

this section, the generator must comply with the following requirements:

- (1) Section 262.11 of this chapter;
- (2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If he accumulates at any time 1,000 kilograms or greater of his hazardous wastes, all of those accumulated wastes are subject to regulation under the special provisions of part 262 applicable to generators of greater than 100 kg and less than 1000 kg of hazardous waste in a calendar month as well as the requirements of parts 263 through 268, and parts 270 and 124 of this chapter, and the applicable notification requirements of section 3010 of RCRA. The time period of §262.34(d) for accumulation of wastes on-site begins for a conditionally exempt small quantity generator when the accumulated wastes equal or exceed 1000 kilograms;
- (3) A conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage or disposal facility, either of which, if located in the U.S., is:
 - (i) Permitted under part 270 of this chapter;
 - (ii) In interim status under parts 270 and 265 of this chapter;
 - (iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under part 271 of this chapter;
 - (iv) Permitted, licensed, or registered by a State to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to Part 258 of this chapter;
 - (v) Permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in §§257.5 through 257.30 of this chapter; or
 - (vi) A facility which:
 - (A) Beneficially uses or reuses or reclaims its waste; or
 - (B) Treats its waste prior to disposal, or for legitimate recycling or reclamation;
 - (vii) For universal waste managed under part 273 of this chapter, a universal waste handler or destination facility subject to the requirements of part 273 of this chapter.
 - (h) Hazardous waste subject to the reduced requirements of this section may be mixed with non-hazardous waste

and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this section, unless the mixture meets any of the characteristics of hazardous waste identified in subpart C. § 6.1.3.6

- (i) If any person mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this section, the mixture is subject to full regulation.
- (j) If a conditionally exempt small quantity generator's wastes are mixed with used oil, the mixture is subject to part 279 of this chapter. Any material produced from mixing, blending, or other treat-

Shading indicates text that has changed in the past year.

amended at 51 FR 28682, Aug. 8, 1986; 53 FR 27163, July 19, 1988; 58 FR 11111, Feb. 11, 1993; 61 FR 34278, July 1, 1996; 63 FR 21788, May 6, 1998; 63 FR 37782, July 14, 1998; 68 FR 44665, July 30, 2003; 73 FR 72954, Dec. 1, 2008; 75 FR 13001, Mar. 18, 2010]

\$261.6 Requirements for recyclable materials.

- (a)(1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of paragraphs (b) and (c) of this section, except for the materials listed in paragraphs (a)(2) and (a)(3) of this section. Hazardous wastes that are recycled will be known as “recyclable materials.”
- (2) The following recyclable materials are not subject to the requirements of this section but are regulated under subparts C through N of part 266 of this chapter and all applicable provisions in parts 268, 270, and 124 of this chapter.
 - (i) Recyclable materials used in a manner constituting disposal (40 CFR part 266, subpart C);
 - (ii) Hazardous wastes burned (as defined in section 266.100(a)) in boilers and industrial furnaces that are not regulated under subpart O of part 264 or 265 of this chapter (40 CFR part 266, subpart H);
 - (iii) Recyclable materials from which precious metals are reclaimed (40 CFR part 266, subpart F); § 4.19, 7.4.2.1, 13.1.2
 - (iv) Spent lead-acid batteries that are being reclaimed (40 CFR part 266, subpart G). § 4.20
- (3) The following recyclable materials are not subject to regulation under parts 262 through parts 268, 270 or 124 of this chapter, and are not subject to the notification requirements of section 3010 of RCRA:
 - (i) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in §262.58:

Guidance in RCRA Unraveled on how this portion of the regs works.