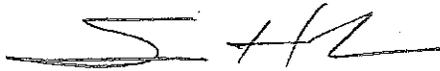


TENTATIVE DECISION
GRANTING FIBROMINN'S APPLICATION FOR A
NON-WASTE DETERMINATION

This is the United States Environmental Protection Agency's (EPA's or the Agency's) decision, tentatively granting FibroMinn LLC's (FibroMinn's or Company's) July 1, 2013 application¹ for a non-waste determination under the RCRA Non-Hazardous Secondary Materials Rule (Rule) found at 40 C.F.R. § 241.3(c), with regard to the poultry litter that the Company burns as fuel in the boiler at its Benson, Minnesota power plant to produce electricity. EPA's tentative decision is based upon the information contained in the Administrative Record for this matter, including, but not limited to the Agency's attached technical document that contains the Agency's evaluation of FibroMinn's information in support of its application, as per the Rule. EPA's Technical Document discusses the relevant information that establishes that FibroMinn's poultry litter has not been *discarded in the first instance*; meets the three legitimacy criteria listed at 40 C.F.R. § 241.3(d)(1) and; meets the five relevant criteria found in 40 CFR § 241.3(c)(1)(i)-(v), and, therefore, meets the Rule's requirements.

This tentative decision is subject to a thirty (30) day public comment period before EPA can issue a final decision on this matter.



Susan Hedman
Regional Administrator
United States Environmental Protection Agency

14 July 2015

Date

¹ The terms *petition* and *application* are both used in 40 C.F.R. § 241.3 to indicate the document that is submitted to EPA by an entity seeking EPA's non-waste determination for NHSM that is combusted.