

## HAZARDOUS MATERIALS PROGRAM ENVIRONMENTAL FACT SHEET

## Recycling Exemptions

While recycling is a common aspect of waste management, the Vermont Hazardous Waste Management Regulations (VHWMR) establish specific standards for what constitutes recycling of *hazardous waste*. Similar to conditionally exempt wastes, generators should be aware that there are specific wastes that, if recycled according to regulatory requirements, are exempt from regulation as hazardous waste. Furthermore, they are not counted toward a generator's hazardous waste generation rate. Section 7-204 of the VHWMR state which wastes are exempt from regulation as hazardous waste if recycled; the VHWMR also list wastes that, regardless of whether they are recycled according to standards, are *not* exempt from regulation as hazardous waste.

### What is hazardous waste recycling?

The term "hazardous waste recycling" is defined in [Subchapter 6](#) of the VHWMR, specifically Section 7-602. Put simply, hazardous waste is recycled if it is *used, reused, or reclaimed*.

A hazardous waste is *used or reused* if it is:

- Used or reused as an ingredient in an industrial process to make a product, provided the waste is not first being processed or reclaimed; or
- Used or reused as an effective substitute for a commercial product, provided the waste is not first being processed or reclaimed; or
- Returned to the original process from which the waste is generated, without first being reclaimed or land disposed.

A hazardous waste is *reclaimed* if it is processed to recover the hazardous component of the waste as a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.

### What are examples of wastes that are exempt from regulation as hazardous waste if recycled according to the requirements?

The VHWMR outlines the recycling exemptions in Section 7-204 of [Subchapter 2](#). The following are the most common examples of recycling exemptions in Vermont; refer to the regulations for the full list and specific information:

- Hazardous wastes, other than the wastes described in Section 7-204(a)(2) of the VHWMR (more below), that are recycled by the generator on-site in accordance with the applicable requirements.
- Scrap metal that is recycled.
- Spent lead-acid batteries that are reclaimed or regenerated.
- Recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these

metals.

- Intact or shredded circuit boards being recycled.
- Spent ethylene glycol or water-based ethylene glycol solutions (e.g., antifreeze) that are subject to regulation as hazardous waste for meeting only the criteria of the VT08 hazardous waste code.
- Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.
- Commercial chemical products that are themselves fuels (e.g., gasoline, aviation fuel, diesel).

**What are examples of wastes that are not eligible for exemption from regulation as hazardous waste, even if recycled according to regulatory standards?**

The following materials are not exempt from the provisions of the VHWMR, even if they are recycled according to Subchapter 6; please refer to the regulations for the full list and specific information:

- Materials used in a manner constituting disposal or used to produce products that are applied to the land; with *one exception* provided in Section 7-204(k).
- Materials burned for energy recovery, used to produce a fuel, or contained in fuels; with *one exception* provided in Section 7-204(l).
- Materials accumulated speculatively. “Speculative accumulation” refers to false claims that wastes will be recycled and/or the indefinite storage of hazardous waste before recycling.
- Inherently waste-like materials.

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

Generators are *not required* to manage their waste to meet recycling exemptions. Exemptions are intended to offer alternative management standards to managing the waste as hazardous, to help lessen the regulatory requirements that must be followed, and to reduce the amount of regulated hazardous waste a facility generates.

---

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

Hazardous Materials Program – Hazardous Waste Section  
Waste Management and Prevention Division  
Vermont Department of Environmental Conservation  
1 National Life Drive – Davis 1  
Montpelier, VT 05620-3704  
802-828-1138  
<https://dec.vermont.gov/waste-management/hazardous>