

9441.1990(09)

## RCRA/SUPERFUND HOTLINE SUMMARY

MARCH 1990

### 6. Applicability of the Household Hazardous Waste Exclusion to Waste Generated by Contractors

A homeowner hires a contractor to scrape old paint from his walls and repaint them. Paint chips from the walls are EP toxic for lead and are disposed of in the household's waste stream. How are the chips regulated under RCRA?

The regulations at 40 CFR Section 261.4(b)(1) state that waste generated at a household is excluded from regulation as a hazardous waste. According to the November 13, 1984 Federal Register, waste from building construction, renovation and demolition, even if generated at a household, is not covered under the household waste exclusion. Household waste, to be excluded pursuant to 40 CFR Section 261.4(b)(1), must fulfill two criteria. Household waste has to be generated "by individuals in their homes" and "the waste stream must be composed primarily of materials found in the wastes generated by consumers in their homes." (49 FR 44978; November 13, 1984)

EPA does not distinguish between waste generated at a household by a homeowner and waste generated at a household by a person other than the homeowner. (See the March 24, 1989 Federal Register; 54 FR 12339 applying the household waste exclusion to medical waste generated by home health care providers.) EPA determines the applicability of the exclusion based upon the type of waste generated and the place of generation. Therefore, solid waste generated at a home as part of routine residential maintenance (as opposed to renovation, construction or demolition) would be part of the household waste stream and thus would not be subject to the hazardous waste determination requirements of 40 CFR Section 262.11.

Source: Carrie Wehling, OGC (202) 382-7706  
Research: Monica Genadio