which case it must be classed as an explosive.

(B) The material is forbidden to be offered for transportation according to 49 CFR 172.101 and 49 CFR 173.21.

(C) It is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide, or

(D) According to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation (see Note 3), it has been determined that the material does not present a hazard in transportation.

(b) A solid waste that exhibits the characteristic of ignitability has the EPA Hazardous Waste Number of D001.

NOTE 1: A description of the Bureau of Explosives’ Flame Projection Apparatus, Open Drum Apparatus, Closed Drum Apparatus, and method of tests may be procured from the Bureau of Explosives.

NOTE 2: As part of a U.S. Department of Transportation (DOT) reorganization, the Office of Hazardous Materials Technology (OHMT), which was the office listed in the 1980 publication of 49 CFR 173.300 for the purposes of approving sampling and test procedures for a flammable gas, ceased operations on February 20, 2005. OHMT programs have moved to the Pipeline and Hazardous Materials Safety Administration (PHMSA) in the DOT.

NOTE 3: As part of a U.S. Department of Transportation (DOT) reorganization, the Research and Special Programs Administration (RSPA), which was the office listed in the 1980 publication of 49 CFR 173.151a for the purposes of determining that a material does not present a hazard in transport, ceased operations on February 20, 2005. RSPA programs have moved to the Pipeline and Hazardous Materials Safety Administration (PHMSA) in the DOT.

NOTE 4: The DOT regulatory definition of an oxidizer was contained in 49 CFR 1.151 of 49 CFR, and the definition of an organic peroxide was contained in paragraph 173.151a. An organic peroxide is a type of oxidizer.


§ 261.23 Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(1) It is normally unstable and readily undergoes violent change without detonating.

(2) It reacts violently with water.

(3) It forms potentially explosive mixtures with water.

(4) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

(5) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.

(6) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.

(7) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.

(8) It is a forbidden explosive as defined in 49 CFR 173.54, or is a Division 1.1, 1.2 or 1.3 explosive as defined in 49 CFR 173.50 and 173.53.
§ 261.24 Toxicity characteristic.

(a) A solid waste (except manufactured gas plant waste) exhibits the characteristic of toxicity if, using the Toxicity Characteristic Leaching Procedure, test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW–846, as incorporated by reference in §260.11 of this chapter, the extract from a representative sample of the waste contains any of the contaminants listed in table 1 at the concentration level or greater than the respective value given in that table. Where the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering using the methodology outlined in Method 1311, is considered to be the extract for the purpose of this section.

(b) A solid waste that exhibits the characteristic of toxicity has the EPA Hazardous Waste Number specified in table 1 which corresponds to the toxic contaminant causing it to be hazardous.

### Table 1—Maximum Concentration of Contaminants for the Toxicity Characteristic

<table>
<thead>
<tr>
<th>EPA HW No.</th>
<th>Contaminant</th>
<th>CAS No.</th>
<th>Regulatory Level (mg/L)</th>
</tr>
</thead>
<tbody>
<tr>
<td>D013</td>
<td>Lindane</td>
<td>58–89–9</td>
<td>0.4</td>
</tr>
<tr>
<td>D009</td>
<td>Mercury</td>
<td>7439–97–6</td>
<td>0.2</td>
</tr>
<tr>
<td>D014</td>
<td>Methylochlor</td>
<td>72–43–5</td>
<td>1.0</td>
</tr>
<tr>
<td>D035</td>
<td>Methyl ethyl ketone</td>
<td>78–93–3</td>
<td>200.0</td>
</tr>
<tr>
<td>D036</td>
<td>Nitrobenzene</td>
<td>98–95–3</td>
<td>2.0</td>
</tr>
<tr>
<td>D037</td>
<td>Pentachlorophenol</td>
<td>87–86–5</td>
<td>10.0</td>
</tr>
<tr>
<td>D038</td>
<td>Pyridine</td>
<td>110–86–1</td>
<td>3</td>
</tr>
<tr>
<td>D010</td>
<td>Selenium</td>
<td>7782–49–2</td>
<td>1.0</td>
</tr>
<tr>
<td>D011</td>
<td>Silver</td>
<td>7440–22–4</td>
<td>5.0</td>
</tr>
<tr>
<td>D039</td>
<td>Tetrachloroethylene</td>
<td>127–18–4</td>
<td>0.7</td>
</tr>
<tr>
<td>D015</td>
<td>Toxaphene</td>
<td>8001–35–2</td>
<td>0.5</td>
</tr>
<tr>
<td>D040</td>
<td>Trichloroethylene</td>
<td>78–01–6</td>
<td>0.5</td>
</tr>
<tr>
<td>D041</td>
<td>2,4,5-Trichlorophenol</td>
<td>95–95–4</td>
<td>400.0</td>
</tr>
<tr>
<td>D042</td>
<td>2,4,6-Trichlorophenol</td>
<td>88–06–2</td>
<td>2.0</td>
</tr>
<tr>
<td>D043</td>
<td>Vinyl chloride</td>
<td>75–01–4</td>
<td>0.2</td>
</tr>
</tbody>
</table>

1 Hazardous waste number.  
2 Chemical abstracts service number.  
3 Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.

4 If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/L.

[55 FR 18862, Mar. 29, 1990, as amended at 55 FR 22684, June 1, 1990; 75 FR 13002, Mar. 18, 2010]

Subpart D—Lists of Hazardous Wastes

§ 261.30 General.

(a) A solid waste is a hazardous waste if it is listed in this subpart, unless it has been excluded from this list under §§260.20 and 260.22.

(b) The Administrator will indicate his basis for listing the classes or types of wastes listed in this subpart by employing one or more of the following Hazard Codes:

- Ignitable Waste ................................ (I)
- Corrosive Waste ................................ (C)
- Reactive Waste ................................ (R)
- Toxicity Characteristic Waste ... (E)
- Acute Hazardous Waste .......... (H)
- Toxic Waste ................................ (T)

Appendix VII identifies the constituent which caused the Administrator to list the waste as a Toxicity Characteristic Waste (E) or Toxic Waste (T) in §§261.31 and 261.32.

(c) Each hazardous waste listed in this subpart is assigned an EPA Hazardous Waste Number which precedes the name of the waste. This number

76