



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# Waste Paper/Non-Hazardous Secondary Materials: U.S. Environmental Protection Agency Addresses Request for Non-Waste Fuel Determination

08/12/2020

The United States Environmental Protection Agency (“EPA”) in a July 10th letter addressed a request to determine that waste paper generated by Seaman Paper Operations at three facilities in Massachusetts is a non-waste fuel product pursuant to 40 C.F.R. 241.3(b)(1).

The July 10th letter was transmitted from Andy Crossland, Acting Director, Materials Recovery and Waste Management Division, EPA’s Office of Resource Conservation and Recovery to George Jones of Seaman Paper Company.

40 C.F.R. 241.3(b)(1) of the Non-Hazardous Secondary Materials (“NHSM”) regulations requires that to be designated as a non-waste fuel the material will remain within control of the generator as defined by 40 C.F.R. § 241.2. The regulations also specify legitimacy criteria for fuels in 40 C.F.R. § 241.3(d)(1).

Tetra Tech in a September 26, 2019, letter on behalf of Seaman Paper Company described Seaman’s waste paper generation process as processing and handling. The September 26th letter also contained contaminant comparison data to illustrate the company’s view as to why its waste paper meets the NHSM legitimacy criteria.

The information provided to EPA is stated to have included:

- Original request letter
- Supplemental electronic correspondence
- Submittal of additional formaldehyde data

Based on the referenced information, EPA’s July 10th letter states that the waste paper generated at the referenced facilities and burned in its combustion units for energy recovery constitute a non-waste fuel under 40 C.F.R. Part 241. This is subject to the caveat that the waste paper continue to meet the specifications as indicated by additional testing. Failure to do so is noted to risk EPA reaching a different conclusion.

The EPA letter provides the information and logic the agency used to reach the determination.

Subjects addressed in the letter include:

- Waste paper generation and handling

- Within the control of the generator
- Legitimacy criteria
- Management as a valuable commodity
- Meaningful heating value and use as a fuel to recover energy
- Comparability of contaminant levels
- Summary of Seaman Paper formaldehyde results

A copy of the letter can be downloaded [here](#).