

SOLID WASTE USED AS FUELS  
OR INGREDIENTS IN COMBUSTION UNITS

This rule established criteria to determine whether secondary materials used as fuel are solid wastes. Solid wastes, when combusted, are regulated under the new Commercial and Industrial Solid Waste Incineration NSPS Part 60 Standards.

Definitions:

- 241.2 Secondary Material – not primary product of manufacturing or commercial process including, post-consumer material, off specification commercial chemical products, intermediates, scrap.
- 241.3 Standards to determine whether non-hazardous Secondary Materials are Solid Wastes when used as Fuels.
- (a) Everything is Solid Waste except as excluded in (b).
  - (b) Not Solid Wastes when combusted:
    - (1) Non-hazardous secondary materials that remain within control of the generator;
    - (2) Scrap tires from vehicles managed under a tire collection program,
    - (3) Resinated wood;
    - (4) Non-hazardous secondary material used as an ingredient in a combustion unit;
    - (5) Fuel produced from processing of a discarded non-hazardous secondary material; and
    - (6) Non-hazardous secondary material granted a non-waste determination by EPA.
  - (c) Legitimacy criteria (applies to all excluded items in (b))
    - (1) Must be managed as a valuable commodity based upon:
      - (a) Storage must not exceed reasonable time frames; and
      - (b) Must be adequately contained to prevent releases to the environment.
    - (2) Must have a meaningful heating value and used for energy recovery.
    - (3) Must contain contaminants (HAP and criteria pollutant emission producers) at least as low as fuels which the unit is designed to burn (i.e. when compared to the traditional fuel).