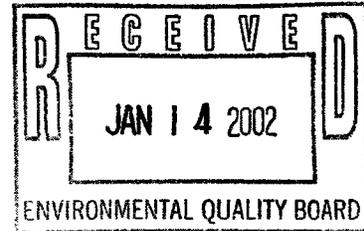


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RACHEL CARSON STATE OFFICE BUILDING



January 14, 2002

Environmental Quality Board
15th Floor, Rachel Carson State Office Building
400 Market Street
P.O. Box 8477
Harrisburg, PA 17105-8477

Re: Proposed Amendments – Hazardous Waste Management Regulations

Introduction

On December 15, 2001 proposed amendments to the hazardous waste regulations were published in the Pennsylvania Bulletin for public comment. The proposed regulations were developed by the Pennsylvania Department of Environmental Protection (the Department) and approved by the Environmental Quality Board (EQB) for public comment on October 16, 2001.

Safety-Kleen Systems, Inc. (Safety-Kleen) transports hazardous waste and, as such conducts in-transit storage and transfer in ten facilities within Pennsylvania. Safety-Kleen has a strong and direct interest in the manner in which in-transit storage and transfer operations are regulated within the state. Safety-Kleen has reviewed the proposed regulations and has prepared the following comments.

Discussion

Section 263a.12(3) specifies that *a transporter transferring hazardous waste from one transport vehicle to another, or from a transport vehicle to a loading dock or other area for temporary off-vehicle in-transit storage shall do so in areas protected by secondary containment.* This provision is too broad and since there is no definition of secondary containment, many Department regions may have a different interpretation of secondary containment. Safety-Kleen recommends that section 263a.12(3) be deleted from the final version of these amendments.

Safety-Kleen agrees that all in-transit activities must be done in areas that have the capability of preventing migration of a spill to the environment. Transfers must be conducted in areas that provide protection in the form of pavement, such that if a container of hazardous waste were spilled, the hazardous waste would not migrate to the soils before an emergency response could be implemented. Further, in-transit activities are done in areas where the loading dock and the truck already provide some level of containment and spill control equipment is always immediately available at the rear of the truck. It is reasonable for the Department to regulate all in-transit operations by using

these practical criteria when approving in-transit storage preparedness, prevention and contingency plans.

Safety-Kleen asserts that all in-transit activities, whether the waste is stored for one day or ten days, must be done in accordance with an approved in-transit storage preparedness, prevention and contingency plan. The final form regulations must specify practical criteria, rather than leave this open for a broad interpretation.

Safety-Kleen appreciates the opportunity to provide comments on this proposed regulation. If there are any questions regarding these comments, please call me at (610) 430-0502.

Sincerely,

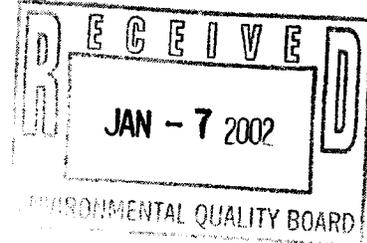
David A. Wagner
Environment, Health and Safety Manager



Wheatland Tube Company

Wheatland Division

January 2, 2002



Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

Subject: Comments on Proposed Rulemaking
25 Pa. Code Chs. 260a-265a and 270a, Hazardous Waste Management

Gentlemen:

The following comments are made in response to the subject proposed rulemaking that appeared in the December 15, 2001 issue of the *Pennsylvania Bulletin*.

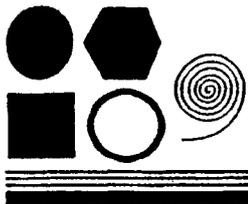
Subchapter D. Recordkeeping and Reporting, § 262a.43: In this section, the term “hazardous materials” appears, but there is no definition provided as to what constitutes a hazardous *material*. Presumably the Department means a hazardous material as defined by the U.S. Department of Transportation. While a hazardous waste is by definition a hazardous material in transportation, the opposite is not necessarily true. There are many DOT hazardous materials that are not hazardous wastes, even when spilled or discharged. Furthermore, not all DOT hazardous materials do have the “Hazard Codes” listed in Table 1, which were developed to apply to hazardous wastes.

It appears that these proposed requirements would apply to any spill of a hazardous material, even if it was within a containment area and there was no release to the environment. This is a burdensome and unnecessary requirement.

While the Solid Waste Management Act gives the Board and the Department the authority to regulate hazardous *wastes*, there is no authority to regulate hazardous *materials* that do not pose a threat to the public health and the environment.

Sincerely,

Arthur E. Hall, P.E.
Director, Environmental Affairs



ORIGINAL: 2239

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HARRISBURG PA

SPECIALTY STEEL INDUSTRY OF PENNSYLVANIA

Address correspondence to: Allegheny Ludlum Corporation, 1000 Six PPG Place, Pittsburgh, PA 15222
Phone: 412-394-2836 Facsimile: 412-394-3010

January 25, 2002

**Member
Companies:**

AK Steel

Allegheny Ludlum
Corporation

Carpenter Technology
Corporation

J & L Specialty
Steel Inc.

Timken Latrobe Steel

Affiliated with:

Specialty Steel
Industry of
North America

Environmental Quality Board
PO Box 8477
Harrisburg, PA 17105-8477

RE: Proposed Amendments to Hazardous Waste Management Regulations - Pa. Bulletin, Vol. 31, No. 50, December 15, 2001, pg. 6814 et seq.

The Specialty Steel Industry of Pennsylvania (SSIPA) is concerned that several of the proposed changes to the hazardous waste regulations impose unnecessary requirements and do not conform to the Department of Environmental Protection's Regulatory Basics Initiative or comply with Governor Ridge's Executive Order 1996-1.

Spill Response and Additional Reporting - Sec. 262a.43

In addition to the Federal requirements incorporated by reference, the proposed amendments require extensive reporting and response in the event that there is a spill or release of a reportable quantity of "hazardous materials" (as low as 5-10 gallons of liquid and 10 pounds of solids). The proposed provision is similar to that deleted in 1999 as part of the Regulatory Basics Initiative. The existing statutes and regulations provide sufficient response vehicles in the event of a hazardous waste spill or release.

Further, the use of the term "hazardous materials" goes beyond the scope of the statutory authority provided by the Solid Waste Management Act in as much as the Solid Waste Management Act provides for the regulation of hazardous waste, not hazardous materials.

Transfer Facility Requirements - Sec. 263a.12(3)

The proposed amendment mandates that transfers of hazardous wastes shall occur only in areas protected by secondary containment. Such a requirement clearly exceeds Federal Standards. There are no compelling reasons to provide standards more stringent than Federal. With containers required to meet USDOT strict requirements, transfers generally taking place in areas paved with concrete or asphalt, and appropriate storage preparedness, prevention and contingency plans in effect, there is no reasonable justification to impose a costly secondary containment requirement.

Environmental Quality Board
January 25, 2002
Page 2

In view of the above, we recommend that Sections 262a.43 and 263a.12(3) be deleted from the final version of the hazardous waste amendment.

Sincerely,



Executive Director
Specialty Steel Industry
of Pennsylvania

cc: The Honorable Mary Jo White
The Honorable Arthur D. Hershey
Robert E. Nyce ✓
James M. Sheehan



Mine Safety Appliances Company • P.O. Box 426 • Pittsburgh, PA 15230

Telephone: (412) 967-3000

Fax: 412/967-3309

Writers Direct Dial No.

412/967-3528

January 14, 2002

Environmental Quality Board
P. O. Box 8477
Harrisburg, PA 17105-8477

Re: Proposed Amendments to Hazardous Waste Management Regulations
as published in December 15, 2001 Pennsylvania Bulletin

Ladies and Gentlemen:

Mine Safety Appliances Company (MSA) hereby offers the following comments regarding the referenced proposed rulemaking.

- 1. The additional reporting requirements at proposed 25 Pa. Code 262a.43 are confusing and represent an unnecessary step backwards.**

As a means of eliminating confusion, the Department is proposing to return to a previous Commonwealth-specific spill-reporting requirement that caused generators great confusion over the years that it was in place. As a company dedicated to protection of health, safety, and the environment, MSA supports prompt reporting of spills and releases and makes every effort to do so. However, we must point out that there already exists a myriad of state and federal laws and regulations that drive such reporting and that the reinstatement of this additional requirement will likely lead to confusion rather than clarification.

Existing laws governing reporting of spills and releases already exist under regulations pursuant to the following laws:

- Comprehensive Environmental, Response, Compensation and Liability Act (CERCLA)
- Superfund Amendments and Reauthorization Act (SARA)
- Emergency Planning and Community Right-To-Know Act (EPCRA)
- Resource Conservation and Recovery Act (RCRA)
- Clean Water Act (CWA)
- Safe Drinking Water Act (CAA)
- Toxic Substances Control Act (TSCA)
- Hazardous Materials Transportation Act (HMTA)

In addition, there are general duties within federal and state laws and regulations that require persons to report activities which potentially impact or threaten the environment.

The proposed addition will raise more questions than it answers. For example, generators may wonder if the requirement applies only to hazardous waste itself or if it applies to material which becomes a hazardous waste upon spillage (i.e., a raw material which spills from a tank and must be disposed). Similarly, yet another regulation-specific "reportable quantity" will be established with yet another definition.

LOCATION: RIDC Industrial Park • 121 Gamma Drive • Pittsburgh, PA 15238

Environmental Quality Board
January 14, 2002
Page 3

Mine Safety Appliances Company

MSA shares the Department's goal of ensuring proper management of hazardous waste and hopes that these comments are constructive and useful. Please feel free to contact me if I can provide any clarification or additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence M. Berger". The signature is written in a cursive, flowing style.

Lawrence M. Berger
Director, Environmental Affairs

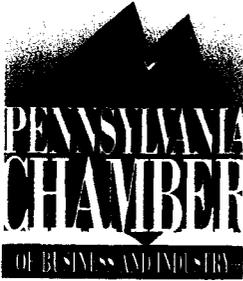
**MINE SAFETY APPLIANCES COMPANY
JANUARY 14, 2002**

**ONE-PAGE SUMMARY OF COMMENTS ON PROPOSED AMENDMENTS TO
HAZARDOUS WASTE MANAGEMENT REGULATIONS
AS PUBLISHED IN DECEMBER 15, 2001 PENNSYLVANIA BULLETIN**

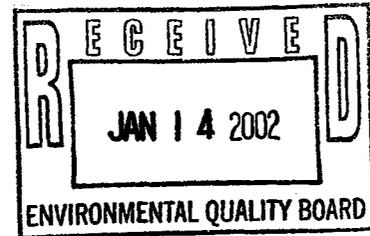
Mine Safety Appliances Company (MSA) hereby offers the following comments regarding the referenced proposed rulemaking.

- 1. The additional reporting requirements at proposed 25 Pa. Code 262a.43 are unnecessary and confusing and represent an unnecessary step backwards.**
- 2. The notification procedure for permit-by-rule processes that is proposed at 25 Pa. Code 270a.60(a)(1) requires clarification.**
- 3. Changes in hazardous waste definition and determination issues proposed at 25 Pa. Code 261a.3.(b) and 25 Pa. Code 262a.11 do not appear to be justified. Existing federal regulations provide an adequate structure for these issues.**

MSA shares the Department's goal of ensuring proper management of hazardous waste and hopes that these comments are constructive and useful. Additional information is provided in a letter dated January 14, 2002.



417 Walnut Street
Harrisburg, PA 17101-1902
717 255-3252 / 800 225-7224
FAX 717 255-3298
<http://www.pachamber.org>



January 14, 2002

Environmental Quality Board
Rachel Carson State Office Building
15th Floor
P.O. Box 8477
Harrisburg, PA 17105-8477

RE: Amendments to Pennsylvania's Hazardous Waste Regulations (31 Pa. Bull. 6814)

Dear Environmental Quality Board:

The Pennsylvania Chamber of Business and Industry (PCBI) is the largest, broad based business association in Pennsylvania. Our more than 9,000 members employ about 50% of Pennsylvania's private workforce or approximately 1.5 million people. 80% of our members have less than 100 employees. The Chamber is dedicated to advocating reasonable regulations that encourage economic growth while protecting the environment.

On December 15, 2001, the Environmental Quality Board ("EQB") published in the Pennsylvania Bulletin for public comment proposed amendments to Pennsylvania's hazardous waste regulations. See 31 Pa. Bull. 6814 (Dec. 15, 2001).

We have reviewed the proposed amendments to Pennsylvania's hazardous waste regulations. While PCBI agrees that many of the modifications that the EQB has proposed to make to Pennsylvania's hazardous waste regulations are minor in nature, we are concerned that certain of the proposed amendments include important substantive changes to the requirements imposed on the regulated community. These changes, highlighted in our comments, would significantly change certain aspects of how hazardous waste is currently managed.

We have included detailed comments for your consideration. Please feel free to contact Sharon Roth of the Chamber staff at 717-720-5455 should you have any questions.

Sincerely,

Fred A. Sembach
Vice President, Government Affairs

Attachment

**COMMENTS OF THE PENNSYLVANIA CHAMBER OF BUSINESS AND
INDUSTRY REGARDING PROPOSED AMENDMENTS TO PENNSYLVANIA'S
HAZARDOUS WASTE REGULATIONS**

I. Introduction

On December 15, 2001, the Environmental Quality Board ("EQB") published in the Pennsylvania Bulletin for public comment proposed amendments to Pennsylvania's hazardous waste regulations. See 31 Pa. Bull. 6814 (Dec. 15, 2001). These proposed amendments are the first changes that the EQB has proposed to make to Pennsylvania's hazardous waste regulations since those regulations were overhauled in a rule-making that generally incorporated by reference the federal hazardous waste regulations pursuant to the Regulatory Basics Initiative and Executive Order 1996-1. (Those regulations became effective on May 1, 1999.)

The Pennsylvania Chamber of Business and Industry is the largest, broad based business association in Pennsylvania. Our more than 9,000 members employ about 50% of Pennsylvania's private workforce or approximately 1.5 million people. 80% of our members have less than 100 employees. The Chamber is dedicated to advocating reasonable regulations that encourage economic growth while protecting the environment.

Through its Solid Waste Advisory Committee, PCBI has reviewed the proposed amendments to Pennsylvania's hazardous waste regulations. PCBI agrees that many of the modifications that the EQB has proposed to make to Pennsylvania's hazardous waste regulations are minor in nature. However, certain of the proposed amendments include important substantive changes to the requirements imposed on the regulated community. Moreover, such changes in most instances are contrary to the fundamental underpinnings of the Regulatory Basics Initiative and Executive Order 1996-1, in that the changes incorporate requirements that are not found under the federal hazardous waste program, and neither the EQB nor the Pennsylvania Department of Environmental Protection ("DEP") has identified compelling Pennsylvania-specific reasons that would justify a departure from the federal hazardous waste program. PCBI's comments concerning the proposed amendments to Pennsylvania's hazardous waste regulations are set forth below.

II. Discussion

A. Definition of "hazardous waste"

The EQB has proposed to add as 25 Pa. Code 261a.3(b) a requirement creating a presumption that where a hazardous waste determination in connection with a particular waste is not immediately performed, the waste must be managed as a hazardous waste until the waste is classified as a non-hazardous waste. This provision mirrors a component of Pennsylvania's hazardous waste regulations that was deleted as part of the

extensive amendments to Pennsylvania's hazardous waste program pursuant to the Regulatory Basics Initiative in May 1999.

PCBI believes that the proposed provision is overly prescriptive and unnecessary. Regulated entities are already under an obligation to properly manage their wastes. In many instances, a regulated entity will be able to predict with a high degree of certainty how a particular waste stream will be classified and can manage the waste in accordance with the applicable management standards immediately upon generation. In other instances, a waste determination may not be able to be made until laboratory analyses have been performed. For example, this is particularly true in the context of managing materials such as contaminated soils resulting from remedial activities. The proposed regulation creates a structure that would compel a regulated entity automatically to manage waste streams in accordance with the hazardous waste regulations while awaiting analytical results so that the waste streams can be properly classified. As a practical matter, this may not always be possible. If required to manage a waste as hazardous while awaiting characterization, this would require a hazardous waste label. How would one properly code the hazardous waste label until the lab results were complete? Even where technically possible to achieve, such a rule may impose substantial costs on regulated entities that do not result in any significant environmental benefits. DEP already has sufficient authority to enforce the management standards under the hazardous, residual and municipal waste regulations to address circumstances where a regulated entity might potentially delay making a hazardous waste determination to avoid the application of the hazardous waste management standards to a particular waste stream. PCBI therefore recommends that the proposed version of 25 Pa. Code 261a.3(b) be deleted.

B. EPA Identification Numbers

The EQB has proposed to add to Pennsylvania's hazardous waste regulations the requirement that a hazardous waste generator notify DEP any time the generator's facility class changes. See 25 Pa. Code § 262a.12(b)(1)(iv) (proposed). It is unclear how this requirement will actually apply in practice. Under the hazardous waste program, generators are classified as conditionally exempt small quantity generators ("CESQGs"), small quantity generators ("SQGs") and large quantity generators ("LQGs"). CESQGs are not required to obtain EPA hazardous waste identification numbers. Accordingly, the proposed provision would only appear to apply where a CESQG becomes an SQG or an LQG, an SQG becomes an LQG, or an LQG becomes an SQG.

Under the proposed regulations, it is unclear whether SQGs or LQGs that become CESQGs would need to notify DEP. In addition, it is unclear whether LQGs that become SQGs for a particular month would need to notify DEP of a change in their status. PCBI recommends that the EQB clarify how precisely the proposed requirements for subsequent notification are actually intended to work. Where a generator's operations change such that the generator's status permanently changes, notification is appropriate. However, the proposed requirement could also be interpreted to mandate that an LQG notify DEP during any month in which its hazardous waste generation levels drop below

the LQG thresholds. Such a requirement would needlessly create additional paper-work for both the regulated community and DEP with no related environmental benefits.

PCBI recognizes that because more stringent requirements apply to LQGs than SQGs, there may be reasons to retain the subsequent notification requirement for an SQG that becomes an LQG. By contrast, a regulated entity may choose to classify itself as an LQG and comply with the applicable requirements for LQGs even if during some months, the amount of hazardous waste generated by the regulated entity might fall below applicable thresholds thereby rendering the generator an SQG. PCBI recommends that the proposed requirement be modified to address this concern.

C. Generator Accumulation Time

LQGs are authorized to store hazardous wastes onsite for up to 90 days without a permit provided that certain requirements are satisfied including complying with the applicable requirements of 40 C.F.R. Part 265, Subpart I for hazardous wastes that are stored in containers. In the 1999 revisions to Pennsylvania's hazardous waste program, the EQB incorporated by reference the requirements of 40 C.F.R. Part 265, Subpart I (relating to storage of hazardous wastes in containers at interim status facilities) but also included extensive additional requirements relating to (1) secondary containment for such storage areas, (2) aisle spacing and configuration of stored containers, and (3) closure of container storage areas. Not only did the EQB include in 25 Pa. Code Chapter 265, Subchapter I specific requirements relating to secondary containment but also incorporated by reference the secondary containment requirements set forth at 40 C.F.R. § 264.175. See 25 Pa. Code § 265a.179. The EQB is now proposing to impose these same additional requirements on all LQGs that store hazardous waste onsite in Pennsylvania (with the exception of the secondary containment requirements set forth at 25 Pa. Code § 265a.175 which the EQB is proposing to delete as redundant with the federal secondary containment requirements incorporated by reference). PCBI believes that expanding the requirements for LQGs is unnecessary, inconsistent with the federal hazardous waste program and will impose significant regulatory burdens on significant numbers of hazardous waste generators across the Commonwealth.

Existing requirements already provide that LQGs must store hazardous wastes in containers that are in good condition and that are not leaking. The containers must be compatible with the types of wastes being held. The containers must be kept closed except when necessary to add or remove wastes, the containers must be handled so as to prevent ruptures or leaks, and the container storage area must be inspected at least once a week. See generally 40 C.F.R. Part 265, Subpart I. In light of these requirements, EPA does not impose additional requirements on LQGs to store containers holding hazardous wastes in areas having secondary containment. Instead, applicability of the secondary containment requirements is limited to individually permitted hazardous waste treatment, storage and disposal facilities. PCBI does not believe that there is sufficient justification to support a different framework in Pennsylvania. This is particularly true when the extensive capital costs that many LQGs may need to expend to comply with the

secondary containment requirements are considered. Accordingly, PCBI recommends that the proposed changes to 25 Pa. Code § 262a.34 be eliminated.

D. Spill Response and Additional Reporting

As part of the proposed amendments to Pennsylvania's hazardous waste program, the EQB has included extensive new requirements governing notification, reporting and response actions that must followed in the event that there is a spill or discharge of reportable quantities of "hazardous materials." See 25 Pa. Code § 262a.43a (proposed). The proposed reportable quantity thresholds are extremely low (5 gallons of liquids and as low as 10 pounds of solids). The proposed provisions are similar to those that had been part of Pennsylvania's hazardous waste regulations (25 Pa. Code § 262.46 (deleted)) but which were deleted as part of the changes made to implement the Regulatory Basics Initiative. Nothing has occurred since those changes were made in 1999 that would warrant reversing the results of the Regulatory Basics Initiative by reinserting the proposed provisions in Pennsylvania's hazardous waste regulations.

The federal hazardous waste program does not include the same type of prescriptive requirements proposed by the EQB. Instead, generators of hazardous wastes are generally required to have in place emergency contingency plans that describe the steps that will be followed to minimize hazards from releases of hazardous wastes. In addition, the facility must maintain equipment to respond to emergencies involving releases of hazardous wastes. See 40 C.F.R Part 265, Subparts C and D (incorporated by reference through 40 C.F.R. § 262.34(a)(4)). These requirements apply to hazardous waste generators in Pennsylvania. See 25 Pa. Code § 262a.10.

Moreover, spills and releases of hazardous substances (which include hazardous wastes) are subject to notification requirements under Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9603. If a spill or release of hazardous waste impacts or threatens to impact surface waters or groundwater in Pennsylvania, notification requirements under the Pennsylvania Clean Streams Law are also applicable.

The existing statutory and regulatory framework already provides sufficient safeguards and protections to address the circumstances where hazardous wastes are spilled or released. PCBI therefore does not believe that the proposed regulatory provisions are warranted.

PCBI also is deeply concerned with the breadth of the proposed regulatory provisions. Throughout 25 Pa. Code § 262a.43 (proposed), the term "hazardous materials" has been used. It is entirely unclear what is intended to be encompassed by that term. "Hazardous materials" are broadly defined under regulations promulgated by the U.S. Department of Transportation ("USDOT") and by the U.S. Occupational and Health Administration ("OSHA"). To the extent that DEP or the EQB intend the proposed version of 25 Pa. Code § 262a.43 to apply to "hazardous materials" rather than

“hazardous wastes,” the regulatory provision goes beyond the scope of the statutory authority under the Pennsylvania Solid Waste Management Act to promulgate regulations governing the management of hazardous wastes. If the EQB chooses to include additional notification, reporting and spill response requirements in Pennsylvania’s hazardous waste regulations (which PCBI believes is unwarranted and unnecessary), the scope of such requirements must be limited to spills or releases of hazardous wastes, not hazardous materials.

E. Transfer Facility Requirements

The proposed version of 25 Pa. Code § 263a.12(3) mandates that transfers of hazardous wastes at in-transit storage facilities occur only in areas protected by secondary containment. This provision goes well beyond the requirements of the federal hazardous waste regulations. The provision is unnecessary, burdensome, and inconsistent with the policies underpinning the Regulatory Basics Initiative. PCBI therefore recommends that 25 Pa. Code § 263a.12(3) be deleted in the final version of the hazardous waste amendments.

Hazardous wastes that are being managed at in-transit storage facilities are subject to transporter contingency plans (for transportation activities) and, in-transit storage preparedness, prevention and contingency plans (for in-transit storage of hazardous wastes for greater than three days but no more than ten days). Hazardous wastes being handled on an in-transit storage basis are generally stored in containers. These containers must meet strict requirements developed by USDOT and referenced in the hazardous waste regulations. See 40 C.F.R. § 262.30 (incorporated by reference through 25 Pa. Code § 262a.10). PCBI is not aware of events in Pennsylvania that suggest that spills or releases of hazardous wastes are prevalent during truck-to-truck transfers of hazardous wastes or during transfers of hazardous wastes from trucks to loading docks at in-transit storage facilities. Accordingly, PCBI believes that there is no justification to warrant imposing secondary containment requirements on those that operate in-transit storage facilities, particularly in light of the safeguards that are already in place and the significant expense that compliance with such a requirement would likely entail (depending on how the secondary containment requirements are to be implemented).

Moreover, at most (if not all) in-transit storage facilities where hazardous wastes are moved across loading docks, the loading docks themselves provide a level of containment and protection such that if a container of hazardous waste spilled, the hazardous waste would not migrate into soils before emergency response actions in accordance with appropriate contingency plans could be implemented. Similarly, truck-to-truck transfers of hazardous wastes typically take place in areas that are paved with concrete, asphalt and other similar materials which provide protection against the possibility that hazardous wastes might penetrate into underlying soils before emergency response actions could be taken in the event of a spill. These practical considerations militate strongly against imposing additional requirements on temporary in-transit storage facilities to provide secondary containment in areas where hazardous wastes are transferred.

F. Groundwater Monitoring Requirements

The EQB has proposed to amend 25 Pa. Code § 264a.97(1) to specify that groundwater quality monitoring be conducted quarterly and that groundwater flow rate and direction determinations be conducted annually at solid waste management units subject to groundwater monitoring requirements. PCBI suggests that the proposed amendments to 25 Pa. Code § 264a.97(1) be eliminated because they will unnecessarily restrict flexibility in performing groundwater monitoring at solid waste management units. While quarterly monitoring may be appropriate in many instances, there also may be circumstances where monitoring over longer sequences is warranted. PCBI suggests that the regulations be tailored so that DEP and the regulated entity conducting the groundwater monitoring can utilize sound technical judgment and flexibility in designing an appropriate groundwater monitoring program.

G. Permits-by-Rule

The EQB has proposed to add to 25 Pa. Code § 270a.60(a)(1) the requirement that an owner or operator of a facility seeking to utilize one or more of the permit-by-rule authorizations available under Pennsylvania's hazardous waste regulations must submit prior notification to DEP on a form provided by DEP. For regulated entities already operating under the permit-by-rule authorizations, it is unclear whether notification would be required. If such facilities are not "grandfathered" and notification is required, PCBI recommends that the regulations provide a transition period following the effective date of the amendments so that regulated entities are not faced with the need to submit notifications to DEP simultaneously with the publication of the final version of the amendments in the Pennsylvania Bulletin in order to remain in compliance with Pennsylvania's hazardous waste program.

January 11, 2002

Environmental Quality Board
PO Box 8477
Harrisburg, PA 17105-8477

VIA: EMAIL

**Re: Comments to Proposed Rulemaking 25 PA Code CHS. 260a-265a and 270a
(31 Pa.B. 6814)**

Dear Environmental Quality Board

Onyx Environmental Services (Onyx), a leader in the hazardous waste service industry, is pleased to present comments to the Environmental Quality Board (EQB) on the proposed revisions to the Hazardous Waste Management System. Onyx is a provider of hazardous waste management services to generators nationwide. These services include field operations, transportation, commercial storage, recycling, incineration, and fuel blending operations.

In general, Onyx is very supportive of the Board's efforts to update the PA regulations and promote a safer Pennsylvania. Onyx's specific comments are presented in the attachment to this letter and are sent via email.

Upon review of these comments, should the Board have a need for additional information from Onyx, please contact Jim Hughes at (215-537-7335), or via email at **jhughes@onyxes.com**. Onyx appreciates the opportunity to provide input on these important proposed regulations.

Sincerely,

James Hughes
Environmental Health and Safety Manager

Enclosure

Onyx Environmental Service's Comments on Proposed Rulemaking Changes 25 PA Code CHS. 260a-265a and 270a

263a.12 Transporters of Hazardous Waste

Onyx is requesting a clarification of the addition to the requirements incorporated by reference under 263a.12 (3). What is the definition of "secondary containment"? Onyx believes the storage trailers and impervious surface of the dock and intransit facility's paving meet these requirements. Onyx feels the "secondary containment" definition should reflect this opinion.

Pennsylvania Chamber of Business and Industry
January 14, 2002

**COMMENTS OF THE PENNSYLVANIA CHAMBER OF BUSINESS AND
INDUSTRY REGARDING PROPOSED AMENDMENTS TO PENNSYLVANIA'S
HAZARDOUS WASTE REGULATIONS**

I. Introduction

On December 15, 2001, the Environmental Quality Board ("EQB") published in the Pennsylvania Bulletin for public comment proposed amendments to Pennsylvania's hazardous waste regulations. See 31 Pa. Bull. 6814 (Dec. 15, 2001). These proposed amendments are the first changes that the EQB has proposed to make to Pennsylvania's hazardous waste regulations since those regulations were overhauled in a rule-making that generally incorporated by reference the federal hazardous waste regulations pursuant to the Regulatory Basics Initiative and Executive Order 1996-1. (Those regulations became effective on May 1, 1999.)

The Pennsylvania Chamber of Business and Industry is the largest, broad based business association in Pennsylvania. Our more than 9,000 members employ about 50% of Pennsylvania's private workforce or approximately 1.5 million people. 80% of our members have less than 100 employees. The Chamber is dedicated to advocating reasonable regulations that encourage economic growth while protecting the environment.

Through its Solid Waste Advisory Committee, PCBI has reviewed the proposed amendments to Pennsylvania's hazardous waste regulations. PCBI agrees that many of the modifications that the EQB has proposed to make to Pennsylvania's hazardous waste regulations are minor in nature. However, certain of the proposed amendments include important substantive changes to the requirements imposed on the regulated community. Moreover, such changes in most instances are contrary to the fundamental underpinnings of the Regulatory Basics Initiative and Executive Order 1996-1, in that the changes incorporate requirements that are not found under the federal hazardous waste program, and neither the EQB nor the Pennsylvania Department of Environmental Protection ("DEP") has identified compelling Pennsylvania-specific reasons that would justify a departure from the federal hazardous waste program. PCBI's comments concerning the proposed amendments to Pennsylvania's hazardous waste regulations are set forth below.

II. Discussion

A. Definition of "hazardous waste"

The EQB has proposed to add as 25 Pa. Code 261a.3(b) a requirement creating a presumption that where a hazardous waste determination in connection with a particular waste is not immediately performed, the waste must be managed as a hazardous waste until the waste is classified as a non-hazardous waste. This provision mirrors a component of Pennsylvania's hazardous waste regulations that was deleted as part of the

extensive amendments to Pennsylvania's hazardous waste program pursuant to the Regulatory Basics Initiative in May 1999.

PCBI believes that the proposed provision is overly prescriptive and unnecessary. Regulated entities are already under an obligation to properly manage their wastes. In many instances, a regulated entity will be able to predict with a high degree of certainty how a particular waste stream will be classified and can manage the waste in accordance with the applicable management standards immediately upon generation. In other instances, a waste determination may not be able to be made until laboratory analyses have been performed. For example, this is particularly true in the context of managing materials such as contaminated soils resulting from remedial activities. The proposed regulation creates a structure that would compel a regulated entity automatically to manage waste streams in accordance with the hazardous waste regulations while awaiting analytical results so that the waste streams can be properly classified. As a practical matter, this may not always be possible. If required to manage a waste as hazardous while awaiting characterization, this would require a hazardous waste label. How would one properly code the hazardous waste label until the lab results were complete? Even where technically possible to achieve, such a rule may impose substantial costs on regulated entities that do not result in any significant environmental benefits. DEP already has sufficient authority to enforce the management standards under the hazardous, residual and municipal waste regulations to address circumstances where a regulated entity might potentially delay making a hazardous waste determination to avoid the application of the hazardous waste management standards to a particular waste stream. PCBI therefore recommends that the proposed version of 25 Pa. Code 261a.3(b) be deleted.

B. EPA Identification Numbers

The EQB has proposed to add to Pennsylvania's hazardous waste regulations the requirement that a hazardous waste generator notify DEP any time the generator's facility class changes. See 25 Pa. Code § 262a.12(b)(1)(iv) (proposed). It is unclear how this requirement will actually apply in practice. Under the hazardous waste program, generators are classified as conditionally exempt small quantity generators ("CESQGs"), small quantity generators ("SQGs") and large quantity generators ("LQGs"). CESQGs are not required to obtain EPA hazardous waste identification numbers. Accordingly, the proposed provision would only appear to apply where a CESQG becomes an SQG or an LQG, an SQG becomes an LQG, or an LQG becomes an SQG.

Under the proposed regulations, it is unclear whether SQGs or LQGs that become CESQGs would need to notify DEP. In addition, it is unclear whether LQGs that become SQGs for a particular month would need to notify DEP of a change in their status. PCBI recommends that the EQB clarify how precisely the proposed requirements for subsequent notification are actually intended to work. Where a generator's operations change such that the generator's status permanently changes, notification is appropriate. However, the proposed requirement could also be interpreted to mandate that an LQG notify DEP during any month in which its hazardous waste generation levels drop below

the LQG thresholds. Such a requirement would needlessly create additional paper-work for both the regulated community and DEP with no related environmental benefits.

PCBI recognizes that because more stringent requirements apply to LQGs than SQGs, there may be reasons to retain the subsequent notification requirement for an SQG that becomes an LQG. By contrast, a regulated entity may choose to classify itself as an LQG and comply with the applicable requirements for LQGs even if during some months, the amount of hazardous waste generated by the regulated entity might fall below applicable thresholds thereby rendering the generator an SQG. PCBI recommends that the proposed requirement be modified to address this concern.

C. Generator Accumulation Time

LQGs are authorized to store hazardous wastes onsite for up to 90 days without a permit provided that certain requirements are satisfied including complying with the applicable requirements of 40 C.F.R. Part 265, Subpart I for hazardous wastes that are stored in containers. In the 1999 revisions to Pennsylvania's hazardous waste program, the EQB incorporated by reference the requirements of 40 C.F.R. Part 265, Subpart I (relating to storage of hazardous wastes in containers at interim status facilities) but also included extensive additional requirements relating to (1) secondary containment for such storage areas, (2) aisle spacing and configuration of stored containers, and (3) closure of container storage areas. Not only did the EQB include in 25 Pa. Code Chapter 265, Subchapter I specific requirements relating to secondary containment but also incorporated by reference the secondary containment requirements set forth at 40 C.F.R. § 264.175. See 25 Pa. Code § 265a.179. The EQB is now proposing to impose these same additional requirements on all LQGs that store hazardous waste onsite in Pennsylvania (with the exception of the secondary containment requirements set forth at 25 Pa. Code § 265a.175 which the EQB is proposing to delete as redundant with the federal secondary containment requirements incorporated by reference). PCBI believes that expanding the requirements for LQGs is unnecessary, inconsistent with the federal hazardous waste program and will impose significant regulatory burdens on significant numbers of hazardous waste generators across the Commonwealth.

Existing requirements already provide that LQGs must store hazardous wastes in containers that are in good condition and that are not leaking. The containers must be compatible with the types of wastes being held. The containers must be kept closed except when necessary to add or remove wastes, the containers must be handled so as to prevent ruptures or leaks, and the container storage area must be inspected at least once a week. See generally 40 C.F.R. Part 265, Subpart I. In light of these requirements, EPA does not impose additional requirements on LQGs to store containers holding hazardous wastes in areas having secondary containment. Instead, applicability of the secondary containment requirements is limited to individually permitted hazardous waste treatment, storage and disposal facilities. PCBI does not believe that there is sufficient justification to support a different framework in Pennsylvania. This is particularly true when the extensive capital costs that many LQGs may need to expend to comply with the

secondary containment requirements are considered. Accordingly, PCBI recommends that the proposed changes to 25 Pa. Code § 262a.34 be eliminated.

D. Spill Response and Additional Reporting

As part of the proposed amendments to Pennsylvania's hazardous waste program, the EQB has included extensive new requirements governing notification, reporting and response actions that must followed in the event that there is a spill or discharge of reportable quantities of "hazardous materials." See 25 Pa. Code § 262a.43a (proposed). The proposed reportable quantity thresholds are extremely low (5 gallons of liquids and as low as 10 pounds of solids). The proposed provisions are similar to those that had been part of Pennsylvania's hazardous waste regulations (25 Pa. Code § 262.46 (deleted)) but which were deleted as part of the changes made to implement the Regulatory Basics Initiative. Nothing has occurred since those changes were made in 1999 that would warrant reversing the results of the Regulatory Basics Initiative by reinserting the proposed provisions in Pennsylvania's hazardous waste regulations.

The federal hazardous waste program does not include the same type of prescriptive requirements proposed by the EQB. Instead, generators of hazardous wastes are generally required to have in place emergency contingency plans that describe the steps that will be followed to minimize hazards from releases of hazardous wastes. In addition, the facility must maintain equipment to respond to emergencies involving releases of hazardous wastes. See 40 C.F.R Part 265, Subparts C and D (incorporated by reference through 40 C.F.R. § 262.34(a)(4)). These requirements apply to hazardous waste generators in Pennsylvania. See 25 Pa. Code § 262a.10.

Moreover, spills and releases of hazardous substances (which include hazardous wastes) are subject to notification requirements under Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9603. If a spill or release of hazardous waste impacts or threatens to impact surface waters or groundwater in Pennsylvania, notification requirements under the Pennsylvania Clean Streams Law are also applicable.

The existing statutory and regulatory framework already provides sufficient safeguards and protections to address the circumstances where hazardous wastes are spilled or released. PCBI therefore does not believe that the proposed regulatory provisions are warranted.

PCBI also is deeply concerned with the breadth of the proposed regulatory provisions. Throughout 25 Pa. Code § 262a.43 (proposed), the term "hazardous materials" has been used. It is entirely unclear what is intended to be encompassed by that term. "Hazardous materials" are broadly defined under regulations promulgated by the U.S. Department of Transportation ("USDOT") and by the U.S. Occupational and Health Administration ("OSHA"). To the extent that DEP or the EQB intend the proposed version of 25 Pa. Code § 262a.43 to apply to "hazardous materials" rather than

“hazardous wastes,” the regulatory provision goes beyond the scope of the statutory authority under the Pennsylvania Solid Waste Management Act to promulgate regulations governing the management of hazardous wastes. If the EQB chooses to include additional notification, reporting and spill response requirements in Pennsylvania’s hazardous waste regulations (which PCBI believes is unwarranted and unnecessary), the scope of such requirements must be limited to spills or releases of hazardous wastes, not hazardous materials.

E. Transfer Facility Requirements

The proposed version of 25 Pa. Code § 263a.12(3) mandates that transfers of hazardous wastes at in-transit storage facilities occur only in areas protected by secondary containment. This provision goes well beyond the requirements of the federal hazardous waste regulations. The provision is unnecessary, burdensome, and inconsistent with the policies underpinning the Regulatory Basics Initiative. PCBI therefore recommends that 25 Pa. Code § 263a.12(3) be deleted in the final version of the hazardous waste amendments.

Hazardous wastes that are being managed at in-transit storage facilities are subject to transporter contingency plans (for transportation activities) and, in-transit storage preparedness, prevention and contingency plans (for in-transit storage of hazardous wastes for greater than three days but no more than ten days). Hazardous wastes being handled on an in-transit storage basis are generally stored in containers. These containers must meet strict requirements developed by USDOT and referenced in the hazardous waste regulations. See 40 C.F.R. § 262.30 (incorporated by reference through 25 Pa. Code § 262a.10). PCBI is not aware of events in Pennsylvania that suggest that spills or releases of hazardous wastes are prevalent during truck-to-truck transfers of hazardous wastes or during transfers of hazardous wastes from trucks to loading docks at in-transit storage facilities. Accordingly, PCBI believes that there is no justification to warrant imposing secondary containment requirements on those that operate in-transit storage facilities, particularly in light of the safeguards that are already in place and the significant expense that compliance with such a requirement would likely entail (depending on how the secondary containment requirements are to be implemented).

Moreover, at most (if not all) in-transit storage facilities where hazardous wastes are moved across loading docks, the loading docks themselves provide a level of containment and protection such that if a container of hazardous waste spilled, the hazardous waste would not migrate into soils before emergency response actions in accordance with appropriate contingency plans could be implemented. Similarly, truck-to-truck transfers of hazardous wastes typically take place in areas that are paved with concrete, asphalt and other similar materials which provide protection against the possibility that hazardous wastes might penetrate into underlying soils before emergency response actions could be taken in the event of a spill. These practical considerations militate strongly against imposing additional requirements on temporary in-transit storage facilities to provide secondary containment in areas where hazardous wastes are transferred.

F. Groundwater Monitoring Requirements

The EQB has proposed to amend 25 Pa. Code § 264a.97(1) to specify that groundwater quality monitoring be conducted quarterly and that groundwater flow rate and direction determinations be conducted annually at solid waste management units subject to groundwater monitoring requirements. PCBI suggests that the proposed amendments to 25 Pa. Code § 264a.97(1) be eliminated because they will unnecessarily restrict flexibility in performing groundwater monitoring at solid waste management units. While quarterly monitoring may be appropriate in many instances, there also may be circumstances where monitoring over longer sequences is warranted. PCBI suggests that the regulations be tailored so that DEP and the regulated entity conducting the groundwater monitoring can utilize sound technical judgment and flexibility in designing an appropriate groundwater monitoring program.

G. Permits-by-Rule

The EQB has proposed to add to 25 Pa. Code § 270a.60(a)(1) the requirement that an owner or operator of a facility seeking to utilize one or more of the permit-by-rule authorizations available under Pennsylvania's hazardous waste regulations must submit prior notification to DEP on a form provided by DEP. For regulated entities already operating under the permit-by-rule authorizations, it is unclear whether notification would be required. If such facilities are not "grandfathered" and notification is required, PCBI recommends that the regulations provide a transition period following the effective date of the amendments so that regulated entities are not faced with the need to submit notifications to DEP simultaneously with the publication of the final version of the amendments in the Pennsylvania Bulletin in order to remain in compliance with Pennsylvania's hazardous waste program.

ORIGINAL: 2239

IRRC

From: Stephens, Michael J.
Sent: Monday, January 14, 2002 4:19 PM
To: IRRC
Cc: Smith, James M.; Sandusky, Richard M.
Subject: FW: HazWaste Comments

These comments on #2239 were emailed to me instead of the main IRRC email address.

Elena, please include these with the rest of the comments that we received on this regulation. Thanks!

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

From: Sharon Roth [mailto:sroth@pachamber.org]
Sent: Monday, January 14, 2002 4:15 PM
To: Stephens, Michael J.
Subject: HazWaste Comments

from the Chamber -
<<HazWaste Amends 1-02.doc>>

Sharon Roth
Phone 717-720-5455
Fax 717-230-8733
www.pachamber.org

2002 JAN 14 PM 5:01
RECEIVED
COMMISSION



PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
 Bureau of Land Recycling and Waste Management
 P.O. Box 8550
 Harrisburg, PA 17105-8550

Form approved,
 OMS No. 2050-0039

2800-PA-LRWM0061 REV. 7/99

OFFICIAL PENNSYLVANIA MANIFEST FORM

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator's US EPA ID No.	Manifest Document No.	2. Page 1 of	Information within the bold red border is not required by Federal law but may be required by State law.						
3. Generator's Name and Mailing Address				A. State Manifest Document Number PAG 132174							
				B. State Gen. ID							
4. Generator's Phone ()		5. Transporter 1 Company Name		6. US EPA ID Number		C. State Trans. ID PA-AH					
7. Transporter 2 Company Name		8. US EPA ID Number		D. Transporter's Phone ()							
9. Designated Facility Name and Site Address		10. US EPA ID Number		E. State Trans. ID PA-AH							
				F. Transporter's Phone ()							
11. US DOT Description (including Proper Shipping Name, Hazard Class, and ID Number) HM		12. Containers		13. Total Quantity		14. Unit Wt/Vol		15. Waste No.			
										No.	
a.											
b.											
c.											
d.											
J. Additional Descriptions for Materials Listed Above				K. Handling Codes for Wastes Listed Above							
16. Special Handling Instructions and Additional Information											
<p>16. GENERATOR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packed, marked and labeled and are in all respects in proper condition for transport by highway according to applicable international and national government regulations. If I am a large quantity generator, I certify that I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and that I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment; OR, if I am a small quantity generator, I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.</p>											
Printed/Typed Name				Signature		MONTH		DAY		YEAR	
17. Transporter 1 Acknowledgment of Receipt of Materials				Signature		MONTH		DAY		YEAR	
18. Transporter 2 Acknowledgment of Receipt of Materials				Signature		MONTH		DAY		YEAR	
19. Discrepancy Indication Space											
20. Facility Owner or Operator: Certification of receipt of hazardous materials covered by this manifest except as noted in item 19.				Signature		MONTH		DAY		YEAR	
Printed/Typed Name				Signature		MONTH		DAY		YEAR	

GENERATOR

TRANSPORTER

FACILITY

PAG 132174

INSTRUCTIONS FOR COMPLETION OF THE PENNSYLVANIA HAZARDOUS WASTE MANIFEST

No reproduction of this official Pennsylvania manifest form may be used as a shipping document for shipment of hazardous waste. All copies of this manifest must be legible.

GENERAL INFORMATION

For all shipments of hazardous waste. The copies of the manifest shall be distributed as indicated at the bottom of each copy.

If there are more than four different waste streams in a shipment, except for lab packs, complete another Manifest. If there are more than two transporters or if the waste is a lab pack, use the Uniform Hazardous Waste Manifest Continuation Sheet. Continuation Sheets must be purchased commercially.

If you have any questions concerning the completion of this Manifest, call 717-783-9258

GENERATOR/SHIPPER

- Item 1. Generator/Shipper's US EPA ID No. - Enter the twelve digit US EPA Identification Number. Manifest Document No. - Assign a five digit number unique to all others assigned by this Generator/Shipper.
- Item 2. Page 1 of ___ - Enter the total number of pages used to complete this Manifest counting this Manifest and Continuation Sheets, if any.
- Item 3. Generator/Shipper's Name and Mailing Address - Enter the complete name of the generator/shipper and the complete mailing address. The address should be the location that will manage the returned Manifest forms.
- Item A. State Manifest Document Number - This number is pre-printed, do not alter it. This Number must be placed in Item L of each continuation sheet.
- Item B. State Gen ID - Not required for PA Generators.
- Item 4. Generator's Phone Number - Enter the area code and telephone number where an authorized agent of the Generator may be contacted.
- Item 5. Transporter 1 Company Name - Enter the complete company name of the first Transporter who will transport the waste.
- Item 6. Use EPA ID Number - Enter the twelve digit US EPA Identification Number of the Transporter Identified in Item 5.
- Item C. State Trans. ID - Enter the four digits of the License No. issued by PA DEP.
- Item D. Transporter's Phone - Enter the area code and the telephone number where an authorized agent of the Transporter may be contacted.
- Item 7. Transporter 2 Company Name - If applicable, see item 5.
- Item 8. US EPA ID Number - If applicable, see Item 6.
- Item E. State Trans. ID - If applicable, see Item C.
- Item F. Transporter's Phone - If applicable, see Item D.
- Item 9. Designated Facility Name and Site Address - Enter the complete company name and complete site address of the facility designated to receive the waste listed on this Manifest. The address must be the site address, which may differ from the mailing address.
- Item 10. US EPA ID Number - Enter the twelve digit US EPA Identification Number of the Designated Facility.
- Item G. Enter the Facility's State ID Number - Not Required for PA facilities.
- Item H. Facility's Phone - Enter the area code and phone number where an authorized agent of the Designated Facility may be contacted.
- Item 11. Enter an X in the HM box if the waste is a hazardous material regulated by U. S. DOT (See 49CFR 172.201 (a) (1)).
US DOT Description [Including Proper Shipping Name, Hazard Class, and ID Number (UN/NA Number)] - Enter the US DOT Proper Shipping Name, Hazard Class, and ID Number (UN/NA Number) for each waste as identified in 49 CFR 171 through 177. For wastes not regulated as hazardous materials by DOT, enter a description of the waste.
- Item 12. Containers (No. and Type) - Enter the number of containers for each waste and the appropriate abbreviation from Table I (below) for the type of container.
- Item 13. Total Quantity - Enter the total quantity of each waste. Do not use decimals or fractions.
- Item 14. Unit (Wt/Vol) - Enter the appropriate abbreviation from Table II (below) for the unit of measure

Table I - Types of Containers

DM = Metal drums, barrels, kegs, pails	DT = Dump truck
DW = Wooden drums, barrels, kegs, pails	CY = Cylinders
DF = Fiberboard or plastic drums, barrels, kegs, pails	CM = Metal boxes, cartons, cases (roll-offs, hoppers, gondolas, etc)
TP = Tanks portable	CW = Wooden boxes, cartons, cases, pallets
TT = Cargo tanks (tank trucks)	CF = Fiber or plastic boxes, cartons, cases, pallets
TC = Tank cars	BA = Burlap cloth, paper or plastic bags

Table II - Units of Measure

G = Gallons (liquid only)	L = Liters (liquids only)
P = Pounds	K = Kilograms
T = Tons (2000 lbs)	M = Metric tons (1000 kg)
Y = Cubic yards	N = Cubic Meters

- Item I. Waste No - Enter the Hazardous Waste Number of each waste. Refer to U.S.E.P.A regulations. If a waste is not regulated as hazardous in PA, but is regulated by the Generator State, enter that State's waste code. Also, enter in item J or item 15, "This waste is not a Hazardous Waste according to PA law."
- Item J. Additional Descriptions for Materials Listed Above.
- Item K. Handling Codes for Wastes Listed Above - Not required for PA Generators.
- Item 15. Special Handling Instructions and Additional Information - Use this space to indicate special transportation, treatment, storage, or disposal information or Bill of Lading information. For international shipments, enter the point of departure (City and State). If the waste will be recycled at the designated facility on this manifest, enter a statement to that effect.
- Item 16. Generator/Shipper's Certification - Read and sign by hand the certification statement. Enter the date (MM/DD/YY) the waste was shipped. If a mode other than highway was used, the word "highway" should be lined out and the appropriate mode (rail, water, or air) inserted in the space below. If another mode in addition to the highway mode is used, enter the appropriate mode (e.g., and rail) in the space below the certification statement. Primary exporters shipping hazardous waste to a facility located outside the United States must add to the end of the first sentence of the certification the following words "and conforms to the terms of the EPA Acknowledgement of Consent to the shipment."

TRANSPORTER

- Item 17. Transporter 1 Acknowledgement of Receipt of Materials - Print or type the name of the person accepting the waste on behalf of the transporter. Sign and enter the date of receipt (MM/DD/YY)
- Item 18. Transporter 2 Acknowledgement of Receipt of Materials - If applicable, see Item 17

DESIGNATED FACILITY

- Item 19. Discrepancy Indication Space - The Designated Facility's authorized representative must note in this space any significant discrepancy between the waste types or quantities described on the Manifest and those actually received. If waste is rejected, so indicate in this space.
- Item 20. Facility Owner or Operator - Certification of receipt or rejection of hazardous materials covered by this manifest. Print or type the name of the person accepting or rejecting the waste on behalf of the owner or operator of the facility. Sign and enter the date of the receipt or rejection (MM/DD/YY).

IRRC

From: Smith, James M.
Sent: Monday, February 11, 2002 2:49 PM
To: IRRC
Subject: FW: Hazardous Waste Regulation

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

From: Sharon Roth [mailto:sroth@pachamber.org]
Sent: Monday, February 11, 2002 11:08 AM
To: Smith, James M.
Cc: Fred Sembach
Subject: RE: Hazardous Waste Regulation

Jim:

I do not have dollar figures on the Haz Waste amendment changes at this time; however, I have added a number of comments in red to our original comment submittal to try to address DEP's assertion that none of these requirements are new. As you will see, the requirements we highlighted in our original submittal are in fact new or we would not have commented on the package. For example, the 5 gallon spill reporting requirement is not only new but exceeds all current state and federal regulations. Please let me know if you have any questions. Our Waste Group is meeting this Wednesday on other business but I will let you know if any additional thoughts come out of it.

Sharon Roth
Phone 717-720-5455
Fax 717-230-8733
www.pachamber.org

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

From: Smith, James M. [mailto:jims@IRRC.STATE.PA.US]
Sent: Monday, February 11, 2002 8:34 AM
To: Sharon Roth
Subject: Hazardous Waste Regulation

Per your request, here's my e-mail.

**COMMENTS OF THE PENNSYLVANIA CHAMBER OF BUSINESS AND
INDUSTRY REGARDING PROPOSED AMENDMENTS TO PENNSYLVANIA'S
HAZARDOUS WASTE REGULATIONS**

I. Introduction

On December 15, 2001, the Environmental Quality Board ("EQB") published in the Pennsylvania Bulletin for public comment proposed amendments to Pennsylvania's hazardous waste regulations. See 31 Pa. Bull. 6814 (Dec. 15, 2001). These proposed amendments are the first changes that the EQB has proposed to make to Pennsylvania's hazardous waste regulations since those regulations were overhauled in a rule-making that generally incorporated by reference the federal hazardous waste regulations pursuant to the Regulatory Basics Initiative and Executive Order 1996-1. (Those regulations became effective on May 1, 1999.)

The Pennsylvania Chamber of Business and Industry is the largest, broad based business association in Pennsylvania. Our more than 9,000 members employ about 50% of Pennsylvania's private workforce or approximately 1.5 million people. 80% of our members have less than 100 employees. The Chamber is dedicated to advocating reasonable regulations that encourage economic growth while protecting the environment.

Through its Solid Waste Advisory Committee, PCBI has reviewed the proposed amendments to Pennsylvania's hazardous waste regulations. PCBI agrees that many of the modifications that the EQB has proposed to make to Pennsylvania's hazardous waste regulations are minor in nature. However, certain of the proposed amendments include important substantive changes to the requirements imposed on the regulated community. Moreover, such changes in most instances are contrary to the fundamental underpinnings of the Regulatory Basics Initiative and Executive Order 1996-1, in that the changes incorporate requirements that are not found under the federal hazardous waste program, and neither the EQB nor the Pennsylvania Department of Environmental Protection ("DEP") has identified compelling Pennsylvania-specific reasons that would justify a departure from the federal hazardous waste program. PCBI's comments concerning the proposed amendments to Pennsylvania's hazardous waste regulations are set forth below.

II. Discussion

A. Definition of "hazardous waste"

The EQB has proposed to add as 25 Pa. Code 261a.3(b) a requirement creating a presumption that where a hazardous waste determination in connection with a particular waste is not immediately performed, the waste must be managed as a hazardous waste until the waste is classified as a non-hazardous waste. This provision mirrors a component of Pennsylvania's hazardous waste regulations that was deleted as part of the

extensive amendments to Pennsylvania's hazardous waste program pursuant to the Regulatory Basics Initiative in May 1999.

PCBI believes that the proposed provision is overly prescriptive and unnecessary. Regulated entities are already under an obligation to properly manage their wastes. In many instances, a regulated entity will be able to predict with a high degree of certainty how a particular waste stream will be classified and can manage the waste in accordance with the applicable management standards immediately upon generation. In other instances, a waste determination may not be able to be made until laboratory analyses have been performed. For example, this is particularly true in the context of managing materials such as contaminated soils resulting from remedial activities. The proposed regulation creates a structure that would compel a regulated entity automatically to manage waste streams in accordance with the hazardous waste regulations while awaiting analytical results so that the waste streams can be properly classified. As a practical matter, this may not always be possible. If required to manage a waste as hazardous while awaiting characterization, this would require a hazardous waste label. How would one properly code the hazardous waste label until the lab results were complete? Even where technically possible to achieve, such a rule may impose substantial costs on regulated entities that do not result in any significant environmental benefits. DEP already has sufficient authority to enforce the management standards under the hazardous, residual and municipal waste regulations to address circumstances where a regulated entity might potentially delay making a hazardous waste determination to avoid the application of the hazardous waste management standards to a particular waste stream. PCBI therefore recommends that the proposed version of 25 Pa. Code 261a.3(b) be deleted.

This creates an unneeded adversarial enforcement "hook". Generators are already required to make prompt determinations and have plenty of incentive to do so. The prescriptive requirement of "immediate" could result in:

1. Use of expedited analytical programs for which labs may charge triple to quadruple the ordinary cost.
2. Use of premium and more costly "hazardous waste accumulation" storage space for materials that do not warrant accumulation in this manner.
3. Administrative burden associated with erroneously classifying (a priori) then reclassifying a waste as hazardous waste rather than following the more appropriate and nationally accepted practice of making a prompt, rational decision.
4. Handling a waste as though it were hazardous requires containers, buildings or tanks to physically meet full RCRA requirements (prescriptive design or performance standards) before it

is necessary. The cost to meet these standards for all waste until a determination can be made could be in the tens of thousands of dollars depending on the facility and the amount of additional storage space that meets the hazardous waste requirements that is needed.

B. EPA Identification Numbers

The EQB has proposed to add to Pennsylvania's hazardous waste regulations the requirement that a hazardous waste generator notify DEP any time the generator's facility class changes. See 25 Pa. Code § 262a.12(b)(1)(iv) (proposed). It is unclear how this requirement will actually apply in practice. Under the hazardous waste program, generators are classified as conditionally exempt small quantity generators ("CESQGs"), small quantity generators ("SQGs") and large quantity generators ("LQGs"). CESQGs are not required to obtain EPA hazardous waste identification numbers. Accordingly, the proposed provision would only appear to apply where a CESQG becomes an SQG or an LQG, an SQG becomes an LQG, or an LQG becomes an SQG.

Under the proposed regulations, it is unclear whether SQGs or LQGs that become CESQGs would need to notify DEP. In addition, it is unclear whether LQGs that become SQGs for a particular month would need to notify DEP of a change in their status. PCBI recommends that the EQB clarify how precisely the proposed requirements for subsequent notification are actually intended to work. Where a generator's operations change such that the generator's status permanently changes, notification is appropriate. However, the proposed requirement could also be interpreted to mandate that an LQG notify DEP during any month in which its hazardous waste generation levels drop below the LQG thresholds. Such a requirement would needlessly create additional paper-work for both the regulated community and DEP with no related environmental benefits.

PCBI recognizes that because more stringent requirements apply to LQGs than SQGs, there may be reasons to retain the subsequent notification requirement for an SQG that becomes an LQG. By contrast, a regulated entity may choose to classify itself as an LQG and comply with the applicable requirements for LQGs even if during some months, the amount of hazardous waste generated by the regulated entity might fall below applicable thresholds thereby rendering the generator an SQG. PCBI recommends that the proposed requirement be modified to address this concern.

1. While it could be argued that additional paperwork brings little additional cost, EQB and DEP must realize that it brings NEEDLESS COMPLEXITY. What is the rationale for this complexity and how would it result in environmental improvement? Every added complexity dilutes the fundamental and sound principles of RCRA and the Pa. Solid Waste Management Act -- principles that are working. At the very least, there is cost of the employee's time.

2. Addition of "Pennsylvania only" aspects to hazardous waste management rules does cost money. Training becomes more complex, internal auditing becomes more complex, and oscillation from LQG to SQG to LQG requires is expensive. SQGs should be allowed to operate as LQGs if they choose to.

C. Generator Accumulation Time

LQGs are authorized to store hazardous wastes onsite for up to 90 days without a permit provided that certain requirements are satisfied including complying with the applicable requirements of 40 C.F.R. Part 265, Subpart I for hazardous wastes that are stored in containers. In the 1999 revisions to Pennsylvania's hazardous waste program, the EQB incorporated by reference the requirements of 40 C.F.R. Part 265, Subpart I (relating to storage of hazardous wastes in containers at interim status facilities) but also included extensive additional requirements relating to (1) secondary containment for such storage areas, (2) aisle spacing and configuration of stored containers, and (3) closure of container storage areas. Not only did the EQB include in 25 Pa. Code Chapter 265, Subchapter I specific requirements relating to secondary containment but also incorporated by reference the secondary containment requirements set forth at 40 C.F.R. § 264.175. See 25 Pa. Code § 265a.179. The EQB is now proposing to impose these same additional requirements on all LQGs that store hazardous waste onsite in Pennsylvania (with the exception of the secondary containment requirements set forth at 25 Pa. Code § 265a.175 which the EQB is proposing to delete as redundant with the federal secondary containment requirements incorporated by reference). PCBI believes that expanding the requirements for LQGs is unnecessary, inconsistent with the federal hazardous waste program and will impose significant regulatory burdens on significant numbers of hazardous waste generators across the Commonwealth.

Existing requirements already provide that LQGs must store hazardous wastes in containers that are in good condition and that are not leaking. The containers must be compatible with the types of wastes being held. The containers must be kept closed except when necessary to add or remove wastes, the containers must be handled so as to prevent ruptures or leaks, and the container storage area must be inspected at least once a week. See generally 40 C.F.R. Part 265, Subpart I. In light of these requirements, EPA does not impose additional requirements on LQGs to store containers holding hazardous wastes in areas having secondary containment. Instead, applicability of the secondary containment requirements is limited to individually permitted hazardous waste treatment, storage and disposal facilities. PCBI does not believe that there is sufficient justification to support a different framework in Pennsylvania. This is particularly true when the extensive capital costs that many LQGs may need to expend to comply with the secondary containment requirements are considered. Accordingly, PCBI recommends that the proposed changes to 25 Pa. Code § 262a.34 be eliminated.

1. Requiring LQG's to have secondary containment in 90 day storage areas makes little sense, particularly for solids

D. Spill Response and Additional Reporting

As part of the proposed amendments to Pennsylvania's hazardous waste program, the EQB has included extensive new requirements governing notification, reporting and response actions that must followed in the event that there is a spill or discharge of reportable quantities of "hazardous materials." See 25 Pa. Code § 262a.43a (proposed). The proposed reportable quantity thresholds are extremely low (5 gallons of liquids and as low as 10 pounds of solids). The proposed provisions are similar to those that had been part of Pennsylvania's hazardous waste regulations (25 Pa. Code § 262.46 (deleted)) but which were deleted as part of the changes made to implement the Regulatory Basics Initiative. Nothing has occurred since those changes were made in 1999 that would warrant reversing the results of the Regulatory Basics Initiative by reinserting the proposed provisions in Pennsylvania's hazardous waste regulations.

The federal hazardous waste program does not include the same type of prescriptive requirements proposed by the EQB. Instead, generators of hazardous wastes are generally required to have in place emergency contingency plans that describe the steps that will be followed to minimize hazards from releases of hazardous wastes. In addition, the facility must maintain equipment to respond to emergencies involving releases of hazardous wastes. See 40 C.F.R Part 265, Subparts C and D (incorporated by reference through 40 C.F.R. § 262.34(a)(4)). These requirements apply to hazardous waste generators in Pennsylvania. See 25 Pa. Code § 262a.10.

Moreover, spills and releases of hazardous substances (which include hazardous wastes) are subject to notification requirements under Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9603. If a spill or release of hazardous waste impacts or threatens to impact surface waters or groundwater in Pennsylvania, notification requirements under the Pennsylvania Clean Streams Law are also applicable.

The existing statutory and regulatory framework already provides sufficient safeguards and protections to address the circumstances where hazardous wastes are spilled or released. PCBI therefore does not believe that the proposed regulatory provisions are warranted.

PCBI also is deeply concerned with the breadth of the proposed regulatory provisions. Throughout 25 Pa. Code § 262a.43 (proposed), the term "hazardous materials" has been used. It is entirely unclear what is intended to be encompassed by that term. "Hazardous materials" are broadly defined under regulations promulgated by the U.S. Department of Transportation ("USDOT") and by the U.S. Occupational and Health Administration ("OSHA"). To the extent that DEP or the EQB intend the proposed version of 25 Pa. Code § 262a.43 to apply to "hazardous materials" rather than "hazardous wastes," the regulatory provision goes beyond the scope of the statutory authority under the Pennsylvania Solid Waste Management Act to promulgate regulations governing the management of hazardous wastes. If the EQB chooses to include additional notification, reporting and spill response requirements in Pennsylvania's hazardous waste regulations (which PCBI believes is unwarranted and unnecessary), the

scope of such requirements must be limited to spills or releases of hazardous wastes, not hazardous materials.

1. There already exists a myriad of state and federal laws and regulations that drive such reporting and that this additional requirement will likely lead to confusion rather than clarification. Existing laws governing reporting of spills and releases already exist under regulations pursuant to the following laws:

- Comprehensive Environmental, Response, Compensation and Liability Act (CERCLA)
- Superfund Amendments and Reauthorization Act (SARA)
- Emergency Planning and Community Right-To-Know Act (EPCRA)
- Resource Conservation and Recovery Act (RCRA)
- Clean Water Act (CWA)
- Safe Drinking Water Act (CAA)
- Toxic Substances Control Act (TSCA)
- Hazardous Materials Transportation Act (HMTA)

In addition, there are general duties within federal and state laws and regulations that require persons to report activities which potentially impact or threaten the environment.

The proposed addition will raise more questions than it answers. For example, generators may wonder if the requirement applies only to hazardous waste itself or if it applies to material which becomes a hazardous waste upon spillage (i.e., a raw material which spills from a tank and must be disposed). Similarly, yet another regulation-specific "reportable quantity" will be established with yet another definition.

If the Department feels it must emphasize spill reporting in this section of its regulations, we suggest that it refer to the appropriate sections of CERCLA.

As you can see, this is yet another layer over well-established spill response and reporting procedures. Particularly troublesome, and likely to add the greatest cost, is the expansion to cover all hazardous "materials". It creates an administrative burden because reports would have to be filed where no report was required before. Currently existing programs are adequate to protect human health and the environment. Plus the lower thresholds for a broader range of materials will increase costs. [There likely would be additional costs associated with follow up inquiries and inspections for many of the reports DEP wants to be filed].

E. Transfer Facility Requirements

The proposed version of 25 Pa. Code § 263a.12(3) mandates that transfers of hazardous wastes at in-transit storage facilities occur only in areas protected by secondary containment. This provision goes well beyond the requirements of the federal hazardous waste regulations. The provision is unnecessary, burdensome, and inconsistent with the policies underpinning the Regulatory Basics Initiative. PCBI therefore recommends that 25 Pa. Code § 263a.12(3) be deleted in the final version of the hazardous waste amendments.

Hazardous wastes that are being managed at in-transit storage facilities are subject to transporter contingency plans (for transportation activities) and, in-transit storage preparedness, prevention and contingency plans (for in-transit storage of hazardous wastes for greater than three days but no more than ten days). Hazardous wastes being handled on an in-transit storage basis are generally stored in containers. These containers must meet strict requirements developed by USDOT and referenced in the hazardous waste regulations. See 40 C.F.R. § 262.30 (incorporated by reference through 25 Pa. Code § 262a.10). PCBI is not aware of events in Pennsylvania that suggest that spills or releases of hazardous wastes are prevalent during truck-to-truck transfers of hazardous wastes or during transfers of hazardous wastes from trucks to loading docks at in-transit storage facilities. Accordingly, PCBI believes that there is no justification to warrant imposing secondary containment requirements on those that operate in-transit storage facilities, particularly in light of the safeguards that are already in place and the significant expense that compliance with such a requirement would likely entail (depending on how the secondary containment requirements are to be implemented).

Moreover, at most (if not all) in-transit storage facilities where hazardous wastes are moved across loading docks, the loading docks themselves provide a level of containment and protection such that if a container of hazardous waste spilled, the hazardous waste would not migrate into soils before emergency response actions in accordance with appropriate contingency plans could be implemented. Similarly, truck-to-truck transfers of hazardous wastes typically take place in areas that are paved with concrete, asphalt and other similar materials which provide protection against the possibility that hazardous wastes might penetrate into underlying soils before emergency response actions could be taken in the event of a spill. These practical considerations militate strongly against imposing additional requirements on temporary in-transit storage facilities to provide secondary containment in areas where hazardous wastes are transferred.

F. Groundwater Monitoring Requirements

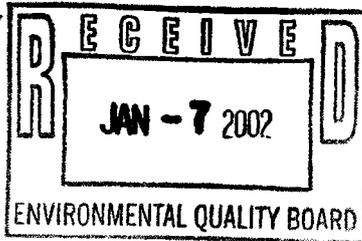
The EQB has proposed to amend 25 Pa. Code § 264a.97(1) to specify that groundwater quality monitoring be conducted quarterly and that groundwater flow rate and direction determinations be conducted annually at solid waste management units subject to groundwater monitoring requirements. PCBI suggests that the proposed amendments to 25 Pa. Code § 264a.97(1) be eliminated because they will unnecessarily restrict flexibility in performing groundwater monitoring at solid waste management units. While quarterly monitoring may be appropriate in many instances, there also may be circumstances where monitoring over longer sequences is warranted. PCBI suggests that the regulations be tailored so that DEP and the regulated entity conducting the groundwater monitoring can utilize sound technical judgment and flexibility in designing an appropriate groundwater monitoring program.

G. Permits-by-Rule

The EQB has proposed to add to 25 Pa. Code § 270a.60(a)(1) the requirement that an owner or operator of a facility seeking to utilize one or more of the permit-by-rule authorizations available under Pennsylvania's hazardous waste regulations must submit prior notification to DEP on a form provided by DEP. For regulated entities already operating under the permit-by-rule authorizations, it is unclear whether notification would be required. If such facilities are not "grandfathered" and notification is required, PCBI recommends that the regulations provide a transition period following the effective date of the amendments so that regulated entities are not faced with the need to submit notifications to DEP simultaneously with the publication of the final version of the amendments in the Pennsylvania Bulletin in order to remain in compliance with Pennsylvania's hazardous waste program.

ORIGINAL: 2239

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Bechtel Bettis, Inc.

B-RC/E(EE)-4259

January 3, 2002

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

Subject: Comment on Commonwealth of Pennsylvania Proposed Rulemaking of 25 Pa. Code Chapters 260a-265a, 270a as Proposed on December 15, 2001

Dear Sir:

This letter transmits a Bechtel Bettis, Inc. comment to the proposed changes to the Hazardous Waste Management regulations under Title 25, Pennsylvania Code (Title 25 PA Code) Chapters 260a - 265a and 270a as proposed on December 15, 2001.

The proposed regulation under Section 262a.43 identifies requirements for spills and discharges of "hazardous materials". "Hazardous materials" are not defined under the Solid Waste Management Act (35 P.S. § 6018) or under the hazardous waste management regulations (Title 25 PA Code 260-270). "Hazardous materials" are defined under the Hazardous Material Emergency Planning and Response Act (HMEPRA) (35 P.S. § 6022). Bechtel Bettis, Inc. recommends that the term "hazardous materials" be defined under the proposed rulemaking.

Table 1 of the proposed regulation under Section 262a.43 provides reportable quantities for spills and discharges of various hazardous wastes but does not provide reportable quantities for spills of hazardous materials that are not hazardous waste. Bechtel Bettis, Inc. recommends that the table be expanded to include reportable quantities for spills of hazardous materials that are not hazardous waste. Further, it is suggested that the reportable quantities should reflect the relative hazard associated with the materials similar to the Federal List of Hazardous Substances and Reportable Quantities under Title 40 Code of Federal Regulations Table 302.4.

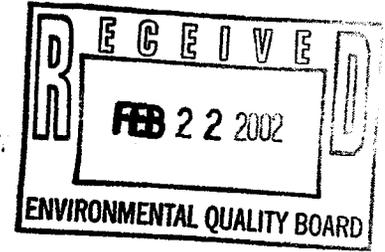
If you have any questions on the above comments, please contact me at (412) 476-6716.

Very truly yours,

A handwritten signature in black ink, appearing to read "A. D. Smith", with a long horizontal line extending to the right.

A. D. Smith, Manager
Environmental Engineering

Clean Air Council



Via Electronic Mail:

Environmental Quality Board
Rachel Carson State Office Building
15th Floor
400 Market St.
Harrisburg, PA 17101

Clean Air Council Comments to Proposed Rulemaking on Architectural and Industrial Maintenance Coatings: 25 Pa. Code, Ch. 130; 31 Pa.B. 6807
February 22, 2002

Clean Air Council is a statewide, non-profit environmental organization dedicated to protecting everyone's right to breathe clean air. The Council was founded in 1967 and maintains offices in Philadelphia, Harrisburg, and Wilmington, DE. The Council engages in education, advocacy, and government oversight in order to achieve air quality improvements.

The Architectural and Industrial Maintenance Coatings regulation proposed by the Department reflects aspects of the 1998 Federal Rule, the California rule and the Ozone Transport Commission model rule. The AIM regulation in Pennsylvania is intended to serve as a revision to the State Implementation Plan for ozone attainment and maintenance.

The Council believes that the proposed regulation would benefit the public through air quality improvements. The changes contemplated under this regulation will significantly reduce emissions of volatile organic compounds, which are precursors of ozone smog. In addition to VOC content limits, the proposal will encourage new technologies and practices, which should also have the effect of reducing emissions. The proposed rulemaking will also result in reduced levels of hazardous air pollutants (HAPs), dangerous chemicals contained in many architectural coatings to which consumers are often exposed.

In the Council's estimation, the ambient reductions of ozone precursors and the immediate benefit of reducing citizen exposure to inhalation of HAPs is well worth the modest increase in cost to consumers which may result from implementation of the regulation.

Nevertheless, the number of exceptions made for various types of coatings does raise some concern. Without an indication of the significance of such coatings in terms

of the overall coatings market, it is difficult to gauge the impact of the exceptions. It is legitimate to inquire whether products types or products containing exempted compounds might not take advantage of their position to increase market share, thereby potentially thwarting some of the anticipated emission reductions through a market transformation.

The Council further believes the effectiveness of the regulation would be enhanced if exceptions to 130.303 (b) *Most Restrictive VOC Limit* would be eliminated.

Another concern lies with the concept of “sell through” of pre-manufactured products. 130.303 (c). With regard to the actual application of coatings, private citizens are not likely to game the system in any significant way. The same cannot be said for larger, business entities, however. A fairly brief “sunset” period should be provided instead of a blanket approach for businesses and corporations so that stockpiling of pre-regulatory coatings does not deprive the Commonwealth of anticipated emissions reductions.

The Council believes that improvements to the regulation can be made without broad disruptions of the uniformity with other states’ AIM regulations which the Department has identified as a desirable quality of this proposal.

In summary, Clean Air Council commends the Department for raising the bar on AIM products, as the adoption of this regulation is of benefit to the public, and pollution reductions will be achieved. The Council urges the Department, however, to make revisions to the regulation in order to deliver the maximum health benefits potential inherent in the VOC standards themselves. Opportunities to avoid the standards exist in this proposed rulemaking and pose a legitimate concern that the effort to transition to non-hazardous products could be jeopardized.

The Council appreciates the opportunity to submit comments to this proposed rulemaking. Please direct questions or responses to: Michael Fiorentino, Esq., 105 N. Front St., Suite 106, Harrisburg, PA 17101.