

TWC provided language that EPA can use in ensuring that only NHSM treated wood materials that are properly managed and used as fuel will qualify under this non-waste categorization: “If the non-hazardous, secondary material is transferred from the generating site or organization to the combustion site under a contractual agreement throughout its transfer, the Agency has determined that such a transfer does not constitute a ‘discard,’ and therefore the secondary material is not a ‘waste’ and may be combusted as a boiler fuel.”