



Department of
**Environment &
Conservation**

The Hazardous Waste Determination Matrix A Tool to Assist the Regulated Community

Purpose of the Hazardous Waste Matrix Tool

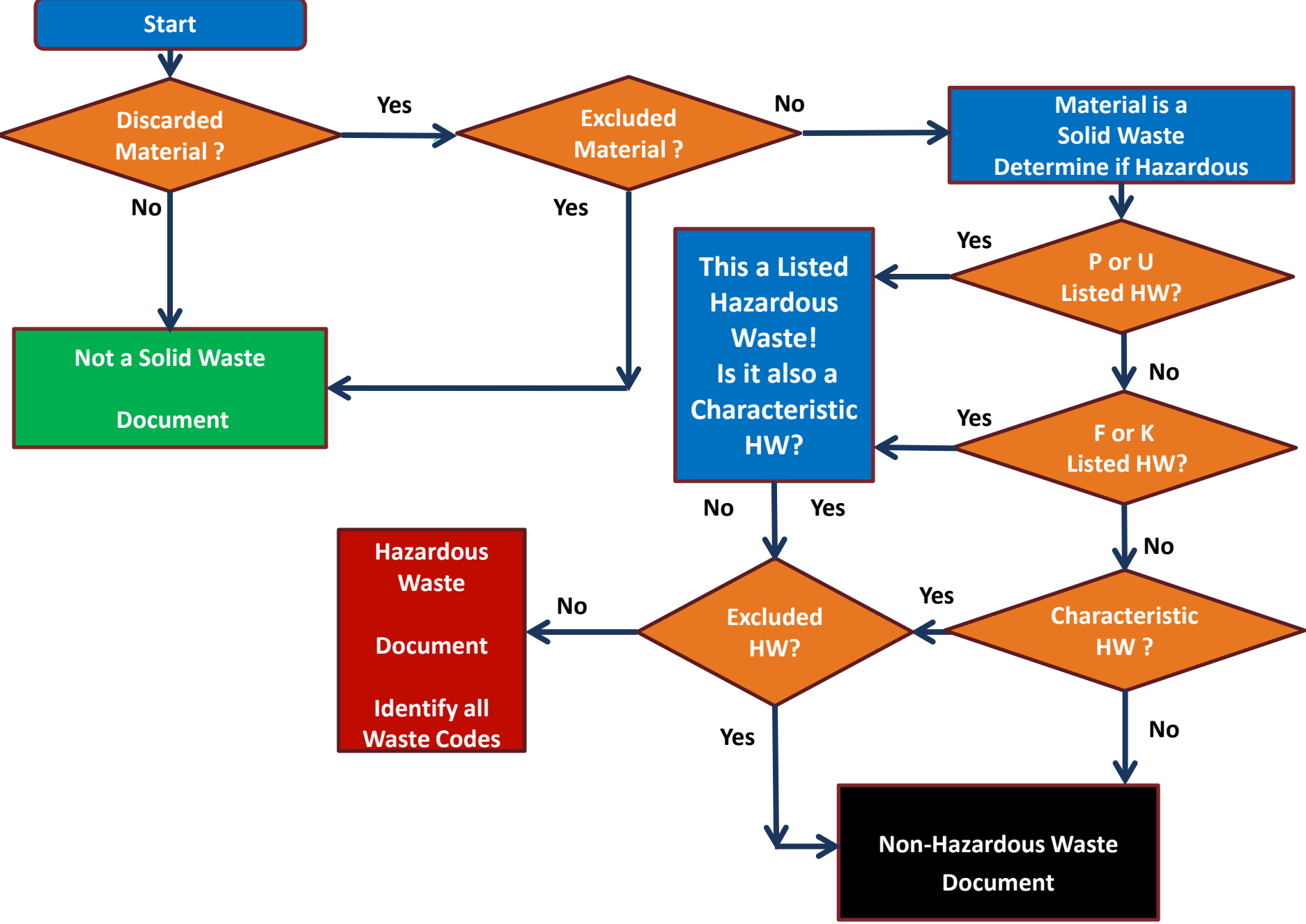
- ***Tool to assist*** generators in navigating the TN Regulations to *determine if a material is a solid waste and to make an accurate hazardous waste determination.*
- Provides *immediate access to key regulations* associated with waste stream determination

Important Note

Waste generators are responsible for the complete and accurate evaluation of generated waste streams. Use/evaluation through the Matrix is not all inclusive and is NOT a substitution for review and evaluation of compliance with all applicable laws and regulations.

How The Tool Works?

- Leads Generators through a Flow Chart model for *determining if a material is a solid waste and if a solid waste is a hazardous waste* by answering specific questions about the waste.
- Along the way, the Generator has *immediate access to drop down menus* denoted by arrows which open specific regulations and regulatory definitions.
- Also on each page is a *link to the full set of regulations*.



Flow Chart Establishes Six Major Steps in the Process

- Step 1 : Determine if Material is a Solid Waste including evaluation of exclusions
- Step 2 : Determine if Waste is a Hazardous Waste (Listed and/or Characteristic)
- Step 3 : Check for Hazardous Waste exclusions
- Steps 4 – 6 Identify and Document waste/material evaluation
- Step 4 : Document Material is not a Solid Waste
- Step 5 : Document Non-Hazardous Determination
- Step 6 : Document Hazardous Waste Determination

Where can the Tool be found?

The Hazardous Waste Determination Matrix Tool will be posted on DSWM's Website at:

www.tn.gov/environment/hwd

Hazardous Waste Determination Matrix

Step 1: Determine if the Material is a Solid Waste

Step 1A: Is it a Discarded Material?

Step 1B: Is the Material Excluded from Being a Solid Waste?

Step 2: Is it a Hazardous Waste?

Step 2A: Is the Solid Waste a P-listed or U-listed Hazardous Waste?

Step 2B: Is it a K-listed or F-listed Hazardous Waste?

Steps 2C - 2F: Is it a Characteristic Hazardous Waste?

Step 2C: Is it Hazardous for Ignitability?

Step 2D: Is it Hazardous for Corrosivity?

Step 2E: Is it Hazardous for Reactivity?

Step 2F: Is it Hazardous for Toxicity?

Step 2G: Is it a Hazardous Waste?

Step 3: Check for Hazardous Waste Exclusions

Step 4: Document the Material is Not a Solid Waste

Step 5: Document the Non-Hazardous Determination

Step 6: Document the Hazardous Waste Determination

Access Flow Chart

Welcome to the TN Hazardous Waste Determination Matrix

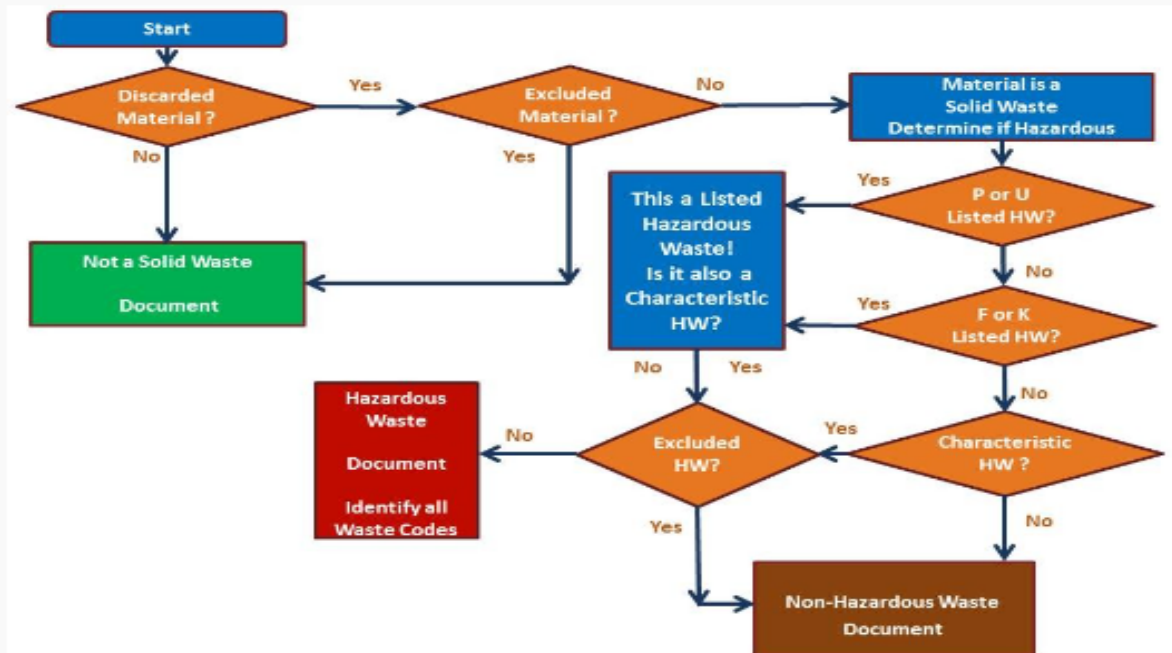
TN Rule 0400-12-01-.03(1)(b) requires that a person who generates a solid waste must determine if that waste is a hazardous waste. The method to use in making the determination is outlined in that same rule.

This Hazardous Waste Determination Matrix is an assistance tool which will guide you through questions and regulatory citations associated with the determination process.

Waste generators are responsible for the complete and accurate evaluation of generated waste streams. Use/evaluation through the Matrix is not all inclusive and is NOT a substitution for review and evaluation of compliance with all applicable laws and regulations. Hazardous waste determinations can be complex. In order to correctly evaluate a waste stream, generators must be knowledgeable regarding chemical characteristics of the waste, chemicals used in the process, the process generating the waste, point of waste generation, contaminants, and any other situations that could cause the waste to be hazardous as defined by the TN Regulations. A hazardous waste determination must be made at the point of generation before any dilution, mixing, or other alteration of the waste occurs. When a waste must be sampled, generators must ensure that all samples are representative of the waste stream and that appropriate test methods are followed.

Recycling > TN Rule 0400-12-01-.03(1)(b)

Tool Tip: Click > to review the regulation text



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Access Flow Chart

Step 1

Determine if the Material is a Solid Waste

The first step is to determine if the material being evaluated is classified as a **solid waste**. If the material is NOT a solid waste, it cannot be a hazardous waste.

Solid Waste is defined in Rule 0400-12-01-.02(1)(b):

"A "solid waste" is any **discarded material** that is **not excluded** by part (d)1 of this paragraph or that is not excluded by variance granted under subparagraphs (4)(b) and (c) of Rule 0400-12-01-.01 or that is not excluded by a non-waste determination under subparagraphs (4)(b) and (e) of Rule 0400-12-01-.01"

Note:

The definition of solid waste is not limited to wastes that are physically solid. Many solid wastes are liquid, semi-solid, or contained gaseous material.

[Continue to Step 1A](#)

Disclaimer: The information provided by this matrix is not intended to be all inclusive and is subject to change. This matrix is not a substitute for evaluation of compliance in accordance with all applicable laws and regulations. This information is not intended for, nor can it be relied upon, to create any rights, substantive or procedural, enforceable or useable by any party in litigation with the State of Tennessee or its employees. The State of Tennessee and its employees expressly disclaim any liability or responsibility for any loss or damage resulting from their use or for the violation of any law or regulation with which these notes may conflict.

[Visit the TN Secretary of State site for the full regulations](#)

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Access Flow Chart

Step 1A

Does the Material Meet the Regulatory Definition of Discarded Material?

"Discarded Material" is any material which is

- > "Abandoned", as explained in Rule 0400-12-01-.02(1)(b)2
- > "Recycled", as explained in Rule 0400-12-01-.02(1)(b)3
- > Considered "inherently waste-like", as explained Rule 0400-12-01-.02(1)(b)4
- > A military munition identified as a solid waste in Rule 0400-12-01-.09(13)(c)

Tool Tip: Click > to review regulation text

Is this a Discarded Material?

Yes: This Discarded Material may be a Solid Waste, but you should check for Exclusions – Go to Step 1B

No: Does not meet the regulatory definition of a Solid Waste and therefore would not be a Hazardous Waste. Skip to Step 4

Note: If this material is destined for processing and/or disposal in Tennessee, [Special Waste Evaluation](#) may be required.

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Access Flow Chart

Step 1A

Does the Material Meet the Regulatory Definition of Discarded Material?

"Discarded Material" is any material which is

∨ **"Abandoned", as explained in Rule 0400-12-01-.02(1)(b)2**

0400-12-01-.02(1)(b)2. Materials are solid waste if they are "abandoned" by being:

- (i) Disposed of; or
- (ii) Burned or incinerated; or
- (iii) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated; or
- (iv) Sham recycled, as explained in part 7 of this subparagraph.

0400-12-01-.02(1)(b)7. Sham recycling.

A hazardous secondary material found to be sham recycled is considered discarded and a solid waste. Sham recycling is recycling that is not legitimate recycling as defined in subparagraph (5)(d) of Rule 0400-12-01-.01.

> **"Recycled", as explained in Rule 0400-12-01-.02(1)(b)3**

> **Considered "inherently waste-like", as explained Rule 0400-12-01-.02(1)(b)4**

> **A military munition identified as a solid waste in Rule 0400-12-01-.09(13)(c)**

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Is this a Discarded Material?

Yes: This Discarded Material may be a Solid Waste, but you should check for Exclusions – Go to Step 1B

No: Does not meet the regulatory definition of a Solid Waste and therefore would not be a Hazardous Waste. Skip to Step 4

Prior to Using the Tool – Know Your Waste

Generators must be knowledgeable regarding chemical characteristics of the waste, chemicals used in the process, the process generating the waste, point of waste generation, contaminants, and any other situations that could cause the waste to be hazardous as defined by the TN Regulations.

A hazardous waste determination must be made at the point of generation before any dilution, mixing, or other alteration of the waste occurs.

When a waste must be sampled, generators must ensure that all samples are representative of the waste stream and that appropriate test methods are followed.

Conclusion

- The Matrix is a Tool *to assist in the navigation of the hazardous waste regulations and the hazardous waste determination process.*
- Provides *immediate access to key regulations, and provides a step-by-step process to assist generators during the waste stream evaluation process.*
- Generators *must thoroughly evaluate the properties and origin of the waste* to properly utilize the Matrix.
- *Generators of Hazardous Waste are responsible* for making accurate hazardous waste determinations.