June 17, 2016

Materials Recovery and Waste Management Division
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Submitted via *www.regulations.gov*

Re: Docket EPA-HQ-RCRA-2016-0040, Hazardous Waste Management System; Tentative Denial of Petition to Revise the RCRA Corrosivity Hazardous Characteristic

The National Association of Clean Water Agencies (NACWA) appreciates this opportunity to comment on the tentative denial of a rulemaking petition requesting revision of the Resource Conservation and Recovery Act (RCRA) corrosivity hazardous waste characteristic. NACWA is specifically commenting on the requested change in the regulatory value for defining waste as corrosive from the current value of pH 12.5 to pH 11.5. NACWA supports EPA's tentative denial of the petition requesting this change.

NACWA represents the interests of nearly 300 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the U.S. NACWA members operate highly successful pretreatment programs that reduce the quantities of pollutants that are discharged into the sewer system by businesses and industrial users. One of the wastewater parameters that public owned treatment works (POTWs) control is pH, with an upper limit specified in the utility's pretreatment ordinance and/or sewer use ordinance.

Higher pH wastewater is generally more protective of sewer pipes and worker safety than lower pH wastewater. Hydrogen sulfide (H_2S) can be produced in sewer systems, particularly in the low-flow conditions that are becoming more common due to water conservation measures. H_2S is both corrosive to sewer pipes and hazardous to sewer workers. Higher volatilization of H_2S from aqueous solutions occurs at lower pH levels. Maintaining the current pH threshold for determining a corrosive waste and allowing industrial users to discharge at those higher pH levels will minimize H_2S volatilization and enhance protection of the sewer system and workers. Higher allowable pH levels also reduces the amount of chemicals that industrial users must

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use to lower pH. Since sulfuric acid is commonly used for this purpose, reducing its use also reduces the amount of sulfur discharged to the sewer and helps to control production of H_2S.

Many POTWs have an upper pH limit of 11.5, and some POTWs have a limit as high as 12.0. These limits have been set to remain below the RCRA corrosivity level of pH 12.5, since industries discharging higher pH wastewater are discharging a hazardous waste and are subject to additional reporting and recordkeeping requirements. EPA's Model Pretreatment Ordinance, which most utilities use as the basis for their own pretreatment ordinances, states that:

> Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.

If the RCRA corrosivity hazardous waste characteristic is lowered from pH 12.5 to pH 11.5, industries discharging wastewater at a pH greater than 11.5 will be subject to these additional requirements. To avoid hazardous waste classification, industries will have extra costs for pH control, with no benefits for the sewer system, wastewater treatment process, or the environment. In fact, detrimental effects to the sewer systems could result from this change, with increased corrosivity and hazardous conditions for workers, as described above.

In addition, RCRA's Domestic Sewage Exclusion does not apply to wastes that are delivered to a POTW by truck or rail. POTWs would be burdened with additional RCRA requirements if more of these hauled wastes were considered hazardous due to a pH greater than 11.5.

Thank you for your consideration of these comments. Please contact me at 202-533-1836 or *cfinley@nacwa.org* if you have any questions.

Sincerely,

Cynthia A. Finley

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