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Docket ID No. EPA–HQ–OA–2017–0190
U.S. Environmental Protection Agency
Via electronic submission to http://www.regulations.gov

Subject: Georgia Environmental Protection Division's Comments on EPA's Proposed Evaluation of Existing Regulations

Dear Docket Coordinator:

The Georgia Environmental Protection Division (EPD) appreciates the opportunity to provide the following comments to the U.S. Environmental Protection Agency (EPA) on the proposed Evaluation of Existing Regulations.

Clean Air Act Related Regulations

EPA's "once in, always in" policy

EPA's "once in, always in" policy ("Seitz Memo") requires sources that are subject to a major source MACT to **always** be subject to that MACT standard, even if their emissions are later reduced below major source levels of hazardous air pollutants (HAP). This policy is unnecessarily burdensome for sources that have significantly reduced their HAP emissions. For example, Geiger International's Atlanta facility has reduced VHAP emissions significantly, but still remains subject to the burdensome recordkeeping reporting of 40 CFR Part 63 Subpart JJ due to this EPA policy. The "once in, always in" policy should be rescinded.
Copy of the Seitz memo is here:
https://www.epa.gov/sites/production/files/2015-08/documents/pteguid.pdf

Title V permitting requirements for wood burning air curtain destructors in 40 CFR Part 60 Subpart CCCC

The requirement in 40 CFR 60 Subpart CCCC to subject air curtain destructors (ACD) burning 100% clean wood waste and/or clean lumber to Title V permitting is burdensome. ACDs are typically located at small facilities, such as pallet manufacturers, that lack the resources

necessary to comply with the regulatory burden of Title V. Furthermore, there is no environmental benefit:

> §60.2245(b) states that "Air curtain incinerators that burn only the materials listed in paragraphs (b)(1) through (3) [clean wood waste and/or clean lumber] of this section are only required to meet the requirements under §60.2242…" §60.2242 states that "each CISWI unit and ***air curtain incinerator*** subject to standards under this subpart must operate pursuant to a permit issued under Section 129(e) and ***Title V*** of the Clean Air Act." [emphasis added]

40 CFR 64 Compliance Assurance Monitoring (CAM)
Stand-alone CAM regulations in Part 64 are no longer necessary because Part 70 includes practical monitoring requirements.

MACT reporting requirements
40 CFR 63.10(a)(4) includes "double reporting" requirements – notification and periodic reports are required to be submitted **both** to US EPA and the delegated permitting authority. The notification and reporting requirements should be fully delegated to the permitting authority.

RICE MACT
The RICE MACT is ripe for a significant review as it now applies to over **one million** engines in the United States. The regulation has evolved since initial promulgation in 2004. The RICE MACT has been revised on at least five occasions, making it difficult for companies and even the regulators to keep up with how to comply. Compounding the complexity is the numerous types and sizes of engines and whether or not the engine is a major source or area source that affects which portions of the Rule apply. In addition, the RICE MACT has requirements for both semiannual and annual reports, which seem redundant.

I/M Regulations
Section 51.363 "Quality Assurance" of the "Inspection/Maintenance Program Requirements" requires overt audits to be conducted at least twice per year for each vehicle emissions testing bay or lane. That's approximately 1900 overt audits annually in the Atlanta Metro Area. Covert audits are required at least once per year per inspector in high-volume stations (more than 4,000 tests per year). That's approximately 500 covert audits annually in the Atlanta Metro Area. *Record audits* are required at least monthly and include analyses of electronic records for inconsistencies and discrepancies, as well as visual audits of official forms and required documents. The level of auditing far exceeds the requirements for a Part 70 major source, and is disproportional to the benefit.

Data Reporting Requirements for State and Local Vehicle Emission Inspection and Maintenance (I/M) Program
The current reporting requirements are unnecessarily burdensome. EPA estimated the annual burden hours at 43 hours. EPD reported to EPA in our comment letters to EPA dated May 1, 2012 and October 19, 2015 that the burden is significantly higher at 448 hours annually. We request that EPA work with the affected states to revise the reporting requirement to focus on the top five to ten metrics that are most important for evaluating the program year-to-year.

Title V Annual Compliance Certifications
Title V Annual Compliance Certifications required by 40 CFR 70.6(c) are redundant to the reporting requirements contained elsewhere in the permit and unnecessarily burdensome. EPD spends approximately 1,000 staff hours annually reviewing the certifications. The Title V Annual Compliance Certification requirement should be removed from Part 70.

Area Source GACT
40 CFR Part 63 Subpart VVVVVV (Area Source GACT) has a requirement to apply for a Title V permit upon notification that the source is subject to VVVVVV. It seems counterintuitive to being an area source. The requirements of 40 CFR Part 63.11494(e) should be deleted from Subpart VVVVVV.

Resource Conservation Recovery Act (RCRA) Related Regulations

Public notice of permit actions and public comment period
40 CFR 124.10(c)(1) specifically states that the public notice must be mailed. An electronic delivery option (for those that are interested) would reduce the amount of resources needed to distribute the notices.

40 CFR 124.10(c)(2)(ii) requires for all RCRA permits, the publication of a notice in a daily or weekly major local newspaper of general circulation **and** broadcast over local radio stations. Coordinating the publication and broadcast can be challenging and time consuming. Depending on the location of the facility, publication in the major local newspaper with circulation in that area can be very expensive, especially if it is in a major metropolitan area. Furthermore, according to a 2016 Pew Research Center Survey, Americans less often get their news from print newspaper. As more newspapers go out of business, it may not be possible to find an appropriate newspaper in which to publish the notice.

For the broadcast, it can be difficult to find a station that is willing to run the ad in its entirety. It can also be difficult to find a station that has a large enough audience to provide adequate outreach. This is also compounded by the fact that the ad may not run when interested parties are listening to that particular station.

It makes sense to offer an option to provide public notices on the state agency website rather than in newspapers and on radio stations.

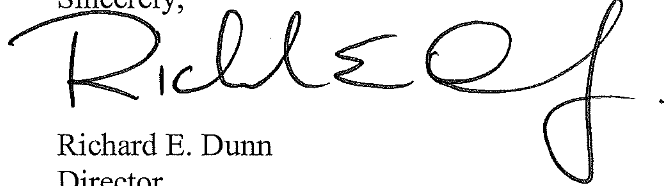
Electronic Reporting
One of the more burdensome issues that could be addressed by modifying existing regulations is that RCRA has not been updated to incorporate electronic/digital standards and past attempts to update regulations to address this in certain areas of the regulations have failed (i.e. the current attempts at e-manifest). The regulations that govern reporting, recordkeeping, and data accessibility requirements should be modified to require current electronic/digital methods. Space limitations have already begun to impact the regulated community and regulatory agencies (state and federal) that are required to store the large volume of critically important generator,

closure, post-closure and corrective action documents. In addition, providing public access to this information is becoming burdensome and impacting public participation. Historical facility records often contain critical pieces of information regarding operations, releases and cleanups, and a uniform, consistent electronic format and electronic data management system would go a long way toward allowing the regulated community, public stakeholders and regulatory agencies easier access to and evaluation of this information.

Delisting of Remediation Waste

The regulations governing the delisting of remediation waste is overly burdensome, unnecessarily impeding cleanups. EPA has already promulgated separate treatment standards for remediation wastes and debris, so it's not too much of a reach to treat (currently) listed remediation wastes differently than as-generated wastes. Specifically, 40 CFR260.22/30 and 268 should be amended to allow a streamlined delisting process for remediation waste that will be managed in a permitted Subtitle D facility. Currently, delisting of remediation waste requires rule makings, which involves a significant investment of time and resources. Alternately, delisting of remediation waste could be done as a risk assessment for a defined volume of waste from a specific location/facility. This practice/logic is also consistent with EPA's UST rules regarding wastes exhibiting certain characteristics and some states, such as Tennessee already follow a similar approach.

Sincerely,



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