

US EPA ARCHIVE DOCUMENT



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Definition of Solid Waste Compendium



Volume K: Commercial Chemical Products

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



Navigation Tips

To improve document navigation:

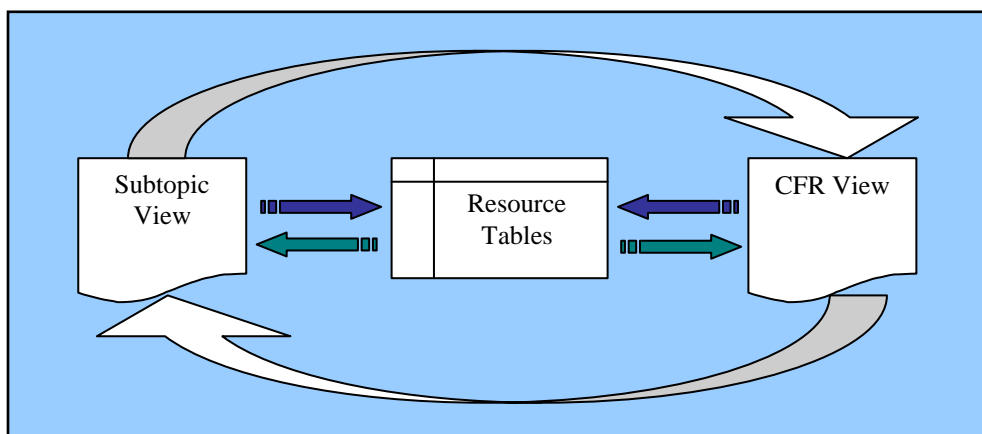
Using Microsoft Word

1. Use the  (back) and  (forward) buttons to navigate between document locations accessed via hyperlinks. These buttons can be accessed from the Navigation toolbar (View > Toolbars > Navigation). Alternatively, use ALT + Left (back) and ALT + Right (forward).
2. Use the Document Map. To show the Document Map, go to View > Document Map.

Using Adobe Reader (PDF)

1. Use the  (back) and  (forward) buttons to navigate between document locations accessed via hyperlinks. These buttons are found on the Navigation bar at the bottom of the document window.
2. Use the Bookmarks listed in the Bookmarks tab (located on the left-hand side of the document window).

Document Layout (arrows represent hyperlinks):



Proceed to: [Main Index](#)

Main Index

Volume K: Commercial Chemical Products

Navigation Tips.....	i
Main Index	ii
Introduction.....	iii
Subtopic View.....	1
Resources by Subtopic	2
CFR View Index	5
Glossary of Acronyms	10

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

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 Regulations 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

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 Commercial Chemical Products Volume

This volume of the Compendium references resources pertaining to the regulation of commercial chemical products under the Definition of Solid Waste regulations, as provided at 40 CFR 261.2(c). The commercial chemical products referenced in the Definition of Solid Waste regulations are those listed at 40 CFR 261.33.

This document is organized into three main sections:

- *Subtopic View* – lists subtopics for resources
- *Resources* – lists resources for each subtopic
- *CFR View* – CFR language we've reformatted for easy reading

The *Subtopic View* section lists the subtopics among the commercial chemical products resources. The *Resources* section is comprised of a table, arranged by subtopic, that provides basic details about and a hyperlink to each resource. The *CFR View* section provides reformatted versions of the relevant CFR language. 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. Please see the "Navigation Tips" section for document navigation guidance.

This reference document does not provide guidance on solid waste or hazardous waste regulations beyond issues concerning commercial chemical products as they relate to 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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Subtopic View

Return to: [CFR View \(CFR text\)](#) | [Main Index](#)

Commercial Chemical Products [§§261.2(c), 261.33]

Resource Index:

- [Resources applicable to all subtopics](#)
- Resources specific to subtopic:
 - [Mixtures](#)
 - [Off-specification CCP](#)
 - [Unlisted CCP](#)
 - [Unused CCP](#)
 - [Other](#)

Resources by Subtopic

Return to: [Subtopic 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 78524 – Hazardous Waste Management System: General Hazardous Waste Management System; Identification and Listing of Hazardous Waste (Final) [All Pages]	11/25/1980	Federal Register	Yes	N/A	PDF
	2. 48 FR 14347 - Amendments to Definition of Solid Waste (Proposed) [pp. 14476,14485]	4/4/1983	Federal Register	Yes	N/A	PDF
	3. 50 FR 614 - Amendments to Definition of Solid Waste (Final) [pp. 618, 629]	1/4/1985	Federal Register	Yes	N/A	PDF
	4. 50 FR 14216 - Amendments to Definition of Solid Waste (Technical Corrections) [p.14219]	4/11/1985	Federal Register	Yes	N/A	PDF
	5. §261.2(c) - Definition of solid waste	N/A	Code of Federal Regulations	Yes	N/A	e-CFR
	6. §261.33 - Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof	N/A	Code of Federal Regulations	Yes	N/A	e-CFR
Return to: Subtopic View CFR View (CFR text) Main Index						
Mixtures	1. COMMERCIAL CHEMICAL PRODUCTS, RECYCLING A MIXTURE OF	4/28/1986	Memo	Yes	Summary	PDF
	2. REGULATORY STATUS OF PETROLEUM-WATER MIXTURES	6/14/1991	Letter	No	Summary	PDF
Return to: Subtopic View CFR View (CFR text) Main Index						
Off-specification CCP	1. REGULATORY STATUS OF CONTAMINATED TORPEDO PROPULSION FUEL DESTINED FOR RECLAMATION	8/9/1985	Letter	Yes	Summary	PDF
	2. OFF-SPECIFICATION JET FUEL BURNED AS KEROSENE FUEL	3/8/1986	Letter	Yes	Summary	PDF
	3. BURNING CHARACTERISTIC OFF-SPECIFICATION PETROLEUM PRODUCTS FOR ENERGY RECOVERY	12/23/1986	Letter	No	Summary	PDF

RCRA Definition of Solid Waste Compendium – Volume K: Commercial Chemical Products

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
	4. OFF-SPECIFICATION JET FUELS, RECYCLING OF UNUSED	7/31/1989	Letter	Yes	Summary	PDF
	5. REGULATORY STATUS OF OFF-SPECIFICATION CIRCUIT PRINTING BOARDS	8/1/1991	Q & A	Yes	Summary	PDF
	6. REGULATORY STATUS OF UNDEPLOYED AUTOMOTIVE AIRBAG INFLATORS	4/23/1992	Letter	Yes	Summary	PDF
	7. CLARIFICATION OF HOW RCRA REGULATIONS APPLY TO OFF-SPECIFICATION FUELS THAT ARE BEING BURNED FOR ENERGY RECOVERY	7/11/1994	Letter	Yes	Summary	PDF
	8. REGULATORY STATUS OF RESIDUAL AVIATION FUELS THAT ARE BURNED FOR ENERGY RECOVERY	2/6/1995	Letter	Yes	Summary	PDF
	9. CLASSIFICATION OF SPILLED TOLUENE AS U220 HAZARDOUS WASTE	1/6/1998	Letter	Yes	Summary	PDF
	10. REGULATORY STATUS OF PETROLEUM PRODUCT CONTAINED IN ABSORBENT PADS	2/19/1999	Letter	Yes	Summary	PDF
Return to: Subtopic View CFR View (CFR text) Main Index						
Unlisted CCP	1. STATUS OF UNLISTED COMMERCIAL CHEMICAL PRODUCTS WHEN RECYCLED	2/23/1993	Letter	Yes	Summary	PDF
	2. DEFINITION OF COMMERCIAL CHEMICAL PRODUCT FOR SOLID WASTE DETERMINATION VS. HAZARDOUS WASTE IDENTIFICATION	8/1/1996	Q & A	Yes	Summary	PDF
	3. RECYCLING OF PETROLEUM VAPORS AND LIQUID CONDENSATE FROM PETROLEUM PRODUCT STORAGE TERMINALS	7/24/2001	Letter	No	Summary	PDF
Return to: Subtopic View CFR View (CFR text) Main Index						
Unused CCP	1. DEFINITION OF SOLID WASTE AND RECLAMATION	8/1/1987	Q & A	Yes	Summary	PDF
	2. EXPORT FROM JAPAN OF PHOSPHORUS OXYCHLORIDE CONTAINING BUBBLERS	9/14/1994	Letter	No	Summary	PDF
	3. BUBBLER CANISTERS CONTAINING PHOSPHOROUS OXYCHLORIDE ARE NOT WASTE WHEN RETURNED TO THE UNITED STATES FROM JAPAN FOR REGENERATION	12/16/1994	Letter	Yes	Summary	PDF

RCRA Definition of Solid Waste Compendium – Volume K: Commercial Chemical Products

Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
	4. RECLAMATION OF FLUORESCENT LAMPS	4/12/1999	Letter	No	Summary	PDF
	5. SAFE DELIVERY SYSTEMS (SDS) GAS CYLINDERS	2/13/2007	Letter	Yes	Summary	PDF
Return to: Subtopic View CFR View (CFR text) Main Index						
Other	1. REGULATORY STATUS OF RECOVERED PETROLEUM PRODUCT	11/25/1992	Letter	No	Summary	PDF
	2. SOLID WASTE DETERMINATION FOR SPILLED COMMERCIAL CHEMICAL PRODUCTS	5/1/1995	Q & A	No	Summary	PDF
	3. REGULATORY STATUS OF CRUDE SULFATE TURPENTINE (CST) UNDER RCRA	8/8/2002	Letter	No	Summary	PDF
	4. CHARACTERIZATION OF USED TOLUENE WHEN SOLD AS A FUEL ADDITIVE OR FOR OTHER FUEL PURPOSES	08/23/2010	Memo	Yes	Summary	PDF
Return to: Subtopic 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
261.2	Definition of solid waste
261.2(c)	Materials are solid wastes if they are recycled —or accumulated, stored, or treated before recycling—as specified in paragraphs (c)(1) through (4) of this section.
261.33	Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.

CFR View

Return to: [Main Index](#)

NOTE: The CFR language outline has been formatted

§261.2: Definition of solid waste.

[View Resources](#) | [Go to e-CFR](#) | [Return to: CFR Index](#) | [Subtopic View](#) | [Main Index](#)

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

(c) Materials are solid wastes if they are recycled—or accumulated, stored, or treated before recycling—as specified in paragraphs (c)(1) through (4) of this section.

(1) *Used in a manner constituting disposal.*

(i) Materials noted with a “*” in Column 1 of Table 1 are solid wastes when they are:

(A) Applied to or placed on the land in a manner that constitutes disposal;
or

(B) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

(ii) However, commercial chemical products listed in §261.33 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(2) *Burning for energy recovery.*

(i) Materials noted with a “*” in column 2 of Table 1 are solid wastes when they are:

(A) Burned to recover energy;

(B) Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste).

(ii) However, commercial chemical products listed in §261.33 are not solid wastes if they are themselves fuels.

(3) *Reclaimed.* Materials noted with a “*” in column 3 of Table 1 are solid wastes when reclaimed (except as provided under §261.4(a)(17)). Materials noted with a “—” in column 3 of Table 1 are not solid wastes when reclaimed.

§261.2: Definition of solid waste (cont.).

[View Resources](#) | [Go to e-CFR](#) | [Return to: CFR Index](#) | [Subtopic View](#) | [Main Index](#)

(4) *Accumulated speculatively.* Materials noted with a “*” in column 4 of Table 1 are solid wastes when accumulated speculatively.

	Use constituting disposal (§261.2(c)(1))	Energy recovery/ fuel (§261.2(c)(2))	Reclamation (§261.2(c)(3)) (except as provided in 261.4(a)(17) for mineral processing secondary materials)	Speculative accumulation (§261.2(c)(4))
Spent Materials	(*)	(*)	(*)	(*)
Sludges (listed in 40 CFR Part 261.31 or 261.32)	(*)	(*)	(*)	(*)
Sludges exhibiting a characteristic of hazardous waste	(*)	(*)	—	(*)
By-products (listed in 40 CFR 261.31 or 261.32)	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic of hazardous waste	(*)	(*)	—	(*)
Commercial chemical products listed in 40 CFR 261.33	(*)	(*)	—	—
Scrap metal other than excluded scrap metal (see 261.1(c)(9))	(*)	(*)	(*)	(*)

Note: The terms “spent materials,” “sludges,” “by-products,” and “scrap metal” and “processed scrap metal” are defined in §261.1.

US EPA ARCHIVE DOCUMENT

§261.33: Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof.

[View Resources](#) | [Go to e-CFR](#) | [Return to: CFR Index](#) | [Subtopic View](#) | [Main Index](#)

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in §261.2(a)(2)(i), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to the land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

- (a) Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section.
- (b) Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) or (f) of this section.
- (c) Any residue remaining in a container or in an inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraphs (e) or (f) of this section, unless the container is empty as defined in §261.7(b) of this chapter.

[*Comment:* Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed; or being accumulated, stored, transported or treated prior to such use, re-use, recycling or reclamation, EPA considers the residue to be intended for discard, and thus, a hazardous waste. An example of a legitimate re-use of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner who reconditions the drum but discards the residue.]

- (d) Any residue or contaminated soil, water or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f) of this section, or any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any off-specification chemical product and manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in paragraph (e) or (f) of this section.

§261.33: Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof (cont.).

[View Resources](#) | [Go to e-CFR](#) | [Return to: CFR Index](#) | [Subtopic View](#) | [Main Index](#)

[*Comment:* The phrase “commercial chemical product or manufacturing chemical intermediate having the generic name listed in . . .” refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in paragraph (e) or (f). Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in paragraph (e) or (f), such waste will be listed in either §261.31 or §261.32 or will be identified as a hazardous waste by the characteristics set forth in subpart C of this part.]

(e) The commercial chemical products, manufacturing chemical intermediates or off-specification commercial chemical products or manufacturing chemical intermediates referred to in paragraphs (a) through (d) of this section, are identified as acute hazardous wastes (H) and are subject to the small quantity exclusion defined in §261.5(e).

[****Comment and list of hazardous wastes omitted (see e-CFR for this information)****]

(f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in paragraphs (a) through (d) of this section, are identified as toxic wastes (T), unless otherwise designated and are subject to the small quantity generator exclusion defined in §261.5 (a) and (g).

[****Comment and list of hazardous wastes omitted (see e-CFR for this information)****]

[View Resources](#) | [Go to e-CFR](#) | [Return to: CFR Index](#) | [Subtopic View](#) | [Main Index](#)

*****End of Commercial Chemical Products CFR Excerpts *****

Glossary of Acronyms

Return to: [Main Index](#)

Acronym	Meaning
CCP	Commercial Chemical Products
CFR	Code of Federal Regulations
CST	Crude Sulfate Turpentine
e-CFR	electronic Code of Federal Regulations
EPA	Environmental Protection Agency
FR	Federal Register
RCRA	Resource Conservation and Recovery Act
SDS	Safe Delivery Systems