



February 14, 2022

MEMBER COMPANIES

Clean Harbors Environmental Services
Eastman Chemical Company
Heritage Thermal Services
INV Nylon Chemicals Americas, LLC
Ross Incineration Services, Inc.
The Dow Chemical Company
Veolia ES Technical Solutions, LLC

U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

GENERATOR MEMBERS

Eli Lilly and Company
Formosa Plastics Corporation, USA

Attn: Docket ID No. EPA-HQ-OLEM-2021-0348

ASSOCIATE MEMBERS

AECOM
Alliance Source Testing LLC
B3 Systems
Civil & Environmental Consultants, Inc.
Coterie Environmental, LLC
Eurofins TestAmerica
Focus Environmental, Inc.
Franklin Engineering Group, Inc.
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Spectrum Environmental Solutions LLC
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SYA/Trinity Consultants
TEConsulting, LLC
TRC Environmental Corporation
Wood, PLC

The Coalition for Responsible Waste Incineration (CRWI) appreciates the opportunity to submit comments on the *Modernizing Public Notice for RCRA Hazardous Waste Permitting and Other Actions*; Notice. 86 FR 71,482 (December 16, 2021). 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 combustion industry.

INDIVIDUAL MEMBERS

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

CRWI supports the idea of using electronic notifications where practical. The majority of communications in the current world is through some electronic form – ranging from emails to online newspapers to social media. We see no reason why permitting authorities as well as facilities should not be able to use these tools to meet their notification requirements. The Agency stated that this is already used for some NSPS and NPDES permits.

ACADEMIC MEMBERS

(Includes faculty from:)

Clarkson University
Colorado School of Mines
Lamar University
Louisiana State University
Mississippi State University
New Jersey Institute of Technology
University of California – Berkeley
University of Dayton
University of Kentucky
University of Maryland
University of Utah

The notice specifically requests comments on several items:

- EPA's intention to consider qualifying online newspapers to satisfy the public notice requirements under section 7004(b)(2);
- Should bulletins or newsletters published online by the permitting authority satisfy the 7004(b)(2) requirements;
- Should the Agency modify current regulations in order to allow more flexibility in notice requirements; and
- Should this concept be expanded to include other RCRA public notice requirements (e.g., Class 3 modifications, permit modifications requested under 270.42, requirements to list annual permit modifications approvals, permit denials, etc.).

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First, CRWI would like to point out that EPA has already done something similar for certain Superfund processes. In the *National Oil and Hazardous Substances Pollution Contingency Plan (NCP); Amending the NCP for Public Notices for Specific Superfund Activities*: Final Rule (80 FR 17,703, April 2, 2015), EPA came to the conclusion that it was easier for all parties to scan websites than it was to scan local newspapers. As a result, they broadened the types of notices that can be used for public notice under Superfund. EPA's guidance document (<https://semspub.epa.gov/work/11/100000036.pdf>) on this rule allows the regions to use several different methods in addition to a "major local newspaper of general circulation." Three of these methods are:

- Using social media;
- Posting on Agency or local government websites; and
- Asking community members to post on neighborhood websites.

Both the Superfund and RCRA statutes require publication in a major local newspaper. While the Superfund rule cited above does not supersede the requirement, it allows it to be augmented or expanded.

Second, EPA accepts hazardous waste manifests electronically and at least eight states (Connecticut, North Carolina, Tennessee, Mississippi, Nevada, Utah, Virginia, and Washington) allow permit notices required under 40 CFR 270.42 to be sent via email. EPA is also in the process of requiring electronic reporting of performance test results as they revise air rules during the risk and technology review process.

When the RCRA statute was originally enacted, the predominant method of distributing local information was the newspaper. As the Agency correctly states in this notice, that is no longer true. Today, most individuals get their news from some form of electronic media. It can be reasonably argued that a "local major newspaper of general circulation" does not have to be actually on newsprint but can just as easily be on a website. The vast majority of the "major newspapers" are augmenting their "paper" editions with online versions. Paper editions are getting smaller with less circulation. Smaller newspapers have gone to online editions only or have ceased to exist. The newspaper industry has recognized this and is changing to meet the desires of their customers. The fact that it is not a "paper edition" should not violate the intent of the statute. It is likely that the accessibility of the public will be greater using an electronic format. It is also true that some communities do not have internet accessibility. The same can be said for "newspaper" accessibility. CRWI supports the use of electronic methods for distributing RCRA notices. We also see no reason why this should not be extended to include company newsletters and/or bulletin boards and permitting agency's newsletters/bulletin boards. Not only would this reach more people, it would meet the intent of the statutory language at a lower cost.

The Agency states there is no reason that an online publication cannot meet these requirements. CRWI agrees. We also agree with the Agency that online methods will

be more effective at communicating with more interested parties than traditional methods. This meets the original intent of the statutory requirements.

In addition, CRWI suggests that the Agency include allowing the use of emails where appropriate for both the permitting authority and the facility. This would allow EPA and the regulated community to reach stakeholders more efficiently and faster.

In summary, CRWI supports the use of electronic methods for communications between permitting agencies, the regulated community, and stakeholders wherever it makes sense. We believe it should be expanded to include agency and facility newsletters/bulletins and allow the use of email to communicate with stakeholders wherever possible. These methods do a better job, are easier to use, and cost less.

Thank you for the opportunity to comment. 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: T. Sommer