



September 18, 2000

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RE: Docket F-2000-LRRP-FFFFF

The Coalition for Responsible Waste Incineration (CRWI) is pleased to submit comments on the Land Disposal Restrictions: Advanced Notice of Proposed Rulemaking (65 FR 37932, June 19, 2000). CRWI represents ten companies that operate hazardous waste combustion units and eight other companies with interests in hazardous waste combustion. These companies account for a significant portion of the U.S. capacity for hazardous waste combustion. In addition, CRWI is advised by a number of academic members with research interests in hazardous waste combustion. Since its inception, CRWI has encouraged its members to reduce the generation of hazardous waste. However, for certain hazardous waste streams, CRWI believes that combustion is a safe and effective method of treatment, reducing both the volume and toxicity of the waste treated. CRWI seeks to help its member companies both to improve their operations and to provide lawmakers and regulators helpful data and comments.

In the ANPRM, EPA requested comments on a number of issues. CRWI will concentrate our comments on the proposed new incinerator ash code. CRWI is opposed to the development of a new waste code for incinerator ash as proposed. While the current Land Disposal Restriction (LDR) system has some inefficiencies, the regulated community has adjusted to the system and put programs in place to make it work. The changes proposed do not provide any benefits to incinerator operators. In fact, developing a new waste code as proposed will likely result in additional testing without providing any useful information. This would increase the burden, not decrease it.



RCRA Section 3004(m)(1) requires the Agency to set "levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized." The Agency has already done this. Therefore, a waste code for incineration ash, such as the F039 code for landfill leachate, is not necessary. The basis for the current LDR program is the knowledge that specific constituents in a hazardous waste have been treated to a level that is protective of human health and the environment prior to any land disposal. The Agency has properly promulgated these treatment standards and has established a protective system by fine-tuning the regulations with prior amendments. The regulated community has, through guidance, regulatory oversight, and regulatory interpretations, established programs that allow them to comply with the treatment standards. If the regulatory program is modified, an intensive effort on the part of the regulated community to understand, interpret, and enact a new compliance program would be required. For instance, facilities would have to modify their Waste Analysis Plans to incorporate new requirements and possibly removing other waste codes. In the end, this will result in a greater burden on the regulated community to meet the new requirements, rather than less. Since the current regulatory requirements are sufficiently protective of human health and the environment and EPA has not demonstrated otherwise, such an added burden would be unwarranted and not justifiable under the statutes.

For these reasons, CRWI believes that a new waste code for incinerator ash as proposed in this ANPRM should not be promulgated.

Again, thank you for the opportunity to comment on this document. If there are any questions, please contact me (202-775-9869 or crwi@erols.com).

Sincerely yours,

A handwritten signature in black ink that reads 'Melvin E. Keener'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Melvin E. Keener, Ph.D.
Executive Director

cc: James Berlow
David Hockey