The first way a material may be excluded from being defined as a hazardous waste is by being excluded from the definition of solid waste. APC&EC Regulation No. 23 Section 261.4(a) lists materials which are excluded from being defined as a solid waste, provided applicable conditions of 261.4(a) are followed.

- Domestic sewage
- Industrial wastewater
- Irrigation return flows
- Source, special nuclear, or by-product material (radioactive)
- Materials remaining underground from mining operations
- Pulping liquors (chemicals used to make paper)
- Spent sulfuric acid used to produce sulfuric acid
- Secondary materials that are reused
- Spent wood preserving solutions that are reused
- Dross from the treatment of waste generated during steel production
- By-products from processing coal into coke
- Oil related materials at a refinery
- Scrap metal for recycling
- Shredded circuit boards for recycling
- Recovered combustible gas at paper mills
- Comparable/Syngas fuels
- Materials from mineral processing for recycling
- Recovered oil to be reused in industry
- Spent caustic solutions used to make acid
- Materials used to make zinc fertilizers
- Zinc fertilizer made from hazardous wastes
- Used cathode ray tubes (televisions, computer monitors, etc...)
The second way a material may be excluded from being defined as a hazardous waste is if a solid waste is excluded from being a hazardous waste. APC&EC Regulation No. 23, Section 261.4(b) lists solid wastes which are not hazardous wastes, provided applicable conditions of 261.4(b) are followed.

- Household waste (trash from a home)
- Agriculture waste used as fertilizer
- Mining overburden returned to site
- Ash and waste from coal burning
- Waste generated at oil and gas fields
- Waste with only trivalent chromium
- Waste from ore or mineral processing
- Cement kiln dust waste
- Discarded arsenic treated wood/products
- Petroleum-contaminated media and debris
- Fluid injected underground to recover spilled petroleum at refineries
- Used refrigerant that will be recycled
- Used oil filters that have been drained properly
- Oil derived feedstock for asphalt products
- Landfill leachate or gas condensate

A third way for material to be excluded from the definition of hazardous waste is to be a dredged material subject to the requirements of a permit issued under the Federal Water Pollution Control Act or Marine Protection, Research, and Sanctuaries Act of 1972 and meeting all the conditions of APC&EC Regulation No. 23, Section 261.4(g).

A material that has been prepared as a sample for laboratory testing meeting the conditions of APC&EC Regulation No. 23, Section 261.4(d) or a sample prepared for a treatability study meeting the conditions of APC&EC Regulation No. 23, Section 261.4(e) or a sample in a treatability study that meets the conditions of APC&EC Regulation No. 23, Section 261.4(f) is exempt from certain sections of APC&EC Regulation No. 23.

A material that meets the definition of hazardous waste may be exempted from certain requirements of APC&EC Regulation No. 23 if it meets the conditions of APC&EC Regulation No. 23, Section 261.4(c). To be exempted from certain requirements, the hazardous waste must be generated in a product or raw material transport vehicle, vessel, or equipment involved in manufacturing that meets all the requirements of APC&EC Regulation No. 23, Section 261.4(c). The hazardous waste loses this exemption once it leaves the confinement of the manufacturing process or if the confining equipment has not been used for at least ninety (90) days.