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Auto Shredder Residue/Non-Hazardous Secondary Materials: U.S. Environmental Protection Agency Addresses Request for Non-Waste Fuel Determination

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The United States Environmental Protection Agency ("EPA") in a November 12th letter addressed a request to determine whether certain auto shredder residue ("ASR") burned in a cement kiln would be considered a solid waste.

The specific question was whether the material is a non-waste fuel product under the Non-Hazardous Secondary Materials ("NHSM") rule.

EPA was responding to an April 15, 2019, NHSM self-determination and information included in an April 6, 2020, letter from GCC Dacotah, Inc. ("GCC").

GCC is stated to have submitted information requesting that the ASR generated by Pacific Steel and Recycling is a non-waste fuel product, pursuant to 40 CFR 241.3(b)(4), when combusted in GCC's Rapid City, South Dakota cement kiln.

The relevant federal regulations require that processing a NHSM meet the definition of processing in 40 CFR 241.2. Further, after processing, the NHSM must also meet the legitimacy criteria for fuels in 40 CFR 241.3(d)(1).

The applicable emissions standards under Section 129 of the Clean Air Act will apply to units that combust NHSM as fuels if they do not meet the previously referenced regulations.

CGG's Rapid City facility is stated to operate a pyroprocessing kiln system. The fuels traditionally used in the unit include coal, coke, and natural gas. However, the unit is also stated to have the ability to fire other traditional fuels such as wood, other cellulosic materials, and other liquid petroleum sources.

GCC is planning to use ASR as an alternative fuel to supplement currently used fuels. In terms of the NHSM determination, GCC used coal as the comparison to ASR.

ASR is derived from the processing of whole automobiles, appliances, and similar durable goods into reusable raw materials. The material is composed of:

- Plastics
- Rubber
- Foam

- Paper
- Fabric
- Residual metal pieces, glass, sand, and dirt

Approximately 20 to 50 percent of unprocessed dry auto shredder residue is stated to be combustible. This includes plastics, fabric, and rubber. The end combustible components are removed during processing and include metals, glass, dirt, and ash.

CGG's quality assurance and quality control procedures are described. These include acceptance standards that exclude:

- Radioactive materials
- Explosive materials and live munitions
- Biohazards, chemicals, and hazardous waste
- Ballasts, transformers or capacitors without non-PCB label
- Pressurized gas cylinders or sealed containers
- Tanks or drums without empty-tank certification
- Yard wastes
- Flammable liquids
- Mercury
- Asbestos

EPA states in its November 12th letter that based on the information provided it believes that ASR generated at Pacific Steel and Recycling and burned in GCC's cement kiln would constitute a non-waste fuel under 40 CFR Part 241. This is conditioned upon the previously provided specifications being maintained.

EPA also addresses in the letter:

- Background information
- Processing
- Contaminant removal
- Initial Processing
- Processing of Non-Ferrous Materials
- Final Processing
- Legitimacy Criteria
- Manage as a Valuable Commodity
- Meaningful Heating Value and Used as a Fuel to Recover Energy
- Comparability of Contaminant Levels

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