

Hazardous Waste Determinations

Federal and State regulations require businesses to evaluate all wastes at their point of generation to determine whether they are hazardous or non-hazardous. If a waste is determined to be hazardous, it must be managed safely from cradle to grave in compliance with regulations. How do you determine if the waste is hazardous and thus subject to regulation? Identify all waste streams in your facility and ask the following:

Is this waste a solid waste?

A solid waste can be liquid, semi-liquid, solid, or gas. It is any material that is discarded by being abandoned, inherently waste-like, a discarded military munition, or recycled in certain ways. Materials that do not meet this definition under [40 CFR §261.2](#) are not solid wastes and are not subject to RCRA regulation.

Is this waste an excluded waste?

Some wastes are excluded from the definitions of solid waste ([40 CFR §261.4\(a\)](#)) and hazardous waste ([40 CFR §261.4\(b\)](#)), provided that they are managed within the conditions of the regulation. If your waste is excluded, it is not considered a hazardous waste. Examples include some zinc fertilizers, certain mining overburden, solvent contaminated wipes, various recycled wastes, and many more. Note that Nevada has not adopted all the exclusions from the CFRs. Verify exclusions that were not adopted at [NAC 444.86325](#).

Is this waste a listed hazardous waste?

If any waste generated appears on the lists in [40 CFR § 261](#), it is a hazardous waste. There are four different types of listed wastes, each with its own assigned code that starts with the letter and is followed by three digits (e.g. F001; K062).

F Wastes

Generated from general processes: cleaning, degreasing, electroplating and other metal finishing operations, and manufacturing ([40 CFR § 261.31](#)).

K Wastes

Generated from specific industrial processes: chemical or pesticide production, petroleum refining, metal manufacturing ([40 CFR § 261.32](#)).

U Wastes

Old, off-specification or discarded commercial chemicals, e.g. expired lab chemical that cannot be used ([40 CFR § 261.33](#)).

P Wastes

Old, off-specification or discarded commercial chemicals that are more toxic than U wastes and are identified as acute hazardous waste ([40 CFR § 261.33](#)).

Is this waste a characteristic hazardous waste?

If your waste is not excluded or listed, your waste may still be regulated if it possesses a hazardous characteristic. There are four characteristics that cause a waste to be regulated as hazardous, each with its own assigned code. To determine if the waste has a hazardous characteristic, you may use knowledge of the process with supporting documentation such as Safety Data Sheets, process flow diagrams, or other product information. In some cases when information about a waste is lacking, it will be necessary to determine its characteristics by the Toxicity Characteristic Leaching Procedure (TCLP).

D001 Ignitability

The waste has a flash point of less than 140F (60C) or could catch fire under certain circumstances ([40 CFR § 261.21](#)). Examples include solvents, mineral spirits, and paint waste.



D002 Corrosivity

The waste is aqueous and has a very low pH (2 or less) or very high pH (12.5 or more). Or, the waste can corrode metal ([40 CFR § 261.22](#)). Examples include acids or alkali cleaning baths and battery acid.



D003 Reactivity

The waste is unstable, reacts violently, explodes or produces toxic vapors under certain conditions ([40 CFR § 261.23](#)). Examples include cyanide or sulfide wastes and peroxides.



D004 Toxicity

The waste contains specific toxic contaminants above the regulatory threshold and are known to be harmful to humans or the environment ([40 CFR § 261.24](#)). Examples include wastes with heavy metals (lead, mercury, etc.) or certain chemicals (benzene, MEK, pesticides, etc.).



Making your determination

Not knowing whether your business generates a hazardous waste or not properly managing hazardous wastes could result in enforcement action and fines. Keep all documentation used to make your waste determination on file and readily available. If your business is visited for an inspection, this information will be requested.