

SUBCHAPTER R: WASTE CLASSIFICATION
§§335.501 - 335.515, 335.521
Effective June 16, 2016

§335.501. Purpose, Scope, and Applicability.

Persons who generate industrial solid waste or municipal hazardous waste shall comply with the provisions of this subchapter. Wastes that are regulated under Chapter 334, Subchapter K, of this title (relating to Storage, Treatment and Reuse Procedures for Petroleum-Substance Contaminated Soil) are not subject to the provisions of this subchapter. Persons who generate wastes in Texas shall classify their own waste according to the standards set forth in this subchapter and may do so without any prior approval or communication with the agency other than notification of waste generation activities pursuant to §335.6 of this title (relating to Notification Requirements) and submittal of required documentation pursuant to §335.513 of this title (relating to Documentation Required). A generator of industrial solid waste or special waste as defined by §330.2 of this title (relating to Definitions) shall refer to Chapter 330 of this title (relating to Municipal Solid Waste) for regulations regarding the disposal of such waste prior to shipment to a municipal landfill. Used oil, as defined and regulated under Chapter 324 of this title (relating to Used Oil), is not subject to the provisions of this subchapter. This subchapter:

(1) provides a procedure for implementation of Texas waste notification system; and

(2) establishes standards for classification of industrial solid waste and municipal hazardous waste managed in Texas.

Adopted October 24, 2001

Effective November 15, 2001

§335.502. Conversion to Waste Notification and Classification System.

(a) Waste notification information as required under §335.6 of this title (relating to Notification Requirements) and waste codes required under §335.10(b) of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Hazardous Waste or Class 1 Waste and Primary Exporters of Hazardous Waste) shall be assigned by the generator and provided to the executive director as provided by this chapter.

(1) All waste notification information provided in accordance with the schedule set forth in this subchapter shall be provided in a format defined by the executive director.

(2) All waste notification information may be submitted on paper or by electronic data transmission, in accordance with the requirements of §335.6 of this title.

(3) Forms and format information for submitting notice of registration information on paper or by electronic means may be obtained by contacting the agency at the address listed in Appendix 2 of this subchapter.

(b) The effective date for management of all wastes under this chapter is January 1, 1995. On and after this date, all solid waste generated or otherwise handled in the state shall be classified and accordingly managed pursuant to this subchapter.

(c) After the effective management date as provided in subsection (b) of this section, future reclassification of a waste may be required because of changes in classification criteria. A generator whose waste stream is reclassified to a more stringent waste classification after the effective management date of this subchapter as provided in subsection (b) of this section must reclassify the waste and begin managing the waste according to the more stringent classification requirements according to the following schedule:

(1) if mandated by a federal or state law, as specified in that law;

(2) if a date is provided in the adoption of the amendment, as required in that rule adoption;

(3) if not otherwise specified, within 180 days of the effective date of the rule amendment adopting the new classification criteria;

(4) in situations where a compliance date creates an unusual hardship a generator may request a different implementation time under the variance provisions of §335.514 of this title (relating to Variance from Waste Classification Provisions).

Adopted October 24, 2001

Effective November 15, 2001

§335.503. Waste Classification and Waste Coding Required.

(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).

(b) All industrial solid waste and municipal hazardous waste generated, stored, processed, transported or disposed of in the state shall be coded with an eight-digit waste code number which shall include a four-digit waste sequence number, a three-digit form code, and a one-character classification (either H, 1, 2,

or 3). Form codes are provided in §335.521(c) of this title (relating to Appendix 3). Procedures for assigning waste code numbers and sequence numbers are outlined as follows and available from the agency at the address listed in §335.521(b) of this title (relating to Appendix 2).

(1) A waste code is represented by the following 8-digit character string: sequence number + form code + classification code (H, 1, 2, or 3).

(2) In-state generators will assign a unique four-digit sequence number to each individual waste. These sequence numbers will range from 0001 to 9999. They need not be assigned in sequential order. An in-state registered generator may choose to request the executive director assign a sequence number to a specific waste which is not regularly generated by a facility and is being shipped as a one-time shipment or choose to add that waste to the regular sequence numbers on a notice of registration. Sequence numbers provided by the executive director may be a combination of alpha and numeric characters.

(3) The executive director will provide in-state unregistered generators a four-digit sequence number for each regulated waste it generates, which may be a combination of alpha and numeric characters.

(4) Generators of wastes resulting from a spill may obtain a sequence number for the spill related wastes from the agency's Emergency Response Section.

(5) Out-of-state generators will use the sequence code "OUTS" in the first four digits of the waste code.

(6) CESQGs or industrial Class 1 non-hazardous waste generators that are exempt from manifesting as specified in §335.10 of this title (relating to Shipping and Reporting Procedures Applicable to Generators of Hazardous Waste or Class 1 Waste and Primary Exporters of Hazardous Waste) who voluntarily manifest their hazardous and or Class 1 nonhazardous waste may use "CESQ" as the first four digits of the waste code.

(7) A facility which receives and consolidates like waste from Municipal Conditionally Exempt Small Quantity Generators should use "CESQ" in the first four positions of the waste code for any manifesting and/or reporting associated with that waste.

(8) A facility which receives a waste and consolidates that waste with other like waste, other than its own, (thus not changing the form code of the waste stream or its composition, hazardous, or Texas waste class), or stores a waste without treating, processing (as defined in §335.1 of this title (relating to Definitions)), or changing the form or composition of that waste may ship that

waste to a storage, treatment, or disposal facility using the sequence code "TSDf" in the first four positions of the waste code. This does not pertain to wastes which are treated or altered or combined with unlike wastes. This "TSDf" designation is only to be used by facilities that store and/or accumulate a quantity of wastes from more than one site for subsequent shipment to a treatment or disposal facility. Manifest documents must note a final destination designated to receive a consolidated waste. The designated "final destination" receiving facility noted on the manifest must be a permitted facility in order to terminate the manifest, unless the waste is nonhazardous and does not require manifesting in accordance with §335.10(e) of this title and is going to a facility described in §335.10(e) of this title. A consolidated waste shipped to a non-permitted facility prior to being shipped to the final destination must proceed with the original manifests (noted with any appropriate changes) to the facility designated on the manifest for final handling.

Adopted December 10, 2014

Effective January 8, 2015

§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 13, 2015 (80 FR 1694), 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 April 13, 2012 (77 FR 22229).

(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 March 18, 2010 (75 FR 12989).

Adopted May 25, 2016

Effective June 16, 2016

§335.505. Class 1 Waste Determination.

A non-hazardous 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 65.6EC (150EF), 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 mg/l;

(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.

Adopted May 3, 1995

Effective May 30, 1995

§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.

Effective November 27, 1992

§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.

Adopted October 24, 2001

Effective November 15, 2001

§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 of this title (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 §330.3 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 326 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 Storage, Treatment and Reuse Procedures for Petroleum Substance Contaminated Soil) 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.

Adopted April 27, 2016

Effective May 26, 2016

§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.

Adopted October 24, 2001

Effective November 15, 2001

§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.

Adopted May 3, 1995

Effective May 30, 1995

§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.

Adopted October 24, 2001

Effective November 15, 2001

§335.512. Executive Director Review.

(a) The executive director may review the generator's classification of any waste to determine if it is appropriately classified. If the executive director determines that a waste has been classified incorrectly according to the standards set forth in this subchapter, or if the executive director determines that extenuating circumstances that may result in threat of harm to human health or the environment warrant an upgrading of the classification, the executive director may reclassify the waste to the more stringently regulated classification. The executive director shall provide the generator with written notice of his determination and reclassification.

(b) A person who believes that the executive director staff has inappropriately classified a waste pursuant to this section may appeal that decision. The person shall file an appeal directly with the executive director requesting a

review of the waste classification. If the person is not satisfied with the decision of the executive director on the appeal, the person may request an evidentiary hearing to determine the appropriateness of the classification by filing a request for hearing with the commission.

Adopted October 24, 2001

Effective November 15, 2001

§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.

Adopted October 24, 2001

Effective November 15, 2001

§335.514. Variance from Waste Classification Provisions.

(a) The executive director may determine on a case-by-case basis the merits of the following types of variances:

- (1) appropriateness of a particular waste classification resulting from application of the classification criteria; and
- (2) other matters requiring special attention by the executive director.

(b) Factors to be considered in determining whether a variance should be granted include, but are not limited to, the risk to human health and the environment that is presented by the requested variance. In addition, such factors as circumstances which were reasonably unforeseeable and beyond the reasonable control of the generator (for the type of variance authorized by subsection (a)(1) of this section); and the results of laboratory analyses and laboratory quality assurance/quality control information (for the type of variance authorized by subsection (a)(2) of this section) shall also be considered. The burden of justifying the need for a variance is on the requestor, and the requestor must submit information sufficient to clearly indicate the issues involved, the reason(s) for the request, and both positive and negative impacts that may result from the granting of the variance. Written documentation on the description of the waste, the date of initial generation, the description of the process that generated the waste, and the analytical data on the waste shall also be submitted with each variance request for a specific waste stream. Prior approval of the variance must be obtained before any change is authorized. If a variance request is denied, the executive director shall provide an explanation of the reasons for the denial in a written response to the requestor.

(c) A person who feels that the executive director has inappropriately denied a request for variance may appeal that decision. The person shall file an appeal

directly with the executive director requesting a review of the variance. If the person is not satisfied with the decision of the executive director, he or she may request an evidentiary hearing to determine the appropriateness of the variance, by filing a request for hearing with the commission.

Adopted October 24, 2001

Effective November 15, 2001

§335.515. Enforcement.

(a) It is a violation of commission rules if a waste is not properly classified according to the provisions of this subchapter.

(b) Where violations of this subchapter occur, the executive director may initiate formal enforcement action and may seek administrative penalties and order corrective actions, as prescribed under Chapter 337 of this title (relating to Enforcement), or pursue any other remedy available at law.

(c) When establishing corrective actions and penalty amounts involving violations of this subchapter, the executive director should consider circumstances which mitigate the nature or extent of the violations in accordance with applicable rules and statutes.

Adopted May 3, 1995

Effective May 30, 1995

§335.521. Appendices.

(a) Appendix 1.

(1) Table 1.

Figure: 30 TAC §335.521(a)(1)

Table 1. Constituents of Concern and
Their Maximum Leachable Concentrations.

Values are based on information contained in Federal Registers Vol. 55 / Friday, July 27, 1990; Vol. 56 / June 7, 1991; and Integrated Risk Information Systems, U.S. Environmental Protection Agency, and 40 CFR 264 Appendix 9.

Compound	CAS No.	Concentration (mg/l)
#Acenaphthene	83-32-9	210
Acetone	67-64-1	400

Compound	CAS No.	Concentration (mg/l)
Acetonitrile	75-05-8	20
Acetophenone	98-86-2	400
Acrylamide	79-06-1	0.08
Acrylonitrile	107-13-1	0.6
Aniline	62-53-3	60
#Anthracene	120-12-7	1050
Antimony	7440-36-0	1
Arsenic	7440-38-2	1.8
Barium	7440-39-3	100.0
Benzene	71-43-2	0.50
Benzidine	92-87-5	0.002
Beryllium	7440-41-7	0.08
Bis(2-chloroethyl)ether	111-44-4	0.3
Bis(2-ethylhexyl) phthalate	117-81-7	30
Bromodichloromethane	75-27-4	0.3
Bromomethane	74-83-9	5
Butylbenzyl phthalate	85-68-7	700
Cadmium	7440-43-9	0.5
Carbon disulfide	75-15-0	400
Carbon tetrachloride	56-23-5	0.50
Chlordane	57-74-9	0.03
Chlorobenzene	108-90-7	70
Chloroform	67-66-3	6.0
#Chloro-m-cresol, p	59-50-7	7000
2-Chlorophenol	95-57-8	20
Chromium	7440-47-3	5.0
m-Cresol	108-39-4	200.0*
o-Cresol	95-48-7	200.0*
p-Cresol	106-44-5	200.0*
DDD	72-54-8	1
DDE	72-55-9	1
DDT	50-29-3	1
Dibutyl phthalate	84-74-2	400
1,4-Dichlorobenzene	106-46-7	7.5
3,3-Dichlorobenzidine	91-94-1	0.8
1,2-Dichloroethane	107-06-2	0.50
Dichlorodifluoromethane	75-71-8	700
1,1-Dichloroethylene	75-35-4	0.6
1,3-Dichloropropene	542-75-6	1

Compound	CAS No.	Concentration (mg/l)
2,4-Dichlorophenol	120-83-2	10
2,4-Dichlorophenoxy-acetic acid (2,4-D)	94-75-7	10.0
Dieldrin	60-57-1	0.02
Diethyl phthalate	84-66-2	3000
Dimethoate	60-51-5	70
#2,4-Dimethylphenol	105-67-9	70
#2,6-Dimethylphenol	576-26-1	21
m-Dinitrobenzene	99-65-0	0.4
2,4-Dinitrophenol	51-28-5	7
2,4-Dinitrotoluene (and 2,6-, mixture)	602-01-7	0.13
#Dinoseb	88-85-7	3.5
1,4-Dioxane	123-91-1	30
Dioxins (Poly chlorinated dibenzo-p-dioxins)		
2,3,7,8-TCDD	1746-01-6	0.005
1,2,3,7,8-PeCDD	40321-76-4	0.010
1,2,3,4,7,8-HxCDD	57653-85-7	0.050
1,2,3,6,7,8-HxCDD	34465-46-8	0.050
1,2,3,7,8,9-HxCDD		0.050
Diphenylamine	122-39-4	90
1,2-Diphenylhydrazine	122-66-7	0.4
Disulfoton	298-04-4	0.1
Endosulfan	959-98-8	0.2
Endrin	72-20-8	0.02
#2-Ethoxyethanol	110-80-5	1400
Ethylbenzene	100-41-4	400
Ethylene dibromide	106-93-4	0.004
#Ethylene Glycol	107-21-1	7000
#Fluoranthene	206-44-0	140
#Fluorene	86-73-7	140
Furans (Polychlorinated dibenzo furans)		
2,3,7,8-TCDF	51207-31-9	0.050
1,2,3,7,8-PeCDF		0.100
2,3,4,7,8-PeCDF		0.010
1,2,3,4,7,8-HxCDF	0.050	
1,2,3,6,7,8-HxCDF	0.050	
1,2,3,7,8,9-HxCDF	0.050	
Heptachlor (and its hydroxide)	76-44-8	0.008
Heptachlor epoxide	1024-57-3	0.04
Hexachlorobenzene	118-74-1	0.13

Compound	CAS No.	Concentration (mg/l)
Hexachloro-1,3-butadiene	87-68-3	0.4
Hexachlorocyclopentadiene	77-47-4	20
Hexachloroethane	67-72-1	3.0
Hexachlorophene	70-30-4	1
Isobutyl alcohol	78-83-1	1000
Isophorone	78-59-1	90
Lead	7439-92-1	1.5
Lindane	58-89-9	0.3
Mercury	7439-97-6	0.2
Methacrylonitrile	126-98-7	0.4
Methomyl	16752-77-5	90
Methoxychlor	72-43-5	10.0
#2-Methoxyethanol	109-86-4	14.0
Methyl ethyl ketone	78-93-3	200.0
Methyl isobutyl ketone	108-10-1	200
Methylene chloride	75-09-2	50
Methyl parathion	298-00-0	0.9
#Mirex	2385-85-5	0.7
Nickel	7440-02-0	70
Nitrobenzene	98-95-3	2.0
N-Nitroso-di-n-butylamine	924-16-3	0.06
N-Nitrosodiphenylamine	86-30-6	70
N-Nitrosomethylethylamine	10595-95-6	0.02
N-Nitroso-n-propylamine	621-64-7	0.05
N-Nitrosopyrrolidine	930-55-2	0.2
p-Phenylene diamine	106-50-3	20
Parathion	56-38-2	20
Pentachlorobenzene	608-93-5	3
Pentachloronitrobenzene	82-68-8	10
Pentachlorophenol	87-86-5	100.0
Phenol	108-95-2	2000
Pronamide	23950-58-5	300
#Pyrene	129-00-0	5.9
Pyridine	110-86-1	4
Selenium	7782-49-2	1.0
Silver	7440-22-4	5.0
Styrene	100-42-5	700
1,1,1,2-Tetrachloroethane	630-20-6	10
1,1,2,2-Tetrachloroethane	79-34-5	2

Compound	CAS No.	Concentration (mg/l)
Tetrachloroethylene	127-18-4	0.7
2,3,4,6-Tetrachlorophenol	58-90-2	100
Toluene	108-88-3	1000
Toxaphene	8001-35-2	0.3
trans-1,3-Dichloro-propene	542-75-6	1
Tribromomethane (Bromoform)	75-25-2	70
1,2,4-Trichlorobenzene	120-82-1	70
1,1,1-Trichloroethane	71-55-6	300
Trichloroethylene	79-01-6	0.5
1,1,2-Trichloroethane	79-00-5	6
Trichlorofluoromethane	75-69-4	1000
2,4,5-Trichlorophenoxy-propionic acid (2,4,5 TP or Silvex)	93-72-1	1.0
1,2,3-Trichloropropane	96-18-4	20
2,4,5-Trichlorophenol	95-95-4	400.0
2,4,6-Trichlorophenol	88-06-2	2
Vanadium Pentoxide	1314-62-1	30
Vinyl chloride	75-01-4	0.2
Xylenes (all isomers)	1330-82-1	7000

Constituent added since original rule publication.

* If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol concentration is used. The Maximum Concentration for total cresol is 200.0 mg/l.

(2) Table 2.

Figure: 30 TAC §335.521(a)(2)

Table 2. Examples of Ignitable Solids.

Constituents listed from Department of Transportation Regulations, 49 CFR Part 173 Subpart E, October 1, 1993. (Note: The presence of a constituent on this table in a non-hazardous waste does not automatically identify that waste as a Class 1 ignitable waste. The constituents on this table are examples of materials which could be considered Class 1 ignitable waste. The physical characteristics of the waste will be the determining factor as to whether or not a waste is ignitable. Refer to §335.505(2) of this title (relating to Class 1 Waste Determination) for the Class 1 ignitable criteria.)

Compound or Material

Aluminum, metallic, powder
Alkali metal amalgams
Alkali metal amides
Aluminum alkyl halides
Aluminum alkyl hydrides
Aluminum alkyls
Aluminum borohydrides
Aluminum carbide
Aluminum ferrosilicon powder
Aluminum hydride
Aluminum phosphide
Aluminum resinate
Aluminum silicon powder
Ammonium picrate
2, 2'-Azodi-(2,4-dimethyl-4-methoxyvaleronitrile)
2, 2'-Azodi-(2,4-dimethylvaleronitrile)
1, 1' Azodi-(hexahydrobenzonitrile)
2,2'-Azodi (2-methyl-butryronitrile)
Azodiisobutryronitrile
Barium, metallic
Barium alloys, pyrophoric
Barium azide
Benzene-1,3-disulfohydrazide
Benzene sulfohydrazide
4-(Benzyl(ethyl)amino)-3-ethoxybenzenediazonium zinc chloride
4-(Benzyl(methyl)amino)-3-ethoxybenzenediazonium zinc chloride
Borneol
Boron trifluoride dimethyl etherate
5-tert-Butyl-2,4,6-trinitro-m-xylene
Calcium, metallic
Calcium carbide
Calcium chlorite
Calcium cyanamide
Calcium dithionite
Calcium hypochlorite
Calcium manganese silicon
Calcium silicon powder
Calcium phosphide
Calcium pyrophoric
Calcium resinate
Calcium silicide

Camphor, synthetic
Carbon, activated
Celluloid
Cerium
Cesium metal
Chromic acid or chromic acid mixture, dry
Cobalt naphthenates, powder
Cobalt resinate
Decaborane
2-Diazo-1-naphthol-4-sulpho-chloride
2-Diazo-1-naphthol-5-sulpho-chloride
2,5-Diethoxy-4-morpholinobenzenediazonium zinc chloride
Diethylzinc
4-Dimethylamino-6-(2-dimethylaminoethoxy) toluene-2-diazonium zinc chloride
Dimethylzinc
Dinitrophenolates
Dinitroresorcinol
N,N'-Dinitroso-N,N'-dimethyl terephthalamide
N,N'-Dinitrosopentamethylenetetramine
Diphenyloxide-4,4'disulfohydrazide
Dipicryl sulfide
4-Dipropylaminobenzenediazonium zinc chloride
Ferrocerium
Ferrosilicon
Ferrous metal
Hafnium powder
Hexamine
Hydrides, metal
3-(2-Hydroxyethoxy)-4-pyrrolidin-1-ylbenzenediazonium zinc chloride
Iron oxide, spent
Isosorbide dinitrate mixture
Lead phosphite, dibasic
Lithium acetylde-ethylene diamine complex
Lithium alkyls
Lithium aluminum hydride
Lithium amide, powdered
Lithium borohydride
Lithium ferro silicon
Lithium hydride
Lithium metal
Lithium nitride
Lithium silicon
Magnesium granules

Magnesium aluminum phosphide
Magnesium diamide
Magnesium phosphide
Magnesium silicide
Maneb
Manganese resinate
Methyl magnesium bromide
Methyldichlorosilane
Mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetriene
N-methyl-N'-nitro-Nitrosoguanidine
Naphthalene
Nitrocellulose mixtures
Nitroguanidine
p-Nitrosodimethylaniline
Paraformaldehyde
Pentaborane
Peratic acid
Phosphorous, amorphous, red
Phosphorous, white or yellow
Phosphoric anhydride
Phosphorous pentachloride
Phosphorus pentasulfide
Phosphorus sesquisulfide
Phosphorus trisulfide
Picric acid
Potassium, metallic
Potassium dichloro-s-triazine-trione
Potassium borohydride
Potassium dithionite
Potassium phosphide
Potassium sulfide, anhydrous
Rubidium metal
Silicon powder, amorphous
Silver picrate
Sodium, metallic
Sodium aluminum hydride
Sodium amide
Sodium borohydride
Sodium chlorite
Sodium 2-diazo-1-naphthol-4-sulphonate
Sodium 2-diazo-1-naphthol-5-sulphonate
Sodium dichloro-s-triazine-trione
Sodium dinitro-ortho-cresolate
Sodium hydride

Sodium hydrosulfite
 Sodium methylate
 Sodium nitrite and mixtures
 Sodium picramate, wet
 Sodium potassium alloys
 Sodium sulfide, anhydrous
 Stannic phosphide
 Strontium phosphide
 Sulfur
 Titanium metal powder
 Titanium hydride
 Trichloroisocyanuric acid
 Trichlorosilane
 Trichloro-s-triazinetrione
 Trinitrobenzoic acid
 Trinitrophenol
 Trinitrotoluene
 Urea nitrate
 Zinc ammonium nitrite
 Zinc phosphide
 Zinc powder
 Zinc resinate
 Zirconium hydride, powdered
 Zirconium picramate
 Zirconium powder
 Zirconium scrap

(3) Table 3.

Figure: 30 TAC §335.521(a)(3)

Table 3. Maximum Contaminant Levels (MCLs).

Values obtained from 40 CFR Part 141, Subparts B and G, Maximum Contaminant Levels and 40 CFR Part 143, Total Dissolved Solids.

Constituent	MCL (mg/l)
Arsenic	0.05
Barium	1
*Benzene	0.005
Cadmium	0.005
*Carbon tetrachloride	0.005

Constituent	MCL (mg/l)
Chlordane	0.002
*Chlorobenzene	0.1
Chromium	0.1
2,4-D	0.07
*Dibromochloropropane	0.0002
*ortho-Dichlorobenzene	0.6
*para-Dichlorobenzene	0.075
*1,2-Dichloroethane	0.005
*1,1-Dichloroethylene	0.007
*trans-1,2-Dichloroethylene	0.1
*1,2-Dichloropropane	0.005
*Ethylbenzene	0.7
Heptachlor	.0004
Heptachlor epoxide	0.0002
Lead	0.05
Mercury	0.002
Methoxychlor	0.04
Pentachlorophenol	0.001
Selenium	0.05
Silver	0.05
*Styrene	0.1
*Tetrachloroethylene	0.005
*1,1,1-Trichloroethane	0.20
*Trichloroethylene	0.005
*Toluene	1
Toxaphene	0.003
2,4,5-TP (Silvex)	0.05
*Vinyl chloride	0.002
*Xylenes (total)	10
Total Dissolved Solids	500

- * For a class 3 waste classification, these constituents must also be evaluated using the test methods described in 40 Code of Federal Regulations Part 261, Appendix II. See 335.507(4)(A)(ii) for additional information.

(b) Appendix 2.

Figure: 30 TAC §335.521(b)

Appendix 2
Texas Natural Resource Conservation Commission
Waste Permits Division
Industrial and Hazardous Waste Permits Section
MC 130
P.O.Box 13087
Austin, Texas 78711-3087

<http://home.tnrcc.state.tx.us/>

(c) Appendix 3.

Figure: 30 TAC §335.521(c)

Appendix 3. FORM CODES

Code Waste description

LAB PACKS

LAB PACKS - Lab packs of mixed wastes, chemicals, lab wastes

- 001 Lab packs of old chemicals only
- 002 Lab packs of debris only
- 003 Mixed lab packs
- 004 Lab packs containing acute hazardous wastes
- 009 Other lab packs (Specify in Comments)

LIQUIDS

INORGANIC LIQUIDS - Waste that is primarily inorganic and highly fluid (e.g., aqueous), with low suspended inorganic solids and low organic content

- 101 Aqueous waste with low solvents
- 102 Aqueous waste with low other toxic organics
- 103 Spent acid with metals
- 104 Spent acid without metals
- 105 Acidic aqueous waste
- 106 Caustic solution with metals but no cyanides
- 107 Caustic solution with metals and cyanides
- 108 Caustic solution with cyanides but no metals
- 109 Spent caustic
- 110 Caustic aqueous waste
- 111 Aqueous waste with reactive sulfides
- 112 Aqueous waste with other reactives (e.g., explosives)
- 113 Other aqueous waste with high dissolved solids
- 114 Other aqueous waste with low dissolved solids
- 115 Scrubber water
- 116 Leachate
- 117 Waste liquid mercury
- 119 Other inorganic liquids (Specify in Comments)
- 198 Nonhazardous photographic chemical wastes (inorganic)
- 199 Brine solution that could also bear the form code 113

ORGANIC LIQUIDS - Waste that is primarily organic and is highly fluid, with low inorganic solids content and low-to-moderate water content

- 201 Concentrated solvent-water solution
- 202 Halogenated (e.g., chlorinated) solvent
- 203 Non-halogenated solvent
- 204 Halogenated/non-halogenated solvent mixture
- 205 Oil-water emulsion or mixture
- 206 Waste oil
- 207 Concentrated aqueous solution of other organics
- 208 Concentrated phenolics
- 209 Organic paint, ink, lacquer, or varnish
- 210 Adhesives or epoxies
- 211 Paint thinner or petroleum distillates
- 212 Reactive or polymerizable organic liquids
- 219 Other organic liquids (Specify in Comments)
- 296 Ethylene glycol based antifreeze
- 297 Nonhazardous liquids containing greater than or equal to () 50 and less than (+) 500 ppm PCBs
- 298 Nonhazardous liquids containing greater than or equal to () 500 ppm PCBs
- 299 Nonhazardous photographic chemical waste (organic)

SOLIDS

INORGANIC SOLIDS - Waste that is primarily inorganic and solid, with low organic content and low-to-moderate water content; not pumpable

- 301 Soil Contaminated with organics
- 302 Soil contaminated with inorganics only
- 303 Ash, slag, or other residue from incineration of wastes
- 304 Other "dry" ash, slag, or thermal residue
- 305 "Dry" lime or metal hydroxide solids chemically "fixed"
- 306 "Dry" lime or metal hydroxide solids not "fixed"
- 307 Metal scale, filings, or scrap
- 308 Empty or crushed metal drums or containers
- 309 Batteries or battery parts, casings, cores
- 310 Spent solid filters or adsorbents
- 311 Asbestos solids and debris
- 312 Metal-cyanide salts/chemicals
- 313 Reactive cyanide salts/chemicals
- 314 Reactive sulfide salts/chemicals
- 315 Other reactive salts/chemicals
- 316 Other metal salts/chemicals
- 319 Other waste inorganic solids (Specify in Comments)
- 388 Empty or crushed glass containers
- 389 Nonhazardous sandblasting waste
- 390 Nonhazardous concrete/cement/construction debris
- 391 Nonhazardous dewatered wastewater treatment sludge
- 392 Nonhazardous dewatered air pollution control device sludge
- 393 Catalyst waste
- 394 Nonhazardous solids containing greater than or equal to () 50 ppm and less than (<) 500 ppm PCBs
- 395 Nonhazardous solids containing greater than or equal to () 500 ppm PCBs
- 396 Nonhazardous electrical equipment/devices containing greater than or equal to () 50 ppm and less than (<) 500 ppm PCBs.
- 397 Nonhazardous electrical equipment/devices containing greater than or equal to () 500 ppm PCBs
- 398 Nonhazardous soils containing greater than or equal to () 50 ppm and less than (<) 500 ppm PCBs
- 399 Nonhazardous soils containing greater than or equal to () 500 ppm PCBs

ORGANIC SOLIDS - Waste that is primarily organic and solid, with low-to-moderate inorganic content and water content; not pumpable

- 401 Halogenated pesticide solid
- 402 Non-halogenated pesticide solid
- 403 Solids resins or polymerized organics

- 404 Spent carbon
- 405 Reactive organic solid
- 406 Empty fiber or plastic containers
- 407 Other halogenated organic solids (Specify in Comments)
- 409 Other non-halogenated organic solids (Specify in Comments)
- 488 Wood debris
- 489 Petroleum contaminated solids
- 490 Sand blasting waste
- 491 Dewatered biological treatment sludge
- 492 Dewatered sewage or other untreated biological sludge
- 493 Catalyst waste
- 494 Solids containing greater than or equal to () 50 ppm and less than (<) 500 ppm PCBs
- 495 Solids containing greater than or equal to () 500 ppm PCBs
- 496 Electrical equipment/devices containing greater than or equal to () 50 ppm and less than (<) 500 ppm PCBs.
- 497 Electrical equipment/devices containing greater than or equal to () 500 ppm PCBs
- 498 Soils containing greater than or equal to () 50 ppm and less than (<) 500 ppm PCBs
- 499 Soils containing greater than or equal to () 500 ppm PCBs

SLUDGES

INORGANIC SLUDGES - Waste that is primarily inorganic, with moderate-to-high water content and low organic content, and pumpable

- 501 Lime sludge without metals
- 502 Lime sludge with metals/metal hydroxide sludge
- 503 Wastewater treatment sludge with toxic organics
- 504 Other wastewater treatment sludge
- 505 Untreated plating sludge without cyanides
- 506 Untreated plating sludge with cyanides
- 507 Other sludge with cyanides
- 508 Sludge with reactive sulfides
- 509 Sludge with other reactives
- 510 Degreasing sludge with metal scale or filings
- 511 Air pollution control device sludge (e.g., fly ash, wet scrubber sludge)
- 512 Sediment or lagoon dragout contaminated with organics
- 513 Sediment or lagoon dragout contaminated with inorganics only
- 514 Drilling mud
- 515 Asbestos slurry or sludge
- 516 Chloride or other brine sludge
- 519 Other inorganic sludges (Specify in Comments)

- 597 Catalyst waste
- 598 Nonhazardous sludges containing greater than or equal to () 50 ppm and less than (<) 500 ppm PCBs
- 599 Nonhazardous sludges containing greater than or equal to () 500 ppm PCBs

ORGANIC SLUDGES - Waste that is primarily organic with low-to-moderate inorganic solids content and water content, and pumpable

- 601 Still bottoms of halogenated (e.g., chlorinated) solvents or other organic liquids
- 602 Still bottoms of non-halogenated solvents or other organic liquids
- 603 Oily sludge
- 604 Organic paint or ink sludge
- 605 Reactive or polymerizable organics
- 606 Resins, tars, or tarry sludge
- 607 Biological treatment sludge
- 608 Sewage or other untreated biological sludge
- 609 Other organic sludges (Specify in Comments)
- 695 Petroleum contaminated sludges other than still bottoms and oily sludges
- 696 Grease
- 697 Catalyst waste
- 698 Nonhazardous sludges containing greater than or equal to () 50 ppm and less than (<) 500 ppm PCBs
- 699 Nonhazardous sludges containing greater than or equal to () 500 ppm PCBs

GASES

INORGANIC GASES - Waste that is primarily inorganic with a low organic content and is a gas at atmospheric pressure

- 701 Inorganic gases

ORGANIC GASES - Waste that is primarily organic with low-to-moderate inorganic content and is a gas at atmospheric pressure

- 801 Organic gases

PLANT TRASH

- 902 Supplemental plant production refuse - Class 2 waste from production, manufacturing, or laboratory operations. The total amount of the supplemental plant production refuse shall not exceed 20% of the annual average of the total plant refuse (form code 999) volume or weight, whichever is less.

999 Plant Trash - 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. Personal cosmetics generated by facility personnel, excluding those cosmetics generated as a result of manufacturing or plant production operations.

(d) Appendix 4.

Figure: 30 TAC §335.521(d)

Appendix 4. Seven-Day Distilled Water Leachate Test

This test is intended only for dry, solid wastes, i.e., waste materials without any free liquids.

1. Place a 250 gm. (dry weight) representative sample of the waste material in a 1500 ml. Erlenmeyer flask.
2. Add one liter of deionized or distilled water into the flask and mechanically stir the material at a low speed for five minutes.
3. Stopper the flask and allow to stand for seven days.
4. At the end of seven days, filter the supernatant solution through a .45-micron filter, collecting the supernatant into a separate flask.
5. Subject the filtered leachate to the appropriate analysis.

Adopted October 24, 2001

Effective November 15, 2001