead Program at DPH. Homeowners should be cautious in selecting a contractor to be sure that they are qualified to do this kind of work, and that they have any relevant licenses. Homeowners should also obtain several estimates to be sure they are being quoted a reasonable price. The Lead Program staff at DPH can answer questions and otherwise provide assistance in this area. See Appendix 1 for the telephone number for this program.

It should also be noted that work done by homeowners which is beyond routine remodeling or renovation is not covered under this exemption. Projects which would not be considered to be “routine” include:

- a. whole-building demolition;

- b. partial-building demolition, major renovation projects, or other jobs generating in excess of ten cubic yards of waste (about the amount that would fill a large trash dumpster);

Hazardous wastes generated during such projects must be disposed of at permitted treatment, storage and disposal facilities in accordance with State and federal requirements. A list of such facilities is provided in Appendix 2. Since the testing and transportation of such materials often requires specialized knowledge and expertise, homeowners engaging in major projects such as these should seriously consider having the work performed by a qualified contractor experienced in the disposal of building debris.

## 2. Residential Lead Removal Work Done by Contractors.

The previous section describing the household hazardous waste exemption might at first seem to apply if a contractor performs the work for a homeowner, since the waste is still coming from a "household." However, as indicated in a clarifying memorandum by EPA Headquarters on November 20, 1987, the household hazardous waste exemption does not apply when contractors are hired to perform the work (see copy of memo in Appendix 3). This is essentially because the contractor is a "co-generator" of the waste who is not subject to the exemption. As a result, a contractor performing lead removal work at a residential site must comply with the applicable hazardous waste requirements for any hazardous wastes which the contractor manages on the homeowner's behalf.

In some cases the homeowners may agree to assume responsibility for the hazardous waste generated. It is acceptable in such situations for the contractor to leave the waste with the homeowner; however, DEP recommends against such practices unless the following conditions are met:

- a. the homeowner agrees in writing to accept the material;
- b. the homeowner is informed of the amount and nature of the material being left behind; and
- c. the homeowner has provisions for legally and safely storing the waste, and a viable outlet for disposing of it in the near future (such as a local household hazardous waste collection day--for more information, see subparagraph 1. above regarding disposal of wastes by 'do-it-yourselfers').

Under no circumstances may a contractor leave waste materials behind at a work site without the homeowner's knowledge and informed consent.