

Congress of the United States  
House of Representatives  
Washington, DC 20515-0907  
November 14, 2013

The Honorable Regina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
Clinton Building  
1200 Pennsylvania Ave., NW  
Mail code 1101A  
Washington, D.C. 20460

Dear Administrator McCarthy:

We write today regarding a Request for Applicability Determination submitted to the U.S. Environmental Protection Agency (EPA) on September 24, 2013 on behalf of MaxWest Environmental Systems, Inc. (MaxWest). We respectfully request that you expedite the review of this submission, and urge the EPA to recognize that the Sewage Sludge Incinerator Rule should not apply to MaxWest's gasifier technology.

MaxWest is a constituent company of ours located in Lake Mary, Florida. At the request of the City of Sanford, MaxWest constructed the first operating, commercial-scale bio-solids gasifier in the United States. MaxWest's gasifier technology solves an important problem for municipal wastewater treatment: it eliminates dewatered sewage sludge in a sustainable way.

By gasifying the solids without the combustion of an incinerator, it produces a synthesis gas which is then used in a closed loop to provide heat for the system. The gasifier renders the solids inert and ready for beneficial reuse in such applications as road bedding. For wastewater treatment authorities, this is an ideal long-term solution to a necessary waste problem.

Unfortunately, in recent briefs before the U.S. Court of Appeals for the D.C. Circuit, EPA has suggested that the MaxWest gasifier is subject to regulation under 40 CFR Part 60, subpart Mmmm ("Emissions Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units" or "Rule"), even as the Agency conceded that the Rule currently contains no emissions limits applicable to the gasifier.

While the MaxWest gasifier is well-equipped to meet the emissions requirements of the Rule, the fact that it is regulated as an incinerator creates an unfortunate misperception of the product- a misperception that is detrimental to its' marketability. Quite simply, publicly-owned treatment works are sensitive to public opinion which rightly has a negative view of incinerators.

Moreover, compliance with the Rule requires additional cost in the form of permitting, testing, reporting, training and monitoring requirements which provides no value to public health or the

environment, and in fact, may stunt the proliferation of a superior environmental mitigation product by limiting the value of gasifiers as a replacement for incinerators.

As such, MaxWest through its counsel has submitted a Request of Applicability Determination to your office under 40 CFR – 60.5. While the regulation provides a 30-day timeframe for agency responses to applicability determination requests, we understand you and your staff have many competing demands on your time.

It is critical to MaxWest that it receive a determination so that it can resume construction, marketing and sales of its' gasifier technology without the stigma of an inappropriate classification. We accordingly request that the EPA move swiftly to review and respond to this request within 60 days.


We submit that the MaxWest gasifier should not be classified and regulated as a sewage sludge incinerator. As more fully described in the submission, the gasifier is, by definition, not an incinerator as it does not combust sewage sludge within the meaning of the Rule.

Further, EPA agrees that the MaxWest system is a superior technology to incinerators. As EPA's own Environmental Technology Verification (ETV) program has found, "Gasification, when compared to incineration, potentially poses several desirable environmental benefits by reducing and preventing many emissions." Of the forty-four gasifiers EPA studied for the Gasification Report, it awarded only one U.S.-based system the highest possible "Technology Readiness Level": the MaxWest gasifier. Further, the ETV report clearly distinguished between gasifiers and incinerators, and called for an end to regulatory barriers (such as the application of the Rule) that prevent the broader proliferation of gasifier technology.

This is an important issue for our constituent, and we respectfully request that the EPA move quickly but carefully to review this request from MaxWest. This determination will have implications not only for our constituent, but also more broadly as it will facilitate an expansion in the use of gasifier technology which EPA recognizes will provide a more sustainable and environmentally friendly system to deal with sewage sludge waste.

Thank you again for your time, and we look forward to your response to this request.

Sincerely,



John L. Mica  
Member of Congress



Corrine Brown  
Member of Congress