

# THE DEC POLICY SYSTEM



New York State  
Department of Environmental Conservation

## PROGRAM POLICY

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### Abstract:

This document provides guidance for permitting existing stationary combustion installations requesting to fire non-hazardous (as defined in 6 NYCRR Part 371 Identification and Listing of Hazardous Wastes) solid waste materials.

### Related References:

All applicable rules, regulations and federal requirements are listed in DAR-3.

## I. PURPOSE

The intent of this document is to allow existing stationary combustion installations to remain regulated under 6 NYCRR 227 Stationary Combustion Installations while avoiding the requirements of a new source review (attainment and/or nonattainment).

## II. BACKGROUND

This policy creates a mechanism for the review, test firing and approval of possible alternative fuels and discrete waste for the purpose of landfill site remediation.

## III. POLICY

This policy supplies a mechanism for the review and approval of alternative fuels for use in solid fossil fuel fired stationary combustion installations (that were not specifically designed to burn waste materials).

## IV. RESPONSIBILITY

The Division of Air Resources Central Office and Regional staff have the responsibility for carrying out DAR-3.

## **V. PROCEDURE**

DAR-3 has not been issued previously as an Air Guide, however, has undergone public comment and executive staff review. Comments received were responded to and resultant changes made to this policy.

## DAR-3

### SOLID ALTERNATIVE FUELS PERMITTING

#### **PURPOSE:**

This document provides guidance for permitting existing stationary combustion installations requesting to fire non-hazardous (as defined in 6 NYCRR Part 371 Identification and Listing of Hazardous Wastes) solid waste materials. This document does not allow a facility to fire hazardous waste. The intent of this document is to allow existing stationary combustion installations to remain regulated under 6 NYCRR Part 227 Stationary Combustion Installations while avoiding the requirements of a new source review (attainment and/or nonattainment).

#### **BACKGROUND:**

Disposal of tires, railroad ties, wood, etc. is often problematic in a landfill. Buried tires frequently resurface. Other wastes are bulky and consume valuable landfill space. In general, many of these wastes may have a value as a fuel. Also, supplies of these waste fuels are readily available in the Northeast. Some solid fuel fired stationary combustion installations (a solid fuel fired stationary combustion installation is a boiler/furnace which fires solid fossil fuel and/or unadulterated wood) are burning, or planning to burn, wastes as a way to reduce fuel costs. However, no mechanisms currently exist for the review and approval of alternative fuels for use in these solid fossil fuel fired stationary combustion installations (that were not specifically designed to burn waste materials). This guide creates a mechanism for the review, test firing, and approval of possible alternative fuels and discrete waste for the purpose of site remediation.

Solid fuel fired stationary combustion installations are (at a minimum) regulated under 6 NYCRR Part 227 Stationary Combustion Installations and are not subject to incineration or air toxic requirements, thus they need only to control pollutants such as nitrogen oxides and particulate matter (6 NYCRR Part 225-1 Sulfur in Fuel Limitations limit the amount of sulfur dioxide produced when firing fossil fuels). These facilities may also be subject to other state and federal regulations which require the control of nitrogen oxides, sulfur dioxides, and particulate matter. However, many of the solid wastes proposed for use as an alternative fuel may contain heavy metals and toxics.

#### **DEFINITIONS:**

***Alternative fuel*** means a waste that has been approved for use as a fuel in either a combustion or incineration unit. Clean unadulterated wood is not an alternative fuel, it is a traditional fuel which may be fired alone or simultaneously with fossil fuel in a stationary combustion installation.<sup>1</sup> This definition is not federally enforceable, and should not be permitted as such.

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<sup>1</sup> This definition applies only to New York State and the facilities permitted with this guidance document.

**C&D debris** means construction and demolition debris. C&D debris may include both adulterated and unadulterated materials. However, this mixture by definition is unrecognizable, therefore, it shall not be permitted for firing in a Part 227 source.

**Case-specific beneficial use determination (BUD)** means an exemption from the definition of solid waste for a specific material from a specific source when used in a specific manner which is granted in response to a petition submitted under 6 NYCRR subdivision 360-1.15(d).

**Coal combustion** means the combustion of coal or the combustion of coal along with Department approved alternate fuels, such as tires, at an energy generation facility provided that the alternate fuels comprise no greater than 30% of the fuel burned at the facility.[6 NYCRR paragraph 360-1.2(b)(26)]

**Contemporaneous emissions increases/decreases** are any actual changes in the emissions of a facility occurring after January 6, 1975, and which must occur within five years of the proposed date of construction for modification. If no construction is needed to affect a modification the five year period is determined from the date of the proposed modification.

**Netting Analysis** means the process by which a facility determines if they have increased their emissions, during a contemporaneous period, above the significant modification thresholds as outlined in the state and federal regulations.

**Predetermined BUD** means a categorical exemption from the definition of solid waste has been made for a waste material used in specific a manner as described in the regulatory exemption (e.g., as a fuel). Categorical exemptions are listed in 6 NYCRR Part 360-1.15(b).

**Processed C&D debris** means construction and demolition debris which has undergone some form of treatment that renders the individual waste components unrecognizable, such as pulverizing or shredding, at a Department (Part 360) permitted solid waste facility. Processed C&D debris may include both adulterated and unadulterated materials. However, this mixture by definition is unrecognizable, therefore, it shall not be permitted for firing in a Part 227 source.

**Significant increase** means an increase in a facility's emissions which are greater than a specific amount measured in tons per year (TPY). For example, the increase threshold for SO<sub>2</sub> is 40 TPY. This threshold is different for each pollutant. Also, the method used to calculate an increase must be conducted on a case-by-case basis, depending on the location of the facility and the regulations that govern the review.

**Treated wood** means wood combined with chemical compounds (e.g., copper chromium arsenate (CCA) or pentachlorophenol (PCP) treated woods).<sup>2</sup>

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<sup>2</sup> For the purpose of this guidance document creosote treated wood shall not be considered a ***treated wood***.

**Unadulterated wood** means wood that is not painted or treated with chemicals such as glues, preservatives or adhesives. Any painted wood or chemically treated wood (e.g., pressure treated wood, treated railroad ties) or wood containing glues or adhesives (e.g., plywood, particle board) is considered adulterated wood. [Paragraph 360-1.2(b)(175)].<sup>3</sup>

## **REGULATIONS:**

The following sections outline state and federal regulations that may be applicable to the permitting of alternative fuels. It is possible for an application to trigger both state and federal requirements and regulation reviews.<sup>4</sup>

### **Federal Rules**

Stationary combustion installations may be subject to New Source Review (NSR - which includes both nonattainment and attainment/Prevention of Significant Deterioration (PSD) regulations), 40 CFR 60 New Source Performance Standards (NSPS), and/or 40 CFR 63 Maximum Available Control Technology (MACT). However, many of New York's utility units predate these regulations. The emissions from the utility units are only regulated under the Title IV Acid Rain program or when a major modification occurs. Under PSD regulations, a major modification is any physical change or change in the method of operation of a major stationary source that would result in significant net emissions increase of any pollutant subject to regulation. There are a number of exemptions as to what constitutes a modification under 40 CFR 52.21(b)(2)(iii), including part (e) which exempts from PSD review the use of an alternative fuel or raw material if the source was capable of accommodating the change before January 6, 1975. This exemption does not apply if such a change is prohibited under any federally enforceable permit condition or if the source was prohibited to use such material under any permit issued under 40 CFR 52.21 or under regulations approved pursuant to 40 CFR 51.166. Therefore, if a source has a permit limitation restricting fuel type, this exemption would not apply and the source would be

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<sup>3</sup> Unadulterated wood separated from C&D debris which has been granted a case specific BUD to be used as a fuel, unadulterated wood which meets the requirements of paragraph 360-1.15(b)(3) or has been granted a case specific BUD for use as a fuel, and virgin wood are all forms of clean wood that may be fired in any boiler designed to fire solid fuel which has been permitted as a stationary combustion installation (under Part 227) and whose permit does not specifically prohibit the use of clean wood. C&D debris, processed C&D debris, CCA or PCP treated wood (as defined above), painted wood, and coated woods shall not be reviewed or permitted as alternative fuels under the Part 227 combustion regulations. These materials shall only be fired in an incinerator which has been permitted under either 6 NYCRR Part 212 General Process Emission Sources or 6 NYCRR Part 219 Incinerators. Other forms of adulterated materials shall be reviewed and permitted for firing, using this guidance document.

<sup>4</sup> The Department has been delegated by the U.S. EPA to administer the PSD program and 40 CFR 60 D Standards of Performance for Fossil-Fuel Fired Steam Generators (NSPS). If a federal regulation has not been delegated to the Department or the Department is not authorized to implement a state regulation in place of a federal regulation, the Department shall conduct a simultaneous review with the U.S. EPA.

subject to PSD review. A PSD modification is triggered by a "significant" increase (as defined in the regulation) in any regulated pollutant at a major stationary source resulting from:

1. a physical change, or;
2. a change in methods of operation.

If the modification is significant, then a netting analysis is performed to determine if the change in emissions (past actual to future actual, for electric utilities) falls below the significance levels by considering contemporaneous increases and decreases.

40 CFR 60 NSPS allows up to 30% municipal type waste to be fired in solid fossil fuel combustion facilities. The NSPS does not distinguish the difference between municipal solid waste incinerators (Part 219) and process source incinerators (Part 212). The recently revised 40 CFR 60 Ea Standards for Performance of Municipal Waste Combustors (December 19, 1995) regulates municipal waste combustors (MWC) with charging capacities of greater than 40 tons per day. Applicability to any of the NSPS subparts varies according to unit size and the date of construction. However, all new and existing MWCs shall be required to apply the maximum achievable control technology (MACT), in accordance with the revised NSPS.<sup>5</sup>

### **NYSDEC Solid Waste**

New York State's 6 NYCRR Part 360 Solid Waste Management Facilities regulation provides two main vehicles for the use of solid waste as a fuel. The first is under the Subpart 360-3 solid waste incinerator regulations. The second is under section 360-1.15. This section provides for a petition to be submitted for a case-specific beneficial use determination (BUD) for the use of solid waste as a fuel. If such a BUD is granted, the solid waste is no longer subject to Part 360 jurisdiction when used as a fuel (as decided in the petition).

Examples of different predetermined BUDs which have been authorized include the following:

Unadulterated wood, wood chips, or bark from land clearing operations, logging operations, utility line clearing and maintenance, pulp and paper production, and wood products manufacturing when these materials are used in or for specific operations listed in the predetermined BUD, including wood fuel production [paragraph 360-1.15(b)(3)]; and

A predetermined BUD has also been granted to whole tires and tire chips when used for energy recovery.[paragraph 360-1.15(b)(6)].

For the purpose of Part 360, such materials are no longer considered to be wastes when they are used in these ways. Also, solid waste derived fuels may be used at the location which they are generated,

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<sup>5</sup> The federal PSD regulations do not define an alternative fuel. The only reference for alternative fuels may be found in the federal hazardous waste regulations. This definition states that the waste material must have a minimum heat value of 5,000 Btu/lb. Therefore, PSD facilities proposing to fire alternative fuels shall meet the criteria for minimum heat value listed above.

without the issuance of a BUD as provided in paragraph 360-1.7(b)(4). A determination of the applicable air regulations (Part 227, Part 212, or Part 219) is still necessary.<sup>6</sup>

To obtain a BUD, the petitioner must show consistency with solid waste regulations. BUDs to combust materials such as paper, plastic, etc., are not usually granted since these materials are readily recyclable (see Appendix A for a more complete discussion of the BUD process).

### **NYSDEC Air**

The Division of Air Resources regulates the burning of solid or liquid materials as either combustion or incineration. The following regulations apply to each type of material:

#### **Solid Waste Materials:**

Subparts 227-1 and 227-2 limit stationary combustion installations to the firing of fossil fuels and/or wood. All other solid waste materials are (according to the air regulations) permitted to be fired in incineration units only, except where the Department has authorized specific exemptions. The air regulations classify incineration in two different categories. The first category: Part 219 regulates the incineration of municipal solid waste, the second category: Part 212 controls the burning of discrete industrial process (waste/product) streams.

#### **APPROACH TO PERMITTING:**

Through the use of this air guidance document a proposed alternative fuel or waste remediation project shall be determined to be subject to either Part 227, Part 212, or Part 219. This document does not relieve the applicant from the requirements of 6 NYCRR Part 617 State Environmental Quality Review (SEQR). Thus, the SEQR process shall be conducted as part of the permitting/permit modification process.

#### **Alternative Fuel Criteria:**

When an application to fire an alternative fuel is submitted to the Department, a multimedia approach to the review of the application (between all involved DEC Divisions) is recommended. To be considered a candidate for a combustion permit, the alternative fuel must have, at a minimum, the following (unless the facility is exempt from one or all of these conditions):

A BUD from the Division of Solid and Hazardous Materials (DS&HM); however, a BUD does not automatically mean the unit should be permitted as a combustion source (the DS&HM and the DAR should work together during the BUD process to assure materials receiving a BUD are acceptable for firing in a combustion source). Currently there are two predetermined BUDs for fuel to be used for energy recovery under subdivision 360-1.15(b): unadulterated wood from certain specific sources; and tires and tire chips. Other BUDs may be obtained on a case-specific basis, as provided by 6 NYCRR

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<sup>6</sup> Materials which have been granted a BUD (predetermined or case-specific) will be considered a solid waste if they are used and/or discarded in a manner different from that specified in the BUD.

**Part 360-1.15(d) (it should be noted that facilities which generate waste materials on-site and propose to fire these materials (on-site) are not required to have a Solid Waste issued BUD);**

A minimum BTU content of 4,000 Btu/lb as received, based on the higher heating value of the proposed alternative fuel, (coal tar soils or other special case remedial projects do not need to meet this criteria, however, they will have to be permitted under Part 360) is required for the facility to receive a case-specific BUD as a fuel;

Determination as to whether the alternative fuel meets the requirements of 6 NYCRR Subpart 225-1 Sulfur in Fuel Limitation, based on a percentage by weight of sulfur to fuel (Subpart 225-1 provides a variance allowing the blending of high sulfur fuel with low sulfur fuel to meet an as-fired sulfur standard);

Total alternative fuel content of no more than 30% of fuel feed on a weight basis; and

A compound specific analysis of the alternative fuel (listing all compounds found).

If an applicant proposes to fire more than one alternative fuel at a time, the following criteria must be met:

The alternative fuels must already be permitted at the facility;

Only one discrete waste for the purpose of site remediation shall be permitted to be fired at a time;

Based upon the analytical test data of all alternative fuels proposed for simultaneous firing the applicant shall list all “new” pollutants which may occur during the combined firing of the alternative fuels. The applicant shall then stack test for those pollutants considered significant by the Department; and,

The combination of alternative fuels shall not exceed 30% by weight of the fuel mixture.

**Unit Criteria:**

The size or heat rating of a unit is not the only factor that could cause emissions to vary from unit to unit. The combustion controls, emission controls, flow parameters, and stack parameters could cause the same size units to have very different emissions of the same pollutant. Historically larger units fire at hotter temperatures, longer residence times, higher flow rates, and have taller stacks. These characteristics are necessary for the proper combustion of alternative fuels which may contain HAPs (e.g., particle board contains a formaldehyde based glue). Generally, the smaller the unit the less likely it will be able to meet the minimum parameters for the proper destruction of pollutants contained in or created during incomplete combustion of the alternative fuel. Therefore, only units which meet the following requirements are eligible to fire alternative fuels as permitted stationary combustion installations:

Units > 100 mmBtu/hr heat rating;

Units > 50 mmBtu/hr but <= 100 mmBtu/hr heat rating which meet the established requirements for combustion parameters, stack parameters, emissions, and flow parameters as determined by the Department on a case-by-case basis. These requirements include but are not limited to exhaust velocity, stack height, residence time, and combustion temperature.<sup>7</sup>

### **Permitting Process:**

Traditional fuels such as gas, oil, coal, and wood shall continue to be permitted as combustion sources under Part 227. Authorized wood should be interpreted to mean only unadulterated wood as defined in paragraph 360-1.2(b)(175) and 6 NYCRR subdivision 200.1(c) General Provisions. Unadulterated wood removed from C&D debris, (prior to the C&D debris undergoing processing such as pulverization, at a Part 360 Solid Waste Management Facility) which has been granted a BUD for the unadulterated wood to be used as a fuel, could be accepted by a combustion facility provided appropriate quality control testing is done on this potential fuel source to assure it is unadulterated. For example, visual tests for adulterants would be utilized to insure the integrity of the material.

A flowchart containing the recommended process for determining the applicable waste fuel regulation (either Part 212, Part 219, or Part 227) is attached as Appendix B. When an alternative fuel proposal is submitted to the Department, initially Appendix B should only be used to review units greater than 100 mmBtu/hr heat rating. If a unit with a heat rate greater than 50 mmBtu/hr and less than or equal to 100 mmBtu/hr is determined (by the Department) to meet the parameters to fire an alternative fuel, the flowchart in Appendix B may be utilized for the review.

The applicant will need to submit a compound-specific analysis of their facility's existing primary fuel and the proposed alternative fuel. Based on this analysis the applicant shall perform a stack test at the highest proposed alternative fuel firing rate (up to but not exceeding 30 percent on a weight basis) at three representative loads of operation (e.g., low load, 50 percent load, and base load). The applicant shall stack test for compounds of concern based upon the alternative fuel analysis. The stack testing shall include compounds found in the material analysis and compounds created when combusting such materials (e.g.: if chlorine is found in the material analysis then the stack test shall include parameters for dioxins, furans, and HCl gas). The applicant may petition the Department to substitute CEM data for any pollutant that they are required to perform stack testing of emissions.

Once the proposed alternative fuel has been evaluated, it shall be listed in Table 1. This table shall list alternative fuels and remediation projects according to the firing scenarios, regulations which apply, unit size, and regional location. Facilities proposing to fire alternative fuels which have been previously listed in Table 1 shall be exempted from submitting a compound-specific analysis. If the applicant proposes to fire an alternative fuel in accordance with the following scenarios the applicant shall be required to stack test for only the criteria pollutants:

1. Propose to fire the same or lesser percentage of alternative fuel as listed in Table 1 (on a weight basis);

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<sup>7</sup> Units <= 50 mmBtu/hr heat rating shall be evaluated under the appropriate incineration regulations (either Part 212 or Part 219).

2. Have a heat input greater than or equal to the heat rating of the Table 1 listed unit; and
3. Have previously been permitted under Part 227 (ie: must be an existing stationary combustion installation).

If the applicant proposes to fire a greater percentage of alternative fuel than was previously permitted or the alternative fuel was previously permitted under Part 212 or Part 219, a stack test of all pollutants in the alternative fuel, that are found in greater quantities than in the primary fuel (as determined by the compound-specific analysis for the initial stack test of the listed alternative fuel) shall be conducted at low load, 50 percent load, and base load. If the stack test shows significant increases in actual emissions above the facility's permitted emission rates, the facility will not be allowed to fire the alternative fuel as a Part 227 source until they show compliance with their permit limits while firing the alternative fuel [e.g., to show compliance the source may reduce the percentage of alternate fuel (increase fossil fuel to alternative fuel ratio) fired].

If the proposed alternative fuel has not been evaluated (in Table 1) or it has been evaluated as a Part 212 or Part 219 source in a unit larger than 50 mmBtu/hr heat input, an DAR-1 analysis shall be required. The DAR-1 analysis shall be based on a stack test of the compounds of concern (as determined by the compound-specific analysis of the alternative fuel versus the primary fuel). Any new pollutants or pollutants, found in both the alternative fuel and primary fuel, which are found at significantly greater levels in the alternative fuel as compared to the primary fuel shall be tested. The unit shall fire at the highest proposed rate of alternative fuel at low load, 50 percent load, and base load.

An applicant proposing to fire an approved alternative fuel in multiple stationary combustion installations located at the same facility may not be required to stack test each unit if the units are identical. Units shall be considered identical as determined by the Department's review of the units' design and operating data, supplied by the applicant.

If a stationary combustion installation proposes to fire a discrete waste for the purpose of site remediation (such as coal tar soils) and the waste does not meet the criteria for a BUD (therefore it is not considered to be an acceptable fuel), the applicant may perform an DAR-1 analysis based on a stack test (of compounds of concern, determined in a compound analysis of the waste). If the mixture of waste and fuel's emissions are at or below the permitted limits of the facility, then the waste may be permitted under the regulations of a combustion facility (Part 227). If the waste fails the DAR-1 analysis, the appropriate Air regulations (Part 212 or Part 219) shall apply. The Division of Air Resources shall conduct waste remediation reviews simultaneously with the Division of Solid and Hazardous Materials and the Division of Environmental Remediation.<sup>8</sup>

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<sup>8</sup> Wastes which are not eligible for BUDs must be permitted under Part 360. Wastes which are not discrete (i.e., contain several contaminants) must be fired in an incineration unit (regulated under Part 219). Historically, soils that contain several different contaminants are not well mixed. When several contaminants are located at the same remedial site, the possibility exists that each container of material shall have a very different concentration of contaminants. Thus, the integrity of such a material cannot be insured, and would require the material to be fired in a Part 219 source.

**Table 1: Listing of Permitted Alternative Fuels and Waste Material Remediation Projects**

Material Category	Regional Location	Regulation Permitted Under	Unit Size(s) (mmBtu/hr)	% of Material Permitted
coal tar soils (CTS) <sup>1</sup>	7	227	350, 390	25 by weight
	8	227	360, 510	25 by weight
creosote treated wood	7	227	350, 390	45 by weight <sup>2</sup>
	8	227	360,510	45 by weight <sup>2</sup>
	8	227	550, 1080	45 by weight <sup>2</sup>
particle board <sup>3</sup>	8	227	360, 510	30 by weight
	8	227	550, 1080	30 by weight
plywood	5	227	275	25 by weight
tires	7	227	350, 390	45 by weight <sup>2</sup>
	8	227	360, 510	45 by weight <sup>2</sup>

<sup>1</sup> Only CTS from manufactured gas plants (MGP) sites may undergo this permitting process.

<sup>2</sup> These permits were issued before the formulation of this Air Guide, at higher levels of alternative fuel than this document shall allow. The Department reserves the right to revisit these permits in accordance with subdivisions 201-5.3(b) and (d) (for State Facility permits) and 201-6.5(I) (for Title V permits).

<sup>3</sup> Particle board shall be considered to consist of particle board from all different sources, except if the particle board has been coated with chemical adulterants other than the glues used to manufacture it (e.g., paints or other treatments). Particle board laminated with unadulterated wood or paper shall also be included in this category.

Table 1 of this Air Guide shall be updated on the Air bulletin board system (BBS) after every new determination. The Air BBS may be accessed by dialing (thru your modem/dial-out system) (518) 457-7912. If you do not have access to the Air BBS please contact the Bureau of Stationary Sources at (518) 457-7688, for a copy of the updated Table 1.

## APPENDIX A

### **Beneficial Use Determinations (BUDs)**

\* **This is only an outline of the Case-Specific BUD process. For more detail consult the 6 NYCRR Part 360 Solid Waste Management Facilities regulation.**

#### **Predetermined BUDs:**

The solid waste regulations list all wastes which have been given predetermined BUDs for use as a fuel. This list is located in paragraphs 360-1.15(b)(3) and (6) and includes the following materials: unadulterated wood, wood chips or bark from land clearing operations, logging operations, utility line clearing and maintenance, pulp and paper production, and wood products manufacturing for the manufacture of wood fuel; and whole tires or tire chips used for energy recovery. The predetermined BUD for whole tires or tire chips is restricted to energy recovery, which is defined only as defined in paragraph 360-1.2(b)(56).

#### **Case Specific BUD Process:**

If an applicant proposes to fire a waste which has not received a predetermined BUD, the Department shall consider a case-specific BUD. The following steps (as stated in subdivision 360-1.15(d)) are used by the Department to determine if a solid waste, if used as described in the petition, is appropriate to receive a BUD\*:

- 1) The applicant must petition the Department in writing, to conduct a beneficial use determination on the waste being proposed. Pursuant to 6 NYCRR Part 360-1.15(d)(1), the petition shall include:
  - a) description of the waste and proposed use;
  - b) chemical and physical properties of the waste;
  - c) a demonstration that a market exists for the waste;
  - d) a solid waste control plan; and
  - e) a contingency plan.

These requirements are described in detail in Part 360-1.15(d)(1).

- 2) The department shall determine if a BUD for use of solid wastes as alternative fuels shall be granted based on a showing that all of the following:
  - a) the essential nature of the proposed use of the waste constitutes a reuse and not a disposal;
  - b) the proposal is consistent with section 27-0106 of the ECL (solid waste management policy);
  - c) the waste must serve as an adequate substitute for the fuel it is replacing and must be demonstrated to have a minimum higher heating value of 4,000 Btu/lb, as received;
  - d) whether a market exists or will be developed for the use of the waste; and

- e) any other criteria the Department deems appropriate.
- 3) The Department shall either approve the plan (as is or under a modified version) or disapprove the plan.
- 4) The Department reserves the right to revoke any BUD determination shown to be incorrect, no longer valid, or in violation of BUD conditions.