



RCRA Recycled Materials Resource Conservation & Recovery Act

For more information on recycled waste see *40 CFR 261.6*

Materials that are recycled are a special subset of the “solid waste” universe under U.S. EPA’s RCRA regulations. In order to encourage waste recycling, RCRA exempts three types of wastes from the definition of solid waste (therefore not regulated under federal RCRA):

1. Wastes used as an ingredient – if a material is directly used as an ingredient in a production process (without first being reclaimed).
2. Wastes used as a product substitute – if a material is directly used as an effective substitute for a commercial product (without first being reclaimed).
3. Wastes returned to the production process – when a material is returned directly to the production process (without first being reclaimed) for use as a feedstock or raw material.

Conversely, some recycled materials are solid wastes and are regulated under federal RCRA if they are recycled in certain ways because they can pose a hazard if not managed properly, such as:

- Recycled materials are used in a manner constituting disposal to the land
- Recycled materials that are burned for energy recovery
- Recycled materials used to produce a fuel or contained in fuels
- Recycled materials that have no viable market or it can not be demonstrated that at least 75% of the material is recycled in a calendar year – hence “accumulated speculatively”
- Recycled materials containing dioxin