Coalition for Responsible Waste Incineration

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The Coalition for Responsible Waste Incineration (CRWI) appreciates the opportunity to submit comments on *Expansion of RCRA Comparable Fuel Exclusion; Proposed Rule* (72 Fed. Reg. 33,284, June 15, 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 proposed rule and look forward to working with the Agency to develop regulations that will make this exclusion practical.

In general, CRWI members believe that the concept behind this proposed rule is a good idea. However, as written, we believe the exclusion would be difficult to use, does not offer any real incentives, and does not appear to be worth the effort.

Below are some suggestions on how to improve this exclusion.

1. Develop a petition process to alter the 50% primary fuel requirement. CRWI agrees with the Agency that a hot, stable flame is a necessary component of good combustion practices. We also agree that a certain percentage of fossil fuels may be used as an indicator of a hot, stable flame. However, depending upon the fossil fuel used and the characteristics of the emission-comparable fuel (ECF) burned, that percentage may change. Given that it is

difficult to write regulations that apply in all circumstances, we suggest that EPA finalize the rule with the 50% primary fuel requirement as the default and add a petition process by which individual facilities can submit data to the permitting authority to show that other mixes will create good combustion, thereby minimizing emissions.

2. Allow the use of ECF in units other than watertube boilers. CRWI agrees with the Agency that ECF should only be burned in units that can guarantee good combustion. However, there are a number of other units besides watertube boilers that meet these criteria. For example, during startup and shutdown, a hazardous waste incinerator may want to use ECF as a substitute for fossil fuel, thus reducing costs and saving fossil fuel. Other types of boilers and process heaters that can show that they meet the good combustion criteria should also be allowed to use this exclusion. We suggest that EPA expand the universe of combustors that can use this exemption to those that have already shown that they can and will be operated with good combustion practices. This includes facilities that have completed RCRA trial burns, BIF certification of compliances (COC), or risk burns. CRWI suggests that EPA finalize the rule allowing the use of ECF in watertube boilers and in combustors that have already completed RCRA trial burns, BIF COCs or RCRA risk burns. In addition, we suggest that the Agency set up a process similar to the one mentioned above where a facility can petition the permitting authority for approval to burn ECF in other types of combustors. This process should contain methods to set site-specific requirements to justify the exclusion, including past data showing that the facility will operate under good combustion conditions. We believe the petition process should include a description of the material to be burned, a description of how it is to be burned, the methods of monitoring to show that good combustion practices are met (e.g., CO less than 100 ppmv, etc.), and data to show that the material is a comparable fuel.

3. Remove the 10-in-60 reporting requirement. CRWI does not understand the need for this reporting requirement and the Agency does not state their reasons for including this in the preamble, they simply include this in the proposed regulatory language. All of the facilities that would burn ECF would be subject to some form of regulation under the Clean Air Act. As such, they would be subject to the excess emissions reporting requirements of the General Provisions. Under these requirements, all excess emissions are reported every six months. If the Agency wants a warning of which facilities have problems meeting their requirements, they will get a report every six months telling them this. Potential enforcement action on a large number of excess emissions reports is itself a sufficient incentive for

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facilities to minimize these events. An additional reporting requirement will simply be a burden on the facilities and not add anything to the knowledge the permitting authority has on the compliance record of that facility. CRWI believes that this requirement should be removed in the final rule.

4. AFWCO requirement. If EPA develops a petition process to allow the use of ECF for other types of units, the Agency should allow the AWFCO provisions to be suspended where they do not make sense. For example, if a hazardous waste incinerator uses an ECF during startup, it makes no sense to have a low temperature cutoff during the startup. This can easily be done by adding language in this provision that allows for this to be waived under the petition process.

5. As proposed, a facility that uses this exclusion would end up with a Frankenstein mode of compliance requirements (i.e., provisions from RCRA, provisions from the Clean Air Act, provisions from the Clean Water Act, etc.). EPA should recognize that air emissions for all combustors will either be regulated under RCRA or the Clean Air Act. There is no reason for the added proposed compliance requirements on top of these already existing regulations. A source burning ECF is already required to meet the compliance requirements for the source category in which it belongs. If the facility can show that the fuel in question meets the requirements for an emission-comparable fuel, no additional compliance requirements for that source should be necessary. These requirements simply make the exclusion more difficult to use with no increase in environmental protection.

   For example, an existing RCRA combustor that only burns an ECF might wish to use the ECF exclusion. Such a combustor could exit RCRA jurisdiction entirely via RCRA closure. However, this unit has already completed a contingency plan, addressed emissions from containers, etc., under their previous RCRA requirements. It seems unnecessary for that unit to re-develop all of these plans from separate regulatory regimes when they have already been done under RCRA. We suggest that the Agency re-write the regulations to allow the use of previously developed plans to cover these areas. The good combustion practice requirements will be covered under other Clean Air Act regulations.

   A second example could be a RCRA combustor similar to the one above but which remains under RCRA or the hazardous waste combustor MACT jurisdiction because it would continue to burn other wastes that would not be ECF. In other words, some materials might qualify as ECF, but not all. Under this proposed rule, such a combustor would still have all of the RCRA

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provisions remain, but would now have new provisions addressing the same issues that were borrowed from another regulatory program. That would be confusing and unnecessary. We suggest that the ECF provisions be re-written to allow these units to continue to use their current RCRA or HWC MACT requirements when they switch modes to burn only ECF fuels.

6. In the proposed rule language for §261.38(c)(2)(ii)(F) – see 72 FR 33330, there is a reference to (F)(7). (F)(7) does not exist in the proposed regulations. It appears that (F)(6) should be the correct reference. Please check this and correct the reference.

Thank you for the opportunity to comment on this proposed rule. If you have any questions on our comments, please contact me (202-452-1241 or mel@crwi.org).

Sincerely yours,

Melvin E. Keener, Ph.D.
Executive Director

Cc: CRWI members
M. Jackson, EPA