**Section 726.120 Applicability**

a) The regulations of this Subpart C apply to recyclable materials that are applied to or placed on the land in either of the following ways:

1) Without mixing with any other substances; or

2) After mixing or combination with any other substances. These materials will be referred to throughout this Subpart C as "materials used in a manner that constitutes disposal".

b) A product produced for the general public's use that is used in a manner that constitutes disposal and which contains recyclable material is not presently subject to regulation under this Subpart C if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 (or applicable prohibition levels in 35 Ill. Adm. Code 728.132 or 728.139, where no treatment standards have been established) for each recyclable material (i.e., hazardous waste) that it contains, and the recycler complies with 35 Ill. Adm. Code 728.107(b)(6).

c) Anti-skid and deicing uses of slags that are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006 in a manner constituting disposal are not covered by the exemption in subsection (b), and such uses of these materials remain subject to regulation.

d) Fertilizers that contain recyclable materials are not subject to regulation provided that the following conditions are fulfilled:

1) They are zinc fertilizers excluded from the definition of solid waste according to 35 Ill. Adm. Code 721.104(a)(21); or

2) They meet the applicable treatment standards in Subpart D of 35 Ill. Adm. Code 728 for each hazardous waste that they contain.

(Source: Amended at 42 Ill. Reg. 23023, effective November 19, 2018)