

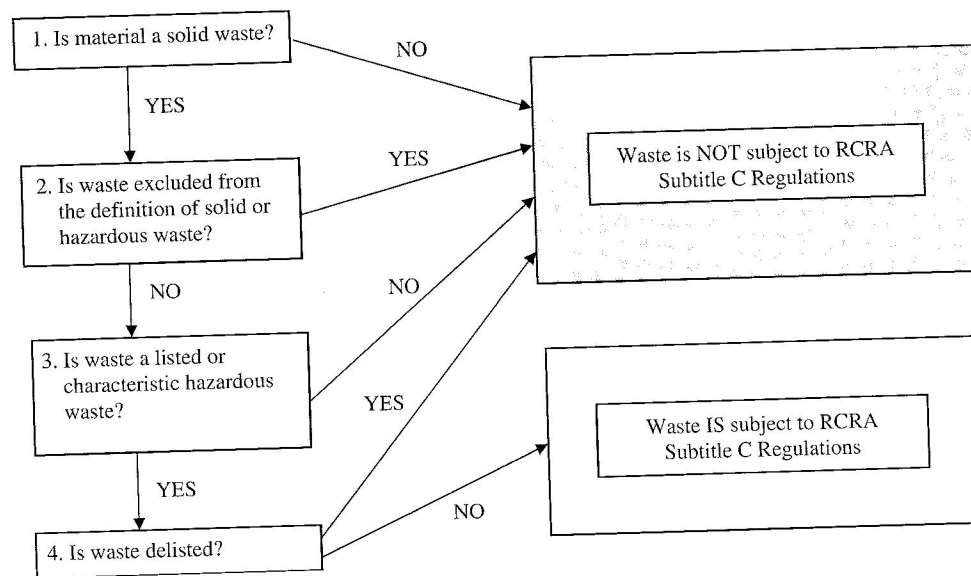


FIGURE 1. Hazardous waste identification process (Source: EPA 2006b)

solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities (40 CFR 261.2) (EPA 2010f).

Any discarded material is a solid waste, provided that no statutory exclusion applies. These exclusions include:

- domestic sewage or waste passing through a publicly owned treatment works (POTW)
- industrial discharges as defined under the Clean Water Act
- irrigation return flow
- nuclear material, nuclear source, or special nuclear or byproduct material, as defined under the Atomic Energy Act (1954)
- mining wastes that do not leave mines
- industrial scrap metal being recycled

A material is discarded if it is:

- abandoned
- recycled, including land applied, burned for energy, or reclaimed
- inherently waste-like
- military munitions

Hazardous Waste Determination

Once a material is determined to be a solid waste, it must then be determined whether it is also a hazard-

ous waste (see Figure 1). Certain materials are exempt by definition, including (40 CFR 261.4) (EPA 2010f):

- household waste, including that of hotels and other residential properties, but excluding incinerator ash
- agricultural wastes used as fertilizer
- arsenic-treated wood wastes generated by those who use such wood for its intended purpose
- petroleum-contaminated material failing the toxic characteristic leaching procedure (discussed elsewhere) and which may be subject to corrective action provisions for underground storage tanks (USTs) under RCRA
- used chlorofluorocarbons (CFCs) totally enclosed in heat transfer equipment and which may be reclaimed (40 CFR 260.20 and 260.22) (EPA 2009b)
- uranium wastes

Special Wastes

Some exempted wastes are classified as special wastes. At the time RCRA was written, those wastes designated as special wastes were considered of sufficient concern to warrant further investigation. Each of these special wastes has its own regulatory requirements, but none is considered hazardous under RCRA (EPA 2007h):

- mining wastes returned to the mine site
- utility wastes from fossil fuel combustion