

Industrial Solid Waste Fact Sheet

Paint Related Waste- Category 9

Definition

Businesses may produce many different types of paint waste in their manufacturing processes or as a result of the services they provide. Some paint wastes may contain metals or volatile organic compounds (VOCs) at or above regulatory limits. The Minnesota Pollution Control Agency (MPCA) considers all paint-related waste to be hazardous until properly evaluated and verified to be non-hazardous.

Special Disposal Conditions

The waste material will be directed to the Kalmar Landfill or Olmsted County Waste-to-Energy Facility, depending on the characteristics of the material (see below). Incineration of residential lead paint waste at a mixed municipal solid waste incinerator is prohibited.

Generator Requirements

If the paint waste is in a powder form, it must be dampened and sealed in plastic bags prior to delivery. Generators of residential lead paint waste must have the property owner complete the Residential Lead Abatement Notification Form (see pg. 4). Testing or documentation certifying the non-hazardous nature of the waste is required.

Typical Delivery Types

- filters
- paint containers
- paint dust
- overspray paint
- paint-contaminated cloth
- paint-contaminated blasting materials

Background

Businesses may produce many different types of paint waste in their manufacturing processes or as a result of the services they provide. Some paint wastes may contain metals or volatile organic compounds (VOCs) at or above regulatory limits. **The Minnesota Pollution Control Agency (MPCA) considers all paint-related waste to be hazardous until properly evaluated and verified to be non-hazardous.** Lead was banned from consumer paints in 1978, and consumer paints manufactured after 1992 contain no added mercury. The State of Minnesota allows the Olmsted County Hazardous Waste Facility (HWF) to perform on-site latex treatment prior to disposal. The treated latex paint waste is delivered directly to the Olmsted Waste-to-Energy Facility (OWEF) for the purpose of energy recovery.

The MPCA defines residential lead paint waste as “lead paint that has been abated, rehabilitated, renovated and remodeled from residential structures and that does not contain any chemical paint stripper or free liquids.” This definition does not include any lead paint waste generated from businesses or non-residential structures. Minnesota Statutes, section 116.875, states that the responsibility for proper disposal of the residential lead paint waste belongs to the persons who generated the waste (i.e., removed the residential lead paint material from the residence). If a contractor removes lead paint waste from a residence (as

defined by Minnesota Statutes, section 116.87) and the property owner has completed and signed the Residential Lead Abatement Notification Form (pg. 4), no analytical testing is required.

Disposal

If the residential lead paint waste is still attached to debris, walls, or woodwork, it can be disposed in the Olmsted County Kalmar Landfill demolition disposal area. If the lead paint waste has been removed from a hard surface, is free of chemical paint stripper, and does not contain free liquids, it must be disposed in the Kalmar Landfill MSW disposal area. If the residential lead paint waste contains chemical paint stripper or other potentially hazardous constituents, it must be evaluated using the Toxicity Characteristic Leaching Procedure (TCLP) for those constituents that can reasonably be expected to be present. Incineration of residential lead paint waste at a mixed municipal solid waste incinerator is prohibited (Minnesota Statutes, section 116.88).

Testing Requirements

Evaluating paint wastes to determine whether they are hazardous can be performed two ways: I. Through 'knowledge of the waste'; or II. Testing for hazardous characteristics (i.e., ignitability, corrosivity, reactivity, lethality, and toxicity.) Using 'knowledge of the waste' to demonstrate that the paint waste is non-hazardous is acceptable provided there is sufficient documentation to support the evaluation. For example, a written statement or certification from the manufacturer stating that any RCRA metals present in the raw paint material are below regulatory limits is adequate documentation to establish that the paint waste is not hazardous due to RCRA metal toxicity. Unless complete documentation exists to completely characterize the waste material, waste generators must evaluate the waste using a Toxicity Characteristics Leaching Procedure (TCLP) for those parameters that can reasonably be expected to be present. Waste generators may also be required to determine the waste material's flash point (to determine ignitability) and pH (to determine corrosivity). Generators of paint-related wastes that have a potential of containing free liquids (as defined by Minnesota Administrative Rules) must complete the Absence of Free Liquids Certification Form (see pg. 5) and/or analyze a representative sample of the waste using analytical method SW-846 9095B, known as the "paint filter test." Under certain circumstances, additional testing may be required to ensure the waste material is non-hazardous and acceptable. Any available Material Safety Data Sheets (MSDSs) must also be provided.

Documentation

A current, approved Industrial Solid Waste Evaluation Form must be on file with the Olmsted County Environmental Resources Department. The waste hauler must present a current, approved Non-Hazardous Industrial Solid Waste Tracking Form at the time of delivery. Residential lead paint waste loads must be accompanied by a signed, completed copy of the Residential Lead Abatement Notification Form and presented at the time of delivery (page 4). If required, the generator must complete and sign an Absence of Free Liquids Certification Form prior to the time of delivery (page 5).

Special Generator Requirements

If the paint waste is in a powder form, it must be dampened and sealed in plastic bags prior to delivery. Olmsted County reserves the right to reject powder paint wastes if the wind speed at the landfill exceeds 10 miles per hour. Generators of residential lead paint waste must have the property owner complete the Residential Lead Abatement Notification Form.

Pictured: An example of an Absence of Free Liquids Certification Form and a Residential Lead Abatement Notification Form.



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ABSENCE OF FREE LIQUIDS CERTIFICATION

GENERATOR NAME: _____
 GENERATOR ADDRESS: _____
 CONTACT NAME: _____
 PHONE NUMBER: _____
 SOLID WASTE MANAGEMENT FACILITY: _____
 WASTE DESCRIPTION: _____
 INDUSTRIAL SOLID WASTE APPROVAL NUMBER: _____

Minnesota Administrative Rules, part 7035.0300, subpart 39, defines a free liquid as "the liquid produced when a 100-milliliter representative sample of solid waste is placed on a standard 400-micron conical paint filter for five minutes." Minnesota Administrative Rules, part 7035.2535, subpart 1, prohibits the disposal of free liquids, or wastes containing free liquids, at a regulated solid waste management facility. As such, Olmsted County solid waste management facilities will accept for disposal only wastes that do not contain free liquids as defined by Minnesota Administrative Rules.

CERTIFICATION

I certify that the above described waste that I have delivered to an Olmsted County solid waste management facility for disposal is not a free liquid and does not contain any free liquids as defined by Minnesota Administrative Rules 7035.0300, subpart 39. I am aware that there are significant penalties for submitting false information, including the possibility of fines, imprisonment, or both for knowing violations.

AUTHORIZED REPRESENTATIVE SIGNATURE _____ DATE _____
 AUTHORIZED REPRESENTATIVE (PRINTED NAME) _____ TITLE _____

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Residential Lead Abatement Notification Form

This form must be completed and signed by the resident or owner of the residence after the lead abatement project is complete.

1. Residence Where Abatement Occurred (please print or type):

Resident Name:	Phone Number:
Address:	
City:	State: Zip Code:

2. Owner Information (if different than above):

Owner Name:	Phone Number:
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3. Contractor Information:

Company Name:	Company License Number:
Business Address:	Phone Number:
City:	State: Zip Code:
Project Supervisor:	Email Address: Fax Number:
U.S. EPA Lead Safe Certified Firm (Restoration, Repair and Painting Rule - 40 CFR Part 745): Yes / No (Circle)	

4. Lead Abatement Information:

Start Date:	Completion Date:
Briefly Describe Abatement Method(s) Used:	
Description of Waste:	Quantity of Waste:

5. Signatures:

The contractor named above removed the waste described in the quantities listed from my place of residence.

Signature of Owner: _____ Date: _____

I have removed the waste described in the quantities listed from the residence named above and will dispose of the waste in accordance with any and all applicable Minnesota Rules and Statutes.

Signature of Contractor or Supervisor: _____ Date: _____

I have received the waste as described and in the quantities listed.

Signature of Landfill Operator: _____ Date: _____

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