



# *Compliance Bulletin*

## *Hazardous and Solid Waste*

### **Household Hazardous Waste Exclusion**

February 2013

#### *What is household hazardous waste (HHW)?*

The Colorado Hazardous Waste Regulations (6 CCR 1007-3) exclude hazardous waste generated by a household from regulation as a hazardous waste and allows this waste to be disposed of as solid waste. Household waste is any waste material, including garbage, trash and sanitary waste in septic tanks, that is derived from households (6 CCR 1007-3, section 261.4(b)(1)). The term “household” includes single and multiple residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use areas. Common household waste that may otherwise be regulated as hazardous waste include, but are not limited to, oil-based paints, motor vehicle fluids, pesticides, fertilizers, household cleaners, solvents, pool chemicals, rechargeable batteries, fluorescent bulbs and electronic equipment. In order for the household waste exclusion to apply, the waste must meet two criteria:

- 1) The waste must be generated by an individual on the premises of a temporary or permanent residence, and
- 2) The waste must be composed primarily of materials commonly found in the waste generated by consumers in their homes, in quantities commonly generated by consumers in their homes, and not associated with commercial activities conducted in the residence.

#### *Does the HHW exclusion apply to contractors performing work at a residence?*

As indicated above, the household waste exclusion is intended to apply to waste generated by a resident in a household. However, the exclusion has been expanded to apply to waste generated by a contractor hired by the occupying resident to conduct maintenance or construction activities at their residence. For example, waste generated during abatement of lead-based paint at a residence is also covered by the exclusion. While waste generated by a contractor may be excluded in this case, there are other cases where such waste would not be covered by the exclusion. For example, a bank may foreclose on a residence and take ownership of a property. Often times a contractor is called to remove any remaining items from the residence, including paints, pesticides and other waste. In that case, the waste is being generated by a contractor working for the bank and not a resident of the household. As a result, hazardous waste that is removed by the contractor would not be covered by the exclusion.

#### *Does the HHW exclusion apply to waste generated at hotels and motels?*

The household waste exclusion applies to some waste that is generated in hotels and motels because they are considered to be a temporary residence. However, the exclusion only applies to waste that is generated by a guest in a hotel or motel. Waste that may be generated as a result of operating a dry cleaning operation on the premises of a hotel or motel and waste generated from vehicle maintenance associated with the operation of the hotel or motel would not be covered by the exclusion. In addition, waste that is removed from a hotel or motel room during routine maintenance, such as light bulbs or the replacement of a television, would not be covered by the exclusion because this waste is generated through operation of the business and not by the guest of the room.

#### *Does the HHW exclusion apply to pharmaceutical waste?*

The household hazardous waste exclusion applies if the waste pharmaceuticals are generated by the resident of a household. The exclusion also applies when pharmaceuticals are generated as a result of a

hospice visit when care is being provided to a patient in the home. However, the exclusion does not apply to pharmaceutical waste generated at health care facilities because the waste is not generated by a resident in a household. For example, the HHW exclusion does not apply to waste pharmaceuticals generated by a hospital pharmacy, patient care areas in a hospital, a clinic, a physician's office, a veterinary practice, a nursing home or other health care facility where pharmaceutical waste is typically managed by the staff at those facilities.

Medical waste generated from households is not regulated as hazardous waste in Colorado. The best alternative for disposal of syringes, sharps and pharmaceuticals is to dispose of these items through a medical waste disposal company or mail-back program. Waste pharmaceuticals should be disposed of through a medication take-back program if one is available. Alternatively, residents can mix their pharmaceutical waste with undesirable items such as used kitty litter, dirt or coffee grounds and place the mixture in the solid waste trash. Flushing medications down the drain or toilet should be avoided. Additional information regarding the proper disposal of medical waste is available on the Division's website at [www.colorado.gov/cs/Satellite/CDPHE-HM/CBON/1251616361827](http://www.colorado.gov/cs/Satellite/CDPHE-HM/CBON/1251616361827).

*Does the exclusion ever cease to apply to HHW?*

Typically, household waste remains excluded from the point of generation through disposal. However, the exclusion would be lost if household waste is mixed with hazardous waste that is generated by a business or other non-residential activity. For example, if household waste is mixed with waste generated by a conditionally exempt small quantity generator (CESQG) at a CESQG/HHW drop off facility, the entire mixture would require management as hazardous waste. That means the mixture would have to be sent to a permitted treatment, storage or disposal facility or sent out of state to a solid waste facility that has been authorized to receive conditionally exempt generator waste by the implementing State agency.

*What is the best way to safely manage HHW?*

While household hazardous waste is excluded from hazardous waste regulation, they are still regulated as solid waste. These materials should be used for their intended purpose whenever possible. If this is not an option, these materials should be recycled where possible or discarded through household hazardous waste collection events or facilities. These programs are designed to safely collect this waste and ensure they are properly disposed. Information on household waste disposal options is available on the Division's website at [www.colorado.gov/cs/Satellite/CDPHE-HM/CBON/1251618176622](http://www.colorado.gov/cs/Satellite/CDPHE-HM/CBON/1251618176622).

*Can household electronics waste be disposed of in a landfill as HHW?*

In the past, household electronics waste was allowed to be disposed of in a solid waste landfill as excluded household waste. While this type of waste remains excluded from the hazardous waste regulations, Senate Bill 12-133, passed in 2012, prohibits the disposal of household electronics waste in a solid waste landfill effective July 2013. The bill provides for temporary exemptions in remote areas of the state that are not currently serviced by electronics waste recyclers. If you live in a remote area of the state, check with your local board of county commissioners to see if an exemption has been established in your county. Information regarding electronics waste disposal options is available on the Division's website at [www.colorado.gov/cs/Satellite/CDPHE-HM/CBON/1251616271215](http://www.colorado.gov/cs/Satellite/CDPHE-HM/CBON/1251616271215).

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