

REVISIONS TO THE NON-HAZARDOUS SECONDARY MATERIALS RULE

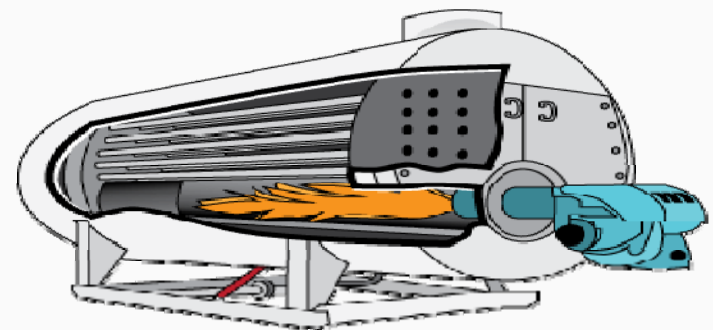
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Presentation to CIBO



Non-Hazardous Secondary Materials (NHSMs) Rule

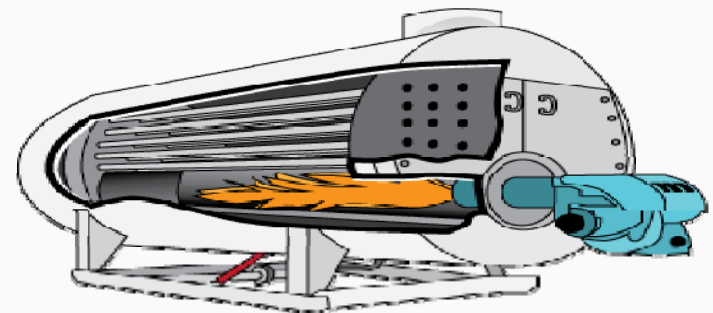
- NHSM rule clarifies which secondary materials are, or are not, solid wastes when burned in combustion units.
- Why the rule is important:
 - Units that burn **SOLID WASTE** would be subject to requirements under CAA section 129 solid waste incinerator regulations.
 - Units that burn materials that are **NOT A SOLID WASTE** would be subject to requirements under CAA section 112 boiler regulations.
- Key decisions in solid waste determination: has the NHSM been **DISCARDED**; if discarded, has it been **PROCESSED** into a **LEGITIMATE** fuel product





Non-Hazardous Secondary Materials (NHSMs) Rule

- Legitimacy criteria:
 - Managed as a valuable commodity
 - Meaningful heating value
 - Contaminants at levels comparable to or less those in the traditional fuel the unit was designed to burn.
- As part of the new commercial and industrial solid waste incinerator rule, EPA revised its March 2011 NHSM rule.
 - The targeted revisions provide clarity to stakeholders in identifying the types of NHSMs that can be burned in boilers or solid waste incinerators.





NHSMs (continued)

- Specific revisions include the following:
 - Revises four definitions (1) “clean cellulosic biomass,” (2) contaminants,” (3) “established tire collection programs,” and (4) “resinated wood.”
 - Revises contaminant legitimacy criterion, allowing “grouping” of contaminants for comparison to traditional fuels (e.g. VOCs), and clarifies the term “designed to burn.”
 - Lists materials that are non-wastes by category based on information received and “balancing” of legitimacy criteria where appropriate (i.e. resinated wood, tires under oversight of established tire collection program, dewatered pulp and paper sludges generated onsite by mills that burn a significant portion of those materials, coal refuse recovered from legacy piles).
 - Includes rulemaking petition process for individuals to list additional materials that are non-wastes under a categorical determination.



NHSMs (continued)

- Rule identifies other NHSMs that are good candidates for a categorical listing in a future rulemaking: (1) paper recycling residuals (including old corrugated cardboard (OCC) rejects); and (2) construction and demolition (C&D) wood processed pursuant to best practices and produced and managed under the oversight of a comprehensive collection system or contractual arrangement.
- Agency also received information related to creosote-treated railroad ties and indicated areas where new information from the regulated community is needed - -
- if such information provides support for a categorical listing, EPA would also address this NHSM in a future rulemaking.
- EPA has received a related letter from the Treated Wood Council asking that nonhazardous treated wood be determined as a categorical non-waste, a broader category that would include creosote-treated ties. EPA is in the process of reviewing this letter, and may also propose a categorical listing for this broader set of treated wood material.



NHSMs (continued)

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