



April 17, 2002

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Attn: Docket F-1999-IBRA-FFFFF

The Coalition for Responsible Waste Incineration (CRWI) is pleased to submit comments on the Resource Conservation and Recovery Act Burden Reduction Initiative; Proposed Rule (67 FR 2518, January 17, 2002). CRWI represents eleven companies that operate hazardous waste combustion units and fourteen 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 general, CRWI supports the burden reduction initiatives proposed by EPA. CRWI has a few suggestions that we think will improve the rule. These primarily include increasing the number of places where a 3-year record retention requirement is allowed. These are listed below. We also urge the Agency to allow these recordkeeping requirements to apply to all RCRA facilities, either as a part of the preamble discussion or as a part of policy initiatives.



### Specific Comments

1. CRWI supports reducing the frequency for self inspection for hazardous waste tanks from daily to weekly (264.190 and 265.190) (67 FR 2526). We also note that there are a number of places in 264.193(f) and 265.193(f) where the word "daily" needs to be changed to "weekly."
2. CRWI supports the proposal to drop the RCRA requirements for emergency response training where they overlap OSHA training requirements (67 FR 2527). We agree with your logic that OSHA requirements are more extensive than are RCRA requirements. We also agree with EPA's proposal to eliminate the requirement that facilities include job titles and descriptions as a part of personnel records. We agree that job titles and descriptions have little to do with whether the employee is properly trained. Finally, we agree with the proposal to eliminate the requirement for a description of the training an employee will receive. We agree that this is best done during facility inspections to ensure adequate training and that simply documenting the employee's name and date of training are sufficient.

In addition, we suggest that retaining training records for three years is more than adequate and suggest that EPA modify 264.16(e) and 265.16(e) to reflect this change.

3. CRWI supports the proposed changes to the record retention from life of BIF facility to 3 years (67 FR 2529 and 266.102(e)(10) and 266.103(k)). In addition, we support the proposed change the frequency of re-certification from 3 years to 5 years (266.103(d)) for BIFs. CRWI also encourages EPA to examine the regulations to see if there are other requirements for other RCRA facilities where a 3-year record retention policy is appropriate.
4. CRWI supports most of the proposed changes to 264.73(b) and 265.73(b). We agree with the addition of the 3-year recordkeeping requirements in the introductory paragraph. However, we do have a number of concerns about the exceptions included in the subsequent text. We believe that there are a number of monitoring, testing, analytical, and corrective actions (see 264.73(b)(6) and 265.73(b)(6)) that should also have a 3-year record retention requirement rather than the life of the facility requirement. One example is the requirements to



keep the assessments of a tank system integrity (264.191) for the life of the facility. CRWI believes that keeping these records for three years is ample time for the permitting agency to inspect the operating record of that facility. Other examples include 264.193, 264.195, 264.226, etc. CRWI urges EPA to look at all the requirements listed in (b)(6) to determine which should be kept for the life of the facility and where a 3-year retention period is adequate to show compliance with the regulations.

CRWI also has a concern with retaining all the closure cost estimates in (b)(8) for the life of the facility. We see no reason to keep all of the estimates. CRWI believes that only the latest, most up-to-date estimates should be kept. Should a facility update their closure plan and develop new estimates, we see no reason why that facility has to keep both the old and the revised estimates. Surely the newest estimates are the most accurate and should be the only one retained. CRWI urges EPA to modify this provision to retain only the newest estimates and not all estimates.

5. CRWI agrees with the proposal to allow consolidation of contingency plans under DOT, DOI, DOL, and EPA. This would allow each facility would have only one contingency management plan.
6. CRWI supports the proposal to eliminate the submittal of an estimate of the number of treatability studies and the amount of waste to be used in those studies from the annual report requirements under 261.4(f)(9).
7. In several places throughout the proposed rule, EPA proposes to allow activities to be certified by an independent, qualified registered Professional Engineer or a Certified Hazardous Materials Manager. CRWI supports this proposed change and urges EPA to include this change in the final rule.
8. CRWI supports the proposed changes to Subpart O to delete the requirement that a facility notify the regional administrator of an intent to incinerate F020, F021, F022, F023, F026, or F027.
9. CRWI supports the proposed change to eliminate the notification step for wastes that exhibit a characteristic. Instead of putting the one time notification and certification in the operating record and sending it to the region or the state, EPA has proposed to place it in the operating record



(268.9(d)). CRWI supports this change and suggests that EPA retain this in the final rule.

Again, thank you for the opportunity to comment on this proposed rule. CRWI supports reducing the burden on facilities as long as it does not compromise the ability to prove compliance with regulations. We urge EPA to continue to look for additional areas where recordkeeping and reporting can be reduced. If there are questions about our comments, please contact us (202-452-1241 or [crwi@erols.com](mailto:crwi@erols.com)).

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Melvin E. Keener', with a long horizontal flourish extending to the right.

Melvin E. Keener, PhD  
Executive Director

cc: Robert Burchard  
CRWI members