

Arizona Adopts New Hazardous Secondary Material (HSM) EPA Definition

The Environmental Protection Agency (EPA)'s redefinition of solid waste is now effective in Arizona!

The Grand Canyon State now joins Illinois, Iowa, Pennsylvania, New Jersey, Idaho, New Mexico, Texas, Utah, and Alaska as American states that have adopted this new definition.

What does this mean, and how does it impact you?

Well, it depends. Are you in a state that has adopted the new definition?

The request to approve the [redefinition of hazardous waste \(HW\) for reclaim](#) has been tied up in courts since the EPA published its final rule back in 2008. The measure was only finalized in 2018, eventually to be adopted by those handful of states mentioned above.

Here is the new definition which can be found on the EPA's website: www.epa.gov rule [40CFR §261.4\(a\)\(24\)](#).

"Hazardous secondary material (HSM) that is generated and then transferred to another person for the purpose of reclamation is no longer considered a solid waste."

By that definition, since it is not a solid waste, it is not considered to be a [Hazardous Waste](#) (HW).

Take, for example, a typical shipment: a cyanide electroplating solution that contains gold. Suppose it is shipped

by a generator located in Arizona to our Gannon & Scott Arizona facility.

In that case, it is no longer considered HW because both the generator and receiver are in Arizona and the gold will be reclaimed from the solution. This also pertains to any other regulated waste like acids, filters, and resins.

So, reclaim shipments are no longer considered HW, but HSM (hazardous secondary material) – how does that impact you?

If you are generating the material in one of the states that have not adopted the definition, you still have to manage the material as an HW.

If you are generating material in a state that has adopted the definition, congratulations! You can ship as HSM.

Overall, the impact on companies is in the amount of paperwork, red tape, inspections, and money that is required.

- You no longer need to count these shipments on your hazardous waste documentation to the EPA.

- There are No Hazardous Waste generation fees.
- Shipments no longer need to ship on a Hazardous Waste Manifest or on a specifically permitted truck, which also saves you money.
- This is also beneficial for companies with locations in Mexico that ship to our Arizona facility.
- HSM can cross the border in Arizona, Texas, or New Mexico.
- A shipment crossing in Arizona can be at our Phoenix facility within hours after clearing customs.
- Once the material is at the border, foreign labels are removed, and HSM labels are added along with proper DOT labels.

- A Hazardous Materials Bill of Lading (B.O.L.) is generated and can be shipped on a common carrier for Hazardous Materials.

Of course, there are still rules to follow: customs for international shipments, containment requirements, safety training (remember: if HSM leaves its designated container in any way, it immediately becomes an HW.)



However, the most important thing to note is that to take full advantage of this change and work with us, notify the EPA on adding HSM. You can do that online at any time; it is a straightforward process!

Need some help with the process? Reach out to Gannon & Scott, and we would be happy to walk you through it!



Need some help with the recovery process?

Reach out – we would be happy to walk you through it!

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