



September 21, 2017.

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44121 Harry Byrd Highway, Suite 225  
Ashburn, VA 20147

Phone: 703-431-7343  
E-mail: mel@crwi.org  
Web Page: <http://www.crwi.org>

Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OAR-2012-0360

The Coalition for Responsible Waste Incineration (CRWI) appreciates the opportunity to submit comments on *National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and Recovery Operations; Proposed rule*. 82 FR 36,713 (August 7, 2017). CRWI is a trade association comprised of 25 members representing companies that own and operate hazardous waste combustors and companies that provide equipment and services to the hazardous waste combustion industry.

Attached are specific comments on the proposed changes.

Thank you for the opportunity to comment on this proposed rule. If you have any questions, please contact me at (703-431-7343 or mel@crwi.org).

Sincerely yours,

Melvin E. Keener, Ph.D.  
Executive Director

cc: CRWI members  
A. Carey, EPA

Specific comments

EPA is proposing to exclude containers from the pressure relief device (PRD) monitoring requirements. The revised regulatory language in 63.691(c)(3) is below (redline and strikethrough version comparing the text at 82 FR 36,719 to the original text at 80 FR 14,725-6).

(3) *Pressure release management.* Except as provided in paragraph (c)(4) of this section, emissions of HAP listed in Table 1 of this subpart may not be discharged directly to the atmosphere from pressure relief devices in off-site material service, and according to the date an affected source commenced construction or reconstruction and the date an affected source receives off-site material for the first time, as established in §63.680(e)~~(1)~~(i) through (iii) of this subpart, the owner or operator must comply with the requirements specified in paragraphs (c)(3)(i) and (ii) of this section for all pressure relief devices in off-site material service, except that containers are not subject to the obligations in (c)(3)(i) of this section.

CRWI supports this proposed change (with one exception – possible typo) for the same reasons that the Agency discussed in the *Federal Register* notice:

- PRD releases are rare, only one release from a container in the 3 years of data provided;
- All OSWRO facilities are covered under subpart PP (open or defective PRDs would be detected by PP inspection requirements); and
- The cost for monitoring would be high compared to potential for release.

In addition to the reasons stated in the preamble, CRWI would like to add two additional reasons. First, the containers used to ship hazardous materials are regulated by the Pipelines and Hazardous Materials Safety Administration (49 CFR Parts 100-179) in regards to the type of container used and the proper closures required to prevent a release. Second, the majority of the containers covered in this regulation are not owned by the facility but by a third party. The difficulties of creating a monitoring system that is compatible across multiple companies and monitoring platforms would be overwhelming, especially given the low level of risk for an event. The Agency found these arguments persuasive in the refinery risk and technology rule (80 FR 75,178, December 1, 2015). Since there is little difference in the containers covered in the refinery rule and the containers covered under this rule, we believe that EPA's rationale for the refinery rule also applies here.

The one exception to our support is what we believe was an inadvertent typographical error in removing the (1) from the regulatory citation. We request that the Agency check this citation and correct it if needed.

In addition, The Agency requested comments on the three questions relating to imposing additional inspection requirements.

1. Should the final rule impose more frequent inspections for filled or partially filled containers that remain on-site for longer than 60 days?

CRWI does not believe that additional inspection requirements are necessary. As EPA points out in the preamble (82 FR 36,716), facilities covered under this rule are already required to meet the inspection and monitoring requirements of 40 CFR Part 63, Subpart PP. As the Agency knows, subpart PP requires inspection if the container is not emptied within 24 hours and repeat inspections on an annual basis. See 40 CFR 63.926. In addition, most, if not all, facilities are also covered by the container inspection requirements in 40 CFR Parts 264 and 265 Subparts CC. These provisions require the facility to develop and implement a written plan for inspections and monitoring. This plan is incorporated into the facility's overall inspection plan and is available for review by the permitting authority. These inspection plans would detect any issues that might lead to uncontrolled emissions. This method has been working since 1996 and we see no need for additional inspection requirements. As the Agency pointed out in the preamble (82 FR 36,716), the majority of these containers are on-site less than two weeks.

2. Should any additional inspection requirement apply to all containers or only to larger containers?

CRWI does not believe that additional inspection requirements for larger containers are needed. In most cases, larger containers are emptied even quicker than are the smaller containers making it less likely they stay on-site for any period of time. As pointed out in the preamble (82 FR 36,716), larger containers are mostly tank cars and rail cars that already have U.S. Department of Transportation and/or Federal Railroad Administration inspection, testing, and repair requirements. Additional inspection requirements would only overlap these requirements, adding cost without adding benefits to the environment.

3. Should EPA incorporate RCRA subparts BB and CC inspection requirements as a way to help facilities identify leaking or deteriorating containers or covers and closure devices?

Again, CRWI does not see any benefit in formally incorporating 40 CFR Parts 264 and 265 Subparts BB and CC into the OSWRO provisions. As stated earlier, these requirements are already being followed by most facilities impacted by the OSWRO rule. These facilities have already developed their site-specific inspection and monitoring plans and have been following them for years. Often these plans have been reviewed by the permitting authorities and modifications have been made where necessary. We see no reason to formally add another level of review by a different state permitting agency. This would only add cost and confusion without resulting in any benefit to the environment.

CRWI would like to point out that the statement in the preamble (82 FR 36,716) stating that the incorporation of subparts BB and CC of 40 CFR parts 264 and 265 would require weekly inspections is incorrect. The specific statement is as follows.

Finally, the EPA is also accepting comment on whether to also incorporate the RCRA subpart BB (Air Emission Standards for Equipment Leaks) and subpart CC (Air Emission Standards for Tanks, Surface Impoundments, and Containers) of 40 CFR part 264 and 265 inspection requirements for RCRA permitted and interim status facilities, as these weekly inspections could help facilities identify leaking and or deteriorating containers or cover and closure devices and could help identify any PRD leaks.

Emphasis added. Weekly inspections are not required under subparts BB and CC. These subparts require that the facility “develop and implement a written plan and schedule to perform the inspections and monitoring requirements required...” See 40 CFR 264.1088(b). The regulatory language goes on to instruct the owner/operator to incorporate these plans into the site-specific plans for the facility as required under 40 CFR 264.15. There is no mention of a weekly schedule requirement in subpart CC. The Agency may be getting confused with 40 CFR 264.174 that require the weekly inspection of the areas where containers are stored. While this inspection would likely identify any leaks from PRDs, it is not a part of the requirements in subpart CC.

If the Agency intended to take comments on whether to incorporate the weekly inspection criterion in 40 CFR 264.174, CRWI opposes adding this requirement to the OSWRO regulations for the same reasons stated above – adding cost and confusion without adding environmental benefit. The weekly inspections required by 264.174 may be appropriate in cases where containers may be stored for indefinite periods of time and could begin leaking due to corrosion or exposure to the elements. However, PRDs on containers sitting in storage are highly unlikely to just begin leaking. This is evident from the survey responses EPA received. The existing requirements in 40 CFR Part 63 Subpart PP for a thorough inspection on the entire container including the PRD prior to or upon receipt (if the container remains on-site for more than 24 hours) and then an annual inspection if the container remains on-site for a year is entirely adequate.