



June 1, 1999

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Re: Docket Control No. OPPTS-400136

The Coalition for Responsible Waste Incineration (CRWI) is pleased to submit comments on the Combustion for Energy Recovery Toxic Release Inventory Reporting; Notice of Receipt of Petition (*Federal Register*, March 31, 1999). CRWI represents nine companies with either captive or commercial hazardous waste incineration interests. These companies account for a significant portion of the U.S. capacity for hazardous waste incineration. In addition, CRWI is advised by a number of academic members with research interests in hazardous waste incineration. Since its inception, CRWI has encouraged its members to reduce the generation of hazardous waste. However, for certain hazardous waste streams, CRWI believes that incineration 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 incineration operations and to provide lawmakers and regulators helpful data and comments.

Under the Pollution Prevention Act of 1990 (PPA), generators are allowed to report the combustion of their high BTU hazardous wastes in certain industrial furnaces as "used for energy recovery." On the other hand, the exact same material sent to an incinerator must be reported as treatment (either on-site or off-site). CRWI believes that the burning of high energy wastes in an incinerator constitutes energy recovery by replacing fossil fuels in the same manner as when burned in other industrial furnaces. CRWI suggests that any time hazardous waste is used as a fuel in any facility (incinerator, cement kiln, industrial boiler, etc.), the

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generator of that hazardous waste should be allowed to claim that this material was "used for energy recovery." All facilities that burn hazardous waste now have to meet similar standards. With the promulgation of the proposed hazard waste combustor Maximum Achievable Control Technology rule (expected in late July 1999), any differences between combustor requirements will be even smaller. From a public policy perspective, providing only part of the hazardous waste combustors a "recycling" credit for energy recovery for burning the same material is not warranted, especially after the promulgation of the hazardous waste combustor MACT Rule. CRWI suggests that these differences be removed and that any time high BTU hazardous waste is used to replace fossil fuel, the generator of that hazardous waste be allowed to claim "used for energy recovery" on their Toxic Release Inventory (TRI) report.

EPA requested comments on whether the agency should distinguish between toxic chemicals used to start up incinerators and toxic chemicals in waste used for maintaining combustion. It is not common practice to start up an incinerator with waste. Normally, an incinerator is started on a fossil fuel. When the operating conditions become stabilized, hazardous waste is then fed to the unit. In fact, when the operating conditions fall outside the approved range (as defined by the facility's permit), waste feed is cut off and fossil fuel is substituted to maintain temperature. EPA has recently allowed a comparable fuel exemption (63 *Federal Register* 33781, June 19, 1998) where certain hazardous wastes that meet specifications and are burned in a qualified unit can be exempted from RCRA. CRWI suggests that any time a comparable fuel is used, either to start up or to maintain combustion in an incinerator, that material should qualify for the "used for energy recovery" category of their TRI report. This is one example of where high BTU waste materials can replace fossil fuel in an incinerator. In addition, CRWI believes that any time high BTU waste materials are used to replace fossil fuels, the "used for energy recovery" category should be available to the generator.

Thank you for considering these comments. Please contact me (202-775-9869) if you have questions.

Sincerely yours,

A handwritten signature in black ink that reads 'Melvin E. Keener'. The signature is written in a cursive, flowing style.

Melvin E. Keener, Ph.D.
Executive Director