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Definition of Solid Waste Compendium

Volume L: Inherently Waste-Like Materials

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.

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2. Use the Bookmarks listed in the Bookmarks tab (located on the left-hand side of the document window).

Proceed to: [Main Index](#)

Main Index

Volume L: Inherently Waste-Like Materials

Navigation Tips.....	i
Main Index	ii
Introduction.....	iii
Resources	1
CFR View	2
Glossary of Acronyms	3

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 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

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 Inherently Waste-Like Materials Volume

This volume of the Compendium references resources pertaining to the “inherently waste-like materials” definition found under 40 CFR 261.2 (Definition of Solid Waste). Specifically, the description of these materials is located at 40 CFR 261.2(d).

This document is organized into two main sections:

- *Resources* – lists resources
- *CFR View* – CFR language we’ve reformatted for easy reading

The *Resources* section is comprised of a table 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 two main sections are cross-referenced, where each section includes hyperlinks to the other section. Please see the “Navigation Tips” section for document navigation guidance.

This reference document does not provide guidance on solid waste or hazardous waste regulations of beyond determining whether materials are classified as inherently

waste-like according to the Definition of Solid Waste regulations. 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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Resources

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

Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
1. 50 FR 614 - Amendments to Definition of Solid Waste (Final) [pp. 637, 640-641]	1/4/1985	Federal Register	Yes	N/A	PDF
2. RECLAIMED METHANOL IS A PRODUCT RATHER THAN A WASTE	10/23/1985	Letter	Yes	Summary	PDF
3. Guidance Manual on the RCRA Regulation of Recycled Hazardous Materials [pp. 30] ¹	3/1/1986	Guidance	Yes	N/A	PDF
4. REGULATION OF SLUDGES WHEN RECLAIMED	6/1/1986	Q&A	No	Summary	PDF
5. REGULATORY STATUS OF HAFS AND THE VCR PROCESS UNIT LOCATED AT BORDEN'S GEISMAR, LA FACILITY	6/2/1993	Letter	No	Summary	PDF
6. §261.2(d) - Definition of solid waste: Inherently waste-like materials	N/A	Code of Federal Regulations	Yes	N/A	e-CFR

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

¹ **Note:** This manual was published in 1986 and thus portions may have been superseded by more recent regulatory changes or policy memorandums. See other resources in this compendium volume for more information regarding specific topics.

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: Main Index](#)

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

(d) *Inherently waste-like materials*. The following materials are solid wastes when they are recycled in any manner:

(1) Hazardous Waste Nos. F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

(2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in subparts C or D of this part, except for brominated material that meets the following criteria:

- (i) The material must contain a bromine concentration of at least 45%; and
- (ii) The material must contain less than a total of 1% of toxic organic compounds listed in appendix VIII; and
- (iii) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).

(3) The Administrator will use the following criteria to add wastes to that list:

- (i) (A) The materials are ordinarily disposed of, burned, or incinerated; or
(B) The materials contain toxic constituents listed in appendix VIII of part 261 and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
- (ii) The material may pose a substantial hazard to human health and the environment when recycled.

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

*****End of Inherently Waste-Like Materials CFR Excerpts *****

Glossary of Acronyms

Return to: [Main Index](#)

Acronym	Meaning
CFR	Code of Federal Regulations
e-CFR	electronic Code of Federal Regulations
EPA	Environmental Protection Agency
FR	Federal Register
HAF	halogen acid furnace
RCRA	Resource Conservation and Recovery Act
VCR	vaporization of chlorinated residuals