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Environmental Protection
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PROPOSED REVISIONS TO THE DEFINITION OF SOLID WASTE AIM TO INCREASE RECYCLING

The Environmental Protection Agency (EPA) proposes to streamline regulation of hazardous secondary materials to encourage beneficial recycling and help conserve resources. By removing unnecessary controls, recycling these materials will not only be safe, but also easier and more cost-efficient.

Action

EPA is following up on a 2003 action, which proposed to exclude certain types of recycling activities involving hazardous secondary materials from the federal hazardous waste regulations. By removing unnecessary regulatory controls over certain recycling practices, EPA expects to make it easier to safely recycle hazardous secondary material.

Exclusions are proposed for the following:

- Materials that are generated and reclaimed under the control of the generator;
- Materials that are generated and transferred to another person or company for reclamation under specific conditions; and
- Materials that EPA deems nonwaste through a case-by-case petition process.

The proposal also defines legitimate recycling activities. Defining legitimate recycling ensures that only authentic recycling, and not treatment or disposal under the guise of recycling, receives the benefits of streamlined regulations. In order to be legitimately recycled, the material (1) must provide a useful contribution to the recycling process, and (2) the recycling must yield a valuable product or intermediate. Two additional factors must also be considered: (1) Whether the recycled material is managed as a valuable commodity, and (2) whether the recycled product does not contain toxic constituents at equivalent or significantly greater levels than non-recycled product.

No changes are proposed for recycled materials that are: (1) Considered inherently waste-like; (2) used in a manner constituting disposal; or (3) burned for energy recovery. Any currently regulated material managed in these ways must still comply with the federal hazardous waste regulations.

The Agency estimates about 4600 facilities handling over a half million tons of hazardous secondary materials annually may be affected by this proposed rule. The industry sectors that could be most affected are: chemical manufacturing, coating and engraving, semiconductor and electronics manufacturing, pharmaceutical manufacturing,

and the industrial waste management industry. This action may result in an average annual cost savings of \$107 million for affected industry sectors, with \$85 million consisting of reduced regulatory costs.

The Agency is accepting comment on this proposal for 60 days following publication in the *Federal Register* (<http://www.gpoaccess.gov/fr/index.html>). The docket number is EPA-HQ-RCRA-2002-0031 and is available for public viewing.

Background

On October 28, 2003, EPA published proposed revisions to the definition of solid waste in the Federal Register (68 FR 61558). The 2003 proposal provided an exclusion from the definition of solid waste for hazardous secondary materials, which are generated and reclaimed in a continuous process within the same industry. The Agency received numerous comments disagreeing with our approach. In response to these comments, EPA reexamined the issues, new data, and new analyses. This proposal restructures our 2003 approach.

For More Information

More information about the [Definition of Solid Waste](#), please visit us on the web at: <http://www.epa.gov/epaoswer/hazwaste/dsw/index.htm>. To find out more detailed information or to ask a question, please go to <http://waste.custhelp.com>.