



ALASKA MINERS ASSOCIATION

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October 15, 2020

Dr. Nabanita Modak Fischer
U.S. Environmental Protection Agency
EPA Docket Center
Docket ID No. EPA-HQ-OAR-2003-0156
Mail Code 28221T
1200 Pennsylvania Avenue NW, Washington, DC 20460
Submitted via regulations.gov

Re: Comments on EPA's Proposed Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units

Dear Dr. Fischer:

The Alaska Miners Association (AMA) appreciates the opportunity to provide comments on the proposed changes to 40 Code of Federal Regulations (CFR) Part 60, Subpart EEEE and FFFF for Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units.

AMA is a professional membership trade organization established in 1939 to represent the mining industry in Alaska. We are composed of more than 1,400 members that come from eight statewide branches: Anchorage, Denali, Fairbanks, Haines, Juneau, Kenai, Ketchikan/Prince of Wales, and Nome. Our members include individual prospectors, geologists, engineers, suction dredge miners, small family mines, junior mining companies, major mining companies, Alaska Native Corporations, and the contracting sector that supports Alaska's mining industry.

With Small Remote Incinerators (SRIs) being used at some mining operations and exploration camps, as well as oil and gas sites across Alaska, AMA appreciates the attempt by the Environmental Protection Agency (EPA) to clarify how these small remote waste incinerators should be regulated by reclassifying them from a Commercial, Industrial Solid Waste Incinerators (CISWI) to a designation of "Other Solid Waste Incinerators (OSWI)." However, we believe the changes need to go further to distinguish the small capacities and lower emissions of many units, and their subsequent compliance requirements.

SRIs used at remote mining sites in Alaska are essential to protect worker safety and wildlife. With or without access to landfills for disposal, putrescible waste poses the attraction of dangerous predators (i.e. Bears, foxes, wolves) creating serious safety hazards from wildlife and for wildlife. The best management practice has always been the incineration of putrescible and other solid waste. Setting regulatory requirements for SRI that will deem their use impractical when no other practical alternative of solid waste treatment that protects worker safety and wildlife are available is unreasonable and unwise.

In addition, the mining and oil and gas exploratory activities using these small incinerators are generally temporary, requiring remote buildings, camps, and infrastructure like incinerators to be moved around within the permitted activity area. AMA has argued for many years that these small in size and emission activity units should be regulated differently than traditional incinerators located in the lower contiguous 48 States and in line with the challenges of the unique environment in Alaska. It is for this reason AMA urges EPA to eliminate the siting analysis component in the proposed changes under 40 CFR § 60.2895.

EPA has proposed the definition of OSWI to include a sub or separate category that recognizes these small “other” units that carry a combustion capacity of less than or equal to 10 tons per day. However, most sites across Alaska operate with lower capacities (less than three tons per day). It is unclear whether there is sufficient data on the smaller units for the EPA to establish emissions limits and other requirements, and therefore it is likely that requirements for larger units will be unnecessarily placed on smaller units. Comparisons of emission limits shown in the proposed rule to the emissions from the smaller units, less than 3 tons per day, are well below the emissions for larger incinerators for a number of pollutants. However, the proposed rule subjects the less than 3 ton per day incinerators to the same requirements even if the emission profiles do not seem to justify the requirements to perform enhanced control measures like wet scrubbers and baghouses to meet emissions limits for these smaller incinerators. This is unnecessary and would only burden small operations and small businesses, while providing negligible environmental protections. Therefore, AMA requests that EPA exempt small Alaska incinerators with an operational capacity of equal to or less than 3 tons per day units from the proposed rules.

The proposed changes also address testing, compliance, and operating limits. AMA urges the EPA to empower operators of small units to set operating limits in line with the recommendations of the incinerator manufacturer or owner/operator procedures. These procedures require the incinerators to be operated under optimal conditions and good air pollution control practices and these practices should be the demonstration of compliance through recordkeeping and report submittals to the agency. Therefore, AMA requests that EPA consider only requiring small, less than 3 ton per day incinerators, to follow manufacturer or owner/operator maintenance and operating procedures as the demonstration of compliance with the proposed regulations.

Finally, AMA urges the EPA to consider excluding small, less than 3 tons per day, OSWI units from Title V permit requirements. Most mining operations and project sites already operate under minor source permits or other limits issued by the Alaska Department of Environmental Conservation (DEC). The Title V permitting requirement is included in NSPS and NESHAP regulations because enhanced monitoring and oversight by an agency is deemed necessary to ensure a stationary source maintains compliance with the regulations. However, the small OSWI requirements in the proposed rule and if modified as requested in the AMA comments, the enhanced monitoring and oversight is unnecessary. In addition, it imposes an undue administrative burden without further protecting the environment.

AMA thanks the EPA for its work in establishing more reasonable requirements for SRIs in Alaska, and appreciates the opportunity to provide comments to further improving the rule. Please do not hesitate to contact me at any time for further discussion.



Sincerely,

A handwritten signature in blue ink, appearing to read "DSK", is positioned above the printed name.

Deantha Skibinski
Executive Director