



## Ignitable Waste Exclusion Clarification

FACT SHEET 37-003-1010

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- 1. BACKGROUND:** Liquid wastes possessing a flash point less than 60 degrees Centigrade/140 degrees Fahrenheit are classified as ignitable hazardous waste (D001) under 40 CFR 261.20. Within this same section, an exclusion exists that exempts all aqueous solutions containing less than 24 percent alcohol from regulation as D001 waste.
- 2. SCOPE OF EXCLUSION:** The exclusion was originally created to exempt alcoholic beverages and some latex paints that exhibit low flash points but do not sustain combustion because of the high water content. The scope of the exclusion was significantly broadened in 1990 when EPA issued a Federal Register that clarified that the term 'alcohol' in 261.20 refers to any chemical containing the hydroxyl (-OH) functional group.
- 3. DEFINITION OF AQUEOUS SOLUTION:** This term is not specifically defined within the RCRA regulations, however, the term "aqueous solution" has generally been interpreted (in EPA memoranda) to be a solution in which water constitutes at least 50% of the sample.
- 4. REGULATION:** Wastes that qualify for the alcohol exclusion under 261.20 are not necessarily exempt from RCRA regulation altogether; they are only exempt from classification as D001 characteristic waste. Some alcohols meet the criteria for listed wastes, which are described in Subpart D of 261. For example, wastestreams containing a total of 10 percent or more of isobutanol that have been used as a solvent are classified as F005 waste, while technical grades of methanol and n-butyl alcohol that have been used as a solvent are F003 wastes. Additionally, many other unused commercial chemical products containing alcohol as the sole active ingredient are regulated as 'P' or 'U-listed' wastes.
- 5. OTHER ENVIRONMENTAL LAWS:** The Clean Water Act (CWA) regulates ignitable materials in a manner similar to RCRA; the 40 CFR 403.5 specifically prohibits wastestreams with flash points below 140 degrees Fahrenheit from being introduced into a Publicly Owned Treatment Works (POTW). Unfortunately, the CWA regulations do not contain a provision that exempts low concentration alcohols from regulation. As a result, generators who discharge to a POTW are not permitted to take advantage of the RCRA alcohol exclusion without violating the CWA.

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