

QUESTION: On March 16, 1983, EPA issued enforcement guidance on the distinction between burning hazardous waste for legitimate heat recovery and incineration. This was followed by the April 4, 1983, proposal on the new definition of solid waste which also deals with heat recovery and fuel blending. Callers have asked whether the burning of wastes or waste derived fuels which have a relatively high BTU value but which are laced with low BTU value constituents are currently regulated or will be regulated under the proposed definition.

ANSWER: The enforcement guidance was issued to reflect the current status of the regulations (40 CFR 261.6). The recycling of materials under the new proposal more clearly defines those materials and processes which need regulation. The current regulations take into consideration intent or primary purpose (i.e., BTU value of constituents and the total material) for a definition of legitimate recycling. The new proposal says that if recovery is being carried out in a unit which meets the definition of an incinerator, it must be permitted, regardless of energy or material recovery considerations.

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