



## RCRA Solid Waste Exclusions Resource Conservation & Recovery Act

For more information on waste exclusions see *40 CFR Part 261 Subpart E*.

Not all solid wastes qualify as hazardous wastes. At times other factors must be considered before deciding whether a solid waste should be regulated as a hazardous waste. Regulations of certain wastes may be impractical or otherwise undesirable, regardless of the hazards that the waste might pose. For example, household wastes that contain dangerous chemicals are impractical to regulate because subjecting households to strict RCRA regulations would be difficult.

There are five (5) categories of exclusions:

1. There are 21 exclusions from the definition of solid wastes:
  - 1) domestic sewage and mixtures of,
  - 2) industrial wastewater discharge,
  - 3) irrigation return flows,
  - 4) radioactive wastes,
  - 5) in-situ mining waste,
  - 6) pulping liquors,
  - 7) spent sulfuric acid,
  - 8) closed-loop recycling,
  - 9) spent wood preservatives,
  - 10) coke by-product wastes,
  - 11) splash condenser dross residue,
  - 12) hazardous oil-bearing secondary materials,
  - 13) recovered oil from petroleum refining operations,
  - 14) condensates from Kraft Mill steam strippers,
  - 15) comparable fuels,
  - 16) processed scrap metal,
  - 17) shredded circuit boards,
  - 18) mineral processing spent materials,
  - 19) petrochemical recovered oil,
  - 20) spent caustic solutions from petroleum refining,
  - 21) zinc fertilizers made from recycled hazardous secondary materials.
2. There are 17 exemptions from the definition of hazardous wastes:
  - 1) household hazardous wastes,
  - 2) agricultural waste,
  - 3) mining overburden,
  - 4-5) Bevill and Bentsen wastes,
  - 6) trivalent chromium wastes,
  - 7) arsenically treated wood,
  - 8-9) petroleum-contaminated media and debris from underground storage tanks,
  - 10) spent chlorofluorocarbon refrigerants,
  - 11) used oil filters,
  - 12) used oil distillation bottoms,
  - 13) landfill leachate or gas condensate derived from certain listed wastes,
  - 14) Project XL pilot project exclusions,
  - 15) raw material/product storage/process unit while waste remains in units,
  - 16) sample and treatability study,
  - 17) dredged material.
3. Hazardous waste generated in raw material, product storage, or process units. Only while the waste remains in the unit does this exemption apply. Once waste is removed from unit, or when unit is no longer in operation for 90 days, the waste is considered generated and is subject to regulation. A unit can include tanks, pipelines, vessels, vehicles used in the manufacturing process or for storing raw materials/product. Surface impoundments are not included.
4. Laboratory samples and waste treatability studies
5. Dredged material already regulated under the Marine Protection Research & Sanctuaries Act or the Clean Water Act.