

Congress of the United States
Washington, DC 20515

November 15, 2013

The Honorable Sylvia Matthews Burwell
Director
Office of Management and Budget
Executive Office of the President
Washington, D.C. 20503

Dear Director Burwell:

We write to urge quick completion of EPA's proposed Non-Hazardous Secondary Materials (NHSM) rule to expand the types of materials to be classified as fuels rather than as solid wastes without unnecessary restrictions. The delay in issuance of this rule leaves many businesses without a clear path for investment decisions that are fundamental to meeting compliance deadlines under the Boiler and Incinerator MACT rules.

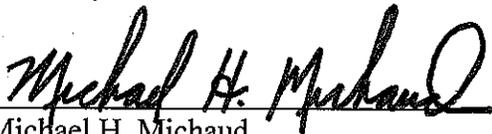
We were pleased that EPA classified in the final February, 2013 NHSM rule several key biomass residuals as non-wastes, such as resonated wood and wastewater treatment residuals. However, many of us have urgently requested that the Agency complete the process through an unrestricted listing of additional qualifying biomass materials including paper recycling residuals, creosote railroad ties, and processed construction and demolition wood as non-waste fuels.

The Agency's draft proposed rule, currently being reviewed by the Office of Management and Budget (OMB), is urgently needed so that facilities can determine whether they would be subject to the Industrial Boiler MACT rule or the Commercial and Industrial Solid Waste Incineration rule.

When balancing all the legitimacy criteria, EPA has the authority to list materials such as paper recycling residuals, creosote railroad ties and processed construction and demolition wood without significant restrictions. For example, EPA should allow rail ties to be burned in any boiler type, such as stoker boilers, that can burn both liquid and solid fuels -- even if the fuel nozzles or burners have been replaced. Without listing, many of these valuable fuels will be landfilled and replaced with more expensive and potentially less-efficient fuels. This is not a good option for the environment or the economy.

We urge you to quickly bring certainty and clarity to this situation by ensuring timely issuance of a rule listing paper recycling residuals, railroad ties, and construction and demolition wood as non-waste fuels, and avoiding limitations that could restrict the use of these desirable materials.

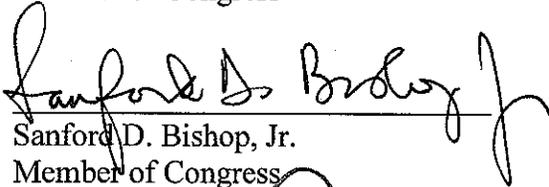
Sincerely,



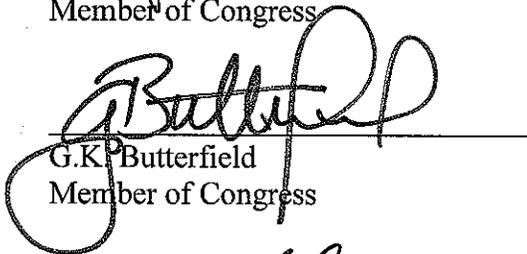
Michael H. Michaud
Member of Congress



Kurt Schrader
Member of Congress



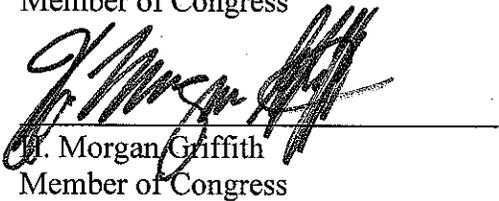
Sanford D. Bishop, Jr.
Member of Congress



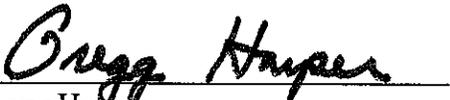
G.K. Butterfield
Member of Congress



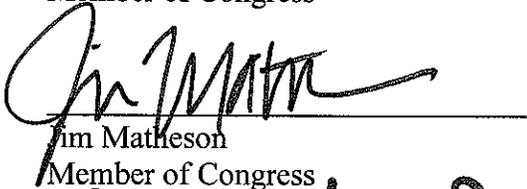
Charles J. "Chuck" Fleischmann
Member of Congress



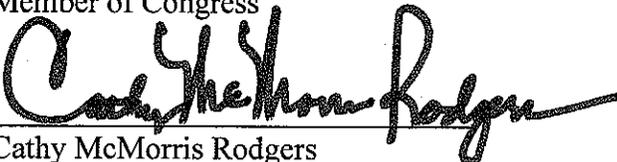
H. Morgan Griffith
Member of Congress



Gregg Harper
Member of Congress



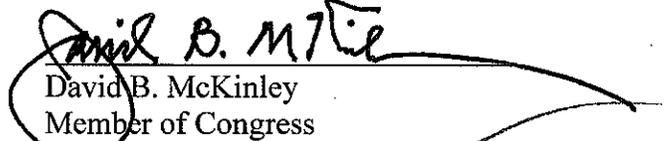
Jim Matheson
Member of Congress



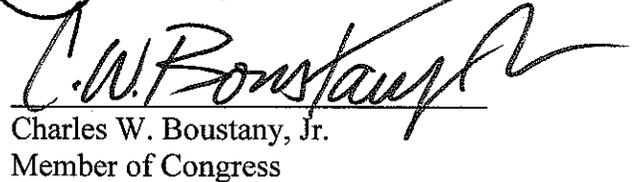
Cathy McMorris Rodgers
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Reid J. Ribble
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David B. McKinley
Member of Congress



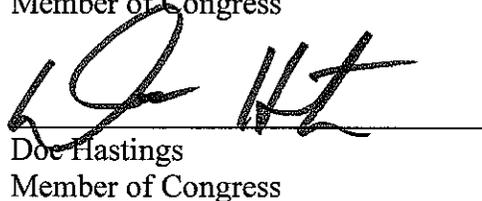
Charles W. Boustany, Jr.
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Mike McIntyre
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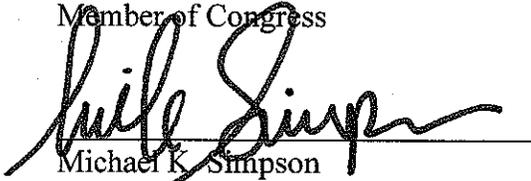
Collin C. Peterson
Member of Congress



David G. Reichert
Member of Congress



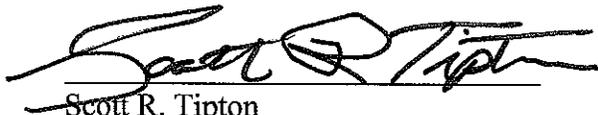
Terri A. Sewell
Member of Congress



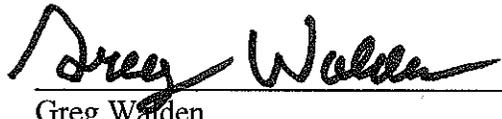
Michael K. Simpson
Member of Congress



Steve Southerland II
Member of Congress



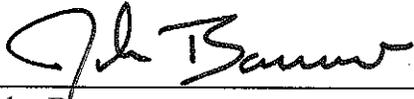
Scott R. Tipton
Member of Congress



Greg Walden
Member of Congress



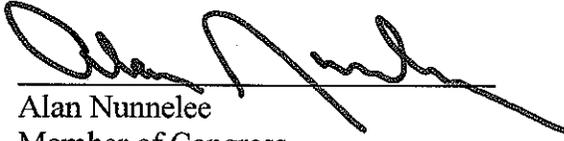
Robert J. Wittman
Member of Congress



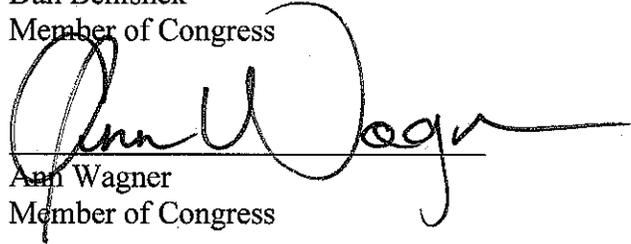
John Barrow
Member of Congress



Dan Benishek
Member of Congress



Alan Nunnelee
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Ann Wagner
Member of Congress