



Steven L. Beshear
Governor

**Energy and Environment Cabinet
Department for Environmental Protection**

Leonard K. Peters
Secretary

Division for Air Quality
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Docket ID # EPA-HQ-OAR-2003-0119
EPA Docket Center (EPA/DC)
Environmental Protection Agency
Mailcode: 6102T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Sir/Madam:

The Kentucky Division for Air Quality respectfully submits comments on U.S. EPA's proposed rule to revise Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units.

Several existing solid waste incinerator regulations (e. g., 40 CFR Part 60 Subpart Eb) include units which burn gasified solid waste as affected facilities. On June 30th, 2009, a letter was sent from Kentucky Energy and Environment Secretary Len Peters to EPA Administrator Lisa Jackson suggesting that those regulations be changed to exclude gasifiers from those regulations. Stephen Page, Director of the Office of Air Quality Planning and Standards, sent a response dated July 22nd 2009 concurring in general with that proposed change. Additionally, EPA recently issued a proposed rule on Identification of Non-Hazardous Secondary Materials That Are Solid Waste which specifically identifies gasification as an "Example of Adequate Processing" that can process non-waste fuel from solid waste (40 CFR Part 241). While the proposed New Source Performance Standards and Emission Guidelines for Commercial and Industrial Solid Waste Incineration Units does not include gasification the Division would like to see an explicit exclusion, whether in the preamble or the rule itself, exempting gasifiers of solid waste as affected facilities. The Division believes that such an exclusion is keeping with EPA's intent, but also believes that an explicit exclusion is desirable for clarity and to eliminate any possible questions.

Thank you for this opportunity to comment on the proposed regulation. If you have any questions or concerns regarding our comments, please contact me at 502-564-3999.

Sincerely,

John Lyons
Director

JSL:je