**Section 721.APPENDIX Z Table to Section 721.102: Recycled Materials That Are Solid Waste**

The following table lists the instances when a recycled secondary material is solid waste, based on the type of secondary material and the mode of material management during recycling. This table supports the requirements of the recycling provision of the definition of solid waste rule, at Section 721.102(c).

Table

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | 1 | 2 | 3 | 4 |
|  | Use constituting disposal | Burning for energy recovery or use to produce a fuel | Reclamation (except as provided in Section 721.104(a)(17), (a)(23), (a)(24), or (a)(27)) | Speculative accumulation |
|  |  |  |  |  |
| Applicable Subsection of Section 721.102: | (c)(1) | (c)(2) | (c)(3) | (c)(4) |
|  |  |  |  |  |
| Spent materials | Yes | Yes | Yes | Yes |
|  |  |  |  |  |
| Sludges (listed in Section 721.131 or 721.132) | Yes | Yes | Yes | Yes |
|  |  |  |  |  |
| Sludges exhibiting a characteristic of hazardous waste | Yes | Yes | No | Yes |
|  |  |  |  |  |
| By-products (listed in Section 721.131 or 721.132) | Yes | Yes | Yes | Yes |
|  |  |  |  |  |
| By-products exhibiting a characteristic of hazardous waste | Yes | Yes | No | Yes |
|  |  |  |  |  |
| Commercial chemical products listed in Section 721.133 | Yes | Yes | No | No |
| Scrap metal that is not excluded pursuant to Section 721.104(a)(13) | Yes | Yes | Yes | Yes |

Yes – Defined as a solid waste

No – Not defined as a solid waste

BOARD NOTE: Derived from Table 1 to 40 CFR 261.2 (2017). The terms "spent materials", "sludges", "by-products", "scrap metal", and "processed scrap metal" are defined in Section 721.101.

(Source: Amended at 42 Ill. Reg. 21673, effective November 19, 2018)