



# Materials which are not solid wastes

Exempted Material	Limitations	Management Requirements to Qualify for Exemption	Citation
Domestic Sewage (untreated sanitary wastes that pass through a sewer system) or mixtures of domestic sewage and other wastes		Must pass through a sewer system to a publicly-owned treatment works (POTW) for treatment.	40 CFR 261.4(a)(1)
Industrial wastewater discharges, except industrial wastewaters that are treated before discharge and sludge that is generated by wastewater treatment	Point sources subject to section 402 of the Clean Water Act		40 CFR 261.4(a)(2)
Irrigation return flows			40 CFR 261.4(a)(3)
Source, special nuclear or other byproduct materials as defined by the Atomic Energy Act			40 CFR 261.4(a)(4)
In-situ mining materials		May not be removed from the ground during extraction processes.	40 CFR 261.4(a)(5)
Pulping liquors		Must be reclaimed in a pulping liquor recovery furnace and reused in the pulping process. Cannot be speculatively accumulated.	40 CFR 261.4(a)(6)
Spent sulfuric acid used to produce virgin sulfuric acid		Cannot be speculatively accumulated.	40 CFR 261.4(a)(7)
Reclaimed secondary materials that are turned to their original process		May only be stored in tanks. The entire process must be closed. Reclamation may not involve controlled flame combustion. Tank storage may not exceed 12 months. The reclaimed material may not be used as a fuel.	40 CFR 261.4(a)(8)
Spent wood preserving solutions and wastewaters that are reclaimed and reused as wood preservatives		The solutions must be reused onsite for their original purpose and managed in a manner that prevents release to the environment. Drip pads must comply with 40 CFR 265 requirements. The facility makes a one-time notification of its activities to their EPA Regional Administrator.	40 CFR 261.4(a)(9)
EPA Hazardous Waste Nos. K060, K087, K141, K142, K143, K144, K145, K147 and K148 and any other coke by-products that are exhibit only the toxicity characteristic		Must be recycled to coke ovens, used as feedstock to produce coal tar or mixed with coal tar prior to its sale or refining. There may be no land disposal from the point of generation to the point of recycling, recovery or refining.	40 CFR 261.4(a)(10)

Exempted Material	Limitations	Management Requirements to Qualify for Exemption	Citation
Nonwastewater splash condenser dross residue from the treatment of emission control dust/sludge (K061)	Electric furnaces used in steel production	Must be shipped in drum (if shipped) and not land disposed before recovery.	40 CFR 261.4(a)(11)
Oil-bearing hazardous secondary materials (sludge, byproducts or spent materials) generated at a petroleum refinery and inserted into the petroleum refining process	Petroleum refining (SIC 2911)	Material may not be placed on land or speculatively accumulated before recycling. The waste may be recycled at the same facility where it is generated or sent to another refinery.	40 CFR 261.4(a)(12)
Excluded scrap metal		Must be recycled.	40 CFR 261.4(a)(13)
Shredded circuit boards that are free of mercury switches, mercury relays and nickel-cadmium batteries or lithium batteries		Must be stored in containers to prevent release to the environment prior to recovery.	40 CFR 261.4(a)(14)
Kraft mill steam condensate	Applies only to combustion at the mill that generated the condensate		40 CFR 261.4(a)(15)
Spent materials generated from the primary mineral processing industry	Primary mineral processing industry	Materials must be legitimately recycled to recover minerals, acids, cyanide, water or other valuables. May not be speculatively accumulated. Spent materials must be stored in specified tanks, containers, pads or buildings that are designed to prevent releases to the environment. The owner or operator must notify their EPA Regional Administrator of their activities. The spent materials may not include any listed hazardous wastes.	40 CFR 261.4(a)(17)
Petrochemical recovered oil (oil reclaimed from secondary materials from normal organic chemical manufacturing operations or processes) from an associated organic chemical manufacturing facility	Organic chemical manufacturing facilities (Primary SIC codes 2869, 2821, 2822 and 2865)	Oil must be inserted into a petroleum refining process. The oil may only exhibit the hazardous characteristic of ignitability and/or toxicity for benzene. The oil may not be placed on land or speculatively accumulated before recycling.	40 CFR 261.4(a)(18)
Spent caustic solutions from petroleum refining	Petroleum refining	Must be used as feedstock to produce cresylic or naphthenic acid. Material may not be placed on the land or speculatively accumulated.	40 CFR 261.4(a)(19)

Exempted Material	Limitations	Management Requirements to Qualify for Exemption	Citation
Hazardous secondary materials used to make zinc fertilizers		May not be speculatively accumulated. Generators and handlers must submit a one-time notice to their EPA Regional Administrator. The secondary materials must be stored in appropriate tanks, containers or buildings. Generators who ship these materials offsite must provide notification to the receiving facility and keep records of shipments for three years.	40 CFR 261.4(a)(20)
Zinc fertilizers made from hazardous wastes or hazardous secondary materials		The fertilizers may not exceed metals or dioxin limits. Sampling is performed every six months for metals content and every 12 months for dioxin content. Record of sampling must be kept for 3 years.	40 CFR 261.4(a)(21)
Used cathode ray tubes that are intact and will be recycled		May not be speculatively accumulated.	40 CFR 261.4(a)(22)
Hazardous secondary materials that will be legitimately reclaimed, remain under the control of the generator		The materials must be generated and reclaimed at either the generating facility or a facility that is controlled by the same person as the generating facility. The materials can also be reclaimed through a tolling contractor. The material must be contained to prevent releases to the environment. The material may not be speculatively accumulated. Facilities must maintain documentation of how the materials are legitimately reclaimed. The facility must meet emergency preparedness and response requirements.	40 CFR 261.4(a)(23)
Hazardous secondary materials that will be transferred to verified reclamation facility for legitimate recycling		The material may not be speculatively accumulated. The material may only be handled by the generator, transporter and reclamation facility and may not be stored for more than 10 days during transport. The material may not be spent lead-acid batteries. Reclamation must be legitimate. The material must be contained and may not be released into the environment. The material must be sent to a verified reclamation facility. Records must be maintained for at least 3 years. Generators must comply with emergency preparedness and response requirements.	40 CFR 261.4(a)(24)

Exempted Material	Limitations	Management Requirements to Qualify for Exemption	Citation
Solvent-contaminated wipes sent for cleaning and reuse		Wipes must be accumulated, stored and transported in non-leaking, properly labeled, closed containers. Accumulation may not exceed 180 days. The wipes may not contain free liquids when transported. Generators must maintain documentation.	40 CFR 261.4(a)(26)
Hazardous secondary materials (consisting of toluene, xylene, ethylbenzene, 1,2,4-trimethylbenzene, chlorobenzene, n-hexane, cyclohexane, methyl tert-butyl ether, acetonitrile, chloroform, chloromethane, dichloromethane, methyl isobutyl ketone, NN-dimethylformamide, tetrahydrofuran, n-butyl alcohol, ethanol and/or methanol) that are generated and then transported to another person for the purpose of remanufacturing	Pharmaceutical manufacturing (NAICS 325412), basic organic chemical manufacturing (NAICS 325199), plastics and resins manufacturing (NAICS 325211) and/or paints and coatings manufacturing (NAICS 325510)	Solvents listed must have been commercial grade and used for reacting, extracting, purifying or blending chemicals in a designated industry. After remanufacturing, use is limited to reacting, extracting, purifying or blending within a specified industry or as an ingredient in a product. The remanufactured solvent may not be used for cleaning or degreasing oil, grease or similar materials from textiles, glassware, metal surfaces or other articles. Both the generator and remanufacturer must notify their EPA Regional Administrator and keep records of activities for at least 3 years.	40 CFR 261.4(a)(21)

## Solid Wastes which are Not Hazardous Wastes

Exempted Material	Limitations	Management Requirements to Qualify for Exemption	Citation
Household wastes	Wastes from single and multiple family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreational areas	The resource recovery facility that manages the waste receives only waste from households and/or commercial or industrial sources that does not contain hazardous wastes.	40 CFR 261.4(b)(1)
Solid wastes returned to the soil as fertilizers		Must have been generated by the growing and harvesting of agricultural crops or the raising of animals, including animal manures.	40 CFR 261.4(b)(2)
Mining overburden		Wastes must be returned to the mine site.	40 CFR 261.4(b)(3)
Fly ash waste, bottom ash waste, slag waste, flue gas emissions control waste or associated products generated primarily from the combustion of coal or other fossil fuels			40 CFR 261.4(b)(4)

Exempted Material	Limitations	Management Requirements to Qualify for Exemption	Citation
Drilling fluids, produced waters and other wastes	Exploration, development or production of crude oil, natural gas or geothermal energy		40 CFR 261.4(b)(5)
Wastes which fail the test for the Toxicity Characteristic only for chromium		"The waste is generated from an industrial process which uses trivalent chromium exclusively and the process does not generate hexavalent chromium; including specified chrome trimmings, buffing dusts, sewer screenings and wastewater treatment sludge."	40 CFR 261.4(b)(6)
Solid waste from the extraction, beneficiation and processing of ores and minerals		Waste is limited to 15 specific sources.	40 CFR 261.4(b)(7)
Cement kiln dust waste, unless generated at a hazardous waste burning facility			40 CFR 261.4(b)(8)
Discarded arsenical-treated wood or wood products that fail the Toxicity characteristic for Hazardous Waste Codes D004-D007 (arsenic, barium, cadmium or chromium)			40 CFR 261.4(b)(9)
Petroleum-contaminated media and debris that fails the Toxicity characteristic for waste codes D018-D043 and is subject to 40 CFR 280 (technical standards and corrective action requirements for owners and operators of underground storage tanks)			40 CFR 261.4(b)(10)
"Injected groundwater that fails the Toxicity Characteristic for waste codes D018 through D043 that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petro pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines and petroleum transportation spill sites prior to January 25, 1993"			40 CFR 261.4(b)(11)
Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle		The refrigerant must be reclaimed for further use	40 CFR 261.4(b)(12)

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Non-terne plated used oil filters that are not mixed with hazardous wastes		The filters must be gravity drained by puncturing and hot draining; hot draining and crushing; dismantling and hot draining; or any equivalent method that removes used oil.	40 CFR 261.4(b)(13)
Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products			40 CFR 261.4(b)(14)
Leachate or gas condensate collected from landfills where wastes with hazardous waste codes of K169, K170, K171, K172, K174, K175, K176, K177, K178 and K181 had been disposed prior to the effective dates of their listing, provided that the leachate or as condensate does not exhibit any hazardous waste characteristic		The discharge must be transferred from the landfill to a POTW by truck, rail or dedicated pipe.	40 CFR 261.4(b)(15)
Solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal		Wipes must be accumulated, stored and transported in non-leaking, properly labeled, closed containers. Accumulation may not exceed 180 days. The wipes may not contain free liquids when transported. Generators must maintain documentation.	40 CFR 261.4(b)(18)