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# ENVIRONMENTAL Fact Sheet

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29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • [www.des.nh.gov](http://www.des.nh.gov)

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HW-11

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## Identification of Hazardous Waste

The New Hampshire Hazardous Waste Rules, Env-Hw 103.65, defines hazardous waste as any solid, semi-solid, liquid or contained gaseous waste, or any combination of these wastes, which:

- a. May cause or contribute to an increase in irreversible or incapacitating reversible illness.
- b. Poses a present or potential threat to human health or the environment if improperly managed.
- c. Has been identified as a hazardous waste by the Waste Management Division.

A waste may be considered hazardous if it either fails the standard of a hazardous characteristic or meets the criteria of hazardous for those chemicals identified on one of four lists. A waste may be both a “characteristic” and a “listed” hazardous waste.

### Wastes that are Exempted from Regulation

Some wastes, even if considered hazardous, may be exempted from regulation for a variety of reasons. Possible reasons could include the fact that they are already adequately regulated by other programs, or that the waste is highly recyclable, and regulating it under the burden of the full hazardous waste rules would discourage its recycling. Env-Hw 401.03 describes these exemptions.

### The Four Characteristics of a Hazardous Waste

1. Ignitable – Env-Hw 403.03
  - A liquid with a flash point < 60° Celsius or < 140° F, or
  - A solid material that can ignited by friction, absorption of moisture, or spontaneous chemical change; and once ignited will burn vigorously and persistently.
2. Corrosive – Env-Hw 403.04
  - A liquid with a pH ≤ 2.0 or ≥ 12.5, or that corrodes steel at a rate of > 0.25” per year, or
  - A solid, which when mixed 1:1 with distilled water has a pH of ≤ 2.0 or ≥ 12.5.
3. Reactive – Env-Hw 403.05
  - Reacts violently with water or air, is inherently unstable, or is cyanide or sulfide-bearing.
4. Toxic – Env-Hw 403.06
  - Contains specific metals, pesticides, or other organic chemicals above a regulated concentration.

### Lists of Hazardous Waste

1. Specific acutely toxic chemicals in unused wastes – Env-Hw 402.04
2. Specific non-acute toxic chemicals in unused wastes – Env-Hw 402.05

The unused listed chemical must be in pure form or be the only ingredient in the product to make it perform its intended function.

3. Certain used chemical wastes from specific industrial processes – Env-Hw 402.06
4. Certain used chemical wastes from specific types of industries – Env-Hw 402.07

## Hazardous Waste Mixtures

Hazardous waste mixtures most commonly occur when a hazardous waste leaks or is spilled. A hazardous waste mixture results when these released materials are cleaned up with rags, absorbents or other remediation materials. Once the waste and absorbents are combined the entire quantity may be hazardous as described below:

1. A listed hazardous waste mixed with any other waste or material will still be a regulated hazardous waste (Env-Hw 401.01(b)(2)).
2. A characteristic hazardous waste mixed with any other waste or material will still be a regulated hazardous waste if it fails the characteristic standard after mixing. Mixing may not be done to intentionally dilute a waste until it is non-hazardous (Env-Hw 401.01(b)(3)).

## Determining if Your Waste is Hazardous

A generator of hazardous waste must perform a waste determination at the instant it becomes a waste, known as the point of generation. (See Env-Hw 502.01)

The process of deciding whether a waste is hazardous or not is based on “generator knowledge” of the waste. Generator knowledge is not a best guess. The generator of the waste is liable for making an accurate waste determination and is expected to know its composition and hazards better than anyone else. There is some generator knowledge that is so widely accepted that it will never be questioned, such as whether water is ignitable or whether a banana peel is corrosive. However, when there is uncertainty as to the composition or hazard of a waste, generator knowledge will include gathering all relevant documentation that exists for the materials used in creating the waste, and the process that creates it. This documentation can include, but will not be limited to product labels, safety data sheets, product tech sheets and knowledge of the process and components used in it. Finally, if through inherent knowledge and existing documentation there is remaining uncertainty of whether a waste is hazardous, testing must be performed to establish if it contains any listed wastes or exhibits any regulated hazardous characteristics.

Once a waste determination is performed, the generator of the waste must maintain documentation of the result and the information used to arrive at their decision. See fact sheet HW-35 for more information on this aspect of hazardous waste management.

## For more information

Questions regarding this fact sheet should be directed to the NHDES Hazardous Waste Management Bureau at [\(603\) 271-2942](tel:6032712942) or toll-free within New Hampshire at [866-HAZWAST](tel:866HAZWAST) (M-F 8 a.m.-4 p.m.) or email [hwcomp@des.nh.gov](mailto:hwcomp@des.nh.gov). For a complete description of the requirements, refer to the New Hampshire Hazardous Waste Rules, Env-Hw 100-1300, available from [NHDES' website](#).