Attachment B

Rule Language and Preamble Language that is Consistent with a Fuel Category Comparison Approach

Rule Language:

The non-hazardous secondary material must contain contaminants at levels comparable in concentration to or lower than those in traditional fuels which the combustion unit is designed to burn. Such comparison is to be based on a direct comparison of the contaminant levels in the nonhazardous secondary material to the traditional fuel itself. 40 C.F.R. 241.3(d)(1)(iii).

The first sentence is written the plural.

Preamble Language

With that said, we agree with those commenters who argue that there are a wide range of raw materials and fuels that can be used and that the level of contaminants in these secondary materials can also vary. Thus, for purposes of comparing levels of contaminants found in non-hazardous secondary materials to traditional products, a person can make that comparison with traditional raw materials and fuels that come from multiple sources, provided such sources can be used in the combustion unit. 76 Fed. Reg. 15528.

In determining which traditional fuel(s) the owner or operator of the boiler unit would make a comparison to with respect to contaminant levels, the Agency will allow any traditional fuel(s) that can be or is burned in the particular type of boiler. For example, if the boiler burns fuel oil, the level of contaminants to be compared would be the level of contaminants in fuel oil or other liquid traditional fuels that is or can be burned in such unit. For gas-fired boilers, the level of contaminants in the nonhazardous secondary material fuels would be compared to natural gas or other gaseous traditional fuels. The Agency believes that this approach is most appropriate since the nonhazardous secondary material would be replacing the use of a particular type(s) of fuel. In addition, as discussed in the preamble to the boiler MACT, boilers designed to combust different types of fuels (e.g., coal vs. oil) cannot easily be modified to burn another fuel. Therefore we have determined that any comparison of the contaminants in a non-hazardous secondary material should be to the type(s) of fuel that are (or can be) used in the boiler. 76 Fed. Reg. at 15542.