

**Kim Garner**

**To:** James M. Smith; John E. Nanorta, Jr.; Richard M. Sandusky; Mary S. Wyatte  
**Cc:** Kris Shomper  
**Subject:** FW: Jim Smith

ORIGINAL: 1905/BUSH  
Forwarded e-mail to: Smith, Nanorta, Sandusky, Wyatte  
cc: Shomper

-----Original Message-----

**From:** [SMITH@pa.chamber.org](mailto:SMITH@pa.chamber.org) [mailto:SMITH@pa.chamber.org]  
**Sent:** Thursday, March 04, 1999 3:15 PM  
**To:** [irc@irc.state.pa.us](mailto:irc@irc.state.pa.us)  
**Subject:** To: Jim Smith

Jim:

Here are a few remaining issues with the final Haz. Waste package. In addition, please refer to our original comments on sections 145 and 147 (IRRC made comments similar to ours in these areas also). Please call if you have any questions.

1. Regarding the HTMR slag exclusion, the Board has not identified a compelling state interest or provision of PA law that requires the regulation to be more stringent than the Federal regulations. Also, if EPA modifies the Federal generic exclusion in any way, future interpretive problems may arise which could call into question the status of HTMR slag products.
2. Requirement to obtain a Recycling Permit -- The discussion in the preamble is unclear and confusing (still). First, the Board purports to be requiring a permit because of activities prior to the material reaching the recycling process. In the case of, e.g., storage of a hazardous waste prior to recycling, the facility already would be required to obtain a storage permit. Continuing to require a recycling permit (by not incorporating the Federal regulation by reference) does not change this obligation. Again, the Board has not identified a compelling state interest or provision of state law that requires PA to be more stringent than the Federal regulations. If it is not the Board's intent to require permits for the recycling process (as they state in the preamble), then the Federal exemption should be adopted by reference. This would further encourage recycling, which the current Administration has identified as a high priority. As the Board itself states in the preamble, "reclamation and recovery processes tend to resemble or replace a manufacturing process...and should not be regulated in the same manner as a waste management unit."

Sharon Roth  
Pa Chamber of Business and Industry