



EPA530-R-07-003
February 2008
Version 1

Definition of Solid Waste Compendium



Volume A: Exclusions

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



Navigation Tips

To improve document navigation:

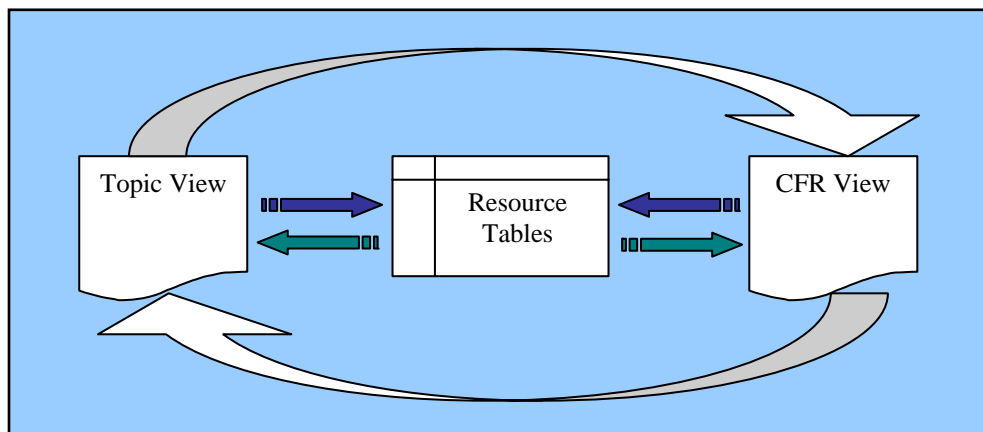
Using Microsoft Word

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

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
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T	Incidental Processing
U	(Un)-Contained Gases
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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 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.

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 Solid Waste:

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Topic View

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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)]
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3. Irrigation return flows [§261.4(a)(3)]
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4. Source, special nuclear, or by-product material as defined by the Atomic Energy Act [§261.4(a)(4)]
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5. Materials subject to in-situ mining techniques [§261.4(a)(5)]
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6. Pulping liquors [§261.4(a)(6)]
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7. Spent sulfuric acid [§261.4(a)(7)]
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8. Reclaimed secondary materials [(§261.4(a)(8)]
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9. Wood preserving wastes and drip pads [§261.4(a)(9)]
[drip pad definition from §260.10]
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10. Coke by-products wastes [§261.4(a)(10)]
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11. Nonwastewater splash condenser dross residue from the treatment of K061 [§261.4(a)(11)]
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12. Petroleum refinery wastes [§261.4(a)(12)]
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13. Scrap metal [§261.4(a)(13)]
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14. Shredded circuit boards being recycled [§261.4(a)(14)]
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15. Condensates from kraft mill steam strippers [§261.4(a)(15)]
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16. Comparable fuels or comparable syngas fuels [§261.4(a)(16)]
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17. Spent materials from the primary minerals processing industry for recovery or beneficiation [§261.4(a)(17)]
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18. Petrochemical recovered oil [§261.4(a)(18)]
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19. Spent caustic solutions from petroleum refining liquid treating processes used as a feedstock to produce cresylic or naphthenic acid [§261.4(a)(19)]
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20. Hazardous secondary materials used to make zinc fertilizers [§261.4(a)(20)]
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21. Zinc fertilizers made from hazardous wastes or hazardous secondary materials [§261.4(a)(20) and 261.4(a)(21)]
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Exclusions at §261.4(b)

23. Used oil filters [§261.4(b)(13)]
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Topic View - Subtopics

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B. Specific Exclusions

Exclusions at §261.4(a)

1. Domestic sewage (Publicly Owned Treatment Works (POTW) exclusion) [§261.4(a)(1)]

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2. Industrial wastewater point source discharges [§261.4(a)(2)]

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3. Irrigation return flows [§261.4(a)(3)]

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- [All resources for this exclusion](#)
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4. Source, special nuclear, or by-product material as defined by the Atomic Energy Act [§261.4(a)(4)]

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Resource Index:

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- Resources specific to subtopic:
 - [By-product material](#)
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5. Materials subject to in-situ mining techniques [§261.4(a)(5)]

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- Resources specific to subtopic:
 - *No subtopics*

6. Pulping liquors [§261.4(a)(6)]

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7. Spent sulfuric acid [§261.4(a)(7)]

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8. Reclaimed secondary materials [§261.4(a)(8)]

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9. Wood preserving wastes and drip pads [§261.4(a)(9); drip pad definition from §260.10]

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10. Coke by-products wastes [(§261.4(a)(10)]

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11. Nonwastewater splash condenser dross residue from the treatment of K061 [§261.4(a)(11)]

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

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 - [Emulsions materials](#)
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13. Scrap metal [§261.4(a)(13)]

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

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

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

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

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

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

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20. Hazardous secondary materials used to make zinc fertilizers [§261.4(a)(20)]

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21. Zinc fertilizers made from hazardous wastes or hazardous secondary materials [§261.4(a)(20) and 261.4(a)(21)]

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22. Used cathode ray tubes (CRTs) [§261.4(a)(22)]

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Exclusions at §261.4(b)

23. Used oil filters [§261.4(b)(13)]

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Resources by Topic & Subtopic

Resources Applicable to All Exclusions

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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	

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1. Domestic sewage (POTW exclusion)

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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. 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

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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

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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

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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
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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
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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
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2. Industrial wastewater point source discharges

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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. 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
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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
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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
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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
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3. Irrigation return flows

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

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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. 45 FR 33066 - Hazardous Waste Management System (Interim Final) [p. 33098]	5/19/1980	Federal Register	Yes	N/A	PDF
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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
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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
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5. Materials subject to in-situ mining techniques

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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. 45 FR 33066 - Hazardous Waste Management System (Interim Final) [pp. 33099-33101]	5/19/1980	Federal Register	Yes	N/A	PDF

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6. Pulping liquors

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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. 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

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7. Spent sulfuric acid

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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) [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
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8. Reclaimed secondary materials

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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. 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

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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

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
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9. Wood preserving wastes and drip pads

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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. 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. 63 FR 28555 - Exclusion of Recycled Wood Preserving Wastewaters (Final) [pp. 28627-28630]	5/26/1998	Federal Register	Yes	N/A	PDF

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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
	4. CLARIFICATION OF REQUIREMENTS INVOLVING THE COUNTING OF WOOD PRESERVING WATERS FOR BIENNIAL REPORTING	6/4/1996	Letter	No	Summary	PDF

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

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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. 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
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Gasifier/syngas	1. APPLICABILITY OF COKE BY-PRODUCTS EXCLUSION TO COAL GASIFIER	3/26/1999	Letter	Yes	Summary	PDF
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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

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 FLOATION FLOAT STORAGE TANK USED TO FEED MATERIAL INTO A PETROLEUM COKER	11/1/1993	Letter	No	Summary	PDF

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

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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. 56 FR 41164 - Land Disposal Restrictions for Electric Arc Furnace Dust (Final) [pp. 41170-41174]	8/19/1991	Federal Register	Yes	N/A	PDF
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Other	1. NEW JERSEY ZINC COMPANY K061 STORAGE PILE	1/25/1988	Memo	No	Summary	PDF
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12. Petroleum refinery wastes

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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. 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
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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
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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
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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
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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
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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
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Other	1. REGULATORY STATUS OF OIL-BEARING SECONDARY MATERIALS UNDER RCRA	8/19/2003	Letter	Yes	Summary	PDF
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13. Scrap metal

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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) [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
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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
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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
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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
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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
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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
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Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
<i>Other</i>	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

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14. Shredded circuit boards being recycled

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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. 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. 26011-26013]	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
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Scrap metal	1. REGULATORY STATUS OF PRINTED CIRCUIT BOARDS	8/26/1992	Letter	Yes	Summary	PDF
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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
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15. Condensates from kraft mill steam strippers

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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. 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

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16. Comparable fuels or comparable syngas fuels

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

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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. 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

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18. Petrochemical recovered oil

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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. 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

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

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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. 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

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20. Hazardous secondary materials used to make zinc fertilizers

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

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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. 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
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Other	1. RCRA REGULATION OF FERTILIZERS MADE FROM RECYCLED HAZARDOUS WASTE	7/17/2003	Letter	Yes	Summary	PDF
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22. Used cathode ray tubes (CRTs)

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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. 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

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23. Used oil filters

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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. 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

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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 beneficiation	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	

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(b)	Solid wastes which are not hazardous wastes.	
261.4(b)(13)	Used oil filters	
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NOTE: The CFR language outline has been formatted

§261.4: Exclusions.

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

Domestic sewage (POTW exclusion)

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- (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

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- (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

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- (3) Irrigation return flows.

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

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(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

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

Pulping liquors

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(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

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(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

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(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

Reclaimed secondary materials (cont.)

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(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

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- (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

Wood preserving wastes and drip pads (cont.)

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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

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(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

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(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

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(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

Petroleum refinery wastes (cont.)

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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

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

Shredded circuit boards being recycled

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(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

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(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.

Comparable fuels or comparable syngas fuels

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(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 beneficiation

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(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.

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

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(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.

Petrochemical recovered oil

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(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

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(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

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(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:

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

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(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;

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

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(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.

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

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(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

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(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

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

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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)

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(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).

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

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

Used oil filters

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(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 *****

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Glossary of Acronyms

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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