



September 21, 2017

VIA E-DOCKET

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

**Re: Docket No. EPA-HQ-OAR-2012-0360
National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and
Recovery Operations, Proposed Rule
82 Fed. Reg. 36,713 (August 7, 2017)**

Dear Sir or Madam:

The Cement Kiln Recycling Coalition (CKRC) is a national trade association representing cement companies that use hazardous waste and other secondary materials as alternative fuels and raw materials in cement kilns. Our membership also includes companies that collect, process, and manage secondary materials and companies that provide services to the industry. CKRC members are directly affected by the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Off-Site Waste and Recovery Operations (OSWRO) and provided detailed technical comments on the 2014 proposed NESHAP. *See* docket for National Emission Standards for Hazardous Air Pollutants: Off-Site Waste and Recovery Operations. (Docket ID: EPA-HQ-OAR-2012-0360) (79 FR 37850) (July 2, 2014). CKRC appreciates this opportunity to comment on the US Environmental Protection Agency's (EPA) proposed amendments to the OSWRO NESHAP.

As noted in the preamble, the rule proposes to remove the 2015 additions to the monitoring requirements of 40 CFR §63.691 for pressure relief devices (PRDs) on containers, for a range of reasons, including that the container monitoring requirements are duplicative, very difficult to implement onsite, and add regulatory cost with no corresponding environmental benefit. 82 FR 36716. CKRC supports the proposal to remove the additional monitoring requirements.

On March 18, 2015, EPA finalized amendments to the OSWRO NESHAP based on a residual risk and technology review (RTR) that imposed additional monitoring requirements for PRDs on OSWRO containers. On May 18, 2015, Eastman Chemical Company (Eastman) and the American Chemistry Council (ACC) filed a joint Petition for Reconsideration in which they challenged provisions of EPA's 2015 rule.¹ On February 8, 2016, EPA granted reconsideration of the additional monitoring requirements for PRDs and now seeks comment on proposed revisions to the OSWRO NESHAP.

The amendments to the OSWRO NESHAP finalized in 2015 required additional monitoring of PRDs on OSWRO-affected containers. 40 CFR §69.691(c) defines the "affected source" to which the monitoring requirements would apply to include the entire group of OSWRO off-site material management units, which includes both fixed and non-fixed or portable sources (such as containers). CKRC members have extensive experience with compliance with the OSWRO NESHAP and also with handling containers as a standard aspect of their operations. Imposing monitoring on containers is not necessary, not reasonable and the record reflects a lack of understanding by EPA of the effect of this amendment on the regulated sources.

As EPA acknowledges in the proposed rule, containers are already regulated in the OSWRO NESHAP under 40 CFR §63.688, which incorporates the inspection and monitoring requirements of the Subpart PP Container NESHAP. Containers must also satisfy Department of Transportation rules ensuring safety in transport. 82 FR 36716. Designing a monitoring system for PRDs on containers is not workable and would impose significant cost, given the nature of containers, which are often portable and frequently moved. Data in the record for this rule indicate that container releases are extremely rare and do not justify imposing additional regulatory burdens in addition to those already in place. *Id.*

For all of the foregoing reasons, including containers in the monitoring requirements of the OSWRO NESHAP is not reasonable and CKRC supports EPA's decision to eliminate the

¹ In addition to petitioning for reconsideration of the PRD monitoring requirements, Eastman and ACC also requested that EPA reconsider the equipment leak provisions for connectors. EPA denied reconsideration of this issue in letters to Eastman and ACC dated May 5, 2016. *See* 82 FR 36715.

additional requirements for OSWRO containers. CKRC appreciates the opportunity to comment on EPA's proposed OSWRO rule. Should you have any questions, please feel free to contact me.

Sincerely,

/s/ Michelle Lusk

Michelle Lusk

Executive Director

Cement Kiln Recycling Coalition