

Expansion of RCRA Comparable Fuel Exclusion
Proposed Rule
72 FR 33284
June 15, 2007

What is this Federal Register About?

This is a proposed rule. Comment period ends September 14, 2007.

EPA is proposing to exclude from classification as a waste (and a hazardous waste) fuels derived from hazardous secondary materials that produce emissions comparable to fuel oils when burned in an industrial boiler. Neither the waste-derived fuels nor the boiler would be subject to the hazardous waste regulations if the conditions of the exclusion are met.

The waste-derived fuel would be subject to the constituent levels that apply to comparable fuels, OAC rule 3745-51-38, except that the specifications for 37 hydrocarbons and oxygenates would not apply (excluding PAHs and naphthalene).

The major conditions of the exclusion are:

1. Design and operating conditions for the boiler that ensure that the fuel is burned under the good combustion conditions typical for an oil-fired industrial boiler (i.e., waterwall steam boiler, low CO, burning high Btu primary fuel that is properly atomized, operating at boiler loads above 40%);
2. Storage only in tanks, tank cars or tank trucks, SPCC plan, secondary containment and leak detection for tanks, emergency procedures and response plan, fugitive air emission controls, underground storage subject to 40 CFR part 280, generator waste analysis plan; notification of state RCRA and air programs; sampling and analysis plan; recordkeeping;
3. Waste-derived fuels may not be blended to meet specifications for metals; they can be blended to meet specifications for organics;
4. Waste-derived fuel must have a Btu of 5,000 or higher as generated and a Btu of 8,000 or higher when fired into the boiler;
5. The boiler must fire at least 50% primary fuel and that primary fuel must be fossil fuel or tall oil with a Btu value of 8,000 or higher (this is to ensure a hot, stable flame).

Finally, these rules are optional and self-implemented by the ECF generator. Therefore, all the conditions of the rule must be met before the ECF can be managed outside the hazardous waste rules.

Will we comment on these proposed changes?

We are presently evaluating the rule to determine if we will comment.

What does this mean to the regulated community?

Generators and burners of ECF that meet the conditions of the ECF exclusion would benefit from lower (or eliminated) waste management fees and lower operating costs since they would not be subject to the hazardous waste storage requirements.

Commercial hazardous waste incinerators and cement kilns that burn hazardous waste fuels that meet the ECF may lose revenues if they cannot charge hazardous waste management fees for the excluded fuels. Plus, cement kilns may they may incur fuel replacement costs.

What does this mean to DHWM and/or Ohio EPA?

These rule changes are considered by U.S. EPA to be less stringent than the current hazardous waste rules. Therefore, since we have an authorized RCRA program, we are not required to adopt the changes.

If we decide to adopt these rule changes, we anticipate that inspectors will need training to learn and enforce the rules, and additional resources will be expended to develop specialized inspection checklists. However, these rules do not increase the number of entities subject to regulation under the hazardous waste rules.

When would the regulatory changes be effective in Ohio?

The rule changes would be effective in Ohio when Ohio EPA adopts them. U.S. EPA cannot implement and enforce these rules prior to us adopting and being authorized for the changes. This is because we are not required to adopt the rules since they are not more stringent than the current rules.

When will Ohio EPA adopt the state version of this rule?

This will be determined after U.S. EPA adopts the final rule changes.

Federal Register Link:

<http://www.epa.gov/fedrgstr/EPA-AIR/2007/June/Day-15/a11130.pdf>

Federal Guidance Document:

<http://www.epa.gov/epaoswer/osw/specials/labwaste/lab-fs.htm>
<http://www.epa.gov/epaoswer/hazwaste/combust/compfuels/exclusion.htm>