

## **HAZARDOUS WASTE DETERMINATIONS & WASTE CLASSIFICATIONS\***

\* The information, regulations, and resources provided in this document were current at the time of publication and are only provided here for guidance. The regulated entity should ensure all current rules and regulations are followed.

According to both Federal and Texas state regulations, referenced below, generators of industrial waste shall conduct a hazardous waste determination. Under Texas regulations, if nonhazardous, generators of industrial waste shall perform a waste classification at the point of generation for all waste streams they generate.

The hazardous waste determination and waste classification should be done either using waste analysis (sampling), or process knowledge. Regardless of which method is used, sufficient documentation must be maintained on-site by the generator which supports the determination and classification made by the generator. **A waste profile alone does not suffice** to demonstrate a hazardous waste determination and waste classification. Furthermore, a Safety Data Sheet (SDS) alone may suffice in limited circumstances (for example, when disposing of unused product and the SDS provides all required documentation necessary to prove a hazardous waste determination/classification). More commonly, SDSs are acceptably used as a part of process knowledge documentation in conjunction with other supporting documentation. See *Relevant Regulations Section B* below for a description of the level of detail needed for using process knowledge. If waste analysis is to be utilized, the sampling must be done in accordance with SW 846 (see SW 846 section) and all appropriate documentation must be maintained.

See TCEQ Regulatory Guidance Document [RG-022](#), *Guidelines for the Classification and Coding of Industrial and Hazardous Wastes* for additional information. Chapter 3 of RG-022 provides a checklist for generators to use to conduct hazardous waste determinations and waste classifications.

### **RELEVANT REGULATIONS:**

#### **A. Hazardous waste determinations (Federal and Texas) and waste classifications (Texas)**

*Federal – Title 40 Code of Federal Regulations (40 CFR)*

##### **§262.11 – Hazardous Waste Determination**

A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method:

- (a) He should first determine if the waste is excluded from regulation under 40 CFR 261.4.
- (b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 CFR part 261.
- (d) If the waste is determined to be hazardous, the generator must refer to parts 261, 264, 265, 266, 267, 268, and 273 of this chapter for possible exclusions or restrictions pertaining to management of the specific waste.

NOTE: Even if the waste is listed, the generator still has an opportunity under 40 CFR 260.22 to petition for a regulatory amendment to the Administrator that the waste from his particular facility or operation is not a hazardous waste, known as "delisted waste." The listed waste is still hazardous until the petition is granted by the Administrator.

*Texas – 30 Texas Administrative Code (30 TAC)*

### **§335.62 – Hazardous Waste Determination and Waste Classification**

A person who generates a solid waste must determine if that waste is hazardous pursuant to §335.504 of this title (relating to Hazardous Waste Determination) and must classify any nonhazardous waste under the provisions of Subchapter R of this chapter (relating to Waste Classification). If the waste is determined to be hazardous, the generator must refer to this chapter and to 40 Code of Federal Regulations Parts 261, 264, 265, 266, 267, 268, and 273 for any possible applicable exclusions or restrictions pertaining to management of the specific waste.

### **§335.503 – Waste Classification**

(a) All industrial solid and municipal hazardous waste generated, stored, processed, transported, or disposed of in the state shall be classified according to the provisions of this subchapter.

(1) All solid waste shall be classified at the point of generation of the waste. A generator may not dilute a waste to avoid a Class 1 classification; however, combining waste streams for subsequent legitimate processing, storage, or disposal does not constitute dilution and is acceptable. Wastes shall be classified prior to, and following any type of processing or mixing of the waste.

(2) All industrial solid and municipal hazardous waste shall be classified as either:

- (A) Hazardous;
- (B) Class 1;
- (C) Class 2; or
- (D) Class 3.

(3) A person who generates a solid waste shall first determine if that waste is hazardous pursuant to §335.504 of this title (relating to Hazardous Waste Determination).

(4) After making the hazardous waste determination as required in paragraph (3) of this subsection, if the waste is determined to be nonhazardous, the generator shall then classify the waste as Class 1, Class 2, or Class 3, pursuant to §§335.505 - 335.507 of this title (relating to Class 1 Waste Determination, Class 2 Waste Determination, and Class 3 Waste Determination) using one or more of the following methods:

(A) use the criteria for waste classification as provided in §§335.505 - 335.507 of this title;

(B) use process knowledge as provided in §335.511 of this title (relating to Use of Process Knowledge);

(C) classify the waste as directed under §335.508 of this title (relating to Classification of Specific Industrial Wastes); or

(D) choose to classify a nonhazardous waste as Class 1 without any analysis to support that classification. However, documentation (analytical data and/or process knowledge) is necessary to classify a waste as Class 2 or Class 3, pursuant to §335.513 of this title (relating to Documentation Required).

#### **§335.504 – Hazardous Waste Determination**

A person who generates a solid waste must determine if that waste is hazardous using the following method:

(1) Determine if the material is excluded or exempted from being a solid waste or hazardous waste per §335.1 of this title (relating to Definitions) or identified in 40 Code of Federal Regulations (CFR) Part 261, Subpart A, as amended through January 3, 2014 (79 FR 350), or identified in 40 CFR Part 261, Subpart E, as amended through July 28, 2006 (71 FR 42928).

(2) If the material is a solid waste, determine if the waste is listed as, or mixed with, or derived from a listed hazardous waste identified in 40 CFR Part 261, Subpart D, as amended through March 18, 2010 (75 FR 12989).

(3) If the material is a solid waste, determine whether the waste exhibits any characteristics of a hazardous waste as identified in 40 CFR Part 261, Subpart C, as amended through April 13, 2012 (77 FR 22229).

#### **§335.505 – Class 1 Waste Determination**

A nonhazardous industrial solid waste is a Class 1 waste if:

(1) it contains specific constituents which equal or exceed the levels listed in §335.521(a)(1) of this title (relating to Appendix 1, Table 1) as determined by the methods outlined in this section. A nonhazardous waste is a Class 1 waste if, using the test methods described in 40 CFR Part 261 Appendix II, or equivalent methods approved by the executive director under the procedures set forth in §335.509 of this title (relating to Waste Analysis), the extract from a representative sample of the waste contains any of the contaminants listed in §335.521(a)(1) at a concentration equal to or greater than the Maximum Concentration given in that table. Information on representative samples is set forth in §335.509 of this title (relating to Waste Analysis). Where matrix interferences of the waste cause the Practical Quantitation Limit (PQL) of the specific analysis to be greater than the Maximum Concentration listed in §335.521(a)(1), then the achievable PQL becomes the Maximum Concentration, provided that the generator maintains documentation which would satisfactorily demonstrate to the executive director that lower levels of quantitation of a sample are not possible. A satisfactory demonstration includes the results from the analysis of the waste for that specific analyte by a laboratory utilizing an appropriate method described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (EPA SW-846), "Methods for Chemical Analysis of Water and Wastes" (EPA-600/4-79/020), "Standard Methods for the Examination of Water and Wastewater," "American Society for Testing and Materials (ASTM) Standard Methods," any EPA-approved method, or an equivalent method approved by the executive director under procedures set forth in §335.509 of this title (relating to Waste Analysis);

(2) it is Class 1 ignitable. A nonhazardous waste is Class 1 ignitable if a representative sample of the waste has any of the following properties:

(A) it is liquid and has a flash point less than 65.6 degrees Celsius (150 degrees Fahrenheit), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78 or as determined by an equivalent test method approved by the executive director under procedures set forth in §335.509 of this title (relating to Waste Analysis); or

(B) it is a physical solid or semi-solid under which conditions normally incident to storage, transportation, and disposal is capable of causing fires through friction, or retained heat from manufacturing or processing, or which can be ignited readily, and when ignited burns both vigorously and persistently such that it creates a serious hazard. Included in this class are spontaneously combustible and water-reactive materials, including but not necessarily limited to the substances listed in §335.521(a)(2) of this title (relating to Appendix 1, Table 2) and found in 49 CFR Part 173 Subchapter E. Generators should demonstrate that a waste with significant concentrations of these constituents is not Class 1 ignitable;

(3) it is Class 1 corrosive. A nonhazardous waste is Class 1 corrosive if a representative sample of the waste is a semi-solid or solid which, when mixed with an equivalent weight of ASTM Type II laboratory distilled or deionized water, produces a solution having a pH less than or equal to 2 or greater than or equal to 12.5. Solidified, stabilized, encapsulated, or otherwise chemically-bound wastes are not subject to this requirement provided the waste is solidified such that when a representative sample of the waste is subjected to the paint filter test (SW-846 Method 9095) it exhibits no free liquids. An equivalent method approved by the executive director under procedures set forth in §335.509 of this title (relating to Waste Analysis) may be utilized;

(4) it contains total recoverable cyanides equal to or greater than 20 parts per million;

(5) there is an absence of analytical data and/or documented process knowledge (as described in §335.511 of this title (relating to Use of Process Knowledge)) which proves a waste is Class 2 or Class 3;

(6) it is identified as a Class 1 waste in §335.508 of this title (relating to Classification of Specific Industrial Solid Wastes); or

(7) it is not a hazardous waste pursuant to §335.504 of this title (relating to Hazardous Waste Determination) and a generator chooses to classify the waste as Class 1.

### **§335.506 – Class 2 Waste Determination**

(a) An industrial solid waste is a Class 2 waste if:

(1) it is not a hazardous waste pursuant to §335.504 of this title (relating to Hazardous Waste Determination);

(2) it is not a Class 1 waste pursuant to §335.505 of this title (relating to Class 1 Waste Determination); and

(3) it is not a Class 3 waste because:

(A) it cannot qualify as a Class 3 waste pursuant to §335.507 of this title (relating to Class 3 Waste Determination); or

(B) a generator chooses not to classify the waste as a Class 3 waste.

(b) Any waste designated as a Class 2 waste under §335.508 of this title (relating to Classification of Specific Industrial Solid Wastes) is a Class 2 waste.

### **§335.507 – Class 3 Waste Determination**

An industrial solid waste is a Class 3 waste if it is inert and essentially insoluble, and poses no threat to human health and/or the environment. Class 3 wastes include, but are not limited to, materials such as rock, brick, glass, dirt, and certain plastics and rubber, which are not readily decomposable. An industrial solid waste is a Class 3 waste if it:

(1) is not a hazardous waste pursuant to §335.504 of this title (relating to Hazardous Waste Determination);

(2) does not meet any of the Class 1 waste criteria set forth in §335.505 of this title (relating to Class 1 Waste Determination); and

(3) is inert. Inertness refers to chemical inactivity of an element, compound, or a waste. Ingredients added to mixtures chiefly for bulk and/or weight purposes are normally considered inert; and

(4) is essentially insoluble.

(A) Essential insolubility is established:

(i) when, using the test methods specified in §335.521(d) of this title (relating to Appendix 4 (Seven-Day Distilled Water Leachate Test)), the extract(s) from the representative sampling of the waste does not leach greater than the Maximum Contaminant Levels listed in §335.521(a)(3) of this title (relating to Appendix 1, Table 3); and

(ii) using the test methods described in 40 Code of Federal Regulations Part 261, Appendix II, or equivalent methods approved by the executive director under the procedures set forth in §335.509 of this title (relating to Waste Analysis), the extract(s) from the representative sampling of the waste does not exhibit detectable levels of constituents found in §335.521(a)(1) of this title (relating to Appendix 1, Table 1) including constituents in §335.521(a)(3) of this title which are marked with an asterisk. This excludes the constituents listed in §335.521(a)(3) of this title which were addressed in clause (i) of this subparagraph; and

(iii) when using an appropriate test method, representative sampling of the waste does not exhibit detectable levels of total petroleum hydrocarbon (TPH). "Petroleum substance wastes" as defined in §334.481 of this title (relating to Definitions) are not subject to this subsection; and

(iv) when, using an appropriate test method, representative sampling of the waste does not exhibit detectable levels of polychlorinated biphenyls (PCBs).

(B) Subparagraph (A) of this paragraph does not apply to naturally occurring material, i.e., soil, rock, etc., if the generator can demonstrate that the levels present in the waste are naturally occurring in the background of that particular material.

(C) If the detection level submitted by the generator is challenged by the executive director or the commission, and for other enforcement purposes, the burden is on the generator to demonstrate that the detection level was reasonable for the material in question and for the technology in use at the time the waste was classified.

### **§335.508 – Classification of Specific Industrial Solid Wastes**

The following nonhazardous industrial solid wastes shall be classified no less stringently than according to the provisions of this section.

(1) Industrial solid waste containing asbestos material identified as regulated asbestos containing material (RACM), as defined in 40 Code of Federal Regulations (CFR) Part 61, shall be classified as a Class 1 waste.

(2) Empty containers that are a solid waste as defined in §335.1 (relating to Definitions) shall be subject to the following criteria:

(A) A container which has held a Hazardous Substance as defined in 40 CFR Part 302, a Hazardous waste, a Class 1 waste, or a material which would be classified as a Hazardous or Class 1 waste if disposed of, and is empty per §335.41(f)(2) of this title (relating to Purpose, Scope and Applicability concerning empty containers):

(i) shall be classified as a Class 1 waste;

(ii) may be classified as a Class 2 waste if the container has a capacity of five gallons or less; or

(iii) may be classified as a Class 2 waste if the container has a capacity greater than five gallons and:

(I) the residue has been completely removed either by triple rinsing with a solvent capable of removing the waste, by hydroblasting, or by other methods which remove the residue; and

(II) the container has been crushed, punctured, or subjected to other mechanical treatment which renders the container unusable; or

(iv) may be classified as a Class 2 waste if the container is to be sent for recycling and:

(I) the residue has been completely removed either by triple rinsing with a solvent capable of removing the waste, by hydroblasting, or by other methods which remove the residue; and

(II) the container is not regulated under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) 40 CFR Part 165; and

(III) the generator maintains documentation in accordance with §335.513 of this title (relating to Documentation Required) that demonstrates the container is being recycled; and

(IV) the recycling activity involves shredding, dismantling, scrapping, melting, or other method that renders the container unusable.

(B) A container which has held a Class 2 waste shall be classified as a Class 2 waste.

(C) Aerosol cans that have been depleted of their contents, such that the inner pressure of the can equals atmospheric pressure and minimal residues remain in the can, may be classified as a Class 2 wastes.

(3) Plant trash refers only to paper, cardboard, food wastes, and general plant trash. These wastes shall be subject to the following classification criteria.

(A) The form code 999 ("PLANT TRASH") refers only to Class 2 waste originating in the facility offices or plant production area that is composed of paper, cardboard, linings, wrappings, paper and/or wooden packaging materials, food wastes, cafeteria waste, glass, aluminum foil, aluminum cans, aluminum scrap, stainless steel, steel, iron scrap, plastics, styrofoam, rope, twine, uncontaminated rubber, uncontaminated wooden materials, equipment belts, wirings, uncontaminated cloth, metal bindings, empty containers with a holding capacity of five gallons or less, uncontaminated floor sweepings, and/or food packaging, that are produced as a result of plant production, manufacturing, laboratory, general office, cafeteria, or food services operations. Also included in plant trash are personal cosmetics generated by facility personnel, excluding those cosmetics generated as a result of manufacturing or plant production operations. Plant refuse shall not include oils, lubricants of any type, oil filters, contaminated soils, sludges, wastewaters, bulk liquids of any type, or Special Wastes as defined by §330.2 of this title (relating to Definitions).

(B) The form code 902 ("SUPPLEMENTAL PLANT PRODUCTION REFUSE") only applies to Class 2 Waste from production, manufacturing, or laboratory operations. The total amount of the supplemental plant production refuse (form code 902) shall not exceed 20% of the annual average of the total plant refuse (form code 999) volume or weight, whichever is less. Individual wastes which have been designated supplemental plant production refuse may be designated by the generator at a later time as a separate waste in order to maintain the supplemental plant production refuse at or below 20% of the appropriate plant refuse amount. For any waste stream included with, removed from, or added to the supplemental plant refuse designation (form code 902), the generator must provide the notification information required pursuant to this subchapter.

(4) Medical wastes which are subject to the provisions of Chapter 330, Subchapter Y of this title (relating to Medical Waste Management) shall be designated as Class 2 wastes.

(5) Media contaminated by a material containing greater than or equal to 50 parts per million total polychlorinated biphenyls (PCBs) and wastes containing greater than or equal to 50 ppm PCBs shall be classified as Class 1.

(6) Wastes which are petroleum substances or contain contamination from petroleum substances, as defined in §335.1 of this title shall be classified as a Class 1 waste until a generator demonstrates that the waste's total petroleum hydrocarbon concentration (TPH) is less than or equal to 1,500 parts per million (ppm). Where hydrocarbons cannot be differentiated into specific petroleum substances, then such wastes with a TPH concentration of greater than 1,500 ppm shall be classified as a Class 1 waste. Wastes resulting from the cleanup of leaking underground storage tanks (USTs) which are regulated under Chapter 334, Subchapter K of this title (relating to Petroleum Substance Waste) are not subject to classification under this subchapter.

(7) Wastes generated by the mechanical shredding of automobiles, appliances, or other items of scrap, used, or obsolete metals shall be handled according to the

provisions set forth in Texas Health and Safety Code, §361.019, until the commission develops specific standards for the classification of this waste and assures adequate disposal capacity.

(8) If a nonhazardous industrial solid waste is generated as a result of commercial production of a "new chemical substance" as defined by the federal Toxic Substances Control Act, 15 United States Code §2602(9), the generator shall notify the executive director prior to the processing or disposal of the waste and shall submit documentation requested under §335.513(b) and (c) of this title for review. The waste shall be managed as a Class 1 waste, unless the generator can provide appropriate analytical data and/or process knowledge which demonstrates that the waste is Class 2 or Class 3, and the executive director concurs. If the generator has not received concurrence from the executive director within 120 days from the date of the request for review, the generator may manage the waste according to the requested classification, but not prior to giving ten working days written notice to the executive director.

(9) All nonhazardous industrial solid waste generated outside the state of Texas and transported into or through Texas for processing, storage, or disposal shall be classified as:

(A) Class 1; or

(B) may be classified as a Class 2 or Class 3 waste if:

(i) the material satisfies the Class 2 or Class 3 criteria as defined in §§335.506, 335.507 or 335.508 of this title (relating to Class 2 Waste Determination; Class 3 Waste Determination; Classification of Specific Industrial Solid Wastes); and

(ii) a request for Class 2 or Class 3 waste determination is submitted to the executive director accompanied by all supporting documentation as required by §335.513 of this title. Waste generated out-of-state may be assigned a Class 2 or Class 3 classification only after approval by the executive director.

(10) Wastes which are hazardous solely because they exhibit a hazardous characteristic, which are not considered hazardous debris as defined in 40 CFR §268.2(g), which are subsequently stabilized and no longer exhibit a hazardous characteristic and which meet the land disposal restrictions as defined in 40 CFR Part 268 may be classified according to the Class 1 or Class 2 classification criteria as defined in §§335.505, 335.506, and 335.508 of this title.

## **B. Demonstrating hazardous waste determinations and waste classifications (waste analysis or process knowledge)**

*Federal – 40 CFR*

### **§262.11 - Waste Analysis and Process Knowledge**

(c) For purposes of compliance with 40 CFR part 268, or if the waste is not listed in subpart D of 40 CFR part 261, the generator must then determine whether the waste is identified in subpart C of 40 CFR part 261 by either:



(1) Testing the waste according to the methods set forth in subpart C of 40 CFR part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or

(2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

*Texas -30 TAC*

### **§335.509 – Waste Analysis**

(a) Generators who use analytical methods to classify their waste must use methods described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (EPA SW-846), "Methods for Chemical Analysis of Water and Wastes" (EPA-600/4-79/020), "Standard Methods for the Examination of Water and Wastewater", American Society for Testing and Materials (ASTM) Standard Methods, or any other approved EPA methods or may request in writing that the executive director review and approve an alternate method. The generator must also choose representative sample(s) of their waste, as described in Chapter 9 of EPA SW-846. A generator who proposes to use an alternate method must validate the alternate method by demonstrating that the method is equal to or superior in accuracy, precision, and sensitivity to the corresponding SW-846, EPA-600, Standard Method or ASTM method identified in this subsection.

(b) The generator proposing an alternate method shall provide the executive director with the following information:

- (1) a full description of the proposed method including all equipment used;
- (2) a description of the types of wastes and waste matrices analyzed or to be analyzed;
- (3) comparative quality assurance results of the proposed method and the corresponding SW-846 method;
- (4) a complete assessment of any factors which may interfere with the method; and
- (5) a description of the Quality Control procedures necessary to ensure the sensitivity, accuracy, and precision of the proposed method.

(c) Upon request of the executive director, the generator shall provide additional information as necessary to enable the executive director to adequately review the alternate methods proposed by the generator.

### **§335.510 – Sampling Documentation**

(a) Generators who use analytical data to classify their waste pursuant to §335.509 of this title (relating to Waste Analysis) must maintain documentation of their sampling procedures.

(b) The sampling documentation must, at a minimum, include the following:

- (1) dates samples were collected;
- (2) a description of the site or unit from which the sample is taken and sampling location(s) at the site unit;
- (3) sample methods and sample equipment utilized; and
- (4) description of sample handling techniques, including containerization, preservation, and chain of custody.

(c) Generators shall document all the information listed in subsection (b) of this section, and shall retain copies on-site in accordance with §335.513 of this title (relating to Documentation Required).

(d) Generators who have existing sampling documentation, which includes the information listed in subsection (b) of this section, do not need to prepare any new documentation specifically for this section.

#### **§335.511 – Use of Process Knowledge**

(a) Generators may use their existing knowledge about the process to classify or assist in classifying a waste as hazardous, Class 1, Class 2, or Class 3. Process knowledge must be documented and maintained on-site pursuant to §335.513 of this title (relating to Documentation Required). Material safety data sheets, manufacturers' literature, and other documentation generated in conjunction with a particular process may be used to classify a waste provided that the literature provides sufficient information about the waste and addresses the criteria set forth in §§335.504 - 335.508 of this title (relating to Hazardous Waste Determination, Class 1 Waste Determination, Class 2 Waste Determination, Class 3 Waste Determination, and Classification of Specific Industrial Solid Wastes). For classes other than hazardous or Class 1, a generator must be able to demonstrate requisite knowledge of his or her process by satisfying all of the following.

(1) The generator must have a full description of the process, including a list of chemical constituents that enter the process. Constituents listed in Appendix 1 of this subchapter must be addressed in this description.

(2) The generator must have a full description of the waste, including a list of chemical constituents likely to be in the waste. This list should be based on paragraph (1) of this subsection.

(3) The generator may develop a subset of Appendix 1 constituents by which to evaluate the waste utilizing the information from paragraphs (1) and (2) of this subsection.

(4) Documentation of the waste classification must be maintained and, if requested or required, provided to the executive director pursuant to §335.513 of this title.

(b) If the total concentration of the constituents demonstrates that individual analytes are not present in the waste, or that they are present but at such low concentrations that the appropriate maximum leachable concentrations could not possibly be exceeded, the TCLP extraction procedure discussed in §335.505(1) of this title need not be run. If an analysis of any one of the liquid fractions of the TCLP extract indicates that a regulated constituent is present at such high concentrations that, even after accounting for dilution from the other fractions of the extract, the concentration would be equal to or greater than the maximum leachable concentration for that constituent, then the waste is Class 1, and it is not necessary to analyze the remaining fractions of the extract.

### **C. Required maintenance of documentation**

*Federal - 40 CFR*

#### **§262.40- Recordkeeping**

(c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with §262.11 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

Texas -30 TAC

### **§335.9 – Recordkeeping**

(a) Except with regard to nonhazardous recyclable materials regulated pursuant to §335.24(h) of this title (relating to Requirements for Recyclable Materials and Nonhazardous Recyclable Materials), each generator of hazardous or industrial solid waste shall comply with the following.

(1) The generator shall keep records of all hazardous and industrial solid waste activities regarding the quantities generated, stored, processed, and disposed of on-site or shipped off-site for storage, processing, or disposal and which, at a minimum, includes the information described in subparagraphs (A) - (G) of this paragraph. These records may be maintained in any format, provided they are retrievable and easy to copy. The required records must be sufficiently detailed and complete to support any contentions or claims made by the generator with respect to:

(A) the description, character, and classification of each waste, and any changes and additional information required under §335.6(c) and (d) of this title (relating to Notification Requirements);

(B) the quantity generated;

(C) except for conditionally exempt small quantity generators regulated under §335.78 of this title (relating to Special Requirements for Hazardous Waste Generated By Conditionally Exempt Small Quantity Generators), the quantity held in on-site storage as of December 31 of each calendar year;

(D) the quantity processed or disposed of at each on-site facility unit during the calendar year;

(E) the method of storage, processing, or disposal as described by codes listed on the form or instructions;

(F) the quantity shipped off-site for storage, processing, or disposal each calendar year, including the name, address, and location of each off-site facility and transporter receiving shipments;

(G) the location of all hazardous waste accumulation areas, situated at or near any point of generation, where hazardous wastes under the control of the operator of the process generating the wastes are placed in containers and initially accumulated without a permit or interim status in accordance with §335.69(d) of this title (relating to Accumulation Time).

### **§335.513 – Documentation Required**

(a) Documentation on each waste stream is required to be maintained by the generator in accordance with the requirements of this subchapter and in accordance with §335.9 of this title (relating to Recordkeeping and Annual Reporting Procedures Applicable to Generators).

(b) The following documentation shall be submitted by the generator to the executive director prior to waste shipment or disposal and not later than 90 days of initial waste generation:

(1) description of waste;

- (2) date of initial waste generation;
  - (3) description of process that generated the waste;
  - (4) hazardous waste determination;
  - (5) all analytical data and/or process knowledge allowed under §335.511 of this title (relating to Use of Process Knowledge) used to characterize Class 3 wastes, including quality control data; and
  - (6) waste classification determination.
- (c) The following documentation shall be maintained by the generator on site immediately upon waste generation and for a minimum of three years after the waste is no longer generated or stored or until site closure:
- (1) all information required under subsection (b) of this section;
  - (2) all analytical data and/or process knowledge allowed under §335.511 of this title used to characterize hazardous, Class 1, Class 2, and Class 3 wastes, including quality control data.
- (d) The executive director may request that a generator submit all documentation listed in subsections (b) and (c) of this section for auditing the classification assigned. Documentation requested under this section shall be submitted within ten working days of receipt of the request.
- (e) Any changes to the information required in sections (b) and (c) of this subsection shall be maintained or submitted according to the timing requirements of this section.
- (f) A generator may request information provided to the agency remain confidential in accordance with the Texas Open Records Act, the Government Code, Chapter 552.

#### **EPA RESOURCES:**

Online Federal regulations (Title 40 Code of Federal Regulations – 40 CFR)  
[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title40/40tab_02.tpl)

Online hazardous waste determination flowchart  
<https://www.fedcenter.gov/assistance/facilitytour/hazardous/whatis/flowchart/>

Characteristic hazardous wastes, in depth  
<https://www.epa.gov/hw/user-friendly-reference-document-hazardous-waste-characteristics>

Listed hazardous wastes, in depth  
<https://www.epa.gov/hw/user-friendly-reference-document-hazardous-waste-listings>

Exclusions from definition of solid waste, in depth  
<https://www.epa.gov/hw/user-friendly-reference-document-hazardous-waste-exclusions>

Exclusions from definition of hazardous waste, in depth  
<https://www.epa.gov/hw/user-friendly-reference-document-hazardous-waste-exclusions>

#### **TCEQ RESOURCES:**

Online Title 30 Texas Administrative Code (30 TAC) regulations

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=3&ti=30&pt=1](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=3&ti=30&pt=1)

Online 30 TAC Chapter 335 (industrial and hazardous waste) regulations

[http://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=4&ti=30&pt=1&ch=335](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=335)

Guidelines for the classification and coding of industrial and hazardous wastes.

<https://www.tceq.texas.gov/publications/rg/rg-022.html>

How to classify industrial and hazardous waste, briefly

[https://www.tceq.texas.gov/permitting/waste\\_permits/ihw\\_permits/HW\\_Am\\_I\\_Regulated.html](https://www.tceq.texas.gov/permitting/waste_permits/ihw_permits/HW_Am_I_Regulated.html)

TCEQ "Waste Designation Decision Matrix"

<https://www.tceq.texas.gov/assistance/waste/waste-matrix>