



Ads by Google

[21 CFR Part 11](#)

[Solid Waste](#)

[CFR](#)



Ads by Google

[40](#)

[Title Law](#)

[40 Yard Dash](#)

[Dating 40 ÅR](#)

### 40 CFR 260.31 - Standards and criteria for variances from classification as a solid waste.

[Code of Federal Regulations - Title 40: Protection of Environment](#)

Updated to: July 01, 2010

Linked as:



Confirm

You recommend this. · Add Comment · Admin Page · Insights · **Error**  
You recommend this Sign Up to see what your friends recommend · Add Comment · Admin

### Text

Title 40: Protection of Environment

CHAPTER I: ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)

SUBCHAPTER I: SOLID WASTES (CONTINUED)

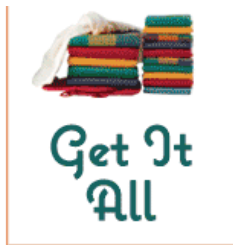
PART 260: HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

Subpart C: Rulemaking Petitions

260.31 - Standards and criteria for variances from classification as a solid waste.

(a) The Administrator may grant requests for a variance from classifying as a solid waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If a variance is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The Administrator's decision will be based on the following criteria:

(1) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling);




## Document options

 [Printable page](#)

 [Email this](#)

## Document language

 [Automatic Translation](#)

(2) The reason that the applicant has accumulated the material for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;

(3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

(4) The extent to which the material is handled to minimize loss;

(5) Other relevant factors.

(b) The Administrator may grant requests for a variance from classifying as a solid waste those materials that are reclaimed and then reused as feedstock within the original production process in which the materials were generated if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

(1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

(2) The extent to which the material is handled before reclamation to minimize loss;

(3) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

(4) The location of the reclamation operation in relation to the production process;

(5) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

(6) Whether the person who generates the material also reclaims it;

(7) Other relevant factors.

(c) The Regional Administrator may grant requests for a variance from classifying as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following factors:

(1) The degree of processing the material has undergone and the degree of further processing that is required;

(2) The value of the material after it has been reclaimed;

(3) The degree to which the reclaimed material is like an analogous raw material;

(4) The extent to which an end market for the reclaimed material is guaranteed;

(5) The extent to which the reclaimed material is handled to minimize loss;

(6) Other relevant factors.

[50 FR 662, Jan. 4, 1985, as amended at 59 FR 48041, Sept. 19, 1994; 71 FR 16902, Apr. 4, 2006]

## Sponsored links

[Ads by Google](#) [Solid Waste](#) [CFR](#) [Title CFR](#) [Waste](#)



Access Denied  
(content\_filter\_denied)

Your request was  
denied because of its  
content categorization:  
"Malicious Sources"

## Related documents

- ▶ [more results about "40 cfr 260 31 b" in vLex United States](#)
- ▶ [more results about "40 cfr 260 31 b" in Todo vLex](#)

## Related searches

- ▶ [storage of waste from energy production](#)
- ▶ [political power comes from the barrel of a gun](#)
- ▶ [political power grows from the barrel of a gun](#)
- ▶ [waste incineration and public health](#)
- ▶ [coastal regional solid waste management authority](#)
- ▶ [decorative items from waste](#)
- ▶ [Standard Industrial Classification Code](#)
- ▶ [standard industrial classification code definition](#)

© Copyright 2011, vLex. All Rights Reserved.

Language English

**Contents in vLex United States** | [Contracts](#) | [News and Business](#) | [Case Law](#) | [U.S. Code](#) | [Legal Books and Journals](#) | [Regulations](#) | [Constitutions](#) | [Tags](#) | [Sources](#)

**Explore vLex** | [Countries in vLex](#) | [Publishers in vLex](#) | [Testimonials](#)

**For Professionals** | [Free trial](#) | [Professional Subscription](#) | [Corporate Subscriptions](#) | [Librarian Center](#)

**For Partners** | [For Publishers](#) | [For Authors](#)

**Company** | [About us](#) | [Press Room](#) | [Work with us](#) | [Terms of Use](#)

Other documents:

[41 cfr 101-30.101-13 management data.](#) | [49 cfr 195.222 - welders: qualification of welders.](#) | [Gartner Dataquest Says Asia/Pacific External Storage Market Reached \\$549 Million During the First Six Months of 2002.](#) | [Auburn Republicans to Meet](#) | [Titolo B7-4:Cooperazione con i paesi terzi mediterranei e del Vicino e Medio Oriente](#) |

