



MEMBER COMPANIES

Dow Chemical U.S.A.
E. I. Du Pont de Nemours
Eastman Chemical Company
Eli Lilly and Company
Lafarge Corporation
3M
Syngenta Crop Protection, Inc.
Veolia ES Technical Services, LLC
Von Roll America, Inc.
Washington Demilitarization Co.

ASSOCIATE MEMBERS

Analytical Perspectives
B3 Systems
Blue Ridge Chemicals
CEntry Constructors & Engineers
CH2M HILL
Compliance Strategies & Solutions
Engineered Spiking Solutions, Inc.
ENSR
Focus Environmental, Inc.
Franklin Engineering Group, Inc.
Metco Environmental, Inc.
RMT, Inc.
SAFRISK, LC.
Severn Trent Laboratories, Inc.
Sigrist-Photometer AG
URS Corporation

INDIVIDUAL MEMBERS

Ronald E. Bastian, PE
Ronald O. Kagel, PhD

ACADEMIC MEMBERS

(Includes faculty from:)

Colorado School of Mines
Cornell University
Lamar University
Louisiana State University
Mississippi State University
New Jersey Institute of Technology
Rensselaer Polytechnic Institute
University of California – Berkeley
University of Dayton
University of Illinois at Chicago
University of Kentucky
University of Maryland
University of Utah

October 23, 2006

U. S. Environmental Protection Agency
HQ EPA Docket Center (6102T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OAR-2004-0022

The Coalition for Responsible Waste Incineration (CRWI) appreciates the opportunity to submit comments on *NESHAP: National Emission Standards for Hazardous Air Pollutants: Standards for Hazardous Waste Combustors (Reconsideration)* (71 Fed. Reg. 52,624, September 6, 2006). CRWI is a trade association comprised of 26 members with interests in hazardous waste combustion. CRWI members operate incinerators, boilers, process heaters, hydrochloric acid production furnaces, and cement kilns 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 reconsideration notice and look forward to working with the Agency to develop regulations that are consistent with the requirements of the Clean Air Act and good engineering practices.

CRWI supports most of the actions proposed by the Agency in this reconsideration notice. As explained below, we have concerns about: 1) EPA using a tie-breaker to set mercury and LVM new source standards for incinerators, 2) the Agency's method for extrapolating the alarm set-point for a PM detection system, 3) converting PM standards from English units (gr/dscf) to SI units (mg/dscm), and 4) conflicting requirements for noticing the informal public meeting that is a part of the Notice of Intent to Comply.

1615 L Street, NW, Suite 1350
Washington, DC 20036
Phone: 202 452-1241
Fax: 202 887-8044
E-mail: mel@crwi.org
Web Page: <http://www.crwi.org>



If you have questions or need additional information on any of the points raised, please contact us (mel@crwi.org or 202-452-1241). Thank you again for the opportunity to comment.

Sincerely yours;

A handwritten signature in black ink, appearing to read 'Melvin E. Keener', written in a cursive style.

Melvin E. Keener, Ph.D.
Executive Director

cc: CRWI members
F. Behan, EPA
J. Berlow, EPA



Specific Comments

Reconsideration issues

- A. Subcategorization of liquid fuel boilers by heating value. In the October 12, 2005, final rule, EPA divided liquid fuel-fired boilers into two subcategories based on the heating value of the fuel being burned. In their petition for reconsideration, Sierra Club argued that EPA erred in dividing this category because heating value of the fuel is not a "class, type or size" as required by the Clean Air Act (42 U.S.C. §7412(d)).

To the contrary, CRWI believes that EPA subdivision of the category takes into account both "type" and "class." Webster's Dictionary defines "type" as "qualities common to a number of individuals that distinguish them as an identifiable class" and "class" as "a group, set, or kind sharing common attributes." On the simplest level, dividing a group into two subgroups based on the heating value of the fuel burned creates a distinct, identifiable group of liquid fuel-fired boilers, qualifying both as a "type" and a "class." Moving up a level of sophistication, the heating value of the fuel to be burned in a particular unit will dictate how a boiler is designed and built. The physical characteristics of the fuel (one of which is the heating value) will dictate the type and size of the burner nozzle used. They will also determine how much combustion air is added, whether supplemental fuel is needed, and how the boiler is designed. Thus, heating value of the materials to be burned will impact the physical construction of the boiler. As such, boilers can be physically grouped based on heating value. In addition, fuels may be grouped based on whether they are highly oxygenated or highly chlorinated, further adding to the ability to distinguish groupings. Thus, CRWI believes that EPA properly subcategorized the liquid fuel-fired boiler category.

CRWI also supports EPA's decision to use 10,000 Btu/lb to distinguish between the two subcategories. As stated previously, the heating density (Btu/lb) of the material will dictate not only the design of a facility but also how that facility is operated. For fuels with lower heating densities, normal flame variations may cause safety equipment (e.g., flame detectors) to function differently. To address these concerns, facilities may operate differently by adding supplemental fuels. In addition, as the heating density of the fuel changes, the addition and mixing of combustion air changes. Thus, we believe that EPA's choice of 10,000 Btu/lb as a dividing line between the two subcategories makes physical and operation sense.



- B. Correcting total chlorine (TCI) data to 20 ppmv. CRWI has provided extensive comments about the limitations of the measurement methods used for measuring total chlorine concentrations below 20 ppmv in wet stacks (EPA-HQ-OAR-2004-0022-0336, pages 14-23). The method employed to gather the data used to develop the final standards produces random biases that can not be accounted for on an individual basis. As a result of these and other comments, EPA properly recognized that the database used to set the standards was not, in all cases, representative of the performance of the source category and made the appropriate corrections to the database.

CRWI would like to reiterate the following points.

- a. EPA's own work has shown that the method used (Method 0050) to collect a major portion of the data used to set the standard is biased below 20 ppmv. In addition, Method 0050 clearly states that it is not to be used below 20 ppmv. Thus, any data collected by this method below 20 ppmv is suspect. Given that it would be virtually impossible to "correct" individual data points within the database, we believe that EPA made the right choice by "correcting" all the data below 20 ppmv to 20 ppmv.
- b. As EPA noted, the bias is not consistent across the broad range of stack tester techniques and hazardous waste combustor stack conditions. We agree that this makes it impossible to determine which data are representative and which are biased.
- c. In the preamble, EPA indicates that most of the inaccuracies are with Method 0050. CRWI notes, however, that Method 26A also has the potential to suffer from similar inaccuracies. EPA acknowledges this in the Technical Support Document (OAR-2004-0022-0457, Volume 3, at 5-15 and 10-34). When using either method, stack testers must consider whether the stack conditions and measurement objectives require the use of a cyclone in the sampling train and a post-sampling purge to evaporate all condensed moisture. However, it has been the experience of member companies that cyclones are seldom used and the probe is rarely purged because the "pass/fail" measurement objective of 77 ppmv (the interim standard for incinerators) is so much greater than 20 ppmv that testers do not believe that it is needed. As a result, when test values below 20 ppmv are obtained, they are reported at the values determined from the laboratory instead of potentially more defensible "<20 ppmv." Given this situation, even currently collected data reported as being below 20 ppmv may also be suspect.



In addition, CRWI believes that EPA properly handled the incorporation of variability into the total chlorine standard. EPA used the same general statistical processes to incorporate variability into the total chlorine standard as they did with all other standards. That is, EPA took the mean of the top performers and added a variability factor to calculate the floor standard. The only difference for the total chlorine standard was how EPA estimated the variability. For most standards, EPA estimated the variability from available data. For the total chlorine standard, this was not possible. EPA's use of regression to estimate the variability at 20 ppmv was the next best choice. We support that choice.

- C. Use of PS-11 and Procedure 2 as guidance for extrapolating the alarm set-point of a particulate matter detection system (PMDS). CRWI supports the idea of a PM detection system and believes that allowing their voluntary use is a step in the right direction. However, we are concerned about the way EPA envisions this system being implemented. The questions EPA has raised in the reconsideration notice appear to make the approval process overly complicated when the facility is seeking to extrapolate the alarm set point. Instead of trying to determine all the various possible scenarios as part of a national rulemaking, we suggest that EPA simply follow what they have done when allowing for the extrapolation of metal feedrates (see §§ 63.1209(l)(1)(v) and 63.1209(n)(2)(vii)) and require that the method of extrapolation be included in the comprehensive performance test plan. This way, the facility can adapt the process to the fit their particular equipment and the permitting authority has the opportunity to review and approve that method.
- D. Tie-breaking procedure for new source standards.

CRWI would like to thank EPA for re-opening this issue for comment.

In the Agency's notice of reconsideration, EPA states that it must apply a tie breaking procedure to select the single best source and that using the sources' emission levels are the appropriate way to do so. The Agency contends that a tie-breaking procedure is necessary because the language of § 112(d)(3) "states the new source standard shall not be less stringent than the emission control that is achieved in practice by the best controlled similar *source* ("source" being singular, not plural)." 71 Fed. Reg. at 52,635 (emphasis in the original). The Agency then asserts that the "use of the emission level as the tie-breaking criterion is reasonable, not only because it is a measure of control, but because we have already fully accounted for hazardous waste feedrate control and system removal efficiency in the



SRE/Feed ranking methodology.” *Id.* The Agency believes that “To choose either of these factors to break the tie would give that factor disproportionate weight.” *Id.*

CRWI does not agree with any of these reasons. Section 112(d)(3) does not require EPA to select the single best performing source in the case of a tie. Instead, the statute requires EPA to set a standard that all “best controlled similar sources” can achieve. In addition, using emission levels as a tie-breaker produces, in the Agency’s own words, “arbitrary” and “impermissible” results.

1. Section 112(d)(3) does not require EPA to select the single best performing source when EPA determines that more than one source is “best.”

EPA construes the language of section 112(d)(3) incorrectly. According to Congress, the *first* rule of statutory construction is that words connoting singular or plural number are construed to encompass each other. Chapter 1, section 1 of the U.S. Code states:

In determining the meaning of any Act of Congress, unless the context indicates otherwise—

words importing the singular include and apply to several persons, parties, or things;

words importing the plural include the singular;

1 U.S.C. § 1. Thus, EPA should not adopt a policy based on reading singularity into the phrase “best controlled similar source” unless the context warrants it. *Public Citizen v. Minetta*, 340 F.3d 39, at 54 – 55 (2nd Cir. 2003).

The purpose of section 112(d)(3) is to lay out two methods for calculating the MACT floor. In one method, the Agency is required to take an approach that considers the average of more than one of the top performers. In the other method, EPA is not supposed to conduct any averaging or consider a range of best performance. Thus, the phrase “best controlled similar source” helps to juxtapose two MACT floor methods and ensure that EPA does not conduct averaging of best performing sources, such as the top three, when setting the new source standard. It is not used in the context of



requiring EPA to select the singular best source if the Agency determines that more than one source is “best.”

Congress understood this when the House spoke about the factors EPA must consider while looking for the best controlled “similar sources” (plural) when setting either the new or existing MACT floor. The House Report states, “Thus, in either case, as EPA searches to determine the best controlled “similar sources” in a category or subcategory, these factors [energy, environmental impacts, economic impacts and other costs] must play a role in determining the degree of stringency and the similar sources.” House Report 101-490 at 328, *reprinted in 2 A Legislative History of the Clean Air Act of 1990* (1993 Comm. Print) at 3352. By speaking about the best controlled similar sources (plural) Congress was indicating that it realized there could be more than one best controlled source.

Moreover, EPA should not interpret this phrase as expressing a position on how to address a tie. In all but the rarest of occasions, such an eventuality wouldn’t matter, and Congress did not need to address it. For example, if three sources all achieved an emission limit of 100 units of HAP it is obvious that, without further commands from Congress demanding that EPA examine the subtleties behind the way each source achieves the standard, Congress would expect EPA to set the emission standard at 100 units. Thus, Congress did not expect that there would be any reason for EPA to “break a tie.” Instead, EPA would merely set a standard that all could meet.

EPA, however, appears to believe that if Congress had wanted the Agency to allow ties, then Congress would have written “best controlled similar sources” (plural). Such drafting is not only unnecessary, it would impart ambiguity into the statute and require EPA to struggle with the distinction between the methods for setting the existing source standards and the new source standards, *e.g.*, how many of the top performers do they need to consider to set a new source standard? Likewise, Congress could not, and should not have written, “best controlled similar source or sources.” This, too, would have introduced ambiguity into the statute.

Consequently, the phrase “best controlled similar source,” does not preclude the possibility that more than one source would be considered the “best,” nor does it evince any intent that EPA must select the single best source if more than one achieves the best control.



When laying out the two different floor setting methods, Congress did not need greater precision because all sources that tied would be able to meet the standard. The context of the phrase, “best controlled similar source” was merely to distinguish between two methods for setting floor standards; it was not to require EPA to break a tie among equally best sources.

2. EPA’s practice is to not select a single best source when more than one source is considered the best source.

CRWI notes that EPA usually does not adhere to the practice of selecting the best source in the event of a tie. This would require EPA to struggle unnecessarily over what small differences made one particular source better than others, even though they both achieved the same result. For instance, let’s assume that the three best performing sources achieved their superior performance in different ways. In the case of the three sources achieving 100 units of HAP, one of them just happens to have 100 units in their feed and does not take any steps to reduce that level. In another, the facility has a high concentration of HAP and has an effective air pollution control device that reduces the amount of HAP emitted to 100 units. The third best performer has a moderately high feed of HAP and uses an air pollution control device that removes a moderate amount of it.

Rather than struggling over whether one particular source was the “best” based on the method of achieving the standard – feedrate, end of stack control, or some other factor – EPA would consider such a decision unnecessary because EPA would set the standard at a level that all could achieve, 100 units of HAP.¹ This is indicated by EPA’s actions in the current rule. When setting the new source chlorine standard for incinerators, EPA determined that many sources were “best controlled.” EPA did not struggle over deciding who the single best source was noting that, “We generally are unable to differentiate a single best performing source among these best performers . . .” OAR-2004-0022-0457, Technical Support Document, Volume 3, at 10-36. Thus, even in this rule, EPA has not bothered to select the single best source when setting the new source standard. Instead EPA just set the emission standard at a level all could meet.

¹ This could also be true if more than one “best” source had an SRE of 97.5%. The units could use different types of equipment or one may operate or maintain their equipment in a superior manner. Again, we doubt that EPA would feel the need to select the “best” single source. Instead, EPA would merely set the standard as an SRE of 97.5%.



We also note that EPA did not break the tie in other situations as well. When selecting the pool of top performers for liquid fired boilers, EPA did not bother to select which source was the “best” from among 6 sources that all had the same “best” ranking. OAR-2004-0022-0460, Technical Support Document, Volume 3, Appendix E, Table SF_LFB_CL_CT_Low.

However, unlike the examples that we used to illustrate why the statute does not require EPA to select the single best source, EPA did not set emission limitations for the mercury and low-volatile metal (LVM) standards using the same criteria that they used to determine which sources were best controlled. Instead, the Agency determined that the best controlled source used a combination of feedrate and SRE and then *changed* the way it articulated the standard by basing it on emissions. Thus, it is not the statutory context that created the need for a tie-breaker. It was EPA’s use of a different format to set the standards that caused the need for a tie-breaker.

CRWI agrees with using emissions as the format for the standards because this gives the source the flexibility to achieve the standard through many different methods – feedrate, add-on controls, better work practices, etc. What CRWI does not agree with is that EPA needs to select the single best source. Instead, EPA should do what Congress contemplated: set a standard that all of the best sources can achieve. As EPA’s handling of the chlorine standard shows, Agency practice is consistent with our position.

3. EPA’s tie-breaking mechanism is not reasonable because it is based on a method that produces arbitrary results and is impermissible under the statute.

EPA asserts that breaking the tie based on emission levels, is reasonable, “because we have already fully accounted for hazardous waste feedrate control and system removal efficiency in the SRE/ Feed ranking methodology. To choose either of these factors to break the tie would give that factor disproportionate weight.” 71 Fed. Reg. at 52,635.

CRWI disagrees. EPA has already affirmed that setting standards based on emission levels leads to “arbitrary results.” 70 Fed. Reg. at 59,443/1. This is because, among other things, standards based on emissions “arbitrarily reflects HAP levels in raw materials and fossil fuels, an infeasible means of control for any source. *Id.* at 59,443/2.



In addition, EPA notes that

Another arbitrary, and indeed impermissible, result of the straight emissions methodology is that in some instances (noted in responses below) the methodology results in standards which would force sources identified as best performing to install upgraded air pollution control equipment. This result undermines section 112 (d) (2) of the statute, by imposing what amounts to a beyond the floor standard without consideration of the beyond the floor factors: the cost of achieving those reductions, as well as energy and nonair environmental impacts.

Id.

Since EPA's tie-breaker results in one or more of the tied sources having to install upgraded air pollution control equipment, EPA's tie-breaking mechanism is "impermissible."

4. CRWI objects to EPA using its cap policy.

Finally, CRWI notes the emission levels of some of the tying sources are above the level set for the interim standards. Thus, EPA would probably set the standards – not based on its analysis of what the best performing sources are achieving – but rather using its "cap policy."

CRWI questions the legitimacy of the cap policy because the Agency is required to set the MACT standard based on the data it has, rather than assuming that sources are in compliance. CAA §112(d)(3).

Consequently, CRWI believes that EPA should set the new source standard at the level that all of the best sources can achieve.

E. Beyond-the-floor analyses to consider multiple HAPs that are similarly controlled.

CRWI supports the revised analysis.

In addition, we agree that EPA must include the cost for disposal of activated carbon in the analysis. Should a facility add some form of activated carbon to their pollution control system, that carbon will either be



included in the fly ash or will have to be replaced on a periodic basis. Neither activity is free and rightly should be included in the cost analysis.

Finally, we agree with EPA's decision that additional beyond-the-floor standards are not justified, based on the revised analysis.

- F. Dioxin/Furan standard for incinerators with dry air pollution control devices. CRWI agrees that EPA properly reclassified test run C10 from CT (compliance test) to NA (not applicable). EPA was correct in responding to comments from the source that there were problems with the carbon injection system that prevented this test from being used to set operating parameters for the installed carbon injection system. Since this test was not used to set operating parameters for the source, it cannot be considered as a compliance test for dioxin/furan. As such, this test should not be included in the data used to set dioxin/furan standards. EPA properly used the next newest compliance test data for this source when selecting the MACT pool for dioxin/furan standards for this source category.
- G. Provisions of the health-based compliance alternative. EPA is proposing to make three changes in the health-based alternative standard based on Sierra Club's petition for reconsideration.
- a. Adding regulatory language that states that the operating requirements developed in the eligibility demonstration become applicable requirements and must be incorporated into the facility's Title V permit.

CRWI believes that Sierra Club was correct in pointing out that Title V permits cannot be used to set applicable requirements. EPA also agreed and proposed changes to the regulatory language (§ 63.1215(e)(3)) that makes it clear that the requirements established in the eligibility demonstration become applicable requirements and must be included in the Title V permits. CRWI supports this proposed change.

- b. A source may comply with the alternative standard without prior approval provided that the source has made a good faith effort to provide complete and accurate information and responded to any additional requests for information.

We are pleased that EPA agreed with our suggestion that facilities could comply with the health-based compliance alternative without requiring prior approval for the eligibility demonstrations. This is the same



compliance scheme EPA uses for the technology-based standards, *i.e.*, the source conducts a demonstration of compliance which becomes the source's limit with an "after-the fact" agency review. We also agree with the Agency that the ability to comply with this provision without approval should be conditional on the facility making a good faith effort to submit complete and accurate information as a part of their eligibility demonstration. CRWI supports the proposed changes to § 63.1215(e)(2)(i)(C).

- c. If the eligibility demonstration is disapproved, any extension of the compliance date cannot exceed one year.

In comments on the proposed rule, CRWI suggested that EPA needed to allow sufficient time for facilities to develop alternate compliance plans should an eligibility demonstration be denied. EPA agreed and in the final rule (2005), developed specific language to allow for this. In their petition for reconsideration, Sierra Club properly pointed out that EPA did not put a time limit on this extension. EPA agreed and is proposing to limit the time for an extension to a maximum of one year to be consistent with CAA section 112(i)(3)(B) and the General Provisions (Subpart A – § 63.6(i)(4)(i)(A)). We agree with this proposed change and support the proposed changes to § 63.1215(e)(2)(i)(B) and (D).

Other proposed regulatory changes

1. CRWI supports the proposed language changes in § 63.1203 that will clearly provide sunset provisions for the interim standards.
2. CRWI supports the proposed changes to § 63.1206(c)(9) making it clear that bag houses may use PM detection systems.
3. CRWI supports the proposed language in § 63.1207(b)(3)(vi) that clarifies that sources that do not have a dioxin/furan standard but must perform the one-time test do not have to perform confirmatory tests.
4. CRWI supports the proposed language in § 63.1207(d)(4) making it clear that facilities do not have to perform any additional tests under the interim standards.
5. CRWI supports the proposed language in § 63.1207(m) that would allow facilities using thermal concentration limits to waive testing.



6. CRWI supports the proposed language in § 63.1209(n)(2)(iii) that makes it clear that the operating parameter limits are based on the average of the test run averages.
7. CRWI supports the proposed language in § 63.1209(n)(2)(v)(A)(2)(iv) that allows facilities to choose how they will comply with the rolling average requirement in the first year of compliance.
8. CRWI supports the proposed changes to the rolling averages for chromium feedrate for high Btu liquid fuel-fired boilers – §§ 63.1209(n)(2)(v)(B)(1)(i) and (ii), chromium feedrate for low Btu liquid fuel-fired boilers – § 63.1209(n)(2)(v)(B)(2), and the chlorine feedrate for low Btu liquid fuel-fired boilers – § 63.1209(o)(1)(ii)(A)(3).
9. CRWI supports the proposed change in the timing for submitting the renewal for the health-based chlorine standard to match the time when you submit your subsequent CPT plan (§ 63.1215(h)(2)(i)).
10. CRWI is concerned about the proposed change of the PM standards from English units (gr/dscf) to SI units (mg/dscm). Theoretically, a conversion from one set of units to another should not create a problem. However, in this case it does, simply because the rounding to two significant digits produces slightly different compliance values. 0.013 gr/dscf converts to 29.7 mg/dscm, which when rounded to 2 significant digits gives 30 mg/dscm. Even considering the 0.0133 gr/dscf that was set as the floor (OAR-2004-0022-0460, Technical Support Document, Volume 3, Appendix F, Table APCD-INC-PM) – this converts to 30.4 which also rounds to 30 (two significant digits). However, as a compliance point 0.013 gr/dscf is not the same as 30 mg/dscm. For example, if the average PM emissions from the three tests are 0.01349 gr/dscf, the facility would meet the 0.013 standard (rounded to two significant digits) but would not meet 30 mg/dscm since 0.01349 converts to 30.9 which rounds to 31 mg/dscm.

This may seem like a theoretical exercise except that at least one facility is in exactly this situation. During their initial comprehensive performance test (CPT) to show compliance with the interim standards, Syngenta (St. Gabriel, LA) showed 0.0153, 0.0120, and 0.0130 gr/dscf for their three test runs. The average was 0.0134 gr/dscf. This meets the interim standard of 0.015 gr/dscf and would meet the replacement standard of 0.013. However, 0.0134 gr/dscf converts to 30.7 mg/dscm, which rounds to two significant digits to 31 mg/dscm. While this has no impact on compliance with the interim standards, it will have an impact on October 12, 2008, when



Syngenta has to show compliance with the replacement standards. It should be noted that Syngenta realizes that they will need to reduce PM emissions prior to the next compliance test. The concern is that if EPA leaves the PM standard as 0.013 gr/dscf, Syngenta can use the results from their CPT showing compliance with the interim standards to show that they remain in compliance with the replacement standards. However, if EPA converts the standard to 30 mg/dscm, Syngenta can no longer use that data to show that they are in compliance. In fact, that data would show that they were out of compliance.

Again, Syngenta has no intention of trying to duplicate the 0.0134 gr/dscf average test runs made when showing compliance with the replacement standards. They plan to modify the system to achieve performance well below the 0.013 gr/dscf (or 30 mg/dscm) before the next comprehensive performance test. Since they are already meeting the current interim standard, the only time this matters is the time period between the compliance date for the replacement standards and when the Notice of Compliance for the replacement standards is submitted. The practical implications of the proposed conversion of the incinerator PM standard are if EPA does not convert to SI units, Syngenta can use the CPT results from the interim standards to show they currently meet the 0.013 gr/dscf replacement standard in their Documentation of Compliance (DOC). If EPA converts the standard to SI units, Syngenta will have to make a modification that, in their engineering judgment, would ensure that they meet the 30 mg/dscm permanent replacement PM standard. This would have to be documented in their DOC, it may change their Automatic Waste Feed Cut Off trip points, and it could modify their reporting requirements. This seems like a lot of effort simply because of a difference in rounding.

CRWI believes that the simplest solution is to leave the PM standards in English units. This is the units the original data were reported in and any round off errors will be contained within a standard expressed in English units. If the Agency believes that the PM standard should be converted to SI units, we believe that EPA should develop language that allows facilities to show compliance with either English or SI units, at least until the Notice of Compliance is submitted to show compliance with the permanent replacement standards.

11. CRWI is concerned that the proposed changes to § 63.1210(c) creates a situation where facilities only have one day in which to publish their notice of an informal public meeting for their Notice of Intent to Comply (NIC). The current language requires facilities to hold the NIC public meeting within 10



months after the effective date (§ 63.1210(c)(1)) and must provide notice of the meeting at least 30 days prior to the meeting (§ 63.1210(c)(3)). This implies that the notice of the meeting could be made more than 30 days in advance of the meeting.

The proposed § 63.1210(c)(1) language retains the 10 month deadline but also requires that the meeting must be held no later than 30 days following the notice. The 30 day advance notice language of § 63.1210(c)(3) was retained. This puts the facility in a position of having to issue the public notice precisely 30 days before the public meeting (i.e., facilities have two 30 day deadlines, one working backward from the meeting date and one working forward from the notice date).

While this is probably of little practical consequence for existing sources since most will have held their meetings before this rule is finalized, it will impact new sources. The problem was created by the proposed language that requires that “no later than...30 days following notice of the informal public meeting, you must hold at least one informal meeting...” This language changes the point of reference for the time line from the public meeting to the notice of that public meeting, removing the option of making the public notice earlier than 30 days ahead of the meeting. CRWI understands that EPA wants to make it clear that both existing and new sources have to follow the NIC process. We also understand the desire to make as few regulatory changes as needed to get the desired results. However, in this case, it may be more prudent to create two time lines in the regulatory language, one for existing sources (what already exists) and the other for new sources (new language). This was done in Figures 1 and 2 in the preamble (71 Fed. Reg. at 52,643-4) to make it clear that the timetables are different.

CRWI suggests that EPA not make the modification to §§ 63.1210(c)(1) and (c)(3) as proposed but designate the current paragraph in (c)(1) as “existing” and add a new paragraph that builds the timeline for new units that corresponds to the timelines shown in the preamble (71 Fed. Reg. at 52,644). This would make it clear what each has to do in the way of noticing and holding the informal public meetings.