

## **ENVIRONMENTAL MANAGEMENT DEPARTMENT'S ROLE**

Hazardous waste commonly found at retail establishments can pose a threat to public health or the environment. If your business generates hazardous waste, you must obtain a permit from EMD and your business will be inspected on a triennial basis.

EMD takes this issue very seriously and is actively pursuing methods to keep Non-Saleable hazardous merchandise items out of our landfills and waterways. Any business found improperly disposing of Non-Saleable merchandise to the dumpster, down the drain, or any other manner of illegally disposing of hazardous wastes will be subject to enforcement action. If you have questions or would like additional information regarding how to properly manage non-saleable hazardous materials at your retail store, please contact our department at (916) 875-8550.

*See our website for information on  
upcoming workshops!*

### **DISCLAIMER**

The information contained in this Compliance Assistance Bulletin is based upon the statutes and regulations and is intended to provide a basic overview to help achieve compliance. This document does not replace or supersede relevant statutes and regulations and is not intended as legal advice. All interested parties should monitor changes to relevant statutes and regulations for updates.



ENVIRONMENTAL MANAGEMENT DEPARTMENT

11080 White Rock Road • Suite 200 • Rancho Cordova, CA 95670



# COMPLIANCE ASSISTANCE BULLETIN

October 2012



## **HAZARDOUS WASTE MANAGEMENT IN RETAIL STORES**



ENVIRONMENTAL MANAGEMENT  
DEPARTMENT (EMD)

916-875-8550 • [emd.saccounty.net](http://emd.saccounty.net)

## INTRODUCTION

The Sacramento County Environmental Management Department is having a Retail Store Hazardous Waste Workshop. Most retail stores stock hazardous materials that may, in the normal course of business operations, become Non-Saleable. Non-Saleable merchandise can include hazardous

products that are spilled, returned by a customer, overstocked, damaged, used and/or discontinued merchandise, damage use (as tester or display), company policy of phase out, or cannot or will not be sold. This merchandise must be stored and disposed of properly.

## HOW CAN I DISPOSE OF HAZARDOUS WASTE PROPERLY?

Once you have determined your non-saleable merchandise is a hazardous waste it must be handled according to California law. There are several options to consider and each has specific requirements. It is important to carefully review the regulations to ensure you choose the right option for your business operations.

**The following are four choices in which to properly deal with the hazardous waste:**

**1. Handle as a Hazardous Waste (Title 22 CCR 66261.3).** Requires non-saleable merchandise to be placed in an approved shipping container, labeled with a completed hazardous waste label, and managed in a manner that prevents release. Storage time restrictions depend on the quantities of waste generated in any month. (See DTSC fact sheet titled "Hazardous Waste Generator Fact Sheet" at [HTTP://WWW.DTSC.CA.GOV/HAZARDOUS\\_WASTE/UPLOAD/HWM\\_FS\\_GENERATOR\\_REQUIREMENTS.PDF](http://www.dtsc.ca.gov/Hazardous_Waste/Upload/HWM_FS_GENERATOR_REQUIREMENTS.PDF))

**2. Handle as an Excluded Recyclable Material (H&SC 25413.2).** Allows non-saleable merchandise to be used by another person or business for its intended purpose. Requires detailed written documentation that certain requirements are being met.

**3. Retrograde Material (Title 22 CCR 66260.10).** A retrograde material is an unused non-saleable product that can't be used or sold because it has undergone a chemical, biochemical, or physical change; exceeded a recommended shelf life; been banned by law; and/or other safety, health or economic reasons. The product must be returned to the original manufacturer within one year to be considered retrograde.

**4. Continued Use (Title 22 CCR 66260.10).** Must be used for its original intended purpose. Examples include donating overstock or discontinued detergent to a woman's shelter to wash bedding and clothes. Donating products that would not have a reasonable expectation of re-use may be considered "sham recycling" and is illegal.

## HOW DOES THIS APPLY TO ME?

If your retail store, in the course of business, sells or offers for sale hazardous merchandise, then this does apply to you. Common examples of hazardous merchandise found in retail stores include (but are not limited to):

Lighters/lighter fluid	Hydrogen peroxide
Paint thinners/solvent	Two-part epoxy products
Alcohol-based products	Some hair coloring
Toilet bowl cleaners	Antifreeze
Ammonia	Windshield washer fluid
Some dishwasher detergents	Pesticides
Household cleaning products	Nail polish remover
Aerosol cans	Pool & spa chlorinators
Bleach	Some disinfectants
Ammunition	Batteries

## IS NON-SALEABLE MERCHANDISE A HAZARDOUS WASTE?

Non-saleable hazardous merchandise becomes a hazardous waste if the good or commodity meets one or more of the following characteristics:



This information can be found in the Material Safety Data Sheet (MSDS) that should be available at your facility or can be obtained from the manufacturer.