

# Discarded Carpet/Non-Hazardous Secondary Materials: U.S. Environmental Protection Agency Addresses Whether Material Constitutes a Non-Waste Fuel



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The United States Environmental Protection Agency (“EPA”) in a March 21st letter addressed a request to determine whether certain discarded carpet that a company plans to process into fuel would be considered a solid waste when burned in a combustion unit.

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 October 8, 2018, letter from Dragon Products Company, LLC (“Dragon”). The company’s submission includes information stated to support the position that the material meets legitimacy requirements found in 40 C.F.R. 241.3 (b)(4).

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

The applicable emission 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.

The discarded carpet is stated to consist of nylon, polyester and polypropylene. The material is referenced as a future component of Dragon’s Alternative Fuel Program for its Portland, Maine cement kiln.

EPA concludes in its March 21st letter that the carpet materials would be considered a non-waste fuel under the 40 C.F.R. Part 241 regulations when combusted in Dragon facility’s cement kilns. The kilns are designed to burn coal.

EPA’s decision is stated to be based on Dragon’s letter, supporting materials, and data obtained during an agency site visit.

The March 21st letter addresses:

- Background
- Processing
- Legitimacy criteria
- Manage as a valuable commodity

- Meaningful heating value and used as a fuel
- Comparability of contaminant levels

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