

## HAZARDOUS MATERIALS PROGRAM ENVIRONMENTAL FACT SHEET

### Conditional Exemptions

The Vermont Hazardous Waste Management Regulations (VHWMR) list several wastes that under specific conditions are exempt from regulation as hazardous waste. In general, each of these wastes has its own waste-specific management standards and requirements for meeting the exemption. Section 7-203 in [Subchapter 2](#) of the VHWMR explicitly states all of the wastes that are eligible, along with the conditions that must be met. Generators should note that waste managed under an exemption does *not count* toward their hazardous waste generation rate.

#### What are examples of conditionally exempt wastes?

Each of the wastes below is exempt from regulation as hazardous waste if the waste-specific conditions stated in the regulations are met. The following are the most common examples of conditional exemptions in Vermont; refer to the regulations for the full list and specific information:

- Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered, or reused.
- Samples collected for the sole purpose of testing to determine their properties, characteristics, or composition.
- Containers and inner liners from containers of hazardous waste provided that the containers and inner liners are empty.
- Water-miscible metal cutting and grinding fluid waste that does not exhibit a characteristic of hazardous waste.
- Wood ash subject to regulation as hazardous waste only because it exhibits the characteristic of corrosivity.
- Used oil that meets the criteria of the VT02 hazardous waste code and/or exhibits a hazardous waste characteristic. Note that used oil is subject to the Used Oil Management Standards described in [Subchapter 8](#).
- Non-terne plated used oil filters that are not mixed with wastes listed in Sections 7-210 through 7-215.
- Petroleum contaminated soil. The VHWMR defines “soil” as: unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles as classified by the U.S. Natural Resources Conservation Service, or a mixture of such materials with liquids, sludges or solids which is inseparable by simple mechanical removal processes and is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited hazardous waste with soil that changes its treatment classification (i.e., from waste to contaminated soil) is not allowed under the dilution prohibition in 40 CFR Section 268.3.
- Universal waste as defined in Subchapter 9 (i.e., batteries, pesticides, thermostats, PCB-containing fluorescent light ballasts, lamps, mercury-containing devices, cathode ray tubes,

postconsumer paint, aerosol cans). Universal waste is subject to the management standards outlined in [Subchapter 9](#).

- PCB-containing dielectric fluid, except for fluorescent light ballasts. This exemption is not applicable to waste contaminated with PCB-containing dielectric fluid.
- Waste which consists of discarded arsenical-treated wood or wood products which fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood products for these materials' intended end use.
- Contaminated wipes, as defined in Section 7-103, that are to be sent off-site for cleaning and reuse.
- Reusable absorbent material, contaminated with used oil or petroleum distillate, that does not exhibit a hazardous waste characteristic.
- Airbag waste.

### **What requirements must I follow in order for my waste to meet a conditional exemption?**

This largely depends on the waste being generated, as wastes have varying conditions that must be met in order for that waste to be considered exempt. For example, household hazardous waste is extremely common in Vermont. However, since the VHWMR only regulates hazardous waste generated by VSQG, SQG, and LQG *businesses*, household hazardous waste is exempt from regulation as hazardous waste. On the other hand, some wastes have many conditions that must be met in order to consider them exempt. Airbag waste, for instance, is conditionally exempt only if specific requirements are met for accumulation, containers, transport and destination, and record-keeping.

### **Am I required to manage my waste in a way that meets a conditional exemption?**

Generators are *not required* to manage their waste under a conditional exemption. Exemptions are intended to offer alternative management standards to having to manage the waste as hazardous, help lessen the regulatory requirements that must be followed, and reduce the amount of hazardous waste a facility generates.

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***For more information regarding conditional exemptions, or if you have other hazardous waste management questions, please contact:***

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