

Cheat Sheet for Table 1 – Is it a Waste? 66261.2(d) CCR

	Use Constituting Disposal 66261.2(d)(1)	Energy Recovery/Fuel 66261.2(d)(2)	Reclamation 66261.2(d)(3)	Speculative Accumulation 66261.2(d)(4)
	- applied to or placed on the land in a manner that constitutes disposal - used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself is a waste)	- burned to recover energy - used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself is a waste)	“Reclaimed” means that a material is processed to recover a usable product, or that it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.	A material that is accumulated before being recycled. (See definition below)
Spent Materials	*	*	*	*
Materials contaminated through use and can't be used without processing				
Sludges (listed in section 66261.31 or 66261.32)	*	*	*	*
Sludges exhibiting a characteristic of HW	*	*	**not RCRA regulated activity; nonRCRA regulated with flexibility	*
Sludge is a solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater or water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.				
By-products (listed in section 66261.31 or 66261.32)	*	*	*	*
By-products exhibiting a characteristic of HW	*	*	** not RCRA regulated activity; nonRCRA regulated with flexibility	*
By-product is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process.				
CCPs (listed in section 66261.33)	*	*	** not RCRA regulated activity; nonRCRA regulated with flexibility	*
CCPs which are “retrograde materials” are not wastes until they become “recyclable materials” – one year after becoming retrograde CCPs are not used like the term is used in 66261.33 and also includes “products” that exhibit a characteristic of a HW (RCRA interpretation)				

“Accumulated speculatively” means that a material is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that, during the calendar year (commencing on January 1), the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under 66261.4(c) are not to be included in making the calculation. (Materials that are already defined as wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.