



IWSA WEEKLY UPDATE
January 9, 2009

WTE DEVELOPMENTS

Investing in garbage would help this down-in-the-dumps economy, according to the Palm Beach County Solid Waste Authority. It wants Congress to include tax breaks in the proposed national economic stimulus package that would make it cheaper to build about \$1 billion in new waste-to-energy facilities planned in the county. The national credit crisis leaves few investors interested in the types of bonds the authority must rely on to pay for its construction projects. Making those bonds tax-free, at least temporarily, could get the money flowing again. That would boost jobs at manufacturing facilities where the massive boilers and pollution-control devices are made and add construction jobs in Palm Beach County during installation, said Marc Bruner, the authority's chief administrative officer. The authority expects to spend about \$200 million this fall refurbishing its 20-year-old waste-to-energy facility to keep it running for at least another 20 years. The authority also proposes building a second waste-to-energy facility near the landfill. That would cost about \$800 million, with construction to begin in 2012, Bruner said.

Islip, NY is planning to expand the MacArthur waste-to-energy facility, potentially tripling the size of its facility, enough to generate enough energy for 18,000 homes by 2015, said Supervisor Phil Nolan. The expansion of the MacArthur Waste-to-Energy Facility, which is at the airport on Veterans Memorial Highway in Ronkonkoma, would likely cost "hundreds of millions of dollars" and require a battery of state and local approvals, Nolan said. A developer has not been selected, he said. The current facility takes about 500 tons per day, while the expanded facility could take 1,250 tons per day, Nolan said.

The Ocala (FL) County Commission this week voted 3-2 to begin looking for a company to build and operate a waste-to-energy incinerator that can handle 400 tons of trash a day while the county also develops a "fallback" plan for a new landfill. In every instance prior to Tuesday, environmental concerns - and more often, money worries and taxpayer backlash - drove the commission into political retreat. The local paper editorialized that they were optimistic that a facility may be built given widespread public and political support for investing in green technologies as alternatives to fossil fuels.

Please note: IWSA has moved. Our new location is: 1730 Rhode Island Avenue, NW, Suite 700, Washington, DC 20036. Phone number and email remains the same.

IN THE COMMITTEES

IWSA drafts comments to the Florida Department of Environmental Protection on the development of a rule to regulate greenhouse gases. (*State/Tech Committee*)

IWSA formulates strategies to rally support for inclusion of waste-to-energy in a federal renewable portfolio standard. (*Legislative Committee*)

IWSA develops a work plan to produce a IWSA-OSHA Fact Sheet on electrical safety under the Alliance Agreement. (*Health & Safety Committee*)

RELATED STORIES

The International Renewable Energy Agency (IRENA), designed to advise countries on expanding the use of renewable energies, will be launched in Bonn Jan. 26. All U.N. member states interested in joining are invited to sign the agency's treaty at the founding conference that day. After that date, any state may join by signing the treaty. A Preparatory Commission, an interim body made up of state representatives who sign the initial agreement, will take up the agency's work immediately after the conference. "This is precisely the right time for IRENA," German Federal Environment Minister Sigmar Gabriel said. "Climate change and the financial crisis demand a clear focus on sustainable technologies such as renewable energies." More information on the International Renewable Energy Agency is available at <http://www.irena.org>. (*Daily Environment Report 12/22/08*)

A federal appeals court reversed its decision vacating an emissions trading rule for power plants Dec. 23, remanding it to the Environmental Protection Agency for correction. The U.S. Court of Appeals for the District of Columbia Circuit reversed its July 11 decision vacating the Clean Air Interstate Rule (CAIR) after the lawsuit's plaintiffs, including North Carolina and Duke Energy, as well as EPA, asked that the decision be overturned and the rule remanded for correction. The court did not set a deadline for EPA to issue its correction, a task that will be handled by the incoming Obama administration. CAIR will remain in effect until the new rule is promulgated. The rule requires power plants to achieve nitrogen dioxide emissions reductions starting Jan. 1, 2009. Jeff Holmstead, an attorney at Bracewell & Giuliani and former EPA assistant administrator for air and radiation, who helped craft CAIR, told BNA the decision does little to alleviate the uncertainty for power plants that have invested millions of dollars in new emissions controls to comply with the rule. The decision also presents EPA with difficulties creating an interstate trading program that couples with the acid rain program, Holmstead said. (*Daily Environment Report 12/24/08*)

The Environmental Protection Agency is developing a definition of nonhazardous solid waste to help it write standards for solid waste incinerators under the Clean Air Act and, in an advance notice of proposed rulemaking scheduled to be published Jan. 2, requested comments from generators of waste materials. Generally, EPA does not involve itself in the specifics of nonhazardous solid waste programs, particularly the definition of solid waste, because those programs are regulated under Resource Conservation

and Recovery Act subtitle D, which is overseen by individual states. The Clean Air Act defines solid waste incineration units for the purposes of this rulemaking as “any facility which combusts any solid waste material from commercial or industrial establishments.” In 2007, the U.S. Court of Appeals for the District of Columbia Circuit vacated two EPA rules promulgated under the Clean Air Act: the commercial and industrial solid waste incineration (CISWI) definitions rule issued under the act's Section 129; and the Industrial Boilers Maximum Achievable Control Technology (MACT) standards rule (Boilers Rule) issued under Section 112. In its decision vacating the Boilers Rule, the court concluded that EPA erred by excluding units that combust solid waste for the purposes of energy recovery from the CISWI rule and including such units in the Boilers Rule. Therefore, EPA said in the Jan. 2 advance notice, the critical issue in responding to the court's decision is for EPA to establish under RCRA which nonhazardous secondary materials constitute “solid waste.” This is necessary, EPA said, because under the court's decision, any unit combusting any solid waste at all must be regulated as a “solid waste incineration unit,” regardless of the function of the combustion device. “We envision that a Subtitle D definition of solid waste that could result from this rulemaking effort would not impact/affect any other types of management activities for these materials, such as landfilling, composting, etc.,” the agency said in the advance notice. In the advance notice, EPA said it is seeking comments on a wide range of topics, including types of materials being used as fuels. (*Daily Environment Report 1/5/09*)

UPCOMING CONFERENCES & EVENTS

The 17th Annual North American Waste-to-Energy Conference (NAWTEC)
Chantilly, VA
May 18-20, 2009