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Version 1

Definition of Solid Waste Compendium



Volume O: Recyclable Materials

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



Navigation Tips

To improve document navigation:

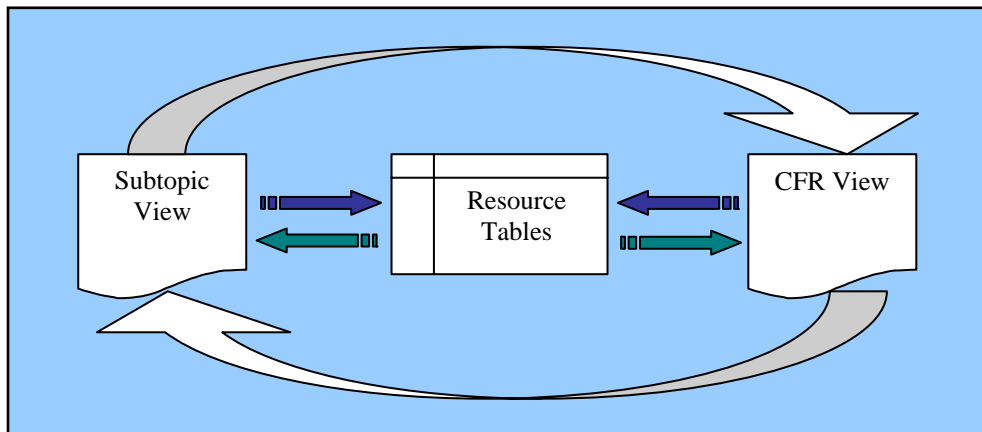
Using Microsoft Word

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).

Document Layout (arrows represent hyperlinks):



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Compendium Volumes

Volume	Topic
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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 Recyclable Materials Volume

This volume of the Compendium references resources pertaining to the regulation of recyclable materials under the hazardous waste recycling regulations (40 CFR 261.6).

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 regulation of recyclable materials. 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 to the regulation of recyclable materials

under the hazardous waste recycling 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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Recyclable Materials [§261.6]

Resource Index:

- [Resources applicable to all subtopics](#)
- Resources specific to subtopic:
 - [LDR requirements](#)
 - [Scrap metal](#)
 - [Oil-bearing wastes](#)

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. 618, 643-652]	1/4/1985	Federal Register	Yes	N/A	PDF
	2. 50 FR 33541 - Amendments to Definition of Solid Waste (Technical Corrections) [All pages]	8/20/1985	Federal Register	Yes	N/A	PDF
	3. 50 FR 49164 - Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces (Final) [pp. 49169-49171]	11/29/1985	Federal Register	Yes	N/A	PDF
	4. 51 FR 28664 - Exports of Hazardous Waste (Final) [p. 28671]	8/8/1986	Federal Register	Yes	N/A	PDF
	5. 56 FR 7134 - Burning Hazardous Waste in Boilers and Industrial Furnaces (Final) [pp. 7202-7203]	2/21/1991	Federal Register	Yes	N/A	PDF
	6. 57 FR 41566 - Recycled Used Oil Management Standards (Final) [pp. 41580-41581]	9/10/1992	Federal Register	Yes	N/A	PDF
	7. 59 FR 38536 - Amendments to Definition of Solid Waste (Final) [p. 38542]	7/28/1994	Federal Register	Yes	N/A	PDF
	8. 66 FR 28066 - Project XL Site-Specific Rulemaking for US Filter Recovery Services (Final) [All pages]	5/22/2001	Federal Register	Yes	N/A	PDF
	9. §261.6 - Requirements for recyclable materials.	N/A	Code of Federal Regulations	Yes	N/A	e-CFR

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Subtopic	Resource	Document Date	Type	Topic is Focus?	Link to EPA Summary	Link to Resource
LDR requirements	1. NOTIFICATION REQUIREMENTS FOR RECYCLABLE MATERIALS	4/1/1988	Q & A	No	Summary	PDF
	2. RECYCLABLE MATERIALS WHERE PRECIOUS METALS ARE RECLAIMED	12/20/1989	Memo	Yes	Summary	PDF
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Scrap metal	1. APPLICATION OF THE SCRAP METAL EXEMPTION TO LEAD FOIL USED IN DENTAL X-RAY PACKAGES	4/29/1993	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	No	Summary	PDF
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Oil-bearing wastes	1. FINAL RULE EXEMPTING RECOVERED OIL FROM THE DEFINITION OF SOLID WASTE	7/26/1994	Memo	Yes	Summary	PDF
	2. REGULATORY STATUS OF A GASIFICATION UNIT PROPOSED BY TEXACO TO BE BUILT IN EL DORADO, KANSAS	5/25/1995	Letter	Yes	Summary	PDF
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CFR View

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NOTE: The CFR language outline has been formatted

§261.6: Requirements for recyclable materials.

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

- (a) (1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of paragraphs (b) and (c) of this section, except for the materials listed in paragraphs (a)(2) and (a)(3) of this section. Hazardous wastes that are recycled will be known as “recyclable materials.”
- (2) The following recyclable materials are not subject to the requirements of this section but are regulated under subparts C through O of part 266 of this chapter and all applicable provisions in parts 270 and 124 of this chapter:
- (i) Recyclable materials used in a manner constituting disposal (40 CFR part 266, subpart C);
 - (ii) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under subpart O of part 264 or 265 of this chapter (40 CFR part 266, subpart H);
 - (iii) Recyclable materials from which precious metals are reclaimed (40 CFR part 266, subpart F);
 - (iv) Spent lead-acid batteries that are being reclaimed (40 CFR part 266, subpart G).
 - (v) U.S. Filter Recovery Services XL waste (40 CFR part 266, subpart O).
- (3) The following recyclable materials are not subject to regulation under parts 262 through parts 266 or parts 268, 270 or 124 of this chapter, and are not subject to the notification requirements of section 3010 of RCRA:
- (i) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in §262.58:

§261.6: Requirements for recyclable materials (cont.).

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- (A) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, must comply with the requirements applicable to a primary exporter in §§262.53, 262.56 (a)(1)–(4), (6), and (b), and 262.57, export such materials only upon consent of the receiving country and in conformance with the EPA Acknowledgment of Consent as defined in subpart E of part 262, and provide a copy of the EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;
- (B) Transporters transporting a shipment for export may not accept a shipment if he knows the shipment does not conform to the EPA Acknowledgment of Consent, must ensure that a copy of the EPA Acknowledgment of Consent accompanies the shipment and must ensure that it is delivered to the facility designated by the person initiating the shipment.
- (ii) Scrap metal that is not excluded under §261.4(a)(13);
- (iii) Fuels produced from the refining of oil-bearing hazardous waste along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste, where such recovered oil is already excluded under §261.4(a)(12);
- (iv) (A) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under §279.11 of this chapter and so long as no other hazardous wastes are used to produce the hazardous waste fuel;
- (B) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under §279.11 of this chapter; and

§261.6: Requirements for recyclable materials (cont.).

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(C) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under §279.11 of this chapter.

(4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of parts 260 through 268 of this chapter, but is regulated under part 279 of this chapter. Used oil that is recycled includes any used oil which is reused, following its original use, for any purpose (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil which is re-refined, reclaimed, burned for energy recovery, or reprocessed.

(5) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD) (as defined in §262.58(a)(1)) for purpose of recovery is subject to the requirements of 40 CFR part 262, subpart H, if it is subject to either the Federal manifesting requirements of 40 CFR Part 262, to the universal waste management standards of 40 CFR Part 273, or to State requirements analogous to 40 CFR Part 273.

(b) Generators and transporters of recyclable materials are subject to the applicable requirements of parts 262 and 263 of this chapter and the notification requirements under section 3010 of RCRA, except as provided in paragraph (a) of this section.

(c) (1) Owners and operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of subparts A through L, AA, BB, and CC of parts 264 and 265, and under parts 124, 266, 268, and 270 of this chapter and the notification requirements under section 3010 of RCRA, except as provided in paragraph (a) of this section. (The recycling process itself is exempt from regulation except as provided in §261.6(d).)

(2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in paragraph (a) of this section:

(i) Notification requirements under section 3010 of RCRA;

(ii) Sections 265.71 and 265.72 (dealing with the use of the manifest and manifest discrepancies) of this chapter.

(iii) Section 261.6(d) of this chapter.

§261.6: Requirements for recyclable materials (cont.).

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(d) Owners or operators of facilities subject to RCRA permitting requirements with hazardous waste management units that recycle hazardous wastes are subject to the requirements of subparts AA and BB of part 264 or 265 of this chapter.

*****End of Recyclable 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
RCRA	Resource Conservation and Recovery Act