



**American
Forest & Paper
Association**



AMERICAN WOOD COUNCIL

October 3, 2014

Barnes Johnson
Director, Office of Resource Conservation and Recovery
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave, N.W.
Mail Code: 5301P
Washington, DC 20460

By E-mail

Re: Proposed Additions to List of Section 241.4 Categorical Non-Waste Fuels (EPA-HQ-RCRA-2013-0110).

Dear Barnes,

AF&PA, AWC and other coalition partners met with you and your staff on July 23rd to the Proposed Additions to List of Section 241.4 Categorical Non-Waste Fuels (EPA-HQ-RCRA-2013-0110), 79 Fed. Reg. 21006 (Apr. 14, 2014). As you know, we are eager to see this rule finalized but also have some concerns about treatment of creosote treated railroad tie fuel under this rule. You and your staff have heard similar concerns separately from the Biomass Power Association and Council of Industrial Boiler Owners.

As you complete the final rule, I want to make sure you are aware of some additional facts about the use of oil by boilers in the Forest Products industry.

In the above-referenced rule, EPA has proposed to list as non-waste fuel:

Creosote-treated railroad ties that are processed and combusted in units designed to burn both biomass and fuel oil.

With respect to the issue of when a boiler is "designed to burn" a particular fuel, the proposal references the 2013 final rule, which states:

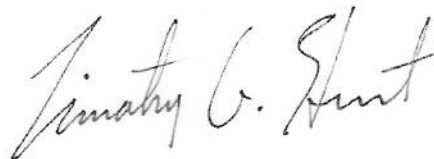
The ability to burn a fuel in a combustion unit does have a basic set of requirements, the most basic of which is being able to get the material into the combustion unit. The agency reaffirms in today's final rule its interpretation from the proposal that to be able to burn NHSMs, a combustion unit should also be able to ensure the material is well mixed and maintain temperatures within unit specifications. 78 FR 9111, 9150 (Feb. 7, 2013).

As EPA notes, with respect to the identification of boilers that are designed to burn fuel oil, we have focused on the delivery of fuel oil through a nozzle. 79 Fed. Reg. at 21022-23. However, that is not the only oil delivery mechanism used by boilers in the Forest Products industry. Some facilities currently and others have in the past combusted used oil obtained on-site from various vehicles and equipment by mixing the oil with the biomass hog fuel and then combusting that oil/biomass combination fuel during normal boiler operations in the same way biomass is introduced into the boilers. This method of delivering oil to a boiler is an alternative way to "get the material into the combustion unit."

Based on this understanding, we believe that most biomass boilers are designed to burn, and some do burn, both fuel oil and biomass, without a fuel oil nozzle. We ask that EPA clarify in the final rule that a boiler can be considered "designed to burn fuel oil" if it is capable of introducing fuel oil into the boiler by mixing it with solid fuel.

Please consider this letter an addendum to our June 12th comments. If you have any questions, please don't hesitate to contact me at 202-463-2588.

Sincerely,

A handwritten signature in black ink, reading "Timothy G. Hunt". The signature is fluid and cursive, with the first name "Timothy" being the most prominent part.

Timothy G. Hunt
Senior Director for Air Quality Programs

cc: Betsy Devlin
George Faison
Paul Noe