

November 10, 2011

### **PCA Preferred Definition of "Processing"**

"Processing means any operation that transforms discarded nonhazardous secondary material into a non-waste fuel or non-waste ingredient product. Processing includes, but is not limited to, removal of extraneous debris, sizing for safe and efficient handling, shredding, sorting, segregating, cleaning, culling, racking, or other systematic procedures for making a material ready for use as a fuel. For example, for tires being used as fuel in a portland cement kiln, neither shredding nor metal removal shall be necessary."

**SUGGESTED REGULATORY LANGUAGE**  
**TO CODIFY ADMINISTRATOR JACKSON'S**  
**MAY 17, 2011 RULING REGARDING**  
**PORTLAND CEMENT KILN INGREDIENTS**

**(76 FR 28318, 28322)**

Both § 60.2265 (for subpart CCCC) and § 60.2875 (for subpart DDDD) contain the following definition for “waste-burning kiln” –

Waste-burning kiln means a kiln that is heated, in whole or in part, by combusting solid waste (as that term is defined by the Administrator pursuant to Subtitle D of RCRA).

Only portland cement kilns that are “waste-burning kilns” as defined in these sections are subject to CISWI. We accordingly urge EPA to amend both §§ 60.2265 and 60.2875 by adding the following (new language in bold italics):

Waste-burning kiln means a kiln that is heated, in whole or in part, by combusting solid waste (as that term is defined by the Administrator pursuant to Subtitle D of RCRA). ***Materials used as ingredients in portland cement kilns shall not be deemed combusted.***

There is currently no definition of “ingredient” in the CISWI regulations. We urge EPA to amend both §§ 60.2265 and 60.2875 by adding the following new definition (please note this definition is taken *verbatim* from the NHSM definitions – see § 241.2 at 76 FR 15550):

***“Ingredient” means a non-hazardous secondary material that is a component in a compound, process, or product.***