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INDEPENDENT REGULATORY
REVIEW (September 7, 2007)

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

Reference: Proposed Rulemaking – Hazardous Waste Regulations
25PA. CODE CHS. 260a, 261a, 262a, 263a, 264a, 265a, 266a, 266b,
267a, 269a, AND 270a

Upon review of the proposed rulemaking, specifically chapter 264a195 Inspections, the changes reference a federal requirement that tanks to be inspected at least once each operating day. The department has taken a position that when waste is in the tank, it is operating and shall be inspected once every 24 hours.

The Federal Register, April 4, 2006 identifies the Resource Conservation and Recovery Act Burden Reduction Initiative; Final Rule effective May 4, 2006 which includes decreased inspection frequencies for tank systems when leak detection equipment or implemented established workplace practices to ensure leaks are promptly identified, as a minimum weekly inspection frequency. Additional language for further reduced monitoring on a case-by-case basis is included. The changes are referenced on pages 16878 and 16879 of the April 4, 2006 Federal Register. Table 11 on page 16884 also provides clarity of the reduction in monitoring and associated requirements.

I suggest that the Proposed Rulemaking referencing chapter 264a195 Inspections, incorporate the reduced monitoring frequency and associated requirements to be consistent with the April 4, 2006 Federal Register.

Should you have any questions or concerns, please do not hesitate to contact me at 717/852-1409

Very truly yours,

Buchart-Horn, Inc

John S. Troutman
Sr. Operations Specialist