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

Attn: Docket ID No. EPA-HQ-RCRA-2015-0147

The Coalition for Responsible Waste Incineration (CRWI) appreciates the opportunity to submit comments on *Hazardous Waste Export-Import Revisions; Proposed Rule*. 80 Fed. Reg. 63,284 (October 19, 2015). CRWI is a trade association comprised of 25 members. Some of our member companies import and export hazardous waste.

Attached are specific comments on three of 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 add a limit of 25 kilograms to the mass of hazardous waste imported or exported for treatability studies. CRWI would like to point out that 40 CFR 261.4(e)(2) already contains restrictions on the amounts of materials that can be excluded based on treatability studies. The mass for this restriction is based on whether the material is media contaminated with non-acute hazardous waste (10,000 kg), non-acute hazardous waste other than contaminated media (1,000 kg), acute hazardous waste (1 kg), or media containing acute hazardous waste (2,500 kg). This restriction has worked for a number of years for treatability studies within the United States. It is flexible based on the hazard of the material being studied. We see no reason why these same restrictions should not be applied to hazardous waste materials that are either exported or imported. Should the Agency finalize the restriction as proposed, a facility could send up to 25 kg of an acute hazardous waste to a foreign entity for a treatability study, something that is not allowed for a domestic treatability study. On the other hand, a facility could send 10,000 kg of media contaminated with non-acute hazardous waste to a domestic facility for treatability studies but could only send 25 kg to a foreign entity. We can see no reason why the amounts for the exclusions should not be the same for both domestic and foreign treatability studies. We suggest that the Agency modify the language in 261.4(e)(1) as follows and drop proposed paragraph 261.4(e)(4).

(e) *Treatability Study Samples.* (1) Except as provided in paragraphs (e)(2) and ~~(e)(4)~~ of this section, persons who generate or collect samples for the purpose of conducting treatability studies either foreign or domestic as defined in section 260.10, are not subject to any requirement of parts 261 through 263 of this chapter or to the notification requirements of Section 3010 of RCRA, nor are such samples included in the quantity determinations of § 261.5 and § 262.34(d) when:

2. In the SI system, a kilogram is a measure for mass not a measure for weight. In at least two places, EPA has used the words “weight” and “kilogram” in the same sentence. While this may seem trivial, to be scientifically correct, the Agency should use the term “mass” when using kilograms. The two places where we found this was in the proposed language for 261.4(d)(4) and 261.4(e)(4). We suggest the Agency modify this language to be scientifically correct.
3. EPA is proposing to convert the current paper submittal requirements of nine export/import documents to electronic submittal. The Agency is proposing to require facilities to make these reports using a web-based data entry system. The Agency specifically lists the types of fields they see as needed in this system. By way of comparison, to meet the current requirement, a TSD receiving an import of hazardous waste simply makes a copy of the manifest and mails it to EPA headquarters. This takes a few minutes and a 49 cent stamp. At this point in time,

the burden to meet this reporting requirement is very small. Depending upon how the Agency sets up the web-based data entry system, the burden on the facility can be much more significant. If the facility has to enter data for every field every time they need to make a report, the burden would be significantly increased. However, if the Agency can set up the system to allow the use of profiles for wastes that are routinely moved across borders (like material from a maquiladora), this burden would be smaller. Should the Agency decide to require an electronic reporting system, we suggest that the system allow fields to be saved or pre-populated based on previous entries, reducing the need to enter every field for every report.

In general, CRWI does not oppose the use electronic reporting. The majority of our concerns are in how any such system would be developed and implemented. As such, we suggest that before the Agency implements this (and any electronic reporting requirement), they develop and test a beta version. CRWI member companies would consider being a part of any beta testing should such an electronic system be developed. Once some of the bugs are worked out of the beta system, we also suggest using a phase-in period (up to a year) to allow for additional refinements and to allow users to become familiar with the new system. We have members who have used other electronic data entry systems. One thing that has been helpful is the development of a user's group that periodically (monthly?) meets to bring up questions on how to use the system and to share ideas that work and don't work. If the Agency decides to require an electronic data entry system for this rule, we suggest setting up a user's group where lessons learned can be shared.