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August 2011
Version 2.5

Definition of Solid Waste Compendium

Volume A: Exclusions

U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
Materials Recovery and Waste Management Division

US EPA ARCHIVE DOCUMENT

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Using Microsoft Word

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2. Use the Document Map. To show the Document Map, go to View > Document Map.

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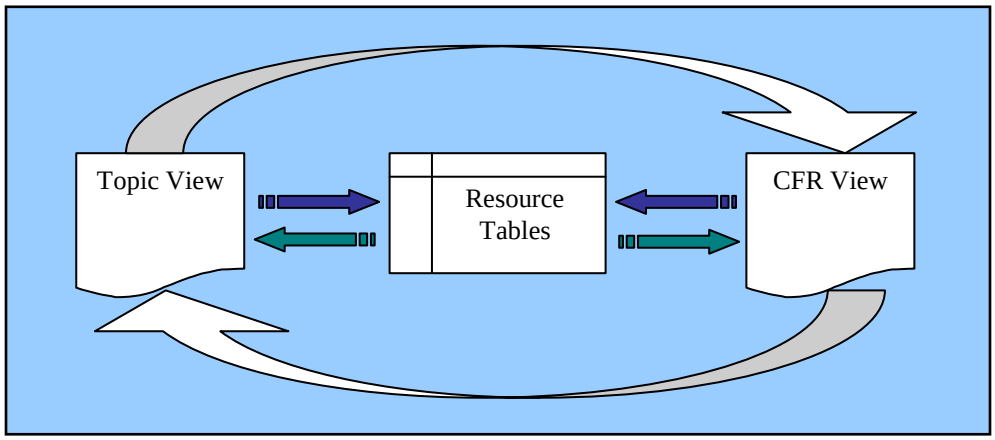

Proceed to: Main Index

US EPA ARCHIVE DOCUMENT

Main Index

Volume A: Exclusions

NAVIGATION TIPS I
MAIN INDEX II
INTRODUCTION III
TOPIC VIEW - SUBTOPICS 4
RESOURCES BY TOPIC & SUBTOPIC 11
CFR VIEW 49
GLOSSARY OF ACRONYMS 73

Compendium Volumes

Volume	Topic
A	Exclusions
B	Abandoned Materials
C	Military Munitions
D	Use Constituting Disposal (UCD)
E	Burning for Energy Recovery
F	Reclamation
G	Speculative Accumulation
H	Spent Materials
I	Sludges
J	By-Products
K	Commercial Chemical Products
L	Inherently Waste-Like Materials
M	Use/Reuse
N	Legitimate Recycling
O	Recyclable Materials
P	Precious Metals Reclamation
Q	Spent Lead-Acid Batteries
R	Universal Waste
S	Case-by-Case Variances and Non-waste Determinations
T	Incidental Processing
U	(Un)-Contained Gases
V	Waste-Specific Issues
W	Continued Use

US EPA ARCHIVE DOCUMENT

Introduction

Return to: Main Index

About the Compendium

The Definition of Solid Waste Compendium serves as a user-friendly reference to assist Environmental Protection Agency (EPA) and state staff, industrial facilities generating and managing solid and hazardous wastes, as well as the general public, in locating resources addressing specific regulatory issues within the federal Definition of Solid Waste regulations. Please note that this reference is designed to be web-based; therefore, the usefulness of the document is maximized when it is viewed on a computer that is connected to the internet.

A frequently mentioned comment from stakeholders is the need for EPA to improve the user-friendliness of the existing regulations. Commenters note that the applicable Definition of Solid Waste regulations and relevant guidance materials are difficult to locate and use. As a result, stakeholders have difficulty in understanding the regulations and identifying solid waste. The objective of this document is to address some of the commenters' concerns by consolidating and streamlining the Definition of Solid Waste into a helpful reference tool that features a user-friendly format, including references to EPA FAQs (Frequently Asked Questions), letters, memoranda, and guidance documents that EPA has provided to the public through the years to help stakeholders interpret the Definition of Solid Waste. This document does not change any of the existing solid or hazardous waste requirements.

The resources referenced in the Compendium may include Federal Register (FR) notices, documents from Resource Conservation and Recovery Act (RCRA) Online (e.g., RCRA Hotline Q&A's, letters, and memoranda issued by EPA), and other resources, as well as relevant Code of Federal Regulations (CFR) language. We have attempted to identify the relevant resources for each Compendium volume topic. However, please note that EPA could have inadvertently overlooked a relevant document and did not reference it. Certain available resources, such as superseded RCRA Online documents and items that were judged to be not pertinent, have not been referenced. Most of the referenced resources are not included or reproduced in the Compendium; instead, hyperlinks to the resources are provided. As an exception, we have included a version of relevant sections of the most current CFR language (as of the date on the cover of the Compendium) that we have reformatted to make it easier to read and find citations of interest. In addition, we also provide links to the Government Printing Office's Electronic Code of Federal Register Web site (e-CFR), which is updated almost daily.

Please note that this document is also not a rulemaking in any way. As well, the included reformatted CFR language is not a substitute for the CFR itself or the requirements in the CFR. The Government Printing Office frequently updates the e-CFR

US EPA ARCHIVE DOCUMENT

Web site; where appropriate, hyperlinks to the respective CFR section at the e-CFR Web site are provided.

This reference document presents only the federal Definition of Solid Waste. Most states are authorized to manage their own solid and hazardous waste generator regulatory program. Therefore, states may have their own set of regulations that apply in lieu of federal regulations, and while most state solid and hazardous waste regulations are based on the federal requirements, some states have developed regulations more stringent than the federal program. We direct you to the following Web site to determine if the state regulatory program is different from the federal program: http://www.epa.gov/epawaste/wyl/stateprograms.htm.

The Definition of Solid Waste includes multiple subtopics, and is codified under 40 CFR. To help users of the Compendium more quickly identify the information they need, and to make the Compendium more user-friendly in an electronic environment, the Compendium has been divided into multiple volumes. These volumes are available through EPA's Definition of Solid Waste Web site at http://www.epa.gov/epawaste/hazard/dsw/compendium.htm. Because regulations are promulgated throughout the year, EPA intends to update the Compendium volumes periodically to remain up-to-date with regulations relating to the Definition of Solid Waste.

About the Exclusions Volume

This volume of the Compendium references resources pertaining to specific exclusions from the current Definition of Solid Waste. These exclusions are located in Title 40 of the CFR at Part 261.4. Specifically, the referenced exclusions are those at 261.4(a) and 261.4(b)(13).

This document is organized into three main sections:

- *Topic View* – lists topics and subtopics
- *Resources* – lists resources for a topic or subtopic
- *CFR View* – CFR language we've reformatted for easy reading

The *Topic View* section lists the exclusions and their subtopics. The *Resources* section is comprised of tables, arranged by exclusion topics and subtopics, which provide basic details about and a hyperlink to each resource. The *CFR View* section provides reformatted versions of the relevant CFR language by topic. As noted previously, this reproduced language is not a substitute for the CFR itself or the requirements in the CFR. Additionally, the Government Printing Office frequently updates the e-CFR Web site to which the document is linked; where appropriate, hyperlinks to the respective CFR section at the e-CFR Web site are provided. These three main sections are cross-referenced, where each section includes hyperlinks to the other sections for the respective topic, as well as each section beginning. Please see the "Navigation Tips" section for document navigation guidance.

US EPA ARCHIVE DOCUMENT

This reference document does not provide guidance on solid waste or hazardous waste regulations of beyond determining whether materials are excluded from the Definition of Solid Waste. For more information regarding the various regulations applied to facilities generating or managing hazardous waste, see Hazardous Waste Generators: A User Friendly Reference Document.

The Compendium volumes are also available in Microsoft Word format from EPA upon request. For more information on these versions and any other questions or comments concerning this document, please contact EPA's Office of Resource Conservation and Recovery:

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US EPA ARCHIVE DOCUMENT

Topic View

Return to: Main Index

A. Resources Applicable to All Exclusions

B. Specific Exclusions

Exclusions at §261.4(a)

1. Domestic sewage (Publicly Owned Treatment Works (POTW) exclusion) [§261.4(a)(1)]
   - Show Subtopic Outline | CFR View (CFR text)
2. Industrial wastewater point source discharges [§261.4(a)(2)]
   - Show Subtopic Outline | CFR View (CFR text)
3. Irrigation return flows [§261.4(a)(3)]
   - Show Subtopic Outline | CFR View (CFR text)
4. Source, special nuclear, or by-product material as defined by the Atomic Energy Act [§261.4(a)(4)]
   - Show Subtopic Outline | CFR View (CFR text)
5. Materials subject to in-situ mining techniques [§261.4(a)(5)]
   - Show Subtopic Outline | CFR View (CFR text)
6. Pulping liquors [§261.4(a)(6)]
   - Show Subtopic Outline | CFR View (CFR text)
7. Spent sulfuric acid [§261.4(a)(7)]
   - Show Subtopic Outline | CFR View (CFR text)
8. Reclaimed secondary materials [(§261.4(a)(8)]
   - Show Subtopic Outline | CFR View (CFR text)
9. Wood preserving wastes and drip pads [§261.4(a)(9)]
   [drip pad definition from §260.10]
   - Show Subtopic Outline | CFR View (CFR text)
10. Coke by-products wastes [§261.4(a)(10)]
    - Show Subtopic Outline | CFR View (CFR text)

US EPA ARCHIVE DOCUMENT

11. Nonwastewater splash condenser dross residue from the treatment of K061 [§261.4(a)(11)]
    - Show Subtopic Outline | CFR View (CFR text)
12. Petroleum refinery wastes [§261.4(a)(12)]
    - Show Subtopic Outline | CFR View (CFR text)
13. Scrap metal [§261.4(a)(13)]
    - Show Subtopic Outline | CFR View (CFR text)
14. Shredded circuit boards being recycled [§261.4(a)(14)]
    - Show Subtopic Outline | CFR View (CFR text)
15. Condensates from kraft mill steam strippers [§261.4(a)(15)]
    - Show Subtopic Outline | CFR View (CFR text)
16. Comparable fuels or comparable syngas fuels [§261.4(a)(16)]
    - Show Subtopic Outline | CFR View (CFR text)
17. Spent materials from the primary minerals processing industry for recovery or beneficiation [§261.4(a)(17)]
    - Show Subtopic Outline | CFR View (CFR text)
18. Petrochemical recovered oil [§261.4(a)(18)]
    - Show Subtopic Outline | CFR View (CFR text)
19. Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid [§261.4(a)(19)]
    - Show Subtopic Outline | CFR View (CFR text)
20. Hazardous secondary materials used to make zinc fertilizers [§261.4(a)(20)]
    - Show Subtopic Outline | CFR View (CFR text)
21. Zinc fertilizers made from hazardous wastes or hazardous secondary materials [§261.4(a)(20) and 261.4(a)(21)]
    - Show Subtopic Outline | CFR View (CFR text)
22. Used cathode ray tubes (CRTs) [§261.4(a)(22)]
    - Show Subtopic Outline | CFR View (CFR text)
23. Hazardous secondary materials generated and reclaimed under the control of the generator [§261.2(a)(2)(ii) and 261.4(a)(23)]
    - Show Subtopic Outline | CFR View (CFR text)
24. Hazardous secondary materials transferred offsite for reclamation [§261.4(a)(24)]

US EPA ARCHIVE DOCUMENT

- Show Subtopic Outline | CFR View (CFR text)

25. Hazardous secondary materials exported for reclamation [§261.4(a)(25)]
    - Show Subtopic Outline | CFR View (CFR text)

Exclusions at §261.4(b)

26. Used oil filters [§261.4(b)(13)]
    - Show Subtopic Outline | CFR View (CFR text)

US EPA ARCHIVE DOCUMENT

Topic View - Subtopics

Return to: Main Index

A. Resources Applicable to All Exclusions

B. Specific Exclusions

Exclusions at §261.4(a)

1. Domestic sewage (Publicly Owned Treatment Works (POTW) exclusion) [§261.4(a)(1)]
   - Close Subtopic Outline | CFR View (CFR text)

     Resource Index:
     - All resources for this exclusion
     - Resources applicable to all subtopics
     - Resources specific to subtopic:
       - Characteristic wastes
       - Disposal of specific wastes
       - Mode of conveyance to POTW
       - Sludges
       - Other

2. Industrial wastewater point source discharges [§261.4(a)(2)]
   - Close Subtopic Outline | CFR View (CFR text)

     Resource Index:
     - All resources for this exclusion
     - Resources applicable to all subtopics
     - Resources specific to subtopic:
       - Clean Water Act
       - Contaminated sediment
       - Ground water

3. Irrigation return flows [§261.4(a)(3)]
   - Close Subtopic Outline | CFR View (CFR text)

     Resource Index:
     - All resources for this exclusion
     - Resources applicable to all subtopics
     - Resources specific to subtopic:
       - *No subtopics*

US EPA ARCHIVE DOCUMENT

4. Source, special nuclear, or by-product material as defined by the Atomic Energy Act [§261.4(a)(4)]
   - Close Subtopic Outline | CFR View (CFR text)

     Resource Index:
     - All resources for this exclusion
     - Resources applicable to all subtopics
     - Resources specific to subtopic:
       - By-product material
       - Radioactive mixed waste
       - Specific wastes

5. Materials subject to in-situ mining techniques [§261.4(a)(5)]
   - Close Subtopic Outline | CFR View (CFR text)

     Resource Index:
     - All resources for this exclusion
     - Resources applicable to all subtopics
     - Resources specific to subtopic:
       - *No subtopics*

6. Pulping liquors [§261.4(a)(6)]
   - Close Subtopic Outline | CFR View (CFR text)

     Resource Index:
     - All resources for this exclusion
     - Resources applicable to all subtopics
     - Resources specific to subtopic:
       - *No subtopics*

7. Spent sulfuric acid [§261.4(a)(7)]
   - Close Subtopic Outline | CFR View (CFR text)

     Resource Index:
     - All resources for this exclusion
     - Resources applicable to all subtopics
     - Resources specific to subtopic:
       - Other

US EPA ARCHIVE DOCUMENT

8. Reclaimed secondary materials [§261.4(a)(8)]
   - Close Subtopic Outline | CFR View (CFR text)

     Resource Index:
     - All resources for this exclusion
     - Resources applicable to all subtopics
     - Resources specific to subtopic:
       - Closed-loop recycling
       - Other

9. Wood preserving wastes and drip pads [§261.4(a)(9); drip pad definition from §260.10]
   - Close Subtopic Outline | CFR View (CFR text)

     Resource Index:
     - All resources for this exclusion
     - Resources applicable to all subtopics
     - Resources specific to subtopic:
       - Other

10. Coke by-products wastes [(§261.4(a)(10)]
    - Close Subtopic Outline | CFR View (CFR text)

      Resource Index:
      - All resources for this exclusion
      - Resources applicable to all subtopics
      - Resources specific to subtopic:
        - Gasifier/syngas
        - Other

11. Nonwastewater splash condenser dross residue from the treatment of K061 [§261.4(a)(11)]
    - Close Subtopic Outline | CFR View (CFR text)

      Resource Index:
      - All resources for this exclusion
      - Resources applicable to all subtopics
      - Resources specific to subtopic:
        - Other

US EPA ARCHIVE DOCUMENT

12. Petroleum refinery wastes [§261.4(a)(12)]

Close Subtopic Outline | CFR View (CFR text)

Resource Index:

- All resources for this exclusion
- Resources applicable to all subtopics
- Resources specific to subtopic:
  - Closed-loop exemption
  - Emulsions materials
  - Petroleum coke
  - Recovered oil
  - Wastewater treatment and Wastewater Treatment Units (WWTUs)
  - Other

13. Scrap metal [§261.4(a)(13)]

Close Subtopic Outline | CFR View (CFR text)

Resource Index:

- All resources for this exclusion
- Resources applicable to all subtopics
- Resources specific to subtopic:
  - Aerosol cans
  - Lead
  - Processed scrap
  - Solder
  - Used oil filters
  - Other

14. Shredded circuit boards being recycled [§261.4(a)(14)]

Close Subtopic Outline | CFR View (CFR text)

Resource Index:

- All resources for this exclusion
- Resources applicable to all subtopics
- Resources specific to subtopic:
  - Scrap metal
  - Other

15. Condensates from kraft mill steam strippers [§261.4(a)(15)]

Close Subtopic Outline | CFR View (CFR text)

Resource Index:

- All resources for this exclusion
- Resources applicable to all subtopics
- Resources specific to subtopic:

US EPA ARCHIVE DOCUMENT

- *No subtopics*

16. Comparable fuels or comparable syngas fuels [§261.4(a)(16)]

    Close Subtopic Outline | CFR View (CFR text)

    Resource Index:
    - All resources for this exclusion
    - Resources applicable to all subtopics
    - Resources specific to subtopic:
      - Gasifier/syngas
      - Other

17. Spent materials from the primary minerals processing industry for recovery or beneficiation [§261.4(a)(17)]

    Close Subtopic Outline | CFR View (CFR text)

    Resource Index:
    - All resources for this exclusion
    - Resources applicable to all subtopics
    - Resources specific to subtopic:
      - *No subtopics*

18. Petrochemical recovered oil [§261.4(a)(18)]

    Close Subtopic Outline | CFR View (CFR text)

    Resource Index:
    - All resources for this exclusion
    - Resources applicable to all subtopics
    - Resources specific to subtopic:
      - *No subtopics*

19. Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid [§261.4(a)(19)]

    Close Subtopic Outline | CFR View (CFR text)

    Resource Index:
    - All resources for this exclusion
    - Resources applicable to all subtopics
    - Resources specific to subtopic:
      - *No subtopics*

US EPA ARCHIVE DOCUMENT

20. Hazardous secondary materials used to make zinc fertilizers [§261.4(a)(20)]
    - Close Subtopic Outline | CFR View (CFR text)

    Resource Index:
    - All resources for this exclusion
    - Resources applicable to all subtopics
    - Resources specific to subtopic:
      - Other

21. Zinc fertilizers made from hazardous wastes or hazardous secondary materials [§261.4(a)(20) and 261.4(a)(21)]
    - Close Subtopic Outline | CFR View (CFR text)

    Resource Index:
    - All resources for this exclusion
    - Resources applicable to all subtopics
    - Resources specific to subtopic:
      - Other

22. Used cathode ray tubes (CRTs) [§261.4(a)(22)]
    - Close Subtopic Outline | CFR View (CFR text)

    Resource Index:
    - All resources for this exclusion
    - Resources applicable to all subtopics
    - Resources specific to subtopic:
      - *No subtopics*

23. Hazardous secondary materials generated and reclaimed under the control of the generator [§261.2(a)(2)(ii) and 261.4(a)(23)]
    - Close Subtopic Outline | CFR View (CFR text)

    Resource Index:
    - All resources for this exclusion
    - Resources applicable to all subtopics
    - Resources specific to subtopic:
      - *No subtopics*

24. Hazardous secondary materials transferred offsite for reclamation [§261.4(a)(24)]
    - Close Subtopic Outline | CFR View (CFR text)

    Resource Index:
    - All resources for this exclusion
    - Resources applicable to all subtopics
    - Resources specific to subtopic:

US EPA ARCHIVE DOCUMENT

- *No subtopics*

25. Hazardous secondary materials exported for reclamation [§261.4(a)(25)]

Close Subtopic Outline | CFR View (CFR text)

Resource Index:

- All resources for this exclusion
- Resources applicable to all subtopics
- Resources specific to subtopic:
  - *No subtopics*

Exclusions at §261.4(b)

26. Used oil filters [§261.4(b)(13)]

Close Subtopic Outline | CFR View (CFR text)

Resource Index:

- All resources for this exclusion
- Resources applicable to all subtopics
- Resources specific to subtopic:
  - *No subtopics*

US EPA ARCHIVE DOCUMENT

US EPA ARCHIVE DOCUMENT

Resources by Topic & Subtopic

Resources Applicable to All Exclusions

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
N/A	1. 45 FR 33066 - Hazardous Waste Management System (Interim Final) [pp. 33096-33102]	5/19/1980	Federal Register	Yes	N/A	PDF
	2. 50 FR 614 - Amendments to Definition of Solid Waste (Final) [pp. 641-642]	1/4/1985	Federal Register	Yes	N/A	PDF
	See Also:					
	3. 40 CFR §260.10 - Definitions	N/A	Code of Federal Regulations	No	N/A	*e-CFR*
	4. 40 CFR §261.2 - Definition of solid waste	N/A	Code of Federal Regulations	No	N/A	*e-CFR*
	5. 40 CFR §261.3 - Definition of hazardous waste	N/A	Code of Federal Regulations	No	N/A	*e-CFR*

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

1. Domestic sewage (POTW exclusion)

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 45 FR 33066 - Hazardous Waste Management System (Interim Final) [p. 33097]	5/19/1980	Federal Register	Yes	N/A	PDF
	2. 53 FR 47632 - The National Pollutant Discharge Elimination System (Proposed) [pp. 47632-33]	11/23/1988	Federal Register	Yes	N/A	PDF
	3. 55 FR 22520 - Land Disposal Restrictions for Third Scheduled Wastes (Final) [p. 22660]	6/1/1990	Federal Register	Yes	N/A	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Characteristic wastes	1. RCRA APPLICABILITY TO POTASSIUM PERMANGANATE AND MANGANESE DISPOSAL	7/12/1991	Letter	No	Summary	PDF
	2. TOTAL WASTE ANALYSIS ON POTW BIOSOLIDS AND CERCLA LIABILITY	5/25/2000	Letter	No	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Disposal of specific wastes	1. BATTERIES, WASTE ELECTROLYTE FROM RECHARGEABLE NICKEL-CADMIUM	5/15/1985	Letter	No	Summary	PDF
	2. SILVER IN WASTES AND IN SEWER DISCHARGES FROM THE PHOTO-FINISHING INDUSTRY	6/26/1986	Letter	No	Summary	PDF
	3. MIXED RADIOACTIVE HOSPITAL WASTES AND THE DOMESTIC SEWAGE EXCLUSION	12/19/1986	Letter	No	Summary	PDF
	4. DOMESTIC SEWAGE EXCLUSION	6/10/1987	Letter	No	Summary	PDF
	5. PROPER DISPOSAL OF OLD MEDICATIONS	11/28/1990	Letter	No	Summary	PDF
	6. REGULATORY STATUS AND MANAGEMENT OF DISPOSABLE AND LAUNDERABLE INDUSTRIAL RAGS AND WIPERS	9/27/1993	Letter	No	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Mode of conveyance to POTW	1. MANAGEMENT OF WASTES PRIOR TO INTRODUCTION INTO SEWER	9/25/1986	Memo	No	Summary	PDF
	2. TRUCK OR RAIL SHIPMENTS OF A HAZARDOUS WASTE TO A POTW	12/12/1986	Memo	Yes	Summary	PDF
	3. DOMESTIC SEWAGE EXCLUSION	6/10/1987	Q & A	Yes	Summary	PDF
	4. DOMESTIC SEWAGE SLUDGE EXCLUSION	2/12/1990	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Sludges	1. DOMESTIC SEWAGE EXCLUSION	6/10/1987	Q & A	Yes	Summary	PDF
	2. DOMESTIC SEWAGE SLUDGE EXCLUSION	2/12/1990	Letter	Yes	Summary	PDF
	3. SCOPE OF THE F006 LISTING	6/7/1991	Letter	No	Summary	PDF
	4. RCRA APPLICABILITY TO POTASSIUM PERMANGANATE AND MANGANESE DISPOSAL	7/12/1991	Letter	No	Summary	PDF
	5. LDR NOTIFICATION REQUIREMENTS FOR WASTEWATERS AND SLUDGES	5/1/1997	Letter	No	Summary	PDF
	6. PLACEMENT OF SEWAGE SLUDGE ON FARMS	3/28/2000	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1. PRIVATELY OWNED SEWERS AND WASTEWATER TREATMENT UNITS WHICH DISCHARGE TO A POTW	10/1/1982	Q & A	Yes	Summary	PDF
	2. TOTALLY ENCLOSED TREATMENT FACILITY, REGULATORY CLARIFICATION OF	2/18/1983	Letter	No	Summary	PDF
	3. APPLICABILITY OF THE DOMESTIC SEWAGE EXCLUSION	3/10/1997	Letter	Yes	Summary	PDF
	4. APPLICABILITY OF THE DOMESTIC SEWAGE EXCLUSION TO FOTWS	1/1/1998	Q & A	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

2. *Industrial wastewater point source discharges*

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 45 FR 33066 - Hazardous Waste Management System (Interim Final) [p. 33098]	5/19/1980	Federal Register	Yes	N/A	PDF
	2. APPLICABILITY OF THE §261.4(A)(2) EXCLUSIONS	10/1/1987	Q & A	Yes	Summary	PDF
	3. EXEMPTION FOR WASTEWATER DISCHARGES AND GENERATOR ACCUMULATION PROVISIONS	12/10/1987	Letter	Yes	Summary	PDF
	4. INTERPRETATION OF INDUSTRIAL WASTEWATER DISCHARGE EXCLUSION FROM THE DEFINITION OF SOLID WASTE	2/17/1995	Memo	Yes	Summary	PDF
	5. APPLICABILITY OF THE 40 CFR 261.4(A)(2) EXCLUSION FOR TREATED EFFLUENT DIVERTED FOR SPRAY IRRIGATION	7/18/2007	Memo	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Clean Water Act (CWA)	1. APPLICABILITY OF THE §261.4(A)(2) EXCLUSIONS	10/1/1987	Q & A	Yes	Summary	PDF
	2. PERMIT REQUIREMENTS FOR ZERO WASTEWATER TREATMENT SYSTEM	3/20/1989	Letter	No	Summary	PDF
	3. DREDGE SEDIMENTS	8/11/1989	Memo	No	Summary	PDF
	4. RCRA APPLICABILITY TO POTASSIUM PERMANGANATE AND MANGANESE DISPOSAL	7/12/1991	Letter	Yes	Summary	PDF
	5. EXEMPTION FROM PERMITTING REQUIREMENTS FOR WASTE WATER TREATMENT UNITS	1/16/1992	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Contaminated Sediment	1. LEAKS, SPILLS, AND ILLEGAL DISCHARGES OF LISTED WASTES TO SURFACE WATERS, MIXTURE RULE APPLIED TO	1/23/1986	Memo	No	Summary	PDF
	2. DREDGE SEDIMENTS	8/11/1989	Memo	No	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Ground water	1. EXEMPTION FOR WASTEWATER DISCHARGES AND GENERATOR ACCUMULATION PROVISIONS	2/10/1987	Letter	No	Summary	PDF
	2. INTERPRETATION OF INDUSTRIAL WASTEWATER DISCHARGE EXCLUSION FROM THE DEFINITION OF SOLID WASTE	2/17/1995	Memo	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

3. Irrigation return flows

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 45 FR 33066 - Hazardous Waste Management System (Interim Final) [p. 33098]	5/19/1980	Federal Register	Yes	N/A	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

4. Source, special nuclear, or by-product material as defined by the Atomic Energy Act

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic		Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1.	45 FR 33066 - Hazardous Waste Management System (Interim Final) [p. 33098]	5/19/1980	Federal Register	Yes	N/A	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					
By-product material	1.	BYPRODUCT MATERIAL AND MIXED WASTE, AEA AND DOE INTERFACE	6/2/1986	Memo	No	Summary	PDF
	2.	DISPOSAL OF SPENT HOUSEHOLD SMOKE DETECTORS	12/5/2000	Letter	Yes	Summary	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					
Radioactive mixed waste	1.	MIXED WASTE (DOE FACILITIES), DEFINITION OF	5/10/1985	Letter	Yes	Summary	PDF
	2.	JURISDICTION AND REGULATION OF MIXED WASTE MANAGEMENT INCLUDING INCINERATION AND LOCATION CRITERIA	7/3/1986	Letter	Yes	Summary	PDF
	3.	MIXED WASTE STATUS OF NATURALLY RADIOACTIVE MATERIALS (NORM)	9/1/1998	Q & A	Yes	Summary	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					
Specific wastes	1.	MIXED WASTE (DOE FACILITIES), DEFINITION OF	11/22/1993	Letter	Yes	Summary	PDF
	2.	DISPOSAL OF SPENT HOUSEHOLD SMOKE DETECTORS	12/5/2000	Letter	Yes	Summary	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

5. Materials subject to in-situ mining techniques

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 45 FR 33066 - Hazardous Waste Management System (Interim Final) [pp. 33099-33101]	5/19/1980	Federal Register	Yes	N/A	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

6. Pulping liquors

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 50 FR 614 - Amendments to Definition of Solid Waste (Final) [pp. 641-642]	1/4/1985	Federal Register	Yes	N/A	PDF
	2. 50 FR 14216 - Amendments to Definition of Solid Waste (Technical Corrections) [p. 14218]	4/11/1985	Federal Register	Yes	N/A	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

7. Spent sulfuric acid

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 50 FR 614 - Amendments to Definition of Solid Waste (Final) [p. 642]	1/4/1985	Federal Register	Yes	N/A	PDF
	2. 60 FR 57747 - Identification and Listing of Hazardous Wastes (Proposed) [p. 57768]	11/20/1995	Federal Register	Yes	N/A	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1. SOLID AND HAZARDOUS WASTE, DEFINED FOR SPENT SULFURIC ACID	2/1/1986	Q & A	Yes	Summary	PDF
	2. SPENT SULFURIC ACID ACCUMULATED SPECULATIVELY	5/26/1988	Letter	Yes	Summary	PDF
	3. SECONDARY MATERIALS REGULATION - USED SULFURIC ACID	6/6/1988	Letter	Yes	Summary	PDF
	4. EXCLUSIONS FOR K-WASTES DENIED (LACLEDE STEEL)	9/12/1989	Memo	No	Summary	PDF
	5. REGULATORY STATUS OF BURNING SULFUR-CONTAINING SECONDARY MATERIALS TO PRODUCE VIRGIN SULFURIC ACID	5/23/1997	Letter	No	Summary	PDF
	6. SPENT SULFURIC ACID EXCLUSION AND USE CONSTITUTING DISPOSAL	6/1/1999	Q & A	Yes	Summary	PDF
	7. SCOPE OF THE SPENT SULFURIC ACID EXCLUSION	9/1/2001	Q & A	Yes	Summary	PDF
	8. SPENT SULFURIC ACID USED AS FEEDSTOCK	7/21/2004	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

8. Reclaimed secondary materials

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 51 FR 25422 - Systems for Hazardous Waste Storage and Treatment Tank Systems (Final) [pp. 25441-25443]	7/14/1986	Federal Register	Yes	N/A	PDF
	2. 53 FR 519 - Amendments to Definition of Solid Waste (Proposed) [pp. 525, 527]	1/8/1988	Federal Register	Yes	N/A	PDF
	3. 59 FR 47982 - Land Disposal Restrictions Phase II (Final) [pp. 48014-48015]	9/19/1994	Federal Register	Yes	N/A	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Closed-loop recycling	1. RECLAMATION OF SPENT ALKALINE ETCHANT-REQUEST FOR VARIANCE UNDER MOD. CLOSED-LOOP PROVISION	10/29/1985	Letter	Yes	Summary	PDF
	2. COUNTING DRY CLEANING INDUSTRY WASTE ONLY AFTER REMOVAL FROM THE PROCESS - SQG RULE	9/8/1986	Letter	Yes	Summary	PDF
	3. CLOSED LOOP RECYCLING	12/1/1988	Q & A	Yes	Summary	PDF
	4. EXCLUSIONS FOR K-WASTES DENIED (LACLEDE STEEL)	9/12/1989	Memo	No	Summary	PDF
	5. CLOSED-LOOP RECYCLING EXCLUSION	2/1/1993	Q & A	Yes	Summary	PDF
	6. RECYCLING PETROLEUM REFINERY OILY WASTES; REGULATORY STATUS OF SEPARATION AND RECOVERY SYSTEMS SAREX PROCESS FOR RECYCLING PETROLEUM REFINERY OILY WASTES	3/5/1993	Letter	Yes	Summary	PDF

US EPA ARCHIVE DOCUMENT

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
	7. CLARIFICATION OF RCRA REGULATIONS AS THEY APPLY TO THE USE OF PERCHLOROETHYLENE IN DRY-CLEANING PROCESS	6/10/1994	Letter	Yes	Summary	PDF
	8. REGULATORY STATUS OF SOLVENT RECOVERY UNITS	6/3/1997	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1. STILL BOTTOM WASTE FROM POLYSTYRENE PRODUCTION	9/1/1987	Memo	No	Summary	PDF
	2. RCRA REGULATIONS FOR ELECTRONIC MATERIALS THAT ARE REUSED OR RESOLD	4/1/2003	Q & A	No	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

9. Wood preserving wastes and drip pads

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 55 FR 50450 - Identification and Listing of Hazardous Waste (Final) [pp. 50459-50461]	12/6/1990	Federal Register	Yes	N/A	PDF
	2. 56 FR 30192 - Identification and Listing of Hazardous Waste (Technical Correction) [p. 30192]	7/1/1991	Federal Register	Yes	N/A	PDF
	3. 60 FR 43654 – Land Disposal Restrictions - Phase IV: Issues Associated with Clean Water Act Treatment Equivalency, and Treatment Standards for Wood Preserving Wastes and Toxicity Characteristic Metal Wastes (Proposed)	8/22/1995	Federal Register	Yes	N/A	PDF
	4. 62 FR 26041 – Land Disposal Restrictions Phase IV: Second Supplemental Proposal on Treatment Standards for Metal Wastes, Mineral Processing Wastes, Mineral Processing and Bevill Exclusion Issues, and the Use of Hazardous Waste as Fill (Supplemental Proposed) [pp.26055-26058]	5/12/1997	Federal Register	Yes	N/A	PDF
	5. 63 FR 28555 - Exclusion of Recycled Wood Preserving Wastewaters (Final) [pp. 28627-28630]	5/26/1998	Federal Register	Yes	N/A	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1. ENVIRONMENTAL RELEASES FROM WOOD PRESERVING PLANTS	4/7/1986	Letter	Yes	Summary	PDF
	2. RECLAIMED SPENT WOOD PRESERVATIVE EXCLUSION IN 40 CFR §261.4(A)(9)	12/1/1991	Q & A	Yes	Summary	PDF
	3. RESOLUTION OF RCRA ISSUES RELATING TO THE WOOD PRESERVING INDUSTRY	5/1/1996	Memo	No	Summary	PDF

US EPA ARCHIVE DOCUMENT

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
	4. CLARIFICATION OF REQUIREMENTS INVOLVING THE COUNTING OF WOOD PRESERVING WATERS FOR BIENNIAL REPORTING	6/4/1996	Letter	No	Summary	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

10. Coke by-products wastes including K060, K087, K141-K145, K157 and K148

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 52 FR 16982 - Burning Hazardous Waste in Boilers and Industrial Furnaces (Proposed) [pp. 17019-17020]	5/6/1987	Federal Register	Yes	N/A	PDF
	2. 56 FR 7134 - Burning Hazardous Waste in Boilers and Industrial Furnaces (Final) [pp. 7202-7203]	2/21/1991	Federal Register	Yes	N/A	PDF
	3. 56 FR 35758 - Hazardous Waste Management Systems (Proposed) [pp. 35777-35780]	7/26/1991	Federal Register	Yes	N/A	PDF
	4. 57 FR 27880 - Hazardous Waste Management System (Final) [pp. 27880-27881, 27883-27886]	6/22/1992	Federal Register	Yes	N/A	PDF
	5. 57 FR 37284 - Identification and Listing of Hazardous Waste (Final) [pp. 37284-37285, 37297-37299]	8/18/1992	Federal Register	Yes	N/A	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Gasifier/syngas	1. APPLICABILITY OF COKE BY-PRODUCTS EXCLUSION TO COAL GASIFIER	3/26/1999	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1. WASTE-DERIVED FUELS AT IRON AND STEEL MILLS AS PRODUCTS OR WASTE FUELS, INFORMATION REQUIRED	1/24/1986	Letter	Yes	Summary	PDF
	2. WASTES GENERATED BY COKE AND COAL TAR PLANTS	7/24/1987	Letter	No	Summary	PDF
	3. REGULATORY STATUS OF COAL TAR DISTILLATES	7/9/1992	Letter	Yes	Summary	PDF

US EPA ARCHIVE DOCUMENT

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
	4. RECYCLING OF COKE BY-PRODUCT RESIDUES	10/29/1992	Letter	Yes	Summary	PDF
	5. REGULATORY STATUS OF A DISSOLVED AIR FLOATATION FLOAT STORAGE TANK USED TO FEED MATERIAL INTO A PETROLEUM COKER	11/1/1993	Letter	No	Summary	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

11. Nonwastewater splash condenser dross residue from the treatment of K061

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 56 FR 41164 - Land Disposal Restrictions for Electric Arc Furnace Dust (Final) [pp. 41170-41174]	8/19/1991	Federal Register	Yes	N/A	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1. NEW JERSEY ZINC COMPANY K061 STORAGE PILE	1/25/1988	Memo	No	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

12. Petroleum refinery wastes

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic		Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1.	59 FR 38536 - Amendments to Definition of Solid Waste (Final) [pp. 38539-385343]	7/28/1994	Federal Register	Yes	N/A	PDF
	2.	60 FR 57747 - Identification and Listing of Hazardous Wastes (Proposed) [pp. 57764, 57766]	11/20/1995	Federal Register	Yes	N/A	PDF
	3.	61 FR 13103 - Amendments to Definition of Solid Waste (Final) [pp. 13103-13105]	3/26/1996	Federal Register	Yes	N/A	PDF
	4.	63 FR 42110 - Hazardous Waste Management System; Identification and Listing of Hazardous Waste (Final) [pp. 42118,42127-42128]	8/6/1998	Federal Register	Yes	N/A	PDF
	5.	67 FR 13684 - Regulation of Hazardous Oil-Bearing Secondary Materials From the Petroleum Refining Industry and Other Hazardous Secondary Materials Processed in a Gasification System To Produce Synthesis Gas (Proposed)	3/25/2002	Federal Register	Yes	N/A	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					
Closed-loop exemption	1.	RECYCLING PETROLEUM REFINERY OILY WASTES; REGULATORY STATUS OF SEPARATION AND RECOVERY SYSTEMS SAREX PROCESS FOR RECYCLING PETROLEUM REFINERY OILY WASTES	3/5/1993	Letter	Yes	Summary	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					
Emulsions materials	1.	OIL/WATER EMULSIONS GENERATED BY PETROLEUM REFINERY WW SYSTEMS-K049 WASTE	12/7/1984	Memo	Yes	Summary	PDF
	2.	CLASSIFICATION OF A TANK AS A STORAGE UNIT OR AN OIL RECLAMATION UNIT	2/22/1985	Letter	No	Summary	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Petroleum coke	1. K051 AND HSWA; K051 SLUDGE RE-USED ON-SITE, EXEMPTION	7/1/1985	Q & A	Yes	Summary	PDF
	2. FINAL RULE EXEMPTING RECOVERED OIL FROM THE DEFINITION OF SOLID WASTE	7/26/1994	Memo	No	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Recovered oil	1. OIL/WATER EMULSIONS GENERATED BY PETROLEUM REFINERY WW SYSTEMS-K049 WASTE	12/7/1984	Memo	Yes	Summary	PDF
	2. CLASSIFICATION OF A TANK AS A STORAGE UNIT OR AN OIL RECLAMATION UNIT	2/22/1985	Letter	No	Summary	PDF
	3. RECYCLING PETROLEUM REFINERY OILY WASTES; REGULATORY STATUS OF SEPARATION AND RECOVERY SYSTEMS SAREX PROCESS FOR RECYCLING PETROLEUM REFINERY OILY WASTES	3/5/1993	Letter	No	Summary	PDF
	4. FINAL RULE EXEMPTING RECOVERED OIL FROM THE DEFINITION OF SOLID WASTE	7/26/1994	Memo	No	Summary	PDF
	5. CLARIFICATION AND/OR RECONSIDERATION OF CERTAIN PROVISIONS CONTAINED IN EPA'S FINAL RULE ON RECOVERED OIL	5/3/1995	Letter	Yes	Summary	PDF
	6. REEXAMINATION OF PROPOSED EXCLUSION FOR OIL-BEARING RESIDUALS	10/1/1997	Letter	Yes	Summary	PDF
	7. RECYCLED ARCTIC GRADE DIESEL	5/2/2001	Memo	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Wastewater treatment and Wastewater Treatment Units (WWTUs)	1. PETROLEUM REFINING WASTES AND EXEMPTIONS FOR WWTUS	9/20/1990	Letter	No	Summary	PDF
	2. RECYCLING PETROLEUM REFINERY OILY WASTES; REGULATORY STATUS OF SEPARATION AND RECOVERY SYSTEMS SAREX PROCESS FOR RECYCLING PETROLEUM REFINERY OILY WASTES	3/5/1993	Letter	No	Summary	PDF
	3. CLARIFICATION AND/OR RECONSIDERATION OF CERTAIN PROVISIONS CONTAINED IN EPA'S FINAL RULE ON RECOVERED OIL	5/3/1995	Letter	Yes	Summary	PDF
	4. PETROLEUM REFINERY TANKS AS WASTEWATER TREATMENT UNITS	4/15/1998	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1. REGULATORY STATUS OF OIL-BEARING SECONDARY MATERIALS UNDER RCRA	8/19/2003	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

13. Scrap metal

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic		Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1.	50 FR 614 - Amendments to Definition of Solid Waste (Final) [p. 624]	1/4/1985	Federal Register	Yes	N/A	PDF
	2.	61 FR 2338 - Land Disposal Restrictions--Supplemental Proposal to Phase IV (Proposed) [pp. 2361-2362]	1/25/1996	Federal Register	Yes	N/A	PDF
	3.	62 FR 25998 - Land Disposal Restrictions--Phase IV (Final) [p. 26011]	5/12/1997	Federal Register	Yes	N/A	PDF
	4.	63 FR 28555 - Clarification of the RCRA Exclusion of Shredded Circuit Boards (Final) [p. 28629]	5/26/1998	Federal Register	Yes	N/A	PDF
	5.	APPLICABILITY OF THE TOXICITY CHARACTERISTIC TO USED OIL FILTERS	9/26/1991	Letter	Yes	Summary	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					
Aerosol cans	1.	REGULATORY STATUS OF USED RESIDENTIAL AND COMMERCIAL/INDUSTRIAL AEROSOL CANS	10/7/1993	Letter	Yes	Summary	PDF
	2.	REGULATORY STATUS OF WASTE AEROSOL CANS	1/4/1994	Letter	Yes	Summary	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					
Lead	1.	APPLICATION OF THE SCRAP METAL EXEMPTION TO LEAD FOIL USED IN DENTAL X-RAY PACKAGES	4/29/1993	Letter	Yes	Summary	PDF
	2.	REGULATORY STATUS OF LEAD SHOT	3/17/1997	Letter	Yes	Summary	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Processed scrap	1. CLARIFICATION OF THE REGULATORY STATUS OF AGGLOMERATED DROSSES	2/13/1998	Letter	Yes	Summary	PDF
	2. APPLICABILITY OF EXCLUSION FROM THE DEFINITION OF SOLID WASTE FOR PROCESSED SCRAP METAL TO USED OIL FILTERS	6/2/1998	Letter	Yes	Summary	PDF
	3. APPLICABILITY OF THE PROCESSED SCRAP METAL EXCLUSION TO USED OIL FILTERS	6/11/1998	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Solder	1. REGULATORY STATUS OF SOLDER SKIMMINGS THAT ARE RECLAIMED	7/20/1989	Letter	Yes	Summary	PDF
	2. SOLDER SKIMMINGS AND THE DEFINITION OF SCRAP METAL	12/5/1990	Letter	Yes	Summary	PDF
	3. REGULATORY STATUS OF SOLDER DRIPPINGS GENERATED DURING RADIATOR REPAIR OPERATIONS	4/29/1993	Letter	Yes	Summary	PDF
	4. REGULATORY DETERMINATION OF SPENT SOLDER BATHS, ALSO KNOWN AS ""POT DUMPS""	9/20/1993	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Used oil filters	1. APPLICABILITY OF THE TOXICITY CHARACTERISTIC TO USED OIL FILTERS	9/26/1991	Letter	Yes	Summary	PDF
	2. APPLICABILITY OF EXCLUSION FROM THE DEFINITION OF SOLID WASTE FOR PROCESSED SCRAP METAL TO USED OIL FILTERS	6/2/1998	Letter	Yes	Summary	PDF
	3. APPLICABILITY OF THE PROCESSED SCRAP METAL EXCLUSION TO USED OIL FILTERS	6/11/1998	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Other	1. SCRAP METAL REMOVED FROM SPENT ALKALINE BATTERIES THAT ARE RECYCLED	10/20/1986	Letter	Yes	Summary	PDF
	2. DEFINITION OF "HOUSEHOLD WASTE" AND "SCRAP METAL"	5/2/1988	Letter	Yes	Summary	PDF
	3. REGULATORY STATUS OF PRINTED CIRCUIT BOARDS	8/26/1992	Memo	Yes	Summary	PDF
	4. REGULATORY STATUS OF NATURAL GAS REGULATORS THAT CONTAIN MERCURY UNDER RCRA	7/29/1994	Letter	Yes	Summary	PDF
	5. EXEMPTION FOR SCRAP METAL DESTINED FOR RECYCLING APPLIES AT POINT OF GENERATION	6/1/1998	Q & A	Yes	Summary	PDF
	6. REGULATORY STATUS OF SPENT METAL FUEL FILTERS UNDER RCRA	6/3/1998	Letter	Yes	Summary	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

14. Shredded circuit boards being recycled

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 61 FR 2338 - Land Disposal Restrictions--Supplemental Proposal to Phase IV (Proposed) [pp. 2362-2363]	1/25/1996	Federal Register	Yes	N/A	PDF
	2. 62 FR 25998 - Land Disposal Restrictions--Phase IV (Final) [pp. 26011-26014]	5/12/1997	Federal Register	Yes	N/A	PDF
	3. 63 FR 28555 - Clarification of the RCRA Exclusion of Shredded Circuit Boards (Final) [pp. 28629-28630]	5/26/1998	Federal Register	Yes	N/A	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Scrap metal	1. REGULATORY STATUS OF PRINTED CIRCUIT BOARDS	8/26/1992	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1. REGULATORY STATUS OF OFF-SPECIFICATION CIRCUIT PRINTING BOARDS	8/1/1991	Q & A	Yes	Summary	PDF
	2. CLARIFICATION OF REGULATORY STATUS OF WHOLE CIRCUIT BOARDS	8/8/1997	Letter	Yes	Summary	PDF
	3. SCOPE OF THE SHREDDED CIRCUIT BOARDS EXCLUSION	12/1/2003	Q & A	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

15. Condensates from kraft mill steam strippers

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 61 FR 9383 - National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production (Announcement of availability of supplemental information) [p. 9396]	3/8/1996	Federal Register	Yes	N/A	PDF
	2. 63 FR 18504 - National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production (Final) [p. 18533]	4/15/1998	Federal Register	Yes	N/A	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

16. Comparable fuels or comparable syngas fuels

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic		Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1.	61 FR 17358 - Revised Standards for Hazardous Waste Combustors (Proposed) [pp. 17459-17469]	4/19/1996	Federal Register	Yes	N/A	PDF
	2.	63 FR 33782 - RCRA Comparable Fuel Exclusion (Final) [pp. 33783-33799]	6/19/1998	Federal Register	Yes	N/A	PDF
	3.	64 FR 25408 - Land Disposal Restrictions Phase IV (Technical Correction) [pp. 25408-25409]	5/11/1999	Federal Register	Yes	N/A	PDF
	4.	72 FR 33284 - Expansion of RCRA Comparable Fuel Exclusion (Proposed) [pp. 33284-33334]	6/15/2007	Federal Register	Yes	N/A	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					
Gasifier/syngas	1.	REGULATORY STATUS OF A GASIFICATION UNIT PROPOSED BY TEXACO TO BE BUILT IN EL DORADO, KANSAS	5/25/1995	Letter	No	Summary	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1.	LIMITING METAL CATALYSTS IN COMPARABLE FUELS	2/26/1998	Letter	Yes	Summary	PDF
	2.	COMPARABLE FUELS EXCLUSION	6/1/1998	Letter	Yes	Summary	PDF
		Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

17. Spent materials from the primary minerals processing industry for recovery or beneficiation

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 61 FR 2338 - Land Disposal Restrictions--Supplemental Proposal to Phase IV (Proposed) [pp. 2339-2350]	1/25/1996	Federal Register	Yes	N/A	PDF
	2. 63 FR 28555 - LDR Phase IV, Treatment Standards for Mineral Processing Wastes (Final) [pp. 28583-28590]	5/26/1998	Federal Register	Yes	N/A	PDF
	3. 64 FR 25408 - Land Disposal Restrictions Phase IV (Technical Correction) [p. 25409]	5/11/1999	Federal Register	Yes	N/A	PDF
	4. 67 FR 11251 - Definition of Solid Waste (Final) [pp. 11252-11253]	3/13/2002	Federal Register	Yes	N/A	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

18. Petrochemical recovered oil

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 60 FR 57747 - Identification and Listing of Hazardous Wastes (Proposed) [pp. 57755-57756]	11/20/1995	Federal Register	Yes	N/A	PDF
	2. 63 FR 42110 - Hazardous Waste Management System; Identification and Listing of Hazardous Waste (Final) [p. 42130]	8/6/1998	Federal Register	Yes	N/A	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

19. Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 60 FR 57747 - Identification and Listing of Hazardous Wastes (Proposed) [pp. 57769-57770]	11/20/1995	Federal Register	No	N/A	PDF
	2. 63 FR 42110 - Hazardous Waste Management System; Identification and Listing of Hazardous Waste (Final) [p. 42119]	8/6/1998	Federal Register	Yes	N/A	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

20. Hazardous secondary materials used to make zinc fertilizers

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 65 FR 70954 - Requirements for Zinc Fertilizers Made From Recycled Hazardous Secondary Materials (Proposed) [pp. 70954-70982]	11/28/2000	Federal Register	Yes	N/A	PDF
	2. 67 FR 48393 - Zinc Fertilizers Made From Recycled Hazardous Secondary Materials (Final) [pp. 48396-48403]	7/24/2002	Federal Register	Yes	N/A	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1. EPA ACTIONS REGARDING FERTILIZER CONTAMINANTS	2/27/2003	Letter	Yes	Summary	PDF
	2. REGULATION OF FERTILIZERS MADE FROM RECYCLED HAZARDOUS WASTE	3/21/2003	Letter	Yes	Summary	PDF
	3. TOXIC WASTE IN FERTILIZER	6/13/2003	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

21. Zinc fertilizers made from hazardous wastes or hazardous secondary materials

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 65 FR 70954 - Requirements for Zinc Fertilizers Made From Recycled Hazardous Secondary Materials (Proposed) [pp. 70954-70982]	11/28/2000	Federal Register	Yes	N/A	PDF
	2. 67 FR 48393 - Zinc Fertilizers Made From Recycled Hazardous Secondary Materials (Final) [pp. 48403-48407]	7/24/2002	Federal Register	Yes	N/A	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					
Other	1. RCRA REGULATION OF FERTILIZERS MADE FROM RECYCLED HAZARDOUS WASTE	7/17/2003	Letter	Yes	Summary	PDF
	Return to: Topic View | CFR View (CFR text) | Main Index					

US EPA ARCHIVE DOCUMENT

22. Used cathode ray tubes (CRTs)

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 67 FR 40508 - Cathode Ray Tubes and Mercury-Containing Equipment (Proposed) [pp. 40508-40528]	6/12/2002	Federal Register	Yes	N/A	PDF
	2. 71 FR 42928 - Cathode Ray Tubes (Final) [All pages]	7/28/2006	Federal Register	Yes	N/A	PDF
	3. REGULATION OF CRTS AND OTHER COMPUTER ELECTRONICS	8/1/2004	Q & A	Yes	Summary	PDF
	4. CRT PROCESSED GLASS RECYCLING AND STORAGE	11/15/2006	Letter	Yes	Summary	PDF
	5. REGULATORY STATUS OF GLASS CULLET FROM CATHODE RAY TUBES (CRTs)	04/09/2009	Memo	Yes	Summary	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

23. Hazardous secondary materials generated and reclaimed under the control of the generator

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 68 FR 61558 – Revisions to the Definition of Solid Waste (Proposed) [All pages]	10/28/2003	Federal Register	No	N/A	PDF
	2. 72 FR 14172 – Revisions to the Definition of Solid Waste (Supplemental Proposed) [pp. 14184-14188]	3/26/2007	Federal Register	Yes	N/A	PDF
	3. 73 FR 64668 – Revisions to the Definition of Solid Waste (Final) [pp.64680-64683; 64724-64730; 64739-64741]	10/30/2008	Federal Register	Yes	N/A	PDF(64668-64716) PDF (64717-64766) PDF (64767-64788)
	4. IMPLEMENTATION OF THE DEFINITION OF SOLID WASTE FINAL RULE; MIXING HSM WITH HAZARDOUS WASTES – RESPONSE TO SAFETY-KLEEN	01/20/2010	Letter	Yes	Summary	PDF
	5. REGULATORY STATUS OF MIXING HSM WITH HAZARDOUS WASTES- RESPONSE TO VEOLIA	03/30/2010	Letter	Yes	Summary	PDF
	6. DSW COMPILATION: The Contained Standard	06/01/2010	Guidance	Yes	N/A	PDF
	7. DSW COMPILATION: The Legitimate Recycling Standard	06/01/2010	Guidance	Yes	N/A	PDF
	9. COMBINING EXCLUDED HAZARDOUS SECONDARY MATERIALS WITH OTHER SIMILAR HAZARDOUS WASTES PRIOR TO RECLAMATION	02/11/2011	Q&A	Yes	Summary	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

24. Hazardous secondary materials transferred offsite for reclamation

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 68 FR 61558 – Revisions to the Definition of Solid Waste (Proposed) [All pages]	10/28/2003	Federal Register	No	N/A	PDF
	2. 72 FR 14172 – Revisions to the Definition of Solid Waste (Supplemental Proposed) [pp. 14188-14197]	3/26/2007	Federal Register	Yes	N/A	PDF
	3. 73 FR 64668 – Revisions to the Definition of Solid Waste (Final) [pp. 64683-64700; 64730-64741]	10/30/2008	Federal Register	Yes	N/A	PDF(64668-64716) PDF (64717-64766) PDF (64767-64788)
	4. IMPLEMENTATION OF THE DEFINITION OF SOLID WASTE FINAL RULE; MIXING HSM WITH HAZARDOUS WASTES	01/20/2010	Letter	Yes	Summary	PDF
	5. REGULATORY STATUS OF MIXING HSM WITH HAZARDOUS WASTES- RESPONSE TO VEOLIA	03/30/2010	Letter	Yes	Summary	PDF
	6. DSW COMPILATION: The Contained Standard	06/01/2010	Guidance	Yes	N/A	PDF
	7. DSW COMPILATION: The Legitimate Recycling Standard	06/01/2010	Guidance	Yes	N/A	PDF
	8. DSW COMPILATION: The Reasonable Efforts Condition	06/01/2010	Guidance	Yes	N/A	PDF
	9. COMBINING EXCLUDED HAZARDOUS SECONDARY MATERIALS WITH OTHER SIMILAR HAZARDOUS WASTES PRIOR TO RECLAMATION	02/11/2011	Q&A	Yes	Summary	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

25. Hazardous secondary materials exported for reclamation

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 68 FR 61558 – Revisions to the Definition of Solid Waste (Proposed) [All pages]	10/28/2003	Federal Register	No	N/A	PDF
	2. 72 FR 14172 – Revisions to the Definition of Solid Waste (Supplemental Proposed) [pp.14190; 14207]	3/26/2007	Federal Register	Yes	N/A	PDF
	3. 73 FR 64668 – Revisions to the Definition of Solid Waste (Final) [pp. 64698-64699; 64718; 64737-64738]	10/30/2008	Federal Register	Yes	N/A	PDF(64668-64716) PDF (64717-64766) PDF (64767-64788)
	4. IMPLEMENTATION OF THE DEFINITION OF SOLID WASTE FINAL RULE; MIXING HSM WITH HAZARDOUS WASTES	01/20/2010	Letter	Yes	Summary	PDF
	5. REGULATORY STATUS OF MIXING HSM WITH HAZARDOUS WASTES- RESPONSE TO VEOLIA	03/30/2010	Letter	Yes	Summary	PDF
	6. DSW COMPILATION: The Contained Standard	06/01/2010	Guidance	Yes	N/A	PDF
	7. DSW COMPILATION: The Legitimate Recycling Standard	06/01/2010	Guidance	Yes	N/A	PDF
	8. DSW COMPILATION: The Reasonable Efforts Condition	06/01/2010	Guidance	Yes	N/A	PDF
	9. COMBINING EXCLUDED HAZARDOUS SECONDARY MATERIALS WITH OTHER SIMILAR HAZARDOUS WASTES PRIOR TO RECLAMATION	02/11/2011	Q&A	Yes	Summary	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

US EPA ARCHIVE DOCUMENT

26. Used oil filters

Return to: Topic View | CFR View (CFR text) | Main Index

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Resources applicable to all subtopics	1. 56 FR 48000 - Hazardous Waste Management System; General; Identification and Listing of Hazardous Waste; Used Oil (Supplemental Notice of Proposed Rulemaking) [pp.48024-48025, 48048]	9/23/1991	Federal Register	Yes	N/A	PDF
	2. 57 FR 21524 - Hazardous Waste Management System; General; Identification and Listing of Hazardous Waste; Used Oil (Final) [pp. 21531-21532]	5/20/1992	Federal Register	Yes	N/A	PDF
	3. USED OIL FILTERS CLASSIFICATION	8/17/1990	Memo	Yes	Summary	PDF
	4. TC RULE DELAY OF IMPOSITION ON OIL FILTERS	4/16/1991	Memo	Yes	Summary	PDF
	5. REGULATORY STATUS OF USED OIL FILTERS	10/23/1992	Memo	Yes	Summary	PDF
	6. USED OIL FILTERS	6/13/1993	Memo	Yes	Summary	PDF
	7. APPLICABILITY OF EXCLUSION FROM THE DEFINITION OF SOLID WASTE FOR PROCESSED SCRAP METAL TO USED OIL FILTERS	6/2/1998	Memo	Yes	Summary	PDF

Return to: Topic View | CFR View (CFR text) | Main Index

CFR View Index

Return to: Main Index

NOTE: The CFR links in the below index are internal to this document.

CFR Location	Title/Topic	Additional Selected Topics
261.4	Exclusions	
261.4(a)	Materials which are not solid wastes.	
261.4(a)(1)	Domestic sewage (POTW exclusion)	
261.4(a)(2)	Industrial wastewater point source discharges	
261.4(a)(3)	Irrigation return flows	
261.4(a)(4)	Source, special nuclear or by-product material as defined by the Atomic Energy Act	Nuclear By-Product/AEA
261.4(a)(5)	Materials subjected to in-situ mining techniques	
261.4(a)(6)	Pulping liquors	
261.4(a)(7)	Spent sulfuric acid	
261.4(a)(8)	Reclaimed secondary materials	
261.4(a)(9)	Wood preserving wastes and drip pads	
261.4(a)(10)	Coke by-products wastes	
261.4(a)(11)	Nonwastewater splash condenser dross residue from the treatment of K061	
261.4(a)(12)	Petroleum refinery wastes	
261.4(a)(13)	Scrap metal	Electronic Waste
261.4(a)(14)	Shredded circuit boards being recycled	Recycling; Electronic Waste
261.4(a)(15)	Condensates from kraft mill steam strippers	
261.4(a)(16)	Comparable fuels or comparable syngas fuels	
261.4(a)(17)	Spent materials from the primary mineral processing industry for recovery or benefication	Mineral Processing Recovery
261.4(a)(18)	Petrochemical recovered oil	
261.4(a)(19)	Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid	
261.4(a)(20)	Hazardous secondary materials used to make zinc fertilizers	

US EPA ARCHIVE DOCUMENT

CFR Location	Title/Topic	Additional Selected Topics
261.4(a)(21)	Zinc fertilizers made from hazardous wastes or hazardous secondary materials	Cadmium; Lead; Mercury
261.4(a)(22)	Used cathode ray tubes (CRTs)	
261.4(a)(23) and 261.2(a)(2)(ii)	Hazardous secondary materials generated and reclaimed under the control of the generator	
261.4(a)(24)	Hazardous secondary materials transferred offsite for reclamation	
261.4(a)(25)	Hazardous secondary materials exported for reclamation	
261.4(b)	Solid wastes which are not hazardous wastes.	
261.4(b)(13)	Used oil filters	
Return to: Top of CFR Index | Main Index		

US EPA ARCHIVE DOCUMENT

CFR View

Return to: Main Index

NOTE: The CFR language outline has been formatted

§261.4: Exclusions.

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(a) *Materials which are not solid wastes.* The following materials are not solid wastes for the purpose of this part:

Domestic sewage (POTW exclusion)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(1) (i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

Industrial wastewater point source discharges

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(2) Industrial wastewater discharges that are point source discharges subject to regulation under section 402 of the Clean Water Act, as amended.

[*Comment:* This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.]

Irrigation return flows

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(3) Irrigation return flows.

US EPA ARCHIVE DOCUMENT

Source, special nuclear or by-product material as defined by the Atomic Energy Act

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 *et seq.*

Materials subjected to in-situ mining techniques

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process.

Pulping liquors

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(6) Pulping liquors (*i.e.*, black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless it is accumulated speculatively as defined in §261.1(c) of this chapter.

Spent sulfuric acid

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively as defined in §261.1(c) of this chapter.

Reclaimed secondary materials

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

> (i) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
>
> (ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
>
> (iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

US EPA ARCHIVE DOCUMENT

Reclaimed secondary materials (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

Wood preserving wastes and drip pads

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(9) (i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and

(ii) Wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(iii) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in paragraphs (a)(9)(i) and (a)(9)(ii) of this section, so long as they meet all of the following conditions:

(A) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;

(B) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;

(C) Any unit used to manage wastewaters and/or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

(D) Any drip pad used to manage the wastewaters and/or spent wood preserving solutions prior to reuse complies with the standards in part 265, subpart W of this chapter, regardless of whether the plant generates a total of less than 100 kg/month of hazardous waste; and

(E) Prior to operating pursuant to this exclusion, the plant owner or operator prepares a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records until closure of the facility. The exclusion applies so long as the plant meets all of the conditions. If the plant goes out of compliance

US EPA ARCHIVE DOCUMENT

Wood preserving wastes and drip pads (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

with any condition, it may apply to the appropriate Regional Administrator or state Director for reinstatement. The Regional Administrator or state Director may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that the violations are not likely to recur.

Coke by-products wastes

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(10) EPA Hazardous Waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the Toxicity Characteristic (TC) specified in section 261.24 of this part when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

Nonwastewater splash condenser dross residue from the treatment of K061

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(11) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

Petroleum refinery wastes

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(12) (i) Oil-bearing hazardous secondary materials (i.e., sludges, byproducts, or spent materials) that are generated at a petroleum refinery (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911—including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this paragraph, provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated, or sent directly to another petroleum refinery, and still be excluded under this provision. Except as provided in paragraph (a)(12)(ii) of this section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum

US EPA ARCHIVE DOCUMENT

Petroleum refinery wastes (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

industry (i.e., from sources other than petroleum refineries) are not excluded under this section. Residuals generated from processing or recycling materials excluded under this paragraph (a)(12)(i), where such materials as generated would have otherwise met a listing under subpart D of this part, are designated as F037 listed wastes when disposed of or intended for disposal.

(ii) Recovered oil that is recycled in the same manner and with the same conditions as described in paragraph (a)(12)(i) of this section. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5171, and 5172.) Recovered oil does not include oil-bearing hazardous wastes listed in subpart D of this part; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil as defined in 40 CFR 279.1.

Scrap metal

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

Shredded circuit boards being recycled

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(14) Shredded circuit boards being recycled provided that they are:

(i) Stored in containers sufficient to prevent a release to the environment prior to recovery; and

(ii) Free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

Condensates from kraft mill steam strippers

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

US EPA ARCHIVE DOCUMENT

Comparable fuels or comparable syngas fuels

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(16) Comparable fuels or comparable syngas fuels (i.e., comparable/syngas fuels) that meet the requirements of §261.38.

Spent materials from the primary mineral processing industry for recovery or benefication

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(17) Spent materials (as defined in §261.1) (other than hazardous wastes listed in subpart D of this part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that:

(i) The spent material is legitimately recycled to recover minerals, acids, cyanide, water or other values;

(ii) The spent material is not accumulated speculatively;

(iii) Except as provided in paragraph (a)(17)(iv) of this section, the spent material is stored in tanks, containers, or buildings meeting the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except smelter buildings may have partially earthen floors provided the secondary material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 40 CFR 260.10), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If tanks or containers contain any particulate which may be subject to wind dispersal, the owner/operator must operate these units in a manner which controls fugitive dust. Tanks, containers, and buildings must be designed, constructed and operated to prevent significant releases to the environment of these materials.

(iv) The Regional Administrator or State Director may make a site-specific determination, after public review and comment, that only solid mineral processing spent material may be placed on pads rather than tanks containers, or buildings. Solid mineral processing spent materials do not contain any free liquid. The decision-maker must affirm that pads are designed, constructed and operated to prevent significant releases of the secondary material into the environment. Pads must provide the same degree of containment afforded by the non-§tanks, containers and buildings eligible for exclusion.

US EPA ARCHIVE DOCUMENT

Spent materials from the primary mineral processing industry for recovery or benefication (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(A) The decision-maker must also consider if storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, air exposure pathways are: The volume and physical and chemical properties of the secondary material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway, and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

(B) Pads must meet the following minimum standards: Be designed of non-earthen material that is compatible with the chemical nature of the mineral processing spent material, capable of withstanding physical stresses associated with placement and removal, have run on/runoff controls, be operated in a manner which controls fugitive dust, and have integrity assurance through inspections and maintenance programs.

(C) Before making a determination under this paragraph, the Regional Administrator or State Director must provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

(v) The owner or operator provides notice to the Regional Administrator or State Director providing the following information: The types of materials to be recycled; the type and location of the storage units and recycling processes; and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

(vi) For purposes of paragraph (a)(7) of this section, mineral processing spent materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

US EPA ARCHIVE DOCUMENT

Petrochemical recovered oil

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided:

(i) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in §261.21) and/or toxicity for benzene (§261.24, waste code D018); and

(ii) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility where the primary SIC code is 2869, but where operations may also include SIC codes 2821, 2822, and 2865; and is physically co-located with a petroleum refinery; and where the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, byproducts, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(19) Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in §261.1(c).

Hazardous secondary materials used to make zinc fertilizers

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(20) Hazardous secondary materials used to make zinc fertilizers, provided that the following conditions specified are satisfied:

(i) Hazardous secondary materials used to make zinc micronutrient fertilizers must not be accumulated speculatively, as defined in §261.1 (c)(8).

(ii) Generators and intermediate handlers of zinc-bearing hazardous secondary materials that are to be incorporated into zinc fertilizers must:

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials used to make zinc fertilizers (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(A) Submit a one-time notice to the Regional Administrator or State Director in whose jurisdiction the exclusion is being claimed, which contains the name, address and EPA ID number of the generator or intermediate handler facility, provides a brief description of the secondary material that will be subject to the exclusion, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this paragraph (a)(20).

(B) Store the excluded secondary material in tanks, containers, or buildings that are constructed and maintained in a way that prevents releases of the secondary materials into the environment. At a minimum, any building used for this purpose must be an engineered structure made of non-earthen materials that provide structural support, and must have a floor, walls and a roof that prevent wind dispersal and contact with rainwater. Tanks used for this purpose must be structurally sound and, if outdoors, must have roofs or covers that prevent contact with wind and rain. Containers used for this purpose must be kept closed except when it is necessary to add or remove material, and must be in sound condition. Containers that are stored outdoors must be managed within storage areas that:

(*1*) Have containment structures or systems sufficiently impervious to contain leaks, spills and accumulated precipitation; and

(*2*) Provide for effective drainage and removal of leaks, spills and accumulated precipitation; and

(*3*) Prevent run-on into the containment system.

(C) With each off-site shipment of excluded hazardous secondary materials, provide written notice to the receiving facility that the material is subject to the conditions of this paragraph (a)(20).

(D) Maintain at the generator's or intermediate handlers's facility for no less than three years records of all shipments of excluded hazardous secondary materials. For each shipment these records must at a minimum contain the following information:

(*1*) Name of the transporter and date of the shipment;

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials used to make zinc fertilizers (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(*2*) Name and address of the facility that received the excluded material, and documentation confirming receipt of the shipment; and

(*3*) Type and quantity of excluded secondary material in each shipment.

(iii) Manufacturers of zinc fertilizers or zinc fertilizer ingredients made from excluded hazardous secondary materials must:

(A) Store excluded hazardous secondary materials in accordance with the storage requirements for generators and intermediate handlers, as specified in paragraph (a)(20)(ii)(B) of this section.

(B) Submit a one-time notification to the Regional Administrator or State Director that, at a minimum, specifies the name, address and EPA ID number of the manufacturing facility, and identifies when the manufacturer intends to begin managing excluded, zinc-bearing hazardous secondary materials under the conditions specified in this paragraph (a)(20).

(C) Maintain for a minimum of three years records of all shipments of excluded hazardous secondary materials received by the manufacturer, which must at a minimum identify for each shipment the name and address of the generating facility, name of transporter and date the materials were received, the quantity received, and a brief description of the industrial process that generated the material.

(D) Submit to the Regional Administrator or State Director an annual report that identifies the total quantities of all excluded hazardous secondary materials that were used to manufacture zinc fertilizers or zinc fertilizer ingredients in the previous year, the name and address of each generating facility, and the industrial process(s) from which they were generated.

(iv) Nothing in this section preempts, overrides or otherwise negates the provision in §262.11 of this chapter, which requires any person who generates a solid waste to determine if that waste is a hazardous waste.

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials used to make zinc fertilizers (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(v) Interim status and permitted storage units that have been used to store only zinc-bearing hazardous wastes prior to the submission of the one-time notice described in paragraph (a)(20)(ii)(A) of this section, and that afterward will be used only to store hazardous secondary materials excluded under this paragraph, are not subject to the closure requirements of 40 CFR Parts 264 and 265.

Zinc fertilizers made from hazardous wastes or hazardous secondary materials

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(21) Zinc fertilizers made from hazardous wastes, or hazardous secondary materials that are excluded under paragraph (a)(20) of this section, provided that:

(i) The fertilizers meet the following contaminant limits:

(A) For metal contaminants:

Constituent	Maximum Allowable Total Concentration in Fertilizer, per Unit (1%) of Zinc (ppm)
Arsenic	0.3
Cadmium	1.4
Chromium	0.6
Lead	2.8
Mercury	0.3

(B) For dioxin contaminants the fertilizer must contain no more than eight (8) parts per trillion of dioxin, measured as toxic equivalent (TEQ).

(ii) The manufacturer performs sampling and analysis of the fertilizer product to determine compliance with the contaminant limits for metals no less than every six months, and for dioxins no less than every twelve months. Testing must also be performed whenever changes occur to manufacturing processes or ingredients that could significantly affect the amounts of contaminants in the fertilizer product. The manufacturer may use any reliable analytical method to demonstrate that no constituent of concern is present in the product at concentrations above the applicable limits. It is the responsibility of the manufacturer to ensure that the

US EPA ARCHIVE DOCUMENT

Zinc fertilizers made from hazardous wastes or hazardous secondary materials (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

sampling and analysis are unbiased, precise, and representative of the product(s) introduced into commerce.

(iii) The manufacturer maintains for no less than three years records of all sampling and analyses performed for purposes of determining compliance with the requirements of paragraph (a)(21)(ii) of this section. Such records must at a minimum include:

(A) The dates and times product samples were taken, and the dates the samples were analyzed;

(B) The names and qualifications of the person(s) taking the samples;

(C) A description of the methods and equipment used to take the samples;

(D) The name and address of the laboratory facility at which analyses of the samples were performed;

(E) A description of the analytical methods used, including any cleanup and sample preparation methods; and

(F) All laboratory analytical results used to determine compliance with the contaminant limits specified in this paragraph (a)(21).

Used cathode ray tubes (CRTs)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(22) Used cathode ray tubes (CRTs)

(i) Used, intact CRTs as defined in §260.10 of this chapter are not solid wastes within the United States unless they are disposed, or unless they are speculatively accumulated as defined in §261.1(c)(8) by CRT collectors or glass processors.

(ii) Used, intact CRTs as defined in §260.10 of this chapter are not solid wastes when exported for recycling provided that they meet the requirements of §261.40.

(iii) Used, broken CRTs as defined in §260.10 of this chapter are not solid wastes provided that they meet the requirements of §261.39.

(iv) Glass removed from CRTs is not a solid waste provided that it meets the requirements of §261.39(c).

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials generated and reclaimed under the control of the generator

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

261.2(a)(2)(ii)) A hazardous secondary material is not discarded if it is generated and reclaimed under the control of the generator as defined in §260.10, it is not speculatively accumulated as defined in §261.1(c)(8), it is handled only in non-land-based units and is contained in such units, it is generated and reclaimed within the United States and its territories, it is not otherwise subject to material-specific management conditions under §261.4(a) when reclaimed, it is not a spent lead acid battery (see §266.80 and §273.2), it does not meet the listing description for K171 or K172 in §261.32, and the reclamation of the material is legitimate, as specified under §260.43. (See also the notification requirements of §260.42). (For hazardous secondary materials managed in land-based units, see §261.4(a)(23)).

261.4(a)(23) Hazardous secondary material generated and reclaimed within the United States or its territories and managed in land-based units as defined in §260.10 of this chapter is not a solid waste provided that:

(i) The material is contained;

(ii) The material is a hazardous secondary material generated and reclaimed under the control of the generator, as defined in §260.10;

(iii) The material is not speculatively accumulated, as defined in §261.1(c)(8);

(iv) The material is not otherwise subject to material-specific management conditions under paragraph (a) of this section when reclaimed, it is not a spent lead acid battery (see §266.80 and §273.2 of this chapter), and it does not meet the listing description for K171 or K172 in §261.32;

(v) The reclamation of the material is legitimate, as specified under §260.43 of this chapter; and

(vi) In addition, persons claiming the exclusion under this paragraph (a)(23) must provide notification as required by §260.42 of this chapter. (For hazardous secondary material managed in a non-land-based unit, see §261.2(a)(2)(ii)).

Hazardous secondary materials transferred offsite for reclamation

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(24) Hazardous secondary material that is generated and then transferred to another person for the purpose of reclamation is not a solid waste, provided that:

(i) The material is not speculatively accumulated, as defined in §261.1(c)(8);

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials transferred offsite for reclamation (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(ii) The material is not handled by any person or facility other than the hazardous secondary material generator, the transporter, an intermediate facility or a reclaimer, and, while in transport, is not stored for more than 10 days at a transfer facility, as defined in §260.10 of this chapter, and is packaged according to applicable Department of Transportation regulations at 49 CFR Parts 173, 178, and 179 while in transport;

(iii) The material is not otherwise subject to material-specific management conditions under paragraph (a) of this section when reclaimed, it is not a spent lead-acid battery (see §266.80 and §273.2 of this chapter), and it does not meet the listing description for K171 or K172 in §261.32;

(iv) The reclamation of the material is legitimate, as specified under §260.43 of this chapter;

(v) The hazardous secondary material generator satisfies all of the following conditions:

(A) The material must be contained.

(B) Prior to arranging for transport of hazardous secondary materials to a reclamation facility (or facilities) where the management of the hazardous secondary materials is not addressed under a RCRA Part B permit or interim status standards, the hazardous secondary material generator must make reasonable efforts to ensure that each reclaimer intends to properly and legitimately reclaim the hazardous secondary material and not discard it, and that each reclaimer will manage the hazardous secondary material in a manner that is protective of human health and the environment. If the hazardous secondary material will be passing through an intermediate facility where the management of the hazardous secondary materials is not addressed under a RCRA Part B permit or interim status standards, the hazardous secondary material generator must make contractual arrangements with the intermediate facility to ensure that the hazardous secondary material is sent to the reclamation facility identified by the hazardous secondary material generator, and the hazardous secondary material generator must perform reasonable efforts to ensure that the intermediate facility will manage the hazardous secondary material in a manner that is protective of human health and the environment. Reasonable efforts must be repeated at a minimum of every three years for the hazardous secondary material generator to claim the exclusion and to send the hazardous secondary materials to each reclaimer and any intermediate facility. In making these reasonable efforts, the generator may use any credible evidence available, including information gathered

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials transferred offsite for reclamation (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

by the hazardous secondary material generator, provided by the reclaimer or intermediate facility, and/or provided by a third party. The hazardous secondary material generator must affirmatively answer all of the following questions for each reclamation facility and any intermediate facility:

(*1*) Does the available information indicate that the reclamation process is legitimate pursuant to §260.43 of this chapter? In answering this question, the hazardous secondary material generator can rely on their existing knowledge of the physical and chemical properties of the hazardous secondary material, as well as information from other sources (e.g., the reclamation facility, audit reports, etc.) about the reclamation process. (By responding to this question, the hazardous secondary material generator has also satisfied its requirement in §260.43(a) of this chapter to be able to demonstrate that the recycling is legitimate).

(*2*) Does the publicly available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator notified the appropriate authorities of hazardous secondary materials reclamation activities pursuant to §260.42 of this chapter and have they notified the appropriate authorities that the financial assurance condition is satisfied per paragraph (a)(24)(vi)(F) of this section? In answering these questions, the hazardous secondary material generator can rely on the available information documenting the reclamation facility's and any intermediate facility's compliance with the notification requirements per §260.42 of this chapter, including the requirement in §260.42(a)(5) to notify EPA whether the reclaimer or intermediate facility has financial assurance.

(*3*) Does publicly available information indicate that the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has not had any formal enforcement actions taken against the facility in the previous three years for violations of the RCRA hazardous waste regulations and has not been classified as a significant non-complier with RCRA Subtitle C? In answering this question, the hazardous secondary material generator can rely on the publicly available information from EPA or the state. If the reclamation facility or any intermediate facility that is used by the hazardous secondary material generator has had a formal enforcement action taken against the facility in the previous three years for

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials transferred offsite for reclamation (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

violations of the RCRA hazardous waste regulations and has been classified as a significant non-complier with RCRA Subtitle C, does the hazardous secondary material generator have credible evidence that the facilities will manage the hazardous secondary materials properly? In answering this question, the hazardous secondary material generator can obtain additional information from EPA, the state, or the facility itself that the facility has addressed the violations, taken remedial steps to address the violations and prevent future violations, or that the violations are not relevant to the proper management of the hazardous secondary materials.

(*4*) Does the available information indicate that the reclamation facility and any intermediate facility that is used by the hazardous secondary material generator have the equipment and trained personnel to safely recycle the hazardous secondary material? In answering this question, the generator may rely on a description by the reclamation facility or by an independent third party of the equipment and trained personnel to be used to recycle the generator's hazardous secondary material.

(*5*) If residuals are generated from the reclamation of the excluded hazardous secondary materials, does the reclamation facility have the permits required (if any) to manage the residuals? If not, does the reclamation facility have a contract with an appropriately permitted facility to dispose of the residuals? If not, does the hazardous secondary material generator have credible evidence that the residuals will be managed in a manner that is protective of human health and the environment? In answering these questions, the hazardous secondary material generator can rely on publicly available information from EPA or the state, or information provided by the facility itself.

(C) The hazardous secondary material generator must maintain for a minimum of three years documentation and certification that reasonable efforts were made for each reclamation facility and, if applicable, intermediate facility where the management of the hazardous secondary materials is not addressed under a RCRA Part B permit or interim status standards prior to transferring hazardous secondary material. Documentation and certification must be made available upon request by a regulatory authority within 72 hours, or within a longer period of time as specified by the regulatory authority. The certification statement must:

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials transferred offsite for reclamation (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(*1*) Include the printed name and official title of an authorized representative of the hazardous secondary material generator company, the authorized representative's signature, and the date signed;

(*2*) Incorporate the following language: "I hereby certify in good faith and to the best of my knowledge that, prior to arranging for transport of excluded hazardous secondary materials to [insert name(s) of reclamation facility and any intermediate facility], reasonable efforts were made in accordance with §261.4(a)(24)(v)(B) to ensure that the hazardous secondary materials would be recycled legitimately, and otherwise managed in a manner that is protective of human health and the environment, and that such efforts were based on current and accurate information."

(D) The hazardous secondary material generator must maintain at the generating facility for no less than three (3) years records of all off-site shipments of hazardous secondary materials. For each shipment, these records must, at a minimum, contain the following information:

(*1*) Name of the transporter and date of the shipment;

(*2*) Name and address of each reclaimer and, if applicable, the name and address of each intermediate facility to which the hazardous secondary material was sent;

(*3*) The type and quantity of hazardous secondary material in the shipment.

(E) The hazardous secondary material generator must maintain at the generating facility for no less than three (3) years confirmations of receipt from each reclaimer and, if applicable, each intermediate facility for all off-site shipments of hazardous secondary materials. Confirmations of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received and the date which the hazardous secondary materials were received. This requirement may be satisfied by routine business records (e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt); and

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials transferred offsite for reclamation (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(vi) Reclaimers of hazardous secondary material excluded from regulation under this exclusion and intermediate facilities as defined in §260.10 of this chapter satisfy all of the following conditions:

(A) The reclaimer and intermediate facility must maintain at its facility for no less than three (3) years records of all shipments of hazardous secondary material that were received at the facility and, if applicable, for all shipments of hazardous secondary materials that were received and subsequently sent off-site from the facility for further reclamation. For each shipment, these records must at a minimum contain the following information:

(*1*) Name of the transporter and date of the shipment;

(*2*) Name and address of the hazardous secondary material generator and, if applicable, the name and address of the reclaimer or intermediate facility which the hazardous secondary materials were received from;

(*3*) The type and quantity of hazardous secondary material in the shipment; and

(*4*) For hazardous secondary materials that, after being received by the reclaimer or intermediate facility, were subsequently transferred off-site for further reclamation, the name and address of the (subsequent) reclaimer and, if applicable, the name and address of each intermediate facility to which the hazardous secondary material was sent.

(B) The intermediate facility must send the hazardous secondary material to the reclaimer(s) designated by the hazardous secondary materials generator.

(C) The reclaimer and intermediate facility must send to the hazardous secondary material generator confirmations of receipt for all off-site shipments of hazardous secondary materials. Confirmations of receipt must include the name and address of the reclaimer (or intermediate facility), the type and quantity of the hazardous secondary materials received and the date which the hazardous secondary materials were received. This requirement may be satisfied by routine business records (e.g., financial records, bills of lading, copies of DOT shipping papers, or electronic confirmations of receipt).

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials transferred offsite for reclamation (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(D) The reclaimer and intermediate facility must manage the hazardous secondary material in a manner that is at least as protective as that employed for analogous raw material and must be contained. An "analogous raw material" is a raw material for which a hazardous secondary material is a substitute and serves the same function and has similar physical and chemical properties as the hazardous secondary material.

(E) Any residuals that are generated from reclamation processes will be managed in a manner that is protective of human health and the environment. If any residuals exhibit a hazardous characteristic according to subpart C of 40 CFR part 261, or if they themselves are specifically listed in subpart D of 40 CFR part 261, such residuals are hazardous wastes and must be managed in accordance with the applicable requirements of 40 CFR parts 260 through 272. (F) The reclaimer and intermediate facility has financial assurance as required under subpart H of 40 CFR part 261.

(vii) In addition, all persons claiming the exclusion under this paragraph (a)(24) of this section must provide notification as required under §260.42 of this chapter.

Hazardous secondary materials exported for reclamation

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(25) Hazardous secondary material that is exported from the United States and reclaimed at a reclamation facility located in a foreign country is not a solid waste, provided that the hazardous secondary material generator complies with the applicable requirements of paragraph (a)(24)(i)–(v) of this section (excepting paragraph (a)(v)(B)(*2*) of this section for foreign reclaimers and foreign intermediate facilities), and that the hazardous secondary material generator also complies with the following requirements:

(i) Notify EPA of an intended export before the hazardous secondary material is scheduled to leave the United States. A complete notification must be submitted at least sixty (60) days before the initial shipment is intended to be shipped off-site. This notification may cover export activities extending over a twelve (12) month or lesser period. The notification must be in writing, signed by the hazardous secondary material generator, and include the following information:

(A) Name, mailing address, telephone number and EPA ID number (if applicable) of the hazardous secondary material generator;

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials exported for reclamation (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(B) A description of the hazardous secondary material and the EPA hazardous waste number that would apply if the hazardous secondary material was managed as hazardous waste and the U.S. DOT proper shipping name, hazard class and ID number (UN/NA) for each hazardous secondary material as identified in 49 CFR parts 171 through 177;

(C) The estimated frequency or rate at which the hazardous secondary material is to be exported and the period of time over which the hazardous secondary material is to be exported;

(D) The estimated total quantity of hazardous secondary material;

(E) All points of entry to and departure from each foreign country through which the hazardous secondary material will pass;

(F) A description of the means by which each shipment of the hazardous secondary material will be transported (e.g., mode of transportation vehicle (air, highway, rail, water, etc.), type(s) of container (drums, boxes, tanks, etc.));

(G) A description of the manner in which the hazardous secondary material will be reclaimed in the receiving country;

(H) The name and address of the reclaimer, any intermediate facility and any alternate reclaimer and intermediate facilities; and

(I) The name of any transit countries through which the hazardous secondary material will be sent and a description of the approximate length of time it will remain in such countries and the nature of its handling while there (for purposes of this section, the terms "Acknowledgement of Consent", "receiving country" and "transit country" are used as defined in 40 CFR 262.51 with the exception that the terms in this section refer to hazardous secondary materials, rather than hazardous waste):

(ii) Notifications submitted by mail should be sent to the following mailing address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered notifications should be delivered to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency,

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials exported for reclamation (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW., Washington, DC 20004. In both cases, the following shall be prominently displayed on the front of the envelope: "Attention: Notification of Intent to Export."

(iii) Except for changes to the telephone number in paragraph (a)(25)(i)(A) of this section and decreases in the quantity of hazardous secondary material indicated pursuant to paragraph (a)(25)(i)(D) of this section, when the conditions specified on the original notification change (including any exceedance of the estimate of the quantity of hazardous secondary material specified in the original notification), the hazardous secondary material generator must provide EPA with a written renotification of the change. The shipment cannot take place until consent of the receiving country to the changes (except for changes to paragraph (a)(25)(i)(I) of this section and in the ports of entry to and departure from transit countries pursuant to paragraphs (a)(25)(i)(E) of this section) has been obtained and the hazardous secondary material generator receives from EPA an Acknowledgment of Consent reflecting the receiving country's consent to the changes.

(iv) Upon request by EPA, the hazardous secondary material generator shall furnish to EPA any additional information which a receiving country requests in order to respond to a notification.

(v) EPA will provide a complete notification to the receiving country and any transit countries. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of paragraph (a)(25)(i) of this section. Where a claim of confidentiality is asserted with respect to any notification information required by paragraph (a)(25)(i) of this section, EPA may find the notification not complete until any such claim is resolved in accordance with 40 CFR 260.2.

(vi) The export of hazardous secondary material under this paragraph (a)(25) is prohibited unless the receiving country consents to the intended export. When the receiving country consents in writing to the receipt of the hazardous secondary material, EPA will send an Acknowledgment of Consent to the hazardous secondary material generator. Where the receiving country objects to receipt of the hazardous secondary material or withdraws a prior consent, EPA will notify the hazardous secondary material generator in writing. EPA will also notify the hazardous secondary material generator of any responses from transit countries.

(vii) For exports to OECD Member countries, the receiving country may respond to the notification using tacit consent. If no objection has been lodged by any receiving country or transit countries to a notification provided pursuant to paragraph (a)(25)(i) of this section within thirty (30) days after the date of

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials exported for reclamation (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

issuance of the acknowledgement of receipt of notification by the competent authority of the receiving country, the transboundary movement may commence. In such cases, EPA will send an Acknowledgment of Consent to inform the hazardous secondary material generator that the receiving country and any relevant transit countries have not objected to the shipment, and are thus presumed to have consented tacitly. Tacit consent expires one (1) calendar year after the close of the thirty (30) day period; renotification and renewal of all consents is required for exports after that date.

(viii) A copy of the Acknowledgment of Consent must accompany the shipment. The shipment must conform to the terms of the Acknowledgment of Consent.

(ix) If a shipment cannot be delivered for any reason to the reclaimer, intermediate facility or the alternate reclaimer or alternate intermediate facility, the hazardous secondary material generator must re-notify EPA of a change in the conditions of the original notification to allow shipment to a new reclaimer in accordance with paragraph (iii) of this section and obtain another Acknowledgment of Consent.

(x) Hazardous secondary material generators must keep a copy of each notification of intent to export and each Acknowledgment of Consent for a period of three years following receipt of the Acknowledgment of Consent.

(xi) Hazardous secondary material generators must file with the Administrator no later than March 1 of each year, a report summarizing the types, quantities, frequency and ultimate destination of all hazardous secondary materials exported during the previous calendar year. Annual reports submitted by mail should be sent to the following address: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division (Mail Code 2254A), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Hand-delivered reports should be delivered to: Office of Enforcement and Compliance Assurance, Office of Federal Activities, International Compliance Assurance Division, Environmental Protection Agency, Ariel Rios Bldg., Room 6144, 12th St. and Pennsylvania Ave., NW., Washington, DC 20004. Such reports must include the following information:

(A) Name, mailing and site address, and EPA ID number (if applicable) of the hazardous secondary material generator;

(B) The calendar year covered by the report;

(C) The name and site address of each reclaimer and intermediate facility;

US EPA ARCHIVE DOCUMENT

Hazardous secondary materials exported for reclamation (cont.)

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(D) By reclaimer and intermediate facility, for each hazardous secondary material exported, a description of the hazardous secondary material and the EPA hazardous waste number that would apply if the hazardous secondary material was managed as hazardous waste, DOT hazard class, the name and U.S. EPA ID number (where applicable) for each transporter used, the total amount of hazardous secondary material shipped and the number of shipments pursuant to each notification;

(E) A certification signed by the hazardous secondary material generator which states: "I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

(xii) All persons claiming an exclusion under this paragraph (a)(25) must provide notification as required by §260.42 of this chapter.

US EPA ARCHIVE DOCUMENT

(b) *Solid wastes which are not hazardous wastes.* The following solid wastes are not hazardous wastes:

[****Preceding text omitted****]

Used oil filters

View Resources | **Go to** *e-CFR* | **Return to:** CFR Index | Topic View | Main Index

(13) Non-terne plated used oil filters that are not mixed with wastes listed in subpart D of this part if these oil filters have been gravity hot-drained using one of the following methods:

(i) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;

(ii) Hot-draining and crushing;

(iii) Dismantling and hot-draining; or

(iv) Any other equivalent hot-draining method that will remove used oil.

[****Remaining text omitted****]

*****End of Exclusions CFR Excerpts *****

CFR Index | **Go to** *e-CFR* | View Resources | Topic View | Main Index

US EPA ARCHIVE DOCUMENT

Glossary of Acronyms

Return to: Main Index

Acronym	Meaning
CFR	Code of Federal Regulations
CRT	Cathode Ray Tube
DOE	Department of Energy
e-CFR	electronic Code of Federal Regulations
EPA	Environmental Protection Agency
FR	Federal Register
NORM	Naturally Occurring Radioactive Materials
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
TC	Toxicity Characteristic
WWTU	Wastewater Treatment Unit

US EPA ARCHIVE DOCUMENT