

## Hazardous Waste Determination Record.

*Per 40 CFR 262.11 – From the new Hazardous Waste Generator Improvement Rule.*

The EPA has strongly emphasized in section 262.11 of the new Hazardous Waste Generator Improvement Rule that all generators must make accurate Hazardous Waste Determinations (HWD's) for all their wastes. These HWD's must be documented and the records for the waste determination must be presented upon request during inspections. It is therefore very important to use a standard form which contains all the information required, because presenting clear, orderly information goes a long way in case of an inspection.

Echelon Environmental is glad to present the regulated community with a form for this purpose.

For those who have never made a HWD, the following information will help you through the process. This determination is used to conclude whether a specific waste it is hazardous or not. Other classifications of waste (used oil, infectious, universal, etc.) are not included. Please contact a reputable person for help with further classification of your wastes.

Here are the steps for Making a Hazardous Waste Determination and fulfilling the new requirements of [40 CFR 262.11](#)

**STEP 1. Identification of Solid Wastes:** You need to look throughout your facility and identify all wastes that are solid wastes. A solid waste is "...any discarded material ... that is abandoned, recycled, or considered inherently waste-like..." Basically, if a waste is being disposed of, recycled (by land application, energy recovery or reclamation), or materials that are ordinarily disposed of, they are solid wastes. [See 261.2 [HERE](#)] For each solid waste, you must perform a HWD.

**STEP 2. Solid Waste Exclusion:** For any waste to be a hazardous waste it must first be a solid waste. Fortunately, there are many exclusions you can take advantage of. A few of the most important to the average waste generator are; domestic sewage, industrial wastewater at the point of discharge, nuclear materials, most scrap metals, shredded circuit boards, used cathode ray tubes, solvent-contaminated wipes, fly ash, household hazardous waste, animal manure, used refrigerants, oil filters, lab samples, etc. if your waste meets one of these exclusion, your waste is not regulated as "hazardous", but there may be some conditions for the exemptions. [See 261.4 [HERE](#)]

**STEP 3. Is It a Listed Waste:** These are wastes that are hazardous by definition. They come in 4 flavors:

F-Listed Wastes. Including spent flammable or chlorinated solvents, wastewater treatment sludges, spent degreasers, electroplating sludges, and others. [See full list at [261.31](#)]

U-Listed Wastes. Unused chemical products or intermediates. [See full list at [261.33\(f\)](#)]

P-Listed Wastes. Unused acutely toxic chemicals. [See full list at [261.33\(e\)](#)]

K-Listed Wastes. Wastes generated from specific industrial processes. [See full list at [261.32](#)]

To make this determination, you can use knowledge of the process that generated the wastes, the origin of the waste, or other relevant information.

**STEP 4. Is It a Characteristic Waste:** These wastes are hazardous because of the nature of the material. They fall into one or more of four categories;

Ignitables – Liquids with a flash point of >140 °F, ignitable solids, oxidizers.

[See definitions @ [261.21](#)]

Corrosives – Aqueous liquids with a pH <2 or >12.5. Liquids that corrode steel at > ¼ inch per year. [See definitions @ [261.22](#)]

Reactives – Wastes that are unstable, react with air or water, cyanides and sulfides, and explosives. [See definitions @ [261.23](#)]

Toxic – Wastes that contain the chemicals in Table 1 when present at or above the listed values. [See Table @ [261.24](#)]

When determining if your waste is characteristic, you can do in two ways;

- a. Generator Knowledge. If your waste is 75% isopropanol and you know it is flammable, you can call it D001. If your waste is 25% sodium hydroxide, you know the pH is >12.5 and you can call it D002. The same reasoning applies to all the other D-Codes.
- b. Lab Testing. If there is any doubt, you must send a sample of the waste to a lab for testing. They will measure the flash point of a 5% isopropanol solution or the pH of a 0.75% solution of sodium hydroxide. The results of the testing, when compared to the regulatory levels, will tell you if the wastes are hazardous or not.

Representative sampling is very important in making the correct HWD. The samples you send to the lab must be representative of the waste as a whole. For example, if a waste flows out of a machine and it is more concentrated at first and then more dilute, you must collect a sample that represents the OVERALL character of the waste.

**STEP 5. Assembling the Waste Codes:** If your waste is hazardous, you must decide ALL the EPA waste codes that apply to the waste. If it is a solvent waste with acetone, chromium and chloroform, the applicable codes could be D001 for ignitability, D007 for Chromium, F003 for the spent acetone, and D022 for the Chloroform.

Once you have completed this process, you have made a proper Hazardous Waste Determination and applied all the applicable EPA Waste Codes.

Remember to keep these records in a safe place, because the new rule requires that you keep them on file for three years after you make the last shipment of this waste from your facility.

**Lastly**, you need to know the 19 costly compliance mistakes that most businesses make when trying to figure out the EPA, DOT, and OSHA regulations. Take my Quick Compliance Assessment and you might be surprised at the results. These are the most frequently cited violations, and you can only avoid them if you know them. Take the assessment now. Don't wait for an inspector to find them and fine you.

[www.EchelonCompliance.net/qca](http://www.EchelonCompliance.net/qca)

If you need some help with this sometimes circuitous process, you can call Advanced Environmental Solutions.

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