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November 27, 2007

Air and Radiation Docket (2822T)
Docket ID No. EPA-HQ-OAR-2004-0022
U. S. Environmental Protection Agency
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* (72 Fed. Reg. 54,875, September 27, 2007). CRWI is a trade association comprised of 26 members with interests in hazardous waste combustion. CRWI members operate incinerators, boilers, and hydrochloric acid production furnaces that burn hazardous waste and are regulated under the HWC 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 proposed rule and look forward to working with the Agency to develop lawful and workable standards.

CRWI supports setting standards that satisfy the requirements in the Clean Air Act. We understand that EPA would prefer that this rule were final with all litigation resolved and that all facilities were focused on coming into compliance by October 14, 2008. We also desire that situation. While CRWI understands that the revision process as proposed will disrupt the Agency's resource allocation plans, we note that it will have a much more serious impact on the regulated community. If the MACT standards EPA has designated for revision are remanded, member companies will be asked to comply with standards that are presumptively unlawful, even though less stringent or less costly standards may be what the law requires. The regulated community has already experienced this outcome when several



permanent replacement standards were capped by the interim standards (e.g., existing source mercury and dioxin/furan standards for incinerators, etc.). On the other hand, requiring sources to comply with rules that when revised become more stringent, in effect requires these sources to upgrade twice (or possibly three times for Phase I sources). Both scenarios are unfair to the regulated community. Unfortunately, short of complete vacatur (which brings its own set of issues), CRWI does not see an equitable solution for the regulated community. We bring these issues up to remind the Agency that this process creates additional burdens on the regulated community. Anything the Agency can do to minimize this burden would be helpful.

CRWI agrees with EPA's interpretation that the statute does not address whether "best performing" are those with lowest emissions or those which reduce HAP levels most efficiently. Therefore, we believe that EPA is free to use its judgment to determine what constitutes "best controlled." As we stated in comments on the 2004 proposed rule, CRWI generally supports EPA's choices on methods used to develop the following standards:

- Since both feed rate and control technologies will have an impact on the emissions of metals and chlorine, we believe that EPA was correct in using a combination method (SRE/Feed) to select the best performers.
- We also agree with EPA's engineering analysis supported by emissions data that fabric filters are the best technology for controlling PM (see Volume 3, Chapters 16 and section 17-7 of the 2005 Technical Support Document). Specifically, Table 16.1 illustrates that the average emissions for all incinerators and cement kilns that have fabric filters are less than half of the emissions for the next category. Thus, EPA's method for selecting the top performers for PM did actually select the best performers.
- We believe that EPA properly used the straight emissions method for selecting the top performers for dioxin/furans. These compounds are not fed into any combustor but are generated post-combustion within the pollution control train (69 Fed. Reg. at 21,226/1).
- Finally, we believe that EPA is correct in its assessment of the role of carbon monoxide, total hydrocarbons, and destruction/removal efficiency in defining good combustion practices to address non-dioxin HAPs. We offer additional technical support generated during the development of these standards under RCRA.

Discussion of individual standards

A. Particulate matter



When CRWI re-examined Volume 3, Chapter 16, of the Technical Support Document, we concluded that the Agency sufficiently justified why fabric filters are the best engineering device, why they are better at controlling smaller particles, and why they perform better over time. CRWI went one step further by plotting the ash feed rates against the PM emissions for the top performers in the incinerator category (see the figures attached). These data were taken from the final database used to promulgate the October 12, 2005, final rule. Seven of the eleven top performers have sufficient data to plot. Of these, only one (3032) shows an upward trend of emissions with increased ash feed rate. Even this trend is suspect because the r-square shows that feed rate accounts for only 62% of the variation in emissions. All others show no trends as indicated by the trend lines and have even lower r-square values. This supports EPA's argument that when using fabric filters, the feed rate of the ash does not impact emissions and should not be used when selecting the top performers or setting the standard for PM.

B. Non-Dioxin Organic HAPs

CRWI agrees with EPA current assessment of the role carbon monoxide, total hydrocarbon, and destruction/removal efficiency play in demonstrating good combustion practices. We would like to point out that the research used to develop the relationships between these standards and good combustion was done in the late 1980's. These are reported in a 1990 guidance manual (*Guidance on PIC Controls for Hazardous Waste Incinerators*, Volume V of the Hazardous Waste Incineration Guidance Series, April 1990, EPA/530-SW-90-040). The research documented in Chapter 4 of this manual clearly supports EPA's current positions. These original reports are not included in the docket for this rule. We suggest that EPA add this report to the docket as well as any other reports that show how EPA defines good combustion practices.



Thank you for the opportunity to comment on this proposed rule. If you have any questions on our comments, please contact me (202-452-1241 or mel@crwi.org).

Sincerely yours,

A handwritten signature in black ink, which appears to read 'Melvin E. Keener'. The signature is fluid and cursive, written over a light blue horizontal line.

Melvin E. Keener, Ph.D.
Executive Director

Cc: CRWI members
J. Berlow, EPA
F. Behan, EPA
S. Silverman, EPA

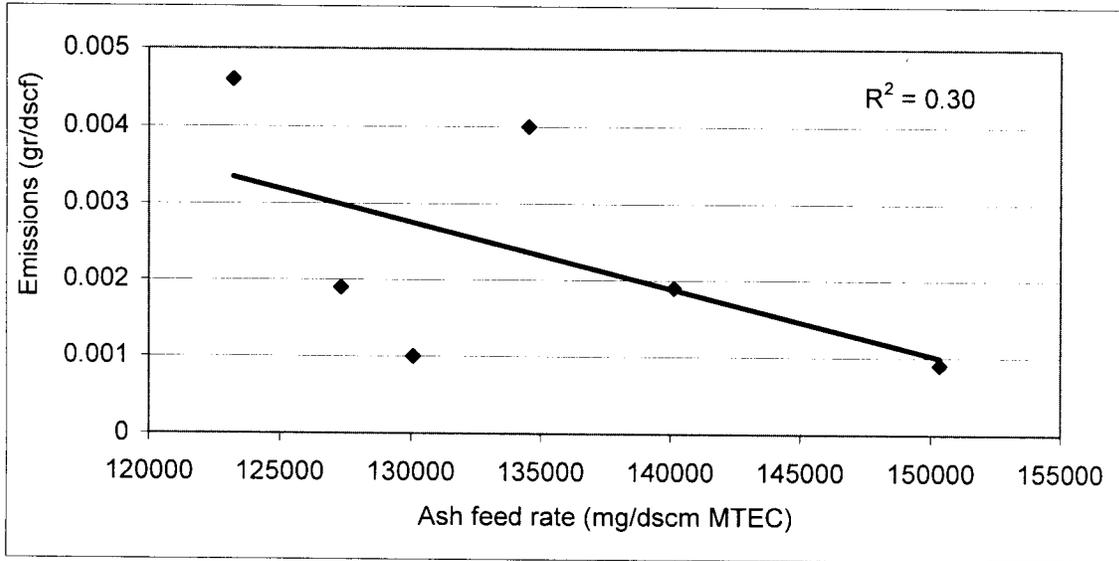


Figure 1. The relationship between ash feed rate and emissions for unit 3010.

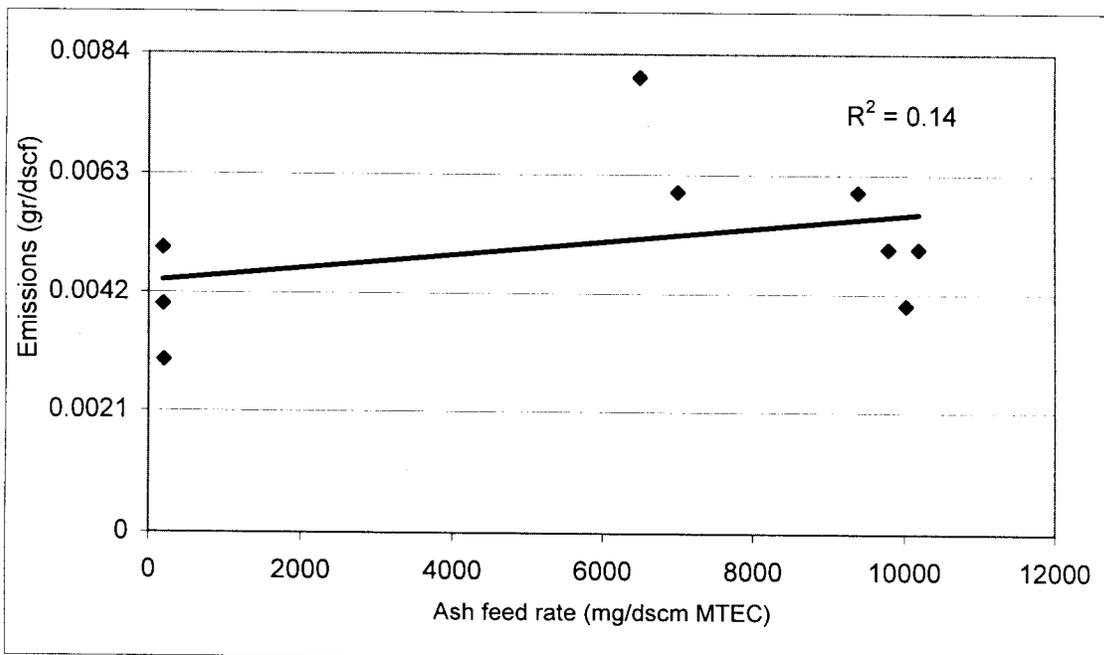


Figure 2. The relationship between ash feed and emissions for unit 3008.

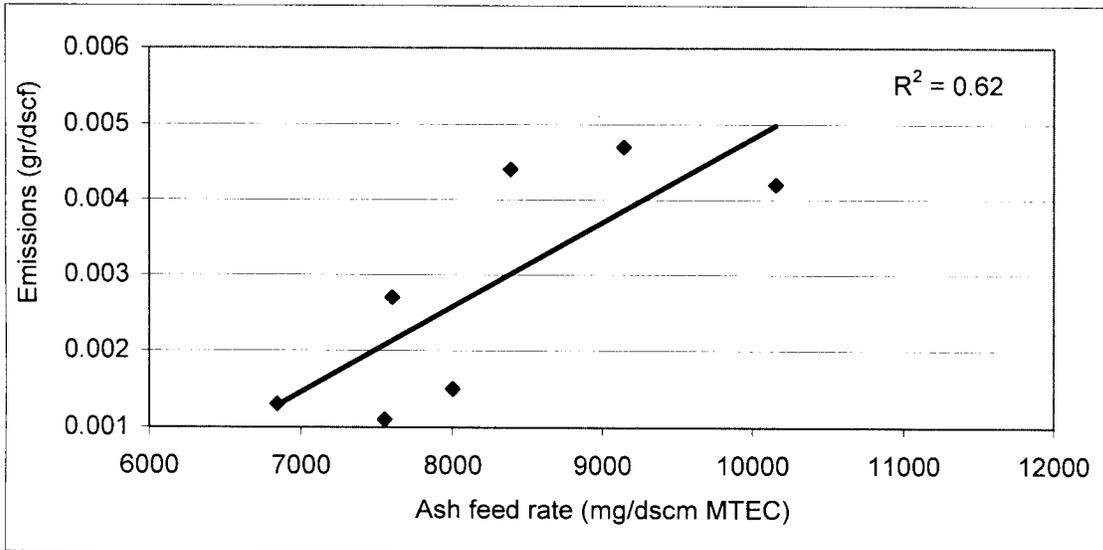


Figure 3. The relationship between ash feed rate and emissions for unit 3032.

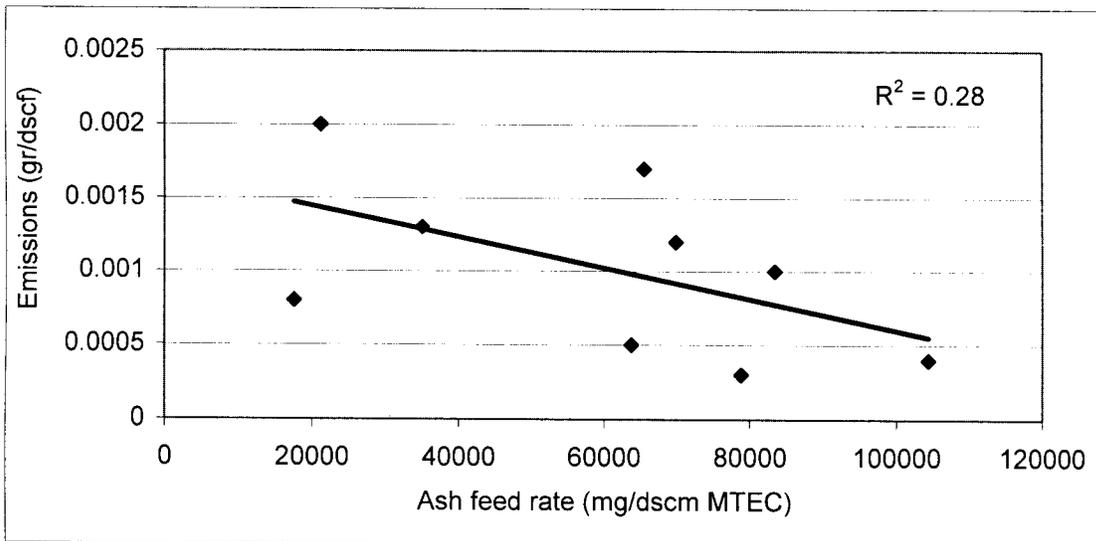


Figure 4. The relationship between ash feed rate and emissions for unit 338.

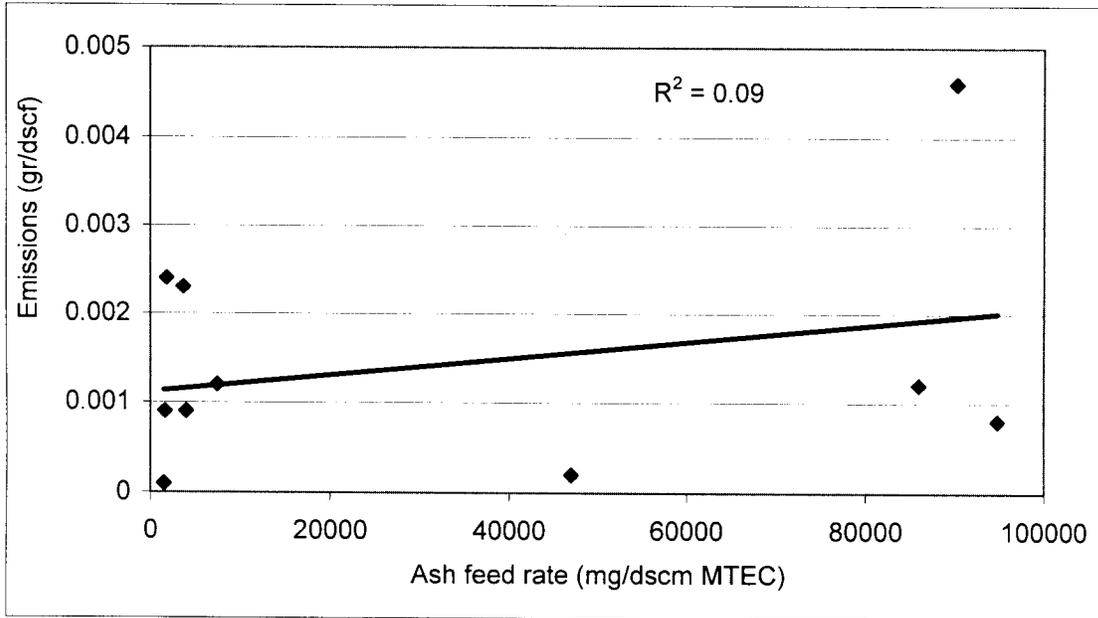


Figure 5. The relationship between ash feed rate and emissions for unit 327.

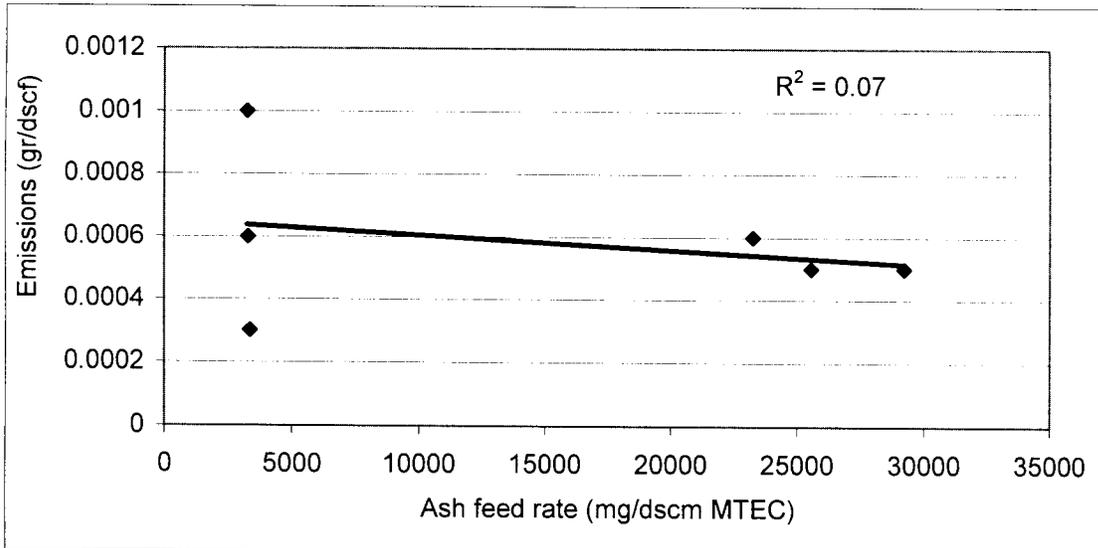


Figure 6. The relationship of ash feed rate and emissions for unit 341.

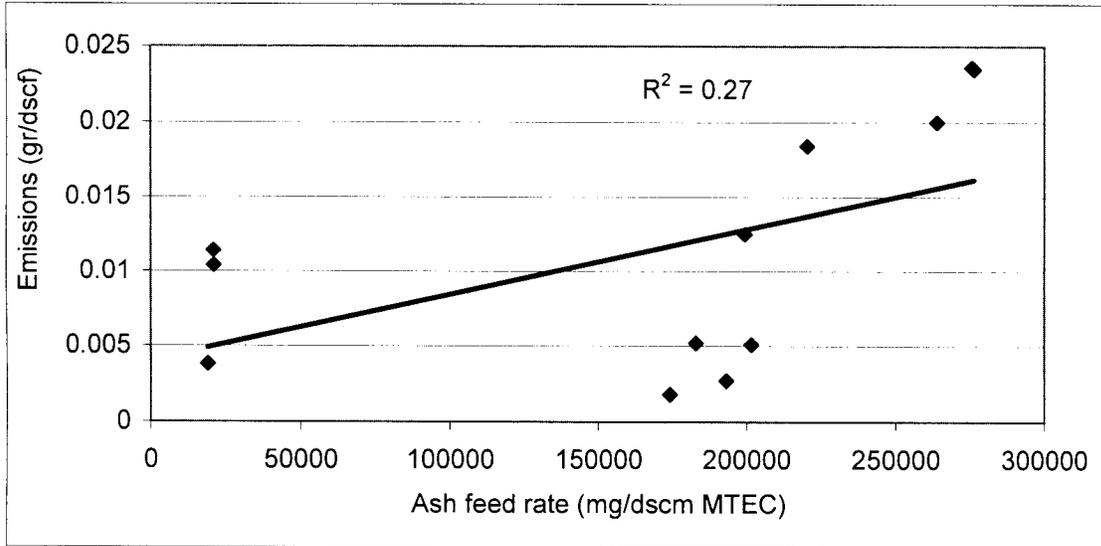


Figure 7. The relationship between ash feed rate and emissions for units 210, 211, and 212.