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INDUSTRY EYES UPCOMING EPA 'WASTE' DEFINITION TO BOOST ENERGY SUPPLY

Amidst soaring energy prices, industry officials are ramping up efforts to ensure that EPA's forthcoming rule defining solid waste under the Resource Conservation & Recovery Act (RCRA) helps them overcome regulatory hurdles that they say will hamper their ability to burn waste materials as fuel.

Boiler operators, for example, are urging EPA to include in its so-called Definition of Solid Waste (DSW) rule a "petition or other process" to allow regulators to "approve designation of certain materials as fuels and not solid waste," according to a document that industry recently submitted to the agency.

Industry sources say the fuel designations are necessary to allow units that burn hundreds of waste materials as fuels to meet less strict emission control requirements for boilers rather than stricter incinerator requirements, a move that would overcome a federal appellate ruling that struck down key EPA air rules.

Among the materials that could qualify for the fuel designation are used tires, cement kiln dust, agricultural byproducts, forest thinnings and other biomass and construction materials.

The issue is especially important now, industry sources say, because the price of fuel is soaring and materials such as tires are much less expensive than coal, oil and natural gas.

Industry sources say the market for some waste fuel would collapse if EPA defines tires as solid waste that is governed by the air act's strict incinerator rules. For example, most facilities would abandon tire-derived fuel in order to avoid the increased cost of regulation and the stigma of being defined as an incinerator, a tire industry source says. "If it falls under [incinerator rules] . . . we will not have any more tire-derived fuel out there," the source says.

At the same time, chemical industry officials recently met with EPA and White House officials to urge them to ensure that the DSW rule allows for site-specific waivers that will allow the agency to exempt facilities from strict waste disposal requirements to allow for burning of waste as fuel.

The industry officials are seeking the waiver in the DSW rule because they are concerned that a separate EPA proposal to grant certain wastes categorical exemptions from regulations when they are burned as fuel will not be broad enough. "Given that we are in an energy crisis, we would see [the site-specific waiver] as a step in the right direction," a chemical industry source says.

[See link above for rest of article.]