



March 27, 2018

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

Attn: Docket ID no. EPA-HQ-OAR-2016-0510

The Coalition for Responsible Waste Incineration (CRWI) appreciates the opportunity to submit comments on *Revisions to Testing Regulations for Air Emission Sources; Proposed rule. 83 FR 3,636 (January 26, 2018)*. 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
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Specific comments

1. EPA is proposing to modify Method 22 to allow the use of digital photographs to satisfy recordkeeping requirements. CRWI believes that this is a reasonable method for documenting compliance. It has been an ASTM method for over ten years. CRWI supports this modification.
2. EPA is proposing to modify Methods 26 and 26A to allow the use of either glass or polypropylene sample storage containers. CRWI believes this modification makes the two methods consistent and should be adopted.
3. EPA is proposing to remove the word “average” from section 13.1 of performance specification 11. CRWI supports this change.
4. EPA is proposing changes in the reporting requirements under paragraph 63.7(g)(2)(v). The stated purpose of these changes is to allow the permitting authority to better evaluate the quality of the reported data.

In paragraph 63.7(g)(2)(v), the Agency is proposing to add CMS performance specification, or on-going quality assurance requirements for a CMS to the reporting requirements. CRWI opposes this addition. We believe these additions are inappropriately vague, difficult for the regulated community to interpret, and will likely lead to wide-ranging and in-consistent enforcement among Agency inspectors. Procedures and equipment used to calibrate CMS instruments are certified to recognized standards. This calibration process is completed at the frequency recommend by rule or the manufacturer recommendations. This should be a sufficiently independent, third party (external) validation. No other oversight is needed. Additionally, one could interpret this change to require a facility to submit raw data sheets when doing something as routine as a daily calibration for a pH meter. This proposed change will increase the regulatory burden on industry with no environmental benefit. This runs counter to EPA’s current strategic plan. CRWI opposes this regulatory language change.

5. EPA is proposing changes in the reporting requirements under paragraph 63.8(e)(5)(i). The stated purpose of these changes is to allow the permitting authority to better evaluate the quality of the reported data.

The Agency is proposing to drop the phrase “simultaneously with the results of the performance test required under §63.7 or” from paragraph 63.8(e)(5)(i). CRWI opposes this change. While the majority of CMS evaluations are submitted within 60 days, not all are. One specific example is in the hazardous waste combustor source category. In the requirements for reporting comprehensive performance test results, paragraph 63.1207(j)(1)(i) includes CMS as subject to the requirement to submit the Notice of Compliance “within 90 days of completion of a comprehensive performance test.” This requirement would not be impacted by the proposed

change. However the requirements to report test results for confirmatory performance tests (§63.1207(j)(2)) does not include the same language for CMS. Removing the phrase “simultaneously with the results of the performance test,” would require submitting CMS Performance Evaluation Test results for a confirmatory performance test under Subpart EEE within 60 days of the CMS Performance Evaluation, instead of 90 days after the test when the test results are due. This increases the regulatory burden, as the facility has to make an additional submittal for the CMS Performance Evaluation results.

Additionally, CMS Performance Evaluations for our industry sector are usually conducted some period of time prior to the emission test, meaning that under the proposed rule, the submittal date for the CMS Performance Evaluation Results would be completely decoupled from the date the emission test is conducted. This creates an additional problem at the regulatory agency and has potential to be confusing, as they will be receiving the reports at different times, and may not have a mechanism to “re-couple” the CMS Performance Evaluation and Confirmatory Performance Test so that they can be reviewed simultaneously. As such, we expect most agencies will want facilities to resubmit the CMS results with the emission test report, even though they have already been submitted.

CRWI does not oppose any of the other proposed changes to §63.8(e)(5)(i). As such, we suggest a slight revision to the proposed language that would leave the other proposed changes intact while keeping the “simultaneous” phrase in. Our suggested modification is as follows.

63.8(e)(5)(i) The owner or operator shall furnish the Administrator a copy of a written report of the results of the performance evaluation containing the information specified in § 63.7(g)(2)(i) through (vi) simultaneously with the results of the performance test required under §63.7 or within 60 days of completion of the performance evaluation ~~if no test is required~~, unless otherwise specified in a relevant standard. ~~The Administrator may request that the owner or operator submit the raw data from a performance evaluation in the report of the performance evaluation results.~~