

9494.1986(03)

## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

MARCH 86

### 3. Hazardous Waste Fuel

An iron furnace is used to smelt iron ores to produce (pig iron) suitable for use in making steel. The blast furnace with both virgin fuel oil and a fuel produced from listed hazardous spent solvents. The hazardous waste derived fuel is produced by a processor who neither generates nor burns the fuel. How would the hazardous waste derived fuel be regulated under the final rule on burning and blending of hazardous waste which was promulgated in the Federal Register on November 29, 1985 (50 FR 49164)?

The final burning and blending rule of November 29, 1985 (50 FR 49164) removed an exemption in §266.30(a) that was applicable to this situation which was promulgated on January 4, 1985 (50 FR 614). Formerly, §266.30(a) exempted from regulation "fuels produced from hazardous waste by blending or other treatment by a person who neither generated the waste nor burns the fuel" provided that the fuel was "burned for energy recovery in any boiler or industrial furnace that is not regulated" as a hazardous waste incinerator, with some specific exceptions. The November 29, 1985 final rule (50 FR 49164) removed the §266.30(a) exemption and specifies in amended §266.30(a) that Subpart D of Part 266 applied to "hazardous waste fuel" burned for energy recovery in any boiler or industrial furnace that is not regulated as a hazardous waste incinerator. "Hazardous waste fuel" is defined in amended §266.30(a) to include both hazardous waste and "fuel produced from hazardous waste by processing, blending, or other treatment" which is burned for energy recovery in the above specified units.

In this example, the unit used for burning hazardous waste fuel for energy recovery is a blast furnace. Section 260.10 (50 FR 614) defines the term industrial furnace to include blast furnaces. Thus, the hazardous waste produced fuel has been excluded from regulation in the past due to the former §266.30(a) exemption for fuels produced from hazardous waste by a third party processor which are burned for energy recovery in any boiler or industrial furnace.

Since the November 29, 1985 final rule (50 FR 49164) removed the former §266.30(a) exemption for fuels produced from hazardous waste and amended §266.30(a) to include "hazardous waste fuels" in the group of wastes regulated by RCRA, all previously exempted hazardous waste fuels are now subject to regulation.

The hazardous waste fuel in this case becomes subject to the regulations of Subpart D of Part 266 as of the appropriate effective date of the November 29, 1985 final rule (50 FR 49164). The owner of the blast furnace is a burner of hazardous waste fuel and will be subject to the §266.35 standards applicable to burners of hazardous waste fuel. This section includes prohibitions on burning hazardous waste fuel in other than specified units, notification requirements, required notices, recordkeeping requirements, and storage controls. The storage controls, found in §266.35(c), require that a facility have interim status or a final permit for the storage of hazardous waste fuels, and subject the facility to the applicable provisions of Parts 265 or 264, 270, and 124. The applicable effective dates include notification by January 29, 1986; use of manifests, certifications, and recordkeeping by March 31, 1986; and submission of Part A permit applications or amended Part A permit applications by May 29, 1986.

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