

Is household hazardous waste regulated as a hazardous waste in Virginia?

No. Household hazardous waste is not regulated under Virginia Department of Environmental Quality's ("VA DEQ") Hazardous Waste Management Regulations. Virginia adopted the federal exclusion for household hazardous waste under the Resource Conservation and Recovery Act ("RCRA"). See 40 CFR §261.4(b)(1) and 9VAC20-60-261 adopting Part 261 by reference with no modifications. This regulatory citation provides an exclusion from the hazardous waste regulations for household hazardous waste. Therefore, as long as the hazardous waste generated comes from a household, it does not have to be managed according to the state or federal hazardous waste regulations. However, the household hazardous waste is still a solid waste and shall be managed under the Virginia Solid Waste Management Regulations (VSWMR, [§ 9VAC20-80-10 et seq.](#)).

Does the household hazardous waste exemption carry through to collection sites and events?

The United States Environmental Protection Agency ("U.S. EPA") has also clarified that this regulatory exclusion carries through for the whole life of the household waste stream including collection, management, transportation, treatment, and recycling or disposal facilities. See EPA memorandum dated November 1, 1988, [OSWER Policy Directive No. 9574.00-1](#). In other words, the household hazardous waste exemption from the hazardous waste regulations is passed on to community and business collections so these entities are not required to comply with the hazardous waste regulations when collecting household hazardous waste.

This exclusion is only valid for hazardous wastes from households such as single and multiple residences, hotels, bunkhouses, campgrounds, etc. See 40 CFR §261.4(b)(1). If a business or other non-household entity mixes collected household hazardous waste with business or other non-household hazardous waste the entire mixture must be managed according to the VA DEQ hazardous waste regulations. Therefore, household hazardous waste collection programs should be clear in their advertising and at their collection points they can only accept hazardous waste from households to avoid the possibility of receiving regulated hazardous wastes from commercial or industrial sources, which may trigger all or some of the RCRA requirements.

What is the best way to handle collected household hazardous waste?

Although not required, U.S. EPA recommends that sponsors of household hazardous waste collection programs manage the collected household hazardous waste as if it were hazardous waste. See EPA memorandum dated November 1, 1988, [OSWER Policy Directive No. 9574.00-1](#). This recommendation stems from the assertion that hazardous waste management practices provide a greater level of environmental protection for the waste. Additionally, U.S. EPA recommends the use of a licensed hazardous waste transporter to haul the household hazardous waste since such a transporter will know how to properly identify, label, and transport the collected wastes.

Will a household hazardous waste collection location have to obtain an EPA identification number if they hire a hazardous waste contractor to manage the waste?

An EPA identification number is not required to operate a household hazardous waste collection facility. However, hazardous waste transporters and treatment, storage, and disposal facilities often require the waste they pick up to be shipped with a Uniform Hazardous Waste Manifest, which requires a U.S. EPA identification number identifying the hazardous waste generator. For one time household hazardous waste collection events, VA DEQ can issue a provisional U.S. EPA identification number, which is good for a single shipment, so the Manifest can be filled out properly. If a permanent household hazardous waste collection site is established, VA DEQ can issue a permanent U.S. EPA identification number for the collection site (assuming that the site does not already have one).

What solid waste regulations apply to the collection of household hazardous waste?

Household hazardous waste regulation falls within the realm of the Virginia Solid Waste Management Regulations (VSWMR, [§ 9VAC20-80-10 et seq.](#)). An area of a facility, such as a portion of a storeroom at a retail business, set aside to collect hazardous waste from homeowners may be considered a convenience center as defined by the VSWMR. A convenience center is defined as a collection point for the temporary storage of solid waste provided for individual solid waste generators who choose to transport solid waste generated on their own premises to an established centralized point, rather than directly to a disposal facility. To be classified as a convenience center, the collection point may not receive waste from collection vehicles that have collected waste from more than one real property owner. Additionally, a convenience center shall be on a system of regularly scheduled collections. If the facility meets the requirements contained in the definition of a convenience center described above, the operation is not considered a transfer station and therefore, exempt from solid waste permitting requirements. See [§ 9VAC20-80-10](#). Although exempt from the requirements for transfer stations in the VSWMRs, VA DEQ recommends that convenience centers have a containment system designed in accordance with [40 CFR §267.173](#).

Additionally, if a similar area of a facility is set aside to collect household hazardous waste that will be sent off-site for use or reuse, or preparation for use or reuse as an effective substitute for commercial products or natural resources, the collected materials would be conditionally excluded from the definition of solid waste provided the collected materials are not speculatively accumulated. See [§ 9VAC20-80-150.E](#) and definition of speculatively accumulated material in [§ 9VAC20-80-10](#).

Finally, if a household hazardous waste collection area is set up at a permitted solid waste transfer station ([§ 9VAC20-80-340](#)) the solid waste permit for the existing facility may require amendment to include the new collection area. Note that the requirements of section [§ 9VAC20-80-340](#) do not apply to household hazardous waste packaged in U.S. Department of Transportation

approved shipping containers and removed from the site within 10 days from the date of collection. It is recommended existing permitted solid waste transfer stations contact the [DEQ Regional Waste Program](#) for further information regarding setting up a household hazardous waste collection area.

Do the regulations that apply to household hazardous waste collections also apply to collections of Conditionally Exempt Small Quantity Generator (CESQG) hazardous waste?

No. Although the generator of CESQG waste is exempted from certain provisions of the hazardous waste management regulations, the waste itself is not excluded from regulation as a hazardous waste. Hence, the requirements that apply to household hazardous waste collections are different from those that apply to CESQG waste collections. CESQG waste must be managed as hazardous waste under regulations established in § 9VAC20-60-261 of the Virginia Hazardous Waste Management Regulations (VHWMR) and provisions in that section adopted by reference from 40 CFR Part 261.5. The following link leads to a guidance document that provides a complete explanation of the regulations pertaining to CESQG waste collection programs with a focus on those operated by local governments and municipalities: <http://www.deq.virginia.gov/waste/hazardous9.html>.