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## **Tire plant's burning issue - Ruling in favor of environmentalists could affect proposed facility**

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A federal appeals court ruling might make it tougher for some companies to burn scrap tires for fuel.

What is far from clear is whether the company that wants to build a \$150 million tires-to-energy plant in east Erie would be one of them.

Cement kilns, electric utilities and pulp and paper mills have been burning scrap tires for fuel over the past decade.. In fact, the Rubber Manufacturers Association says tire-derived fuel is now the leading use for scrap tires.

But a coalition of national environmental groups filed a federal lawsuit over air quality issues.

The suit challenged federal Environmental Protection Agency policies that allowed companies that burn tires as fuel to meet the air quality standards for industrial boilers instead of the tougher standards required for incinerators.

In June, the U.S.. Court of Appeals for the District of Columbia ruled in favor of the environmental coalition.

That could spell trouble for companies if they ultimately have to face the prospect of retrofitting more extensive and expensive air-quality control equipment.

"This could seriously disrupt the market for tire-derived fuel," said Dan Zielinski, senior vice president of public affairs for the Rubber Manufacturers Association.

Opponents of the tire plant proposed in Erie believe the court ruling could hamper Erie Renewable Energy LLC, the company that wants to build the plant.

"I think it could have the potential for throwing a big kink in their plans here," said Dennis Stratton, vice chairman of Keep Erie's Environment Protected -- K.E.E.P -- the grass-roots group that formed to oppose plans for the plant.

But Erie Renewable Energy has previously said it intends to meet strict air quality requirements.. If the company is worried, officials are not showing it.

Vic Gatto, president of ERE's parent company, Boston-based Caletta Renewable Energy, seemed to welcome the ruling.

"We are pleased that EPA is leveling the playing field for all of us who want to use tires as a fuel," said Gatto in an e-mailed comment on the issue.

ERE said it will address its air-quality control plans when it files applications for state environmental permits.. The company has said it expects to do that by Dec.. 1.

EPA, meanwhile, is not sure how the issue will play out for the growing tire-derived energy industry.

"The impact of the court decision is still unclear at this time.. We are still working our way through what it means for us," EPA spokeswoman Margot Perez-Sullivan said.

K.E.E.P.. Chairman Randy Barnes said the court ruling might take years to play out.

He and Stratton said K.E.E.P.. has more immediate plans to continue to wage its grass-roots campaign to oppose the plant that the group contends will be a public health risk, especially in the East Lake Road neighborhood where it is planned.

K.E.E.P.. plans to keep up the pressure with another public information session On Dec.. 3 at 6:30 p.m.. at Mount Calvary Catholic Church, 2004 East Lake Road.

The group has put up a billboard at West 12th Street and Greengarden Road to spread its message, is distributing signs to residents, and is making plans for fundraising activities in case the issue ends up in the courts.

"We want to be prepared and do what we think is the right thing to do," Barnes said.

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