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Household Hazardous Waste Regulations

What is Household Hazardous Waste (HHW)?

- By regulation, “household waste” means any material (including garbage, trash, sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas) (Nebraska [Title 128 – Hazardous Waste Regulations](#), Chapter 2, §009.01.)

Why does this matter?

- HHW is a solid waste but not a hazardous waste despite the name. HHW has a specific exemption from the hazardous waste regulations (Title 128, Chapter 2, §009).
 - In order for a waste to qualify as household hazardous waste the material must be “derived from households” as stated in the citation. The department agrees with the United States Environmental Protection Agency (USEPA) position as stated in the USEPA February 28, 1995 letter from M. Michael Petruska to Mr. John McNally (The Resource Conservation and Recovery Act Online, Faxback 11897). This position explains that in order for household waste to be excluded per 40 CFR 261.4(b)(1) two criteria must be met:
 - Household Waste has to be generated by individuals *on the premises of a household* (emphasis added); and
 - The waste stream must be composed primarily of materials found in the waste generated by consumers in their homes.
 - Even though HHW is not regulated as a hazardous waste under state or federal law, it can still be dangerous. Mixing of incompatible wastes can cause chemical reactions that generate toxic fumes or can lead to explosions. Spills from improper packaging, handling, or transport can threaten human health or the environment. If you have a collection event you should hire a qualified hazardous waste management contractor to manage the event if you are inexperienced in hazardous material handling or are unsure of what you are doing.
- Because HHW is not regulated hazardous waste, organizations that collect HHW are fully exempt from the Title 128 hazardous waste regulations. This works to the public’s advantage by allowing relatively hassle-free collection and disposal of hazardous materials.

Okay, how about churches and schools?

- Churches, schools, local governments, charitable organizations, and farms (the business portion) can all generate hazardous waste and are subject to the Title 128 hazardous waste regulations. They are not granted the Household Hazardous Waste exemption.

What can be collected at HHW collections?

- Conditionally Exempt Small Quantity Generators (CESQGs) can bring their exempt waste to a HHW event if the organizer allows (see “Important note” below).
 - A CESQG is an entity that generates less than 100 kilograms (220 pounds) of hazardous waste in a calendar month and has less than 1000 kilograms (2,200 pounds) of hazardous waste accumulated on site. Should either amount be exceeded, the generator becomes a small quantity generator (SQG) for the entire calendar month and any and all hazardous waste generated must be fully managed as under the SQG regulations. An SQG can only send its waste to a permitted treatment, storage or disposal facility (TSDF) using a hazardous waste transporter and a hazardous waste manifest. **An SQG or the larger large quantity generator (LQG) is never allowed to bring their hazardous waste to a HHW collection event.**
 - The department recommends that HHW collectors take due diligence when collecting hazardous waste. Always inquire when a person arrives with amounts of waste that appear to be overly large for a normal household. Also inquire if someone shows up with waste in containers that are clearly too large for the normal household – there are not many homes that use 55-gallon drums of solvent. Sometimes this call is difficult because some households might have unusual hobbies such as building a homebuilt aircraft in the garage. In ambiguous situations HHW collectors should normally get license plate information as well as personal identification on a prepared statement that declares the waste to be either HHW or CESQG waste.
- Obviously, HHW can be collected and some collection organizers also allow the collection of materials that are not considered hazardous waste such as latex paint. **Important note:** HHW collection organizers reserve the right to limit what they will accept. This is often vitally important to them because these event organizers are usually on a tight budget and most waste is managed by the waste disposal industry using a “by-the-pound” charge. Accepting non-hazardous materials or CESQG waste can significantly increase the costs of disposal for an effort designed to help families eliminate hazardous materials from the home in an environmentally friendly manner.
- Programs that manage both CESQG waste and HHW are not subject to full Title 128 requirements merely because they collect these two types of wastes.

If a collection program accepts and manages both HHW and CESQG waste and mixes these two types of wastes together (e.g., pours spent solvents from households and small businesses into the same drum), how is the resultant mixture regulated?

- HHW programs receiving and mixing CESQG waste and HHW are not subject to the full hazardous waste Title 128 regulations, even if the mixed CESQG and household hazardous wastes were to exhibit a characteristic of a hazardous waste. The collection facility does not become the generator of the mixture merely by mixing CESQG waste with non-hazardous waste.
 - Note that if the generator of the hazardous CESQG waste mixed their hazardous waste with a non-hazardous waste at their generation site, the resultant mixture will be a hazardous waste if the mixture meets any of the characteristics of hazardous waste as identified in Title 128, Chapter 8, §007.

RESOURCES:

- DWEE Home Page <https://dwee.nebraska.gov/>

Contacts:

- DWEE Main Number (402) 471-2186
- DWEE Toll Free Number (877) 253-2603
- DWEE Hazardous Waste Compliance Assistant (402) 471-8308
- Email questions to: DWEE.moreinfo@nebraska.gov

DWEE Publications:

- Environmental Fact Sheet – Comparison of Hazardous Waste Generator Requirements
- Environmental Guidance Document – Chemical Waste Disposal Options for Small Businesses
- Environmental Guidance Document – Waste Determinations & Hazardous Waste Testing
Guidance documents are available on the DWEE website by clicking “Visit Nebraska Department of Environment and Energy (DEE),” selecting “Forms,” and “Publications, Grants & Forms.”
- [Title 128 – Nebraska Hazardous Waste Regulations](#)
- [Title 132 – Nebraska Integrated Solid Waste Management Regulations](#)
Titles are available on the DWEE website by clicking “Visit Nebraska Department of Environment and Energy (DEE),” selecting “Resources and Services,” “Laws & Regulations,” and “Rules & Regulations.”

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