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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

November 30, 1995

Mr. Paul C. Chrostowski, Ph.D.
Principal
The Weinberg Group Inc.
1220 Nineteenth Street, N.W.
Suite 300
Washington, D.C. 20036

Dear Mr. Chrostowski:

Thank you for your letter of November 6, 1995 to Administrator Browner regarding your concerns about the Agency's policy with respect to site-specific risk assessments at combustion facilities that are regulated under the Resource Conservation and Recovery Act (RCRA). I appreciate your detailed comments that outline the advantageous aspects of site-specific risk assessments and that support the continuation of site-specific risk assessments to help ensure that RCRA permits are protective and are credible with the public and the regulated community.

As part of the Agency's Hazardous Waste Minimization and Combustion Strategy, EPA currently has a national RCRA policy of strongly recommending to all federal and state RCRA permit writers that under the omnibus permit provisions of RCRA 3005(c)(3), site-specific risk assessments be performed as part of the RCRA permitting process if necessary to protect human health and the environment. Very soon, the Agency intends to propose new emission standards for hazardous waste combustion under joint authority of the Clean Air Act Amendments of 1990 and RCRA. We believe these new standards will provide a significant improvement over current controls for hazardous waste combustion. However, at least until these rules take effect, the Agency intends to continue its policy of recommending that site-specific risk assessments be conducted as part of RCRA permitting for hazardous waste combustors (incinerators, boilers and industrial furnaces alike) as necessary to protect human health and the environment.

Of course, we cannot predict what the final regulations and the final national emission standards will be because we expect substantial comment on the proposal. In that proposal, we are inviting comments specifically on the issue of the role that site-specific risk assessments ought to play in permitting of hazardous waste combustion facilities. Your letter will be entered into the rulemaking docket, and if you have further views, we urge you to submit them during the public comment period so that they get full consideration. Our ultimate goal is to be able to implement a set of protective national standards that do not require intensive site-specific assessments at a large majority of sites. However, we also recognize that there may be situations in which a need for risk assessments at some combustion facilities will continue to exist. These and related issues will be assessed as the Agency develops its final rulemaking for hazardous waste combustors.

Thank you for your interest in this important matter.

Sincerely yours,

Michael Shapiro, Director
Office of Solid Waste

Attachment

The Weinberg Group, Inc.
Washington, D.C. / Brussels

November 6, 1995

The Honorable Ms. Carol Browner
Administrator
U.S. Environmental Protection Agency
401 M Street, S.W.
Mail Code 1101
Washington, D.C. 20460

Dear Ms. Browner:

The purpose of this letter is to comment on the Environmental Protection Agency's (EPA's) proposal to eliminate requirements for site-specific risk assessment at combustion facilities that are regulated under the Resource Conservation and Recovery Act (RCRA). Although the performance of direct and indirect risk assessments at these facilities by EPA, state agencies or project proponents has gotten off to somewhat of a rocky start, there is little logic to abandoning a program that is now reaching an acceptable degree of maturity. Indeed, as both regulators and the regulated community become more adept at producing and reviewing risk assessments, their utility as a regulatory tool proportionately increases. Some of the more important reasons for continuing the program include:

Emissions associated with the implementation of Maximum Achievable Control Technology (MACT) may not be controlled adequately to meet risk management goals. This is due to a number of reasons including the uniqueness of site-specific exposure pathways and the inability of MACT standards to control facility-specific chemical standards. The possibility that MACT might not be protective was, in fact, the reason behind the residual risk requirements of 112(f) of the Clean Air Act Amendments of 1990. We have already seen several instances where proposed MACT standards will not meet typical EPA risk management goals and are concerned that elimination of risk assessments will reduce the

Agency's credibility to both the public an deregulated community.

The elimination of risk assessments will be an impediment to implementation of some key Clinton Administration environmental initiatives including environmental justice and the assessment of risk to children. Implementation of MACT standards without risk assessment will not enable the identification of disparate impacts to various sectors of the community, nor will it assist in the evaluation of cumulative impacts.

The elimination of site-specific risk assessments may allow a competitive disadvantage to particular sectors of the waste management community. Currently, there is a major competitive struggle between commercial hazardous waste incinerators, commercial boilers and industrial furnaces, and non-commercial captive facilities. In order to ensure that public health is protected plus avoid charges that EPA is favoring one segment of the industry over the other, site-specific risk assessments should be retained.

Risk assessments can be performed on a very cost effective basis. For an experienced risk assessment services purveyor the costs of a multiple pathway, multiple chemical risk assessment to the private sector are typically within the range of $50,000 to $75,000 per facility. These costs are small considering the benefits to be gained and put in the context of the costs to satisfy other regulatory requirements. For example, trial burns, RCRA Part B applications, Clean Air Act PSD permit applications, and other requirements are typically substantially more costly than risk assessments.

I hope you will take these factors into consideration in reaching your decision to continue to require risk assessments at combustion facilities and to extend them to other source categories as appropriate.

Please feel free to call if you have any questions.

Very truly yours,

The Weinberg Group Inc.

Paul C. Chrostowski, Ph.D.
Principal

PCC/skw

cc: Robert Sussman
David Bussard