

memorandum

DATE: July 9, 2001

REPLY TO: Office of Environmental Policy and Guidance:Koss:6-7964
ATTN OF:

SUBJECT: Proposed Amendments to National Emission Standards for Hazardous Air Pollutants for Hazardous Waste Combustors, for Review and Comment

TO: Distribution

On July 3, 2001, the Environmental Protection Agency (EPA) issued three *Federal Register* notices dealing with the Hazardous Waste Combustor (HWC) air emission regulations: (1) proposed amendments (at 66 *FR* 35126) to the existing standards (available at the Office of Environmental Policy and Guidance Web Site at: <http://www.eh.doe.gov/oepa/rules/66/66fr35126.pdf>); (2) a direct final rule (at 66 *FR* 35087) that expedites promulgation of additional amendments that EPA believes to be noncontroversial (available at: <http://www.eh.doe.gov/oepa/rules/66/66fr35087.pdf>); and (3) a parallel proposal (at 66 *FR* 35124) to the direct final rule (available at: <http://www.eh.doe.gov/oepa/rules/66/66fr35124.pdf>). The final HWC rule, promulgated in September 1999, applies to Department of Energy (DOE) hazardous and mixed-waste incinerators, and may apply via a State Clean Air Act or Resource Conservation and Recovery Act permit condition to DOE facilities that thermally treat hazardous or mixed waste.

The proposed 33 amendments, many of which are in the areas of emission control systems, and emissions testing and monitoring, provide clarifications to the final HWC rule. The amendments in the two proposed rules were developed by EPA because the regulated community raised a large number of issues with EPA through informal comments and during litigation settlement discussions after promulgation of the final rule. In the direct final rule at 66 *FR* 35087, EPA is approving 13 of the amendments, but the Agency is also soliciting comments on these amendments. In 66 *FR* 35126, EPA is soliciting comments on 20 additional amendments. Many of the amendments potentially apply to DOE sources, and most of the proposed changes entail a relaxation of existing rule provisions. In response to an Office of Management and Budget request in February 2001, DOE staff reviewed a draft of the amendments and did not identify any significant concerns of the draft amendments on the Department's facilities.

We ask that you forward this memorandum to DOE and contractor staff who have air quality-related responsibilities for affected sources and submit any comments you may have on the proposed amendments to Ted Koss (e-mail: theodore.koss@eh.doe.gov; fax: 202-586-3915) or Beverly Whitehead (e-mail: beverly.whitehead@eh.doe.gov; fax: 202-586-3915) of my staff by August 6, 2001.

To facilitate preparation of DOE's comment package, please reference the *Federal Register* page that each of your comments applies to. Questions or concerns regarding the proposed amendments should be directed to Mr. Koss at 202-586-7964 or Ms Whitehead at 202-586-6073.

(Original signed by Andy Lawrence)

Andy Lawrence
Director
Office of Environmental Policy and
Guidance