BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE
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August 23, 2010

Docket ID Number EPA-HQ-OAR-2003-0119
United States Environmental Protection Agency
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Docket ID Number EPA-HQ-OAR-2003-0119; Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units

Dear Sir or Madam:

The Blue Ridge Environmental Defense League supports enforceable regulations that reduce emissions from *all* sources, whether they are permitted as boilers, area sources or solid waste incinerators. The proposed rules for Commercial and Industrial Solid Waste Incineration Units will have the desirable effect of reducing emissions from existing incinerator units. Depending on the final rules defining non-hazardous solid waste, solid waste incineration in industrial boilers will decrease as well. As EPA has recognized, many existing sources will choose to stop burning solid waste if they are required to meet Section 129 requirements. The result will be cleaner air in the many communities where such boilers and incinerators operate today.

To maximize the benefits from reduced emissions it is critical that EPA not exclude facilities based simply on energy recovery. The proposed rule includes this definition: "*Commercial and industrial solid waste incineration (CISWI) unit means any distinct operating unit of any commercial or industrial facility that combusts any solid waste pursuant to Subtitle D of RCRA.*"

An "energy recovery unit" is defined as, "*Energy recovery unit means a combustion unit combusting solid waste (as that term is defined by the Administrator pursuant to Subtitle D of RCRA) for energy recovery. Energy recovery units include units that would be considered boilers and process heaters if they did not combust solid waste.*"

Regardless of size and regardless of the energy recovered, either in the form of electricity or in the form of heat or steam, the combustion of solid waste deserves EPA's strongest protections. Many renewable energy from biomass projects fall into a category of small power producers that might be regulated as area sources. Given the wide variety of solid

waste materials proposed as "fuels", the subject of the proposed RCRA solid waste definition rules, it is alarming to see potential "biomass loopholes" in the rules.

There is already a long list of permitted renewable energy resources, many of which fit the definition of solid waste, certified in North Carolina. As we have previously commented on the solid waste rule, that list includes tires, construction and demolition wastes, pelletized paper, railroad ties, particle board, paper mill sludge, sewage sludge, poultry litter, pulping liquor and refuse derived fuel. These are not the "homogeneous wastes" cited in the rule and perhaps the statutory definition of homogeneous waste needs clarification. Combustion of such wastes should not be exempted, regardless of a facility's size.

The proposed rule sets limits for nine air pollutants-mercury, lead, cadmium, hydrogen chloride, dioxins/furans, particulate matter, carbon monoxide, nitrogen oxides, and sulfur dioxide. The "common" air pollutants particulate matter, carbon monoxide, nitrogen oxides, and sulfur dioxide contribute to widespread respiratory illness like asthma, emphysema, and cardiovascular disease.

In an April 19, 2010, letter to North Carolina Department of Environment and Natural Resources Secretary Dee Freeman, the NC Academy of Family Physicians emphasized the need to reduce emissions specifically from poultry waste and biomass:

"Biomass burning of poultry litter and wood wastes creates emissions of particulate matter that research has shown increase the risk of premature death, asthma, chronic bronchitis, and heart disease. (1, 2) This burning process also creates numerous byproducts, including nitrogen oxides and volatile organic compounds that increase smog and ozone, which are known to increase lung disease and mortality (3); sulfur dioxides which also contribute to respiratory disease (4); arsenic which can increase the risk of cancer (5); mercury which can increase the risk of brain and kidney disease and affect the developing fetus (6); and dioxins which may increase the risk of cancer, heart disease, diabetes mellitus, developmental delays in children, neurotoxicity, and thyroid disease (7). These health effects would increase disability and death in all age groups, but particularly in the most vulnerable—developing fetuses, newborns, children, those with chronic illness, and the elderly. As a result of this increased disability and disease, medical costs in the state will increase."[1]

The impact of incinerators on human health is obvious. We support continuous emissions monitoring and a more transparent reporting system that better informs the surrounding community. We find that very often communities and public officials are unaware of the impacts from incinerators. Readily available data and reports would be a valuable tool. Continuous emissions monitoring is an essential step toward making that a reality.

[1] NC Academy of Family Physicians letter to NC DENR Secretary Freeman April 19, 2010

EPA should be applauded for this effort to reconcile the various rules regulating the combustion of solid waste. After years of litigation we would hope that the final rules lead in a direction of *less waste, less waste combustion and real reductions in emissions.* We look forward to such an outcome.

Thank you for the opportunity to provide these comments.

Sincerely,

David Mickey
Blue Ridge Environmental Defense League