



EPA530-R-07-003  
March 2008  
Version 1

# **Definition of Solid Waste Compendium**



## **Volume B: Abandoned Materials**

Hazardous Waste Identification Division  
Office of Solid Waste  
U.S. Environmental Protection Agency



## 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).

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## Introduction

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### *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/index.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 Abandoned Materials Volume*

This volume of the Compendium references resources pertaining to the definition of “abandoned materials” as it appears in the Definition of Solid Waste regulations at 40 CFR 261.2(b).

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 beyond issues concerning the definition of “abandoned materials” as it relates 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 Solid Waste:

Amanda Geldard  
geldard.amanda@epa.gov  
(703) 347-8975

Teena Wooten  
wooten.teena@epa.gov  
(703) 308-8751

## Resources

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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) [p. 627]	1/4/1985	Federal Register	Yes	N/A	<a href="#">PDF</a>
2. ACCUMULATION OF SECONDARY MATERIAL - ABANDONED VS. DISPOSED OF	7/1/1985	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
3. DETONATING EXPLOSIVE WASTES	11/30/1987	Letter	No	<a href="#">Summary</a>	<a href="#">PDF</a>
4. SLUDGES WITHIN SURFACE IMPOUNDMENTS, NEWLY REGULATED DUE TO TC RULE	3/8/1991	Memo	No	<a href="#">Summary</a>	<a href="#">PDF</a>
5. REGULATORY STATUS OF GASOLINE SPILLS	2/2/1998	Letter	Yes	<a href="#">Summary</a>	<a href="#">PDF</a>
6. §261.2(b) - Definition of solid waste: Abandoned materials	N/A	Code of Federal Regulations	N/A	N/A	<a href="#">e-CFR</a>

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## CFR View

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**NOTE: The CFR language outline has been formatted**

### **§261.2: Definition of solid waste.**

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

(b) Materials are solid waste if they are *abandoned* by being:

- (1) Disposed of; or
- (2) Burned or incinerated; or
- (3) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

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

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**\*\*\*End of Abandoned Materials CFR Excerpts \*\*\***

## Glossary of Acronyms

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Acronym	Meaning
CFR	Code of Federal Regulations
e-CFR	electronic Code of Federal Regulations
EPA	Environmental Protection Agency
FR	Federal Register
TC	Toxicity Characteristics