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Subject: EPA Proposes To Expand Comparable Fuel Exclusion

To All:

FYI - From Lion Technologies eNews at www.lion.com and EPA at www.epa.gov.

Gary

EPA Proposes To Expand Comparable Fuel Exclusion

In today's [Federal Register](#) (June 15, 2007) the EPA is proposing to expand the comparable fuel exclusion under the Resource Conservation and Recovery Act (RCRA) regulations.

Currently, the RCRA hazardous waste rules state that secondary materials (i.e., materials that otherwise would be hazardous wastes) which have fuel value and whose hazardous constituent levels are comparable to those found in the fossil fuels which would be burned in their place are not solid waste, and therefore not hazardous waste [see 40 CFR 261.38]. Today's proposal would amend the comparable fuel exclusion by expanding the exclusion to include fuels that are produced from a hazardous waste but which generate emissions when burned in an industrial boiler that are comparable to emissions from burning fuel oil. In other words, the fuels would be comparable from an emissions standpoint but not a physical standpoint.

The revised rule would establish a new category of excluded waste-derived fuel called emission-comparable fuel (ECF). ECF would be subject to the same specifications that currently apply to comparable fuels, except that the specifications for certain hydrocarbons and oxygenates would not apply. The ECF exclusion would include requirements for design and operating conditions for the ECF boiler to ensure that the ECF is burned under the good combustion conditions typical for oil-fired industrial boilers. The rules would also provide standards for tanks storing ECF based on conditions that are typical of those for storage of commercial fuels, but are tailored for the hazards that ECF may pose.

Written comment must be received by EPA by August 14, 2007.

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