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## Hotline Questions and Answers

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### 2. Restaurant Waste and the Household Waste Exclusion (261.4(b)(1))

Are restaurant wastes excluded from RCRA Subtitle C regulation as household wastes per 40 CFR 261.4(b)(1)?

Wastes produced by restaurants are not household wastes and therefore will not be excluded from RCRA hazardous waste regulation. The applicability of the household waste exclusion is based on two conditions: the place of generation and the type of waste generated. Household waste must be generated on the premises of a temporary or permanent residence and be comprised primarily of materials generated by consumers in their homes. Restaurants do not serve as temporary or permanent residences for individuals and therefore do not meet both of the criteria for household waste and will not qualify for the household waste exclusion (49 FR 44978; November 13, 1984). If however, the restaurant is part of temporary or permanent residence, the waste generated would qualify for the household waste exclusion as it would be generated on the premises of a temporary or permanent residence and be comprised primarily of materials generated by consumers in their homes.