

**BOARD OF DIRECTORS**

**Co-Presidents**

David Shaw  
New York

Lynne A. Liddington  
Knoxville, TN

**Co-Vice Presidents**

Mary Uhl  
New Mexico

Bruce S. Andersen  
Kansas City, KS

**Co-Treasurers**

George S. Aburn, Jr.  
Maryland

Merlyn Hough  
Springfield, OR

**Past Co-Presidents**

G. Vinson Hellwig  
Michigan

Larry Greene  
Sacramento, CA

**Directors**

Andrew Ginsburg  
Oregon

Anne Gobin  
Connecticut

James Goldstene  
California

Cheryl Heying  
Utah

Thomas Huynh  
Philadelphia, PA

John S. Lyons  
Kentucky

Shelley Schneider  
Nebraska

Richard Stedman  
Monterey, CA

Barry R. Wallerstein  
Los Angeles, CA

**Executive Director**

S. William Becker

November 29, 2010

Docket ID No. EPA-HQ-OAR-2009-0559  
EPA Docket Center (EPA/DC)  
U.S. Environmental Protection Agency  
Mailcode 6102T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to comment on the proposed Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration (SSI) Units, which were published in the *Federal Register* on October 14, 2010 (75 *Federal Register* 63260). NACAA is the national association of air pollution control agencies in 52 states and territories and over 165 metropolitan areas across the country.

We commend EPA for proposing standards to reduce emissions of hazardous air pollutants from sewage sludge incinerators, and are especially gratified by EPA's recognition of the importance of reducing mercury in particular, which is a persistent bioaccumulative toxic pollutant. We believe the proposal would result in much-needed reductions in mercury. However, we offer comments and recommendations intended to improve the rule so that it will result in further reductions in emissions of mercury and other pollutants as well, including, among others, cadmium, dioxins, hydrochloric acid, nitrogen oxides, lead, sulfur dioxide, carbon monoxide and particulate matter.

EPA's Data Set and Establishment of a MACT Floor

We do not believe EPA collected sufficient data or followed the requirements of the Clean Air Act (CAA) in establishing the Maximum Achievable Control Technology (MACT) floor for the SSI units. EPA proposes to establish two subcategories of SSI units: Multiple Hearth (MH) and Fluidized Bed (FB). According to the proposal, there are 218 SSI units in the country, of which 163 are MH and 55 are FB incinerators. The top

12 percent should consist of 20 MH units and seven FB units. Rather than collecting information from 218 units to determine which would be in the top 12 percent for each source category and then calculating the MACT floor, EPA instead surveyed select facilities in nine municipalities. The agency described its methodology this way:

To select the surveyed owners, EPA reviewed the inventory of SSI units for the control devices being operated, and identified a subset of units expected to have the lowest emissions based on the type of unit and the installed air pollution controls. EPA believes these controls achieve the most reductions possible for the CAA section 129 pollutants, and thereby allow EPA to identify for each pollutant the units with the lowest emissions (page 63270).

Based on this analysis, EPA surveyed only the units the agency identified. Because of its decision to hand-pick the recipients of the survey, EPA then had to rely on statistical techniques, some of which may be questionable, to make up for the lack of complete data. Even though EPA then gathered additional data from test information, the data set was incomplete. While EPA may have knowledge about the performance of SSI units, the agency's method does not substitute for the more complete information the agency would have received from a more thorough data-collection effort. Section 129 articulates a specific process for calculating the top 12 percent, which EPA is obligated to follow but did not. Further, EPA had the ability, through Section 114, to collect the data it would have needed for a proper MACT floor calculation. NACAA does not believe EPA was correct in relying on its own perceived ability to determine, through consideration of control device performance and other means, which sources would be the "best-performing" units. In light of the deficiencies in the data set upon which EPA relied, we believe the agency needs to redo its MACT floor analysis. The agency should collect data from the universe of sources and calculate the MACT floor correctly, reflecting the "average emissions limitation achieved by the best performing 12 percent of units in the category," as required by Section 129 of the CAA.

With respect to the subcategories, it appears newer facilities are not being built using multiple-hearth technology and the designs are moving to the use of fluidized bed technology. Given the lower emission rates for FB, EPA should consider promulgating one NSPS for SSI and basing it on the lower-emitting and more current technology, which is FB. While subcategorization for existing sources for MH and FB may make sense, given the lack of newer MH, it does not seem to make sense to create a subcategory for that technology in the new-source standard.

### Beyond the Floor

Because of the persistent and bioaccumulative characteristics of mercury, and because SSIs are the sixth highest mercury-emitting source category in the country, according to EPA, NACAA supports EPA's decision to propose a standard that goes beyond the floor for this pollutant. We strongly encourage EPA to retain these provisions in the final rule.

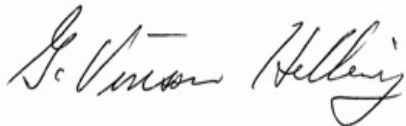
While we are pleased that the mercury beyond-the-floor provisions will also result in additional reductions in dioxin emissions, we are disappointed that EPA did not actually propose a beyond-the-floor standard for dioxins as well. If the mercury controls will bring about

additional dioxin reductions, then it seems those controls are achievable for dioxins too and EPA is therefore compelled to require them as MACT.

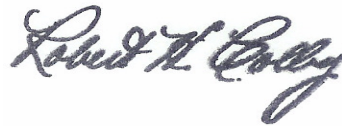
With respect to the other pollutants, EPA notes that it performed a “preliminary cost and emission reduction analysis” (page 63275) on beyond-the-floor options for cadmium, lead, particulate matter and other pollutants and decided not to further analyze fabric filter and packed-bed options. Since the Clean Air Act requires EPA to establish MACT standards, which are not necessarily synonymous with the MACT floor, EPA is obligated to consider beyond-the-floor options and should do more than perform “preliminary” costs analyses.

Thank you for this opportunity to comment on the proposal. Please contact either of us, or Mary Sullivan Douglas, if we can provide additional information.

Sincerely,



G. Vinson Hellwig  
Michigan  
Co-Chair  
NACAA Air Toxics Committee



Robert H. Colby  
Chattanooga, Tennessee  
Co-Chair  
NACAA Air Toxics Committee