

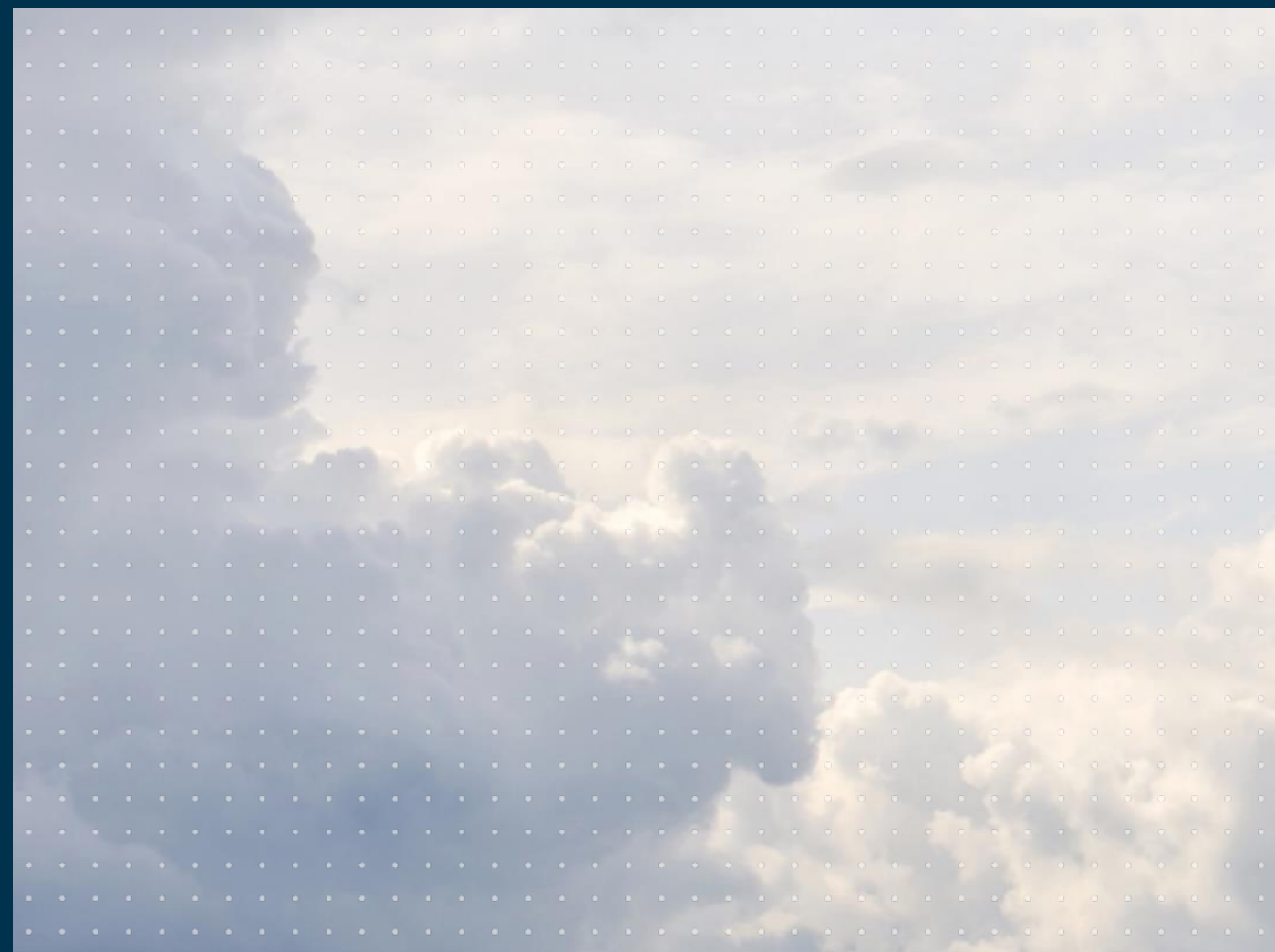
Environment Protection Authority

# Lead paint & waste

## AHCA

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This presentation should not be used as a substitute for EPA or legal advice. This presentation is supported by verbal explanations that provides context and meaning. You should still seek legal advice, and/or contact the EPA to receive its most up-to-date advice.

# Overview of presentation

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1. Respond to 15 questions requested by AHCA regarding waste classification of lead paint/ waste
2. Provide practical examples that explain the classification framework
3. Industry practices the EPA does not allow
4. Improvements to the waste classification framework

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1. Definition of lead paint waste (i.e. what is considered lead paint waste (%w/w), paint on its own, paint fixed to materials, dust)?



## Hazardous Waste

Lead **paint** waste arising otherwise than from residential premises or educational or child care institutions (page 3 – Step 3)

### May include:

1. Lead paint
2. Lead paint attached to materials, e.g., building materials
3. Lead paint in waste
4. Lead paint dust

**There are no thresholds**

## General Solid Waste (non-put)

**Waste** contaminated with lead (including lead paint waste) from residential premises or educational or child care institutions (page 4 – Step 3)

### May include:

1. Lead paint
2. Lead paint attached to materials, e.g., building materials
3. Lead paint dust
4. Lead in soil/ excavated materials
5. Any waste contaminated with lead

**There are no thresholds**



# 1. (continued) – Example scenarios



## Hazardous Waste

Lead paint waste arising otherwise than from residential premises or educational or child care institutions (page 3)

## General Solid Waste (non-put)

Waste contaminated with lead (including lead paint waste) from residential premises or educational or child care institutions (page 4)

### Scenario 1

Pb testing in soil on a site shows high levels of Pb exceeding the HW classification. What is the classification?

**Answer: Depends**

GSW on Res/etc

HW on Comm/Ind

### Scenario 2a

Concrete & timber waste contains Pb paint from a industrial site. What is the classification?

**Answer:**

Hazardous Waste (if left on materials)

### Scenario 2b

Pb paint removed from concrete & timber waste. What is the classification?

**Answer:**

Pb paint - HW

Concrete/timber - GSW

### Scenario 3

Pb testing on fill on Res site show high levels of Pb exceeding HW classification. What is the classification?

**Answer: GSW**

# 1. (continued) – Example scenarios



## Hazardous Waste

Lead paint waste arising otherwise than from residential premises or educational or child care institutions (page 3)

## General Solid Waste (non-put)

Waste contaminated with lead (including lead paint waste) from residential premises or educational or child care institutions (page 4)

### Scenario 4

A residential site has Pb and Cd concentrations exceeding the HW classification. What is the classification?

#### Answer

GSW for Pb | HW for Cd – Classified as HW

### Scenario 5

Building from Industrial site with Pb paint is demolished for disposal. What is the classification?

#### Answer:

Hazardous Waste

### Scenario 6

Metal structures containing Pb paint from a commercial site are removed for disposal. What is the classification?

#### Answer:

Scrap metal – taken to licensed facility

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## Hazardous Waste

Lead paint waste arising otherwise than from residential premises or educational or child care institutions (page 3 – Step 3)

## General Solid Waste (non-put)

Waste contaminated with lead (including lead paint waste) from residential premises or educational or child care institutions (page 4 – Step 3)

### EPA position

Since 2018, EPA has allowed testing of Pb paint on non-residential premises etc (e.g. commercial/industrial sites) to determine its total conc. (SCC) and leachable conc. (TCLP) for comparison against relevant SCC and TCLP values in the WC Guidelines.

**Example:** Pb paint found on commercial site would otherwise be pre-classified as HW, but if testing shows it complies with the GSW, or RSW classification, then it may be disposed as GSW or RSW.

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## 2. Why is there a distinction between residential/educational/child-care facilities and other sites around classification of lead paint waste?



### Hazardous Waste

1. Policy targets high concentrations of lead paint
2. Commercial/industrial premises – Ave 15%, max up to 60%
3. WC Guideline: >0.6% (total conc.) = HW
4. Quantity considered **large**
5. These premises must comply with OH&S legislation and are able to properly immobilise/ remediate lead paint

### General Solid Waste (non-put)

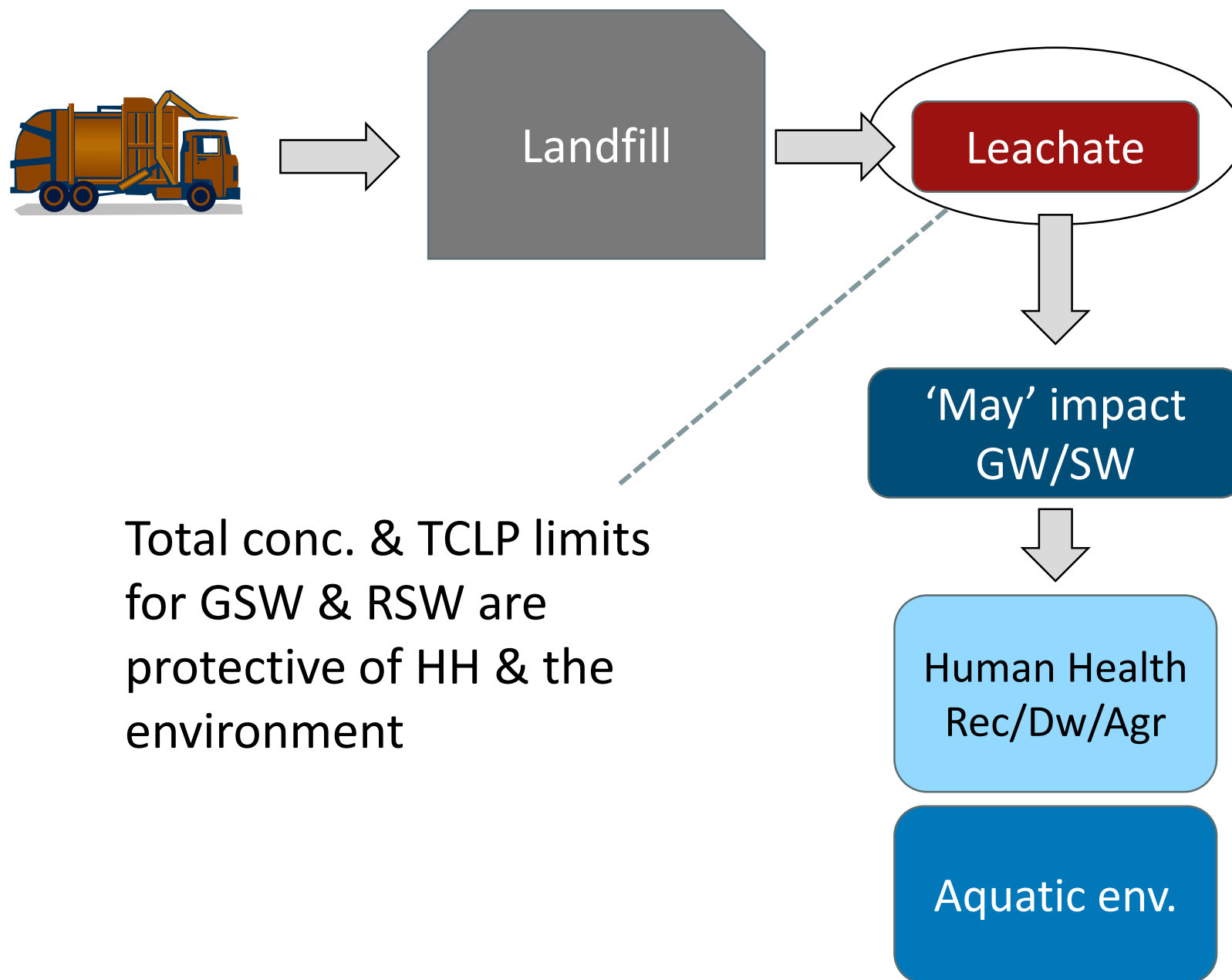
1. Policy targets white lead paint (lead carbonate)
2. Quantity considered **small**
3. Conc. around 0.1% | WC Guideline: >0.15% (total conc.) = GSW
4. NSW Government position – classify & quickly dispose to landfill
5. Grit blasting/ immobilisation/ remediation on these sensitive sites may increase the risk of harm to occupants



### 3. Which categorisation of the lead containing paint does the EPA endorse, WHS Regulation 2017 or Australian Standard?



#### What is the purpose of waste classification & what does it protect?



Total conc. & TCLP limits for GSW & RSW are protective of HH & the environment

1. Outside scope of EPA
2. Classification in WC guidelines are irrespective of concentrations



## 4 – 6. Requirements for disposal of lead paint waste, incl. C&D waste containing Pb paint from non-residential sites.

### 5. How lead paint waste is processed at the waste facility

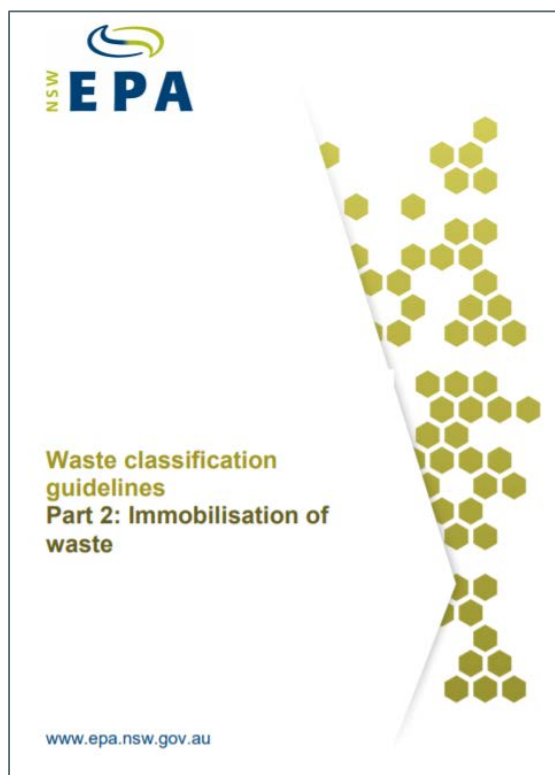


GSW

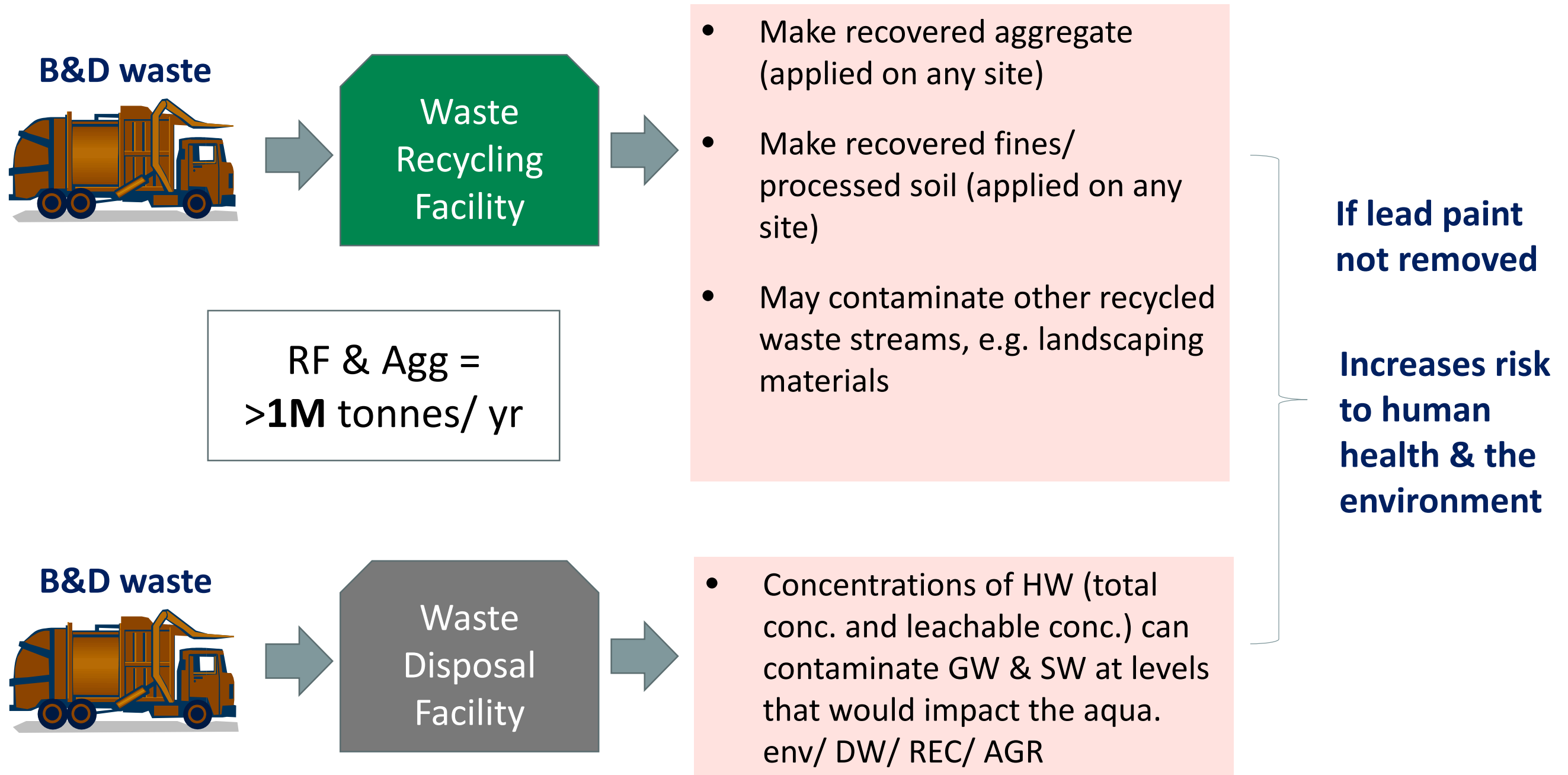
- Any facility licensed to receive and dispose of GSW
- There are no HW disposal facilities in NSW

Hazardous  
Waste

- Pb paint taken to HW processing facility, e.g. Cleanaway
- Pb Paint taken to secondary lead smelting facility such as Enirgi Power Storage Recycling Pty Ltd in Wagga Wagga
- Immobilisation onsite via EPA immobilisation approval followed by disposal as GSW or RSW
- Interstate disposal
- If you choose not to remove lead paint, then the building materials are classified as Hazardous Waste
- EPA recommends removing lead paint first with paint removal agent/ grit blasting from building materials



## 6b. Why remove lead paint from building materials?



## 7 – 9 & 15. Clarification about lead dust – how to classify?



Lead paint  
classification



Lead dust  
classification

- Based on the Waste Classification Guideline, part 1
- If from residential etc, then pre-classified as GSW
- If from non-residential etc, then pre-classified as HW
- Disposal same as lead paint above

GIA 2020/01

Pasminco naturally  
immobilised waste

- Dust, soil, soil containing dust can be classified as **GSW**
- Must be within the Pasminco lead abatement strategy area at Cockle Creek

10. What happens with lead waste if it is from a residential property that has been reclassified as commercial?



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- Depends on the issue
  - Contact the EPA
  - EPA can be pragmatic
- 

11. Provide examples of storage methods for lead dust and paint for transportation to a waste facility after remediation

- Waste in 'general' must be stored in an environmentally safe manner – clause 112 Waste Reg
  - EPA considers environmentally safe manner as not causing, or unlikely to cause a pollution incident. E.g. Bags of dust should be sealed.
  - Waste tracking required – Waste Reg Schedule 1 Part 1, 2 & 3
  - Contact SafeWork, follow appropriate codes of practices/ standards
-

12. When lead dust or paint are removed by sucker truck, how do you classify? Can we use NEPM criteria?



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- Same classification process for lead paint and dust using WC Guidelines, part 1
  - Cannot use NEPM (Assessment of site contamination) criteria
- 

13. ACT does not have a HW pre-classification, what is the EPA position about transportation and disposal between ACT and NSW borders?

- Waste Classification Guidelines relate to NSW only
  - Seek advice from other jurisdictions about transporting waste from NSW into their jurisdiction
  - You may need to comply with their requirements
  - May need tracking interstate
-

14. With removal from the previous Australian Standard of dust clearance/inspection standards, what does the EPA deem as the preferred standard to be adopted?

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- Outside the scope of the EPA to advise about clearance inspection standards
  - EPA does not regulate clearance inspection standards. May be a SafeWork matter
  - Regarding waste regulation in the context of lead paint/waste, role of EPA is to ensure:
    - Waste classified appropriately
    - Waste taken to a lawful disposal/ recycling facility
    - Waste recycled are lawfully reused
-

# Industry practices the EPA does not allow



Average Pb  
conc. across  
the mass of  
the waste

- E.g. 1% Pb in paint – but divide by the weight of waste to lower the result
- s144AA – False/misleading
- (1) Corp: \$250K | Ind: \$120K
- (2) Corp: \$500K | Ind: 240K: 18m prison

By-pass HW &  
use GSW

- Waste generators by-pass HW pre-classification & go straight to B&D pre-classification as GSW. E.g. knock down building & call it GSW.
- s144AA –(1) & (2) - False/misleading
- s143 – Unlawful transport and deposit of waste

Mis-use EPA  
2018 advice

- Using EPA 2018 advice, waste generators knock down building, sample building material rather than Pb paint in Step 5 to classify
- s144AA –(1) & (2)
- S143 – Unlawful transport and deposit of waste



# Improvements to the WC framework

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GSW from Res  
site being  
recycled

- Although pre-classified as GSW, some of this waste are ending up in recycling facilities, and eventually being land applied back into the environment and community

Review &  
refine  
definitions

- WC Guideline was developed in late 90's, we are now in 2021: Does industry have data about Pb paint in both residential & Comm/Ind sites?
- Make it clearer – whether applies to in-situ or ex-situ

Welcome industry feedback

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End of slides



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