



Identification of Non-Hazardous Secondary Materials that are Solid Wastes Proposed Rule

DECEMBER 19, 2011

INITIAL STEPS TO DECIDE WHETHER MATERIALS ARE A SOLID WASTE

- EPA published Advanced Notice of Proposed Rulemaking (ANPRM) in January, 2009, Proposed Rulemaking in July 2010, Final Rule in March 2011
- Identifies 2 key factors for solid waste determination:
 - Whether secondary material has been discarded
 - If discarded, has it been sufficiently processed to produce a legitimate fuel
- Discusses concept that secondary material must be legitimately used to be considered a non-waste.

FINAL RULE APPROACH

- Non-hazardous secondary materials that are not a solid waste when combusted:
 - Materials used as a fuel which remain in the control of the generator
 - Scrap tires managed within established tire collection program and resinated wood used within or outside control of the generator
 - Materials used as an ingredient in a combustion unit
 - Materials and ingredients that have been discarded but are subsequently processed into a new legitimate product fuel
 - Materials for which non-waste petition granted.
- Materials must meet legitimacy criteria to be considered a non-waste.
- Traditional fuels are not non-hazardous secondary materials or solid waste unless discarded.

NEW PROPOSED RULE

- Targeted proposal to help clarify provisions in the final rule.
 - Clarifies that certain materials are already within the scope of clean biomass and thus can be combusted in units meeting CAA 112 standards (e.g. hogged fuel, wood pallets, wood pellets).
 - Includes rulemaking petition process for individuals to list additional materials that are non-wastes under categorical determination.
 - Lists materials that are non-wastes by category based on information received and “balancing” of legitimacy criteria where appropriate (e.g. resinated wood, tires under oversight of established tire collection program).
 - Allows “grouping” of contaminants for comparison to meet contaminant legitimacy criterion (e.g. VOCs).

NEXT STEPS

- Final rule in Spring 2012.
- Completed clarifying statements related to contained gas, carbon burn-out units, landfill gas, foundry sands, coal refuse.
- Network of Regional contacts established.
- For more information.
<http://www.epa.gov/waste/nonhaz/definition.htm> .