

QUESTION: Under the proposed definition of solid waste (FR 4-4083), if a waste is conditionally exempt, but insufficient quantities are recycled (less than 75%/yr.) is the waste still exempt?

ANSWER: No, substances which are being recycled and which would be controlled as hazardous wastes if intended for discard qualify for the conditional exemption. If insufficient amounts are recycled (75%/yr.), a selection for extension of time may be filed; otherwise, the waste would be subject to a full regulation 180 days later.

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