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U. S. Environmental Protection Agency
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Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OECA-2007-0291

The Coalition for Responsible Waste Incineration (CRWI) appreciates the opportunity to submit comments on *Enhancing Environmental Outcomes from Audit Policy Disclosures Through Tailored Incentives for New Owners; Notice (72 Fed. Reg. 27,116, May 14, 2007)*. CRWI is a trade association comprised of 26 members with interests in hazardous waste combustion. CRWI members operate incinerators, boilers, process heaters, and hydrochloric acid production furnaces, and are regulated under a number of MACT standards. CRWI members also provide technical expertise and services to facilities that own and operate hazardous waste combustors. We appreciate the effort EPA has put into this notice and look forward to working with the Agency to develop regulations that potentially modify the current audit policy when applied to new owners.

CRWI member companies support the current audit policy as put in place by the August 11, 2000, *Federal Register* notice. We believe this policy is helpful in getting environmental problems, once discovered, quickly solved. We also support idea of developing tailored incentives for new owners. We have several suggestions that we think the Agency should consider.

1. Giving additional time for new owners to report problems. Often with a new owner, the lines of communications are not as clear as they could be. Given that it is sometimes difficult to determine who has authority to authorize disclosures, new owners may find it difficult to meet the current 21 day requirement for self-reporting. It may take that long just to figure out who has the authority to make that judgment. As a



result, CRWI suggests that the Agency should consider allowing an additional 21 days (total of 42 days) for new owners to report problems once discovered.

2. Giving additional time for new owners to correct problems. If the problem is relatively small, 60 days is sufficient to correct most problems. However, if a new owner discovers a larger problem, it may be difficult to correct that problem within the 60 days allotted under this policy. CRWI suggests that EPA take allow new owners up to 120 days to correct larger problems.
3. Given the complexity of some of the current mergers and acquisitions, it may take a new owner up to a year to fully integrate an acquisition into the new company. CRWI believes that EPA should allow up to a year for new owners to discover any problems that may qualify for these type of tailored incentives.
4. EPA specifically asked for comments on whether the new owner should be required to perform a certain level of due diligence before qualifying for any incentives. CRWI believes that a certain level should be required and that EPA has already defined that level in CERCLA's "all appropriate inquiry" program.

Thank you for the opportunity to comment on this program. CRWI looks forward to continue helping the Agency refine their audit policy. If you have any questions, please contact us (202-452-1241 or mel@crwi.org).

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Melvin E. Keener', with a long horizontal flourish extending to the right.

Melvin E. Keener, PhD
Executive Director

cc: CRWI Board Members