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March 2008
Version 1

Definition of Solid Waste Compendium



Volume M: Use/Reuse

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



Navigation Tips

To improve document navigation:

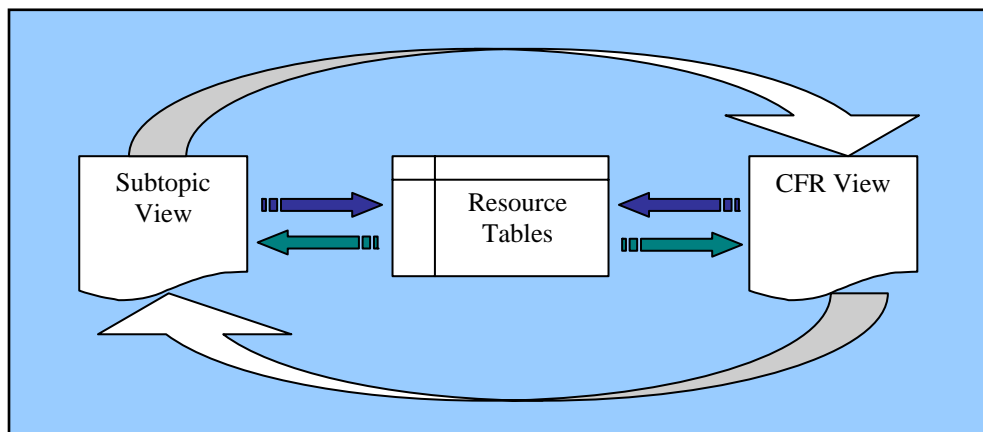
Using Microsoft Word

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).

Document Layout (arrows represent hyperlinks):



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Compendium Volumes

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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
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L	Inherently Waste-Like Materials
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P	Precious Metals Reclamation
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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 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/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 Use/Reuse Volume

This volume of the Compendium references resources pertaining to the "Use/Reuse" provision (i.e., conditions under which materials are not solid waste when recycled) as it appears in the Definition of Solid Waste regulations at 40 CFR 261.2(e).

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 resources pertaining to the "Use/Reuse" provision in the Definition of Solid Waste regulations. 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 the “Use/Reuse” provision in 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 Solid Waste:

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Subtopic View

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Use/Reuse [§§261.1(c)(5), 261.2(e)]

Resource Index:

- [Resources applicable to all subtopics](#)
- Resources specific to subtopic:
 - [Burning for energy recovery](#)
 - [Effective substitute for a commercial product](#)
 - [Etchants](#)
 - [Ingredients in an industrial process](#)
 - [Reclamation](#)
 - [Return to original process](#)
 - [Use constituting disposal](#)
 - [Waste water conditioner](#)

Resources by Subtopic

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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. 619-620, 628, 637-639, 641]	1/4/1985	Federal Register	Yes	N/A	PDF
	2. §261.1(c)(5) - Definition of “used or reused.”	N/A	Code of Federal Regulations	Yes	N/A	e-CFR
	3. §261.2(e) - Definition of solid waste: “Use/Reuse” provision.	N/A	Code of Federal Regulations	Yes	N/A	e-CFR

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Burning for energy recovery	1. EXCLUSION FROM RCRA REGULATION FOR SECONDARY MATERIALS USED OR REUSED DIRECTLY AS INGREDIENTS IN AN INDUSTRIAL PROCESS	7/20/1994	Letter	Yes	Summary	PDF
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Effective substitute for a commercial product	1. SPENT PICKLE LIQUOR, USE/REUSE EXEMPTION AS APPLIED TO	6/5/1985	Memo	Yes	Summary	PDF
	2. DEIONIZATION ACID REUSED, NOT A WASTE	5/12/1986	Letter	Yes	Summary	PDF
	3. WASTE ACID AS WASTEWATER CONDITIONER AND AS INGREDIENT IN FERTILIZER	10/20/1986	Letter	Yes	Summary	PDF
	4. DEFINITION OF SOLID WASTE	5/1/1987	Q&A	Yes	Summary	PDF
	5. SECONDARY MATERIALS USED AS EFFECTIVE SUBSTITUTES FOR COMMERCIAL PRODUCTS	5/1/1992	Q&A	Yes	Summary	PDF
	6. REUSE OF REGENERATED HYDROPROCESSING CATALYSTS	1/31/2002	Letter	Yes	Summary	PDF

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Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Etchants	1. ETCHANTS USED TO MANUFACTURE COPPER SALTS	11/8/1986	Letter	Yes	Summary	PDF
	2. REGULATORY STATUS UNDER RCRA OF COPPER ETCHANTS	10/24/1996	Letter	Yes	Summary	PDF
Return to: Subtopic View CFR View (CFR text) Main Index						
Ingredients in an industrial process	1. ETCHANTS USED TO MANUFACTURE COPPER SALTS	11/8/1986	Letter	Yes	Summary	PDF
	2. COPPER-BEARING SECONDARY MATERIALS AS FEEDSTOCK	3/22/1988	Letter	Yes	Summary	PDF
	3. REGULATORY STATUS OF USED SULFURIC ACID	8/9/1988	Letter	Yes	Summary	PDF
	4. BAGHOUSE DUSTS USED AS, OR TO PRODUCE, AGGREGATE	6/21/1991	Letter	No	Summary	PDF
	5. FREE-FLOWING MERCURY WHICH IS DISTILLED AND SOLD AS AN INGREDIENT IN AN INDUSTRIAL PROCESS	3/30/1994	Letter	Yes	Summary	PDF
	6. EXCLUSION FROM RCRA REGULATION FOR SECONDARY MATERIALS USED OR REUSED DIRECTLY AS INGREDIENTS IN AN INDUSTRIAL PROCESS	7/20/1994	Letter	Yes	Summary	PDF
	7. REGULATORY STATUS OF ACRYLIC PLASTIC DUST	2/6/1995	Memo	Yes	Summary	PDF
	8. JURISDICTIONAL STATUS UNDER THE RCRA OF CERTAIN METAL-RICH SLUDGES	6/19/1996	Letter	Yes	Summary	PDF
	9. REGULATORY STATUS UNDER RCRA OF COPPER ETCHANTS	10/24/1996	Letter	Yes	Summary	PDF
	10. REGULATORY STATUS OF VITRIFICATION PROCESSES FOR SPENT ALUMINUM POTLINER	7/30/1997	Letter	Yes	Summary	PDF
	11. REGULATORY STATUS OF USED CRUCIBLES AND CUPELS	3/19/1999	Memo	No	Summary	PDF
	12. SULFURIC ACID RECYCLING IN THE SEMICONDUCTOR INDUSTRY	11/30/2000	Memo	Yes	Summary	PDF
	13. REGULATORY STATUS OF HAZARDOUS SECONDARY MATERIALS USED AS FEEDSTOCK IN GASIFICATION SYSTEMS	1/22/2003	Letter	Yes	Summary	PDF
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Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Reclamation	1. SPENT PICKLE LIQUOR, DEFINITION AS HAZARDOUS	5/20/1987	Letter	Yes	Summary	PDF
	2. USE/REUSE EXCLUSION TO RED WATER (K047) FROM WHICH SODIUM SULFITE IS RECOVERED AND WHICH IS USED AS A FUEL	6/9/1987	Letter	Yes	Summary	PDF
	3. SECONDARY MATERIALS USED AS EFFECTIVE SUBSTITUTES FOR COMMERCIAL PRODUCTS	5/1/1992	Q&A	Yes	Summary	PDF
	4. FREE-FLOWING MERCURY WHICH IS DISTILLED AND SOLD AS AN INGREDIENT IN AN INDUSTRIAL PROCESS	3/30/1994	Letter	Yes	Summary	PDF
	5. REGULATORY STATUS OF ACRYLIC PLASTIC DUST	2/6/1995	Memo	Yes	Summary	PDF
	6. JURISDICTIONAL STATUS UNDER THE RCRA OF CERTAIN METAL-RICH SLUDGES	6/19/1996	Letter	Yes	Summary	PDF
	7. REGULATORY STATUS UNDER RCRA OF COPPER ETCHANTS	10/24/1996	Letter	Yes	Summary	PDF
	8. DEFINITION OF SOLID WASTE ISSUES RELATED TO CLEANUP OF CULPEPER WOOD PROCESSING FACILITY	11/13/1996	Memo	Yes	Summary	PDF
	9. REGULATORY STATUS OF USED CRUCIBLES AND CUPELS	3/19/1999	Memo	No	Summary	PDF
	10. SULFURIC ACID RECYCLING IN THE SEMICONDUCTOR INDUSTRY	11/30/2000	Memo	Yes	Summary	PDF
	11. REUSE OF REGENERATED HYDROPROCESSING CATALYSTS	1/31/2002	Letter	Yes	Summary	PDF

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Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
Return to original process	1. SPENT PICKLE LIQUOR, DEFINITION AS HAZARDOUS	5/20/1987	Letter	Yes	Summary	PDF
	2. DEFINITION OF SOLID WASTE ISSUES RELATED TO CLEANUP OF CULPEPER WOOD PROCESSING FACILITY	11/13/1996	Memo	Yes	Summary	PDF
Return to: Subtopic View CFR View (CFR text) Main Index						
Use constituting disposal	1. SPENT PICKLE LIQUOR, USE/REUSE EXEMPTION AS APPLIED TO	6/5/1985	Memo	Yes	Summary	PDF
	2. WASTE ACID AS WASTEWATER CONDITIONER AND AS INGREDIENT IN FERTILIZER	10/20/1986	Letter	Yes	Summary	PDF
	3. REGULATORY STATUS OF USED SULFURIC ACID	8/9/1988	Letter	Yes	Summary	PDF
	4. BAGHOUSE DUSTS USED AS, OR TO PRODUCE, AGGREGATE	6/21/1991	Letter	No	Summary	PDF
Return to: Subtopic View CFR View (CFR text) Main Index						
Waste water conditioner	1. SPENT PICKLE LIQUOR, USE/REUSE EXEMPTION AS APPLIED TO	6/5/1985	Memo	Yes	Summary	PDF
	2. WASTE ACID AS WASTEWATER CONDITIONER AND AS INGREDIENT IN FERTILIZER	10/20/1986	Letter	Yes	Summary	PDF
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CFR View Index

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

CFR Location	Title/Topic
261.1	Purpose and scope.
261.1(c)	Definitions for the purposes of §§261.2 and 261.6.
261.2	Definition of solid waste.
261.2(e)	“Use/Reuse” provision.

CFR View

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NOTE: The CFR language outline has been formatted

§261.1: Purpose and scope.

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

(c) For the purposes of §§261.2 and 261.6:

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

(5) A material is “used or reused” if it is either:

(i) Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

(ii) Employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorous precipitant and sludge conditioner in wastewater treatment).

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

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

§261.2: Definition of solid waste.

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

(e) *Materials that are not solid waste when recycled.*

(1) Materials are not solid wastes when they can be shown to be recycled by being:

(i) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or

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

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- (ii) Used or reused as effective substitutes for commercial products; or
 - (iii) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed such that there is no placement on the land. In cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at §261.4(a)(17) apply rather than this paragraph.
- (2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in paragraphs (e)(1) (i) through (iii) of this section):
- (i) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or
 - (ii) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or
 - (iii) Materials accumulated speculatively; or
 - (iv) Materials listed in paragraphs (d)(1) and (d)(2) of this section.

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

*****End of Use/Reuse 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
RCRA	Resource Conservation and Recovery Act