Coalition for Responsible Waste Incineration

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OSWER Docket
Environmental Protection Agency
Mailcode 5305-T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attn: Docket ID No. RCRA-2002-0025

The Coalition for Responsible Waste Incineration (CRWI) is pleased to submit comments on proposed rule, *Waste Management Systems; Testing and Monitoring Activities; Proposed Rule: Methods Innovation Rule* (67 FR 66252, October 30, 2002). CRWI represents 29 companies with hazardous and solid waste combustion interests. 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 this proposed rule, EPA asks for comments on six proposed changes. We will comment on only two: adding flexibility to RCRA-related testing and monitoring by allowing alternatives to SW-846 and the removal of the 80% upper confidence limit to feedstream analysis. CRWI supports both of these changes as proposed in the October 30, 2002, notice.

We agree with the Agency that the requirement to use SW-846 methods discourages the development and use of new analytical techniques. Currently, facilities that wish to use newer analytical methods that have not been incorporated into SW-846 must develop and submit an equivalency petition. This process often delays approval of the test plans, causing additional delays in showing compliance with current RCRA standards. Allowing facilities to use other reliable methods will not compromise the primary duty of the regulators while giving the facilities the flexibility to use the most appropriate method without regard to whether it has been included in SW-846. In fact, CRWI believes that this concept should be expanded to include individual rules that specify methods without allowing flexibility. One specific example is the language in 63.1208 (the testing section for the hazardous waste combustor MACT rule). We suggest that the following language changes would be in the same spirit as the current proposed changes.

63.1208 ...
(a)...
(b) Test methods. You must use the following test methods to determine compliance with the emissions standards of this subpart:

(1) Dioxins and furans. (i) You must use appropriate methods such as Method 0023A, Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans emissions from Stationary Sources, EPA Publication SW-846, as incorporated by reference in paragraph (a) of this section, or other reliable methods, to determine compliance with the emission standard for dioxins and furans;

(ii) You must sample for a minimum of three hours, and you must collect a minimum sample volume of 2.5 dscm;

(iii) You may assume that nondetects are present at zero concentration.

(2) Mercury. You must use appropriate methods such as Method 29, provided in appendix A, part 60 of this chapter, or other reliable methods, to demonstrate compliance with emission standard for mercury.

(3) Cadmium and lead. You must use appropriate methods such as Method 29, provided in appendix A, part 60 of this chapter, or other reliable methods, to determine compliance with the emission standard for cadmium and lead (combined).

(4) Arsenic, beryllium, and chromium: You must use appropriate methods such as Method 29, provided in appendix A, part 60 of this chapter, or other reliable methods, to determine compliance with the emission standard for arsenic, beryllium, and chromium (combined).

(5) Hydrochloric acid and chlorine gas. You may use appropriate methods such as Methods 26A, 320, or 321 provided in appendix A, part 60 of this chapter, or other reliable methods, to determine compliance with the emission standard for hydrochloric acid and chlorine gas (combined). You may use Methods 320 or 321 to make major source determinations under §63.9(b)(2)(v).

(6) Particulate matter. You must use appropriate methods such as Methods 5 or 5i, provided in appendix A, part 60 of this chapter, or other reliable methods, to demonstrate compliance with the emission standard for particulate matter.

(7) Other Test Methods. You may use applicable test methods in EPA Publication SW-846, as incorporated by reference in paragraph (a) of this section, or other reliable methods, as necessary to demonstrate compliance with requirements of this subpart, except as otherwise specified in paragraphs (b)(2)-(b)(6) of this section.

These suggested changes are similar to the proposed changes for 266.100(d)(1)(ii) pertaining to hazardous waste burned in boilers and industrial furnaces. CRWI believes that these suggestions would make the current requirements much more flexible without losing any control by the regulators.

In addition, CRWI believes that EPA is acting properly to drop the 80% confidence limit in 63.1208(b)(8). The remainder of the language will ensure that the feedstream analysis plan is adequate and that plan will provide an unbiased, precise, and representative analysis. There is no need to include an 80% upper confidence limit in this requirement. In fact, a number of member companies have been struggling to determine exactly how to comply with the 80% provision. Removing this provision will make complying with this section much easier without compromising data quality. We support this change.

Thank you for considering these comments. If you have additional questions, please contact us at 202-452-1241 or crwi@erols.com.

Sincerely yours,

Melvin Keener, Ph.D.
Executive Director

cc: CRWI Board
Kim Kirkland, EPA