Environmental Protection Agency

§ 260.34

(2) The value of the material after it has been reclaimed;
(3) The degree to which the reclaimed material is like an analogous raw material;
(4) The extent to which an end market for the reclaimed material is guaranteed;
(5) The extent to which the reclaimed material is handled to minimize loss;
(6) Other relevant factors.


§ 260.32 Variances to be classified as a boiler.
In accordance with the standards and criteria in § 260.10 (definition of "boiler"), and the procedures in § 260.33, the Administrator may determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in § 260.10, after considering the following criteria:
(a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and
(b) The extent to which the combustion chamber and energy recovery equipment are of integral design; and
(c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel; and
(d) The extent to which exported energy is utilized; and
(e) The extent to which the device is in common and customary use as a "boiler" functioning primarily to produce steam, heated fluids, or heated gases; and
(f) Other factors, as appropriate.


§ 260.33 Procedures for variances from classification as a solid waste, for variances to be classified as a boiler, or for non-waste determinations.
The Administrator will use the following procedures in evaluating applications for non-waste determinations.

(a) An applicant may apply to the Administrator for a formal determination that a hazardous secondary material is not discarded and therefore not a solid waste. The determinations will be based on the criteria contained in paragraphs (b) or (c) of this section, as applicable. If an application is denied, the hazardous secondary material might still be eligible for a solid waste variance or exclusion (for example, one of the solid waste variances under § 260.31). Determinations may also be granted by the State if the State is either authorized for this provision or if the following conditions are met:
(1) The State determines the hazardous secondary material meets the criteria in paragraphs (b) or (c) of this section, as applicable;