



Hazardous Waste Determinations

What is a waste?

A waste is a material that is unusable for its intended purpose, discarded, or intended to be discarded. Idaho adopts the federal hazardous waste regulations ([40 CFR parts 124, 260-266, 268, 270, 273, and 279](#)) into state rules ([IDAPA 58.01.05](#)). These regulations require owners and operators of facilities that generate waste to determine whether or not wastes are hazardous and manage them accordingly.

What are hazardous wastes?

Hazardous wastes have properties that make them harmful to human health or the environment. Wastes are designated as hazardous when they are **Listed** and/or **Characteristic**.

Listed means that the chemical name of the waste or its ingredients meet the definitions found on the EPA's F, K, P, or U lists (40 CFR 261.31-33).

- **F-List** – hazardous wastes from non-specific sources (e.g., spent solvents, wastes from metal treating).
- **K-List** – hazardous wastes from specific industries (e.g., wood preserving, chemical manufacturing).
- **P-List and U-List** – unused commercial chemical products and associated materials.
- Some of the hazardous wastes on the F and P lists are highly toxic and considered **Acute Hazardous Wastes**. There are more stringent management requirements for these wastes. See DEQ's [Determining Your Generator Size](#) fact sheet for more information.

Characteristic wastes display any of the following chemical or physical characteristics as defined in 40 CFR 261.20-24.

- **Ignitability** – a waste with a flash point below 140°F, the ability to spontaneously cause a fire, or an ignitable compressed gas or oxidizer.
- **Corrosivity** – liquid with a pH less than or equal to 2 or greater than or equal to 12.5. Solids can also exhibit Corrosivity.
- **Reactivity** – a waste that is unstable, reacts violently with water, forms toxic gases, or has other reactive or explosive properties.
- **Toxicity** – a waste containing a toxic contaminant over a threshold concentration. Common contaminants include heavy metals, some pesticides, and chlorinated compounds. The full list of contaminants is in [40 CFR 261.24](#).

How do I determine if my waste is hazardous?

Hazardous waste determinations must be made at the time the waste is generated, before any mixing, diluting, or treatment of the waste. **Diluting waste** in order to avoid hazardous waste requirements is **not** allowed.

Assemble all available information about your waste.

- What products were used in the process that generated the waste?
- Did any reactions occur that changed the nature of the products?
- Are there likely sources of contamination?
- Read through product Safety Data Sheets (SDS) and other manufacturer information. You may be able to determine characteristics, like flash point, pH, reactivity, or chemical constituents from an SDS. An SDS may not contain enough information to make a complete hazardous waste determination.

Acceptable knowledge. You may be able to determine if your waste is hazardous based on the information you compile about your waste. If the information accurately includes knowledge of the waste's characteristics, the chemical constituents of the waste, and whether or not listed hazardous wastes are present, you may be able to show your waste is not hazardous without testing. Acceptable knowledge is also commonly used to reduce the number of tests required to determine if waste is hazardous.

Laboratory testing. Testing is needed when waste is associated with activities that limit your ability to know the waste constituents or resulting characteristics. For example, degreasing and other cleaning practices tend to introduce contaminants to the waste in unknown concentrations. Common laboratory tests include:

- Flash point test to determine ignitability
- pH test for corrosivity
- Toxicity Characteristic Leaching Procedure (TCLP) for constituents like heavy metals or benzene. A Totals Metals test can be performed first, but you may still need to do a TCLP if the levels could be above TCLP thresholds.
- Pesticide screen

Helpful information

- Keep all the documentation you used to make your waste determination.
- You may use a consultant to determine if your waste is hazardous but remember that you are ultimately responsible for proper management of your waste.
- Train your employees to be aware of potentially hazardous chemicals onsite to prevent inadvertent mixing of hazardous and nonhazardous wastes.
- Document spills and cleanup efforts. Manage spills of hazardous waste properly.
- Contact potential disposal facilities before you need disposal services. Some facilities require more comprehensive laboratory testing.

For more information

For specific questions, contact your nearest DEQ regional office:

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| • Boise: (208) 373-0550 | • Lewiston: (208) 799-4370 |
| • Coeur d'Alene: (208) 769-1422 | • Pocatello: (208) 236-6160 |
| • Idaho Falls: (208) 528-2650 | • Twin Falls: (208) 730-2190 |

For general information, visit www.deq.idaho.gov or call the state Hazardous Waste Bureau at (208) 373-0502.