

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEBRUARY 22, 1995

The Honorable Daniel P. Moynihan
United States Senate
Washington, D.C. 20510

Dear Senator Moynihan:

Thank you for your letter of December 16, 1994 regarding your constituent Michael Clarke's concerns about the Environmental Protection Agency's (EPA's) Final Regulatory Determination on cement kiln dust (CKD).

CKD is one of six "special wastes" also known as "Bevill wastes" that were temporarily exempt from hazardous waste regulation under the Resource Conservation and Recovery Act (RCRA), until information could be gathered and assessed, and the most appropriate regulatory approach could be determined. In 1993, EPA issued a detailed and comprehensive study of CKD in a Report to Congress that explored a broad spectrum of issues related to the adverse effects on human health and the environment from the disposal of CKD. Following extensive evaluation and public comment, on January 31, 1995, EPA concluded that additional control of CKD is warranted in order to protect human health and to prevent environmental damage associated with current disposal practices for this waste.

EPA will take a common sense approach in imposing such controls by developing tailored regulations in conjunction with existing authorities. In order to avoid duplication among regulatory programs, EPA will use, as appropriate, its various authorities under the Clean Air Act and RCRA to address contaminant releases from CKD into air and ground water respectively. EPA believes that existing regulations under the Clean Water Act already provide adequate control over contaminant releases from CKD to surface water. EPA's decision affects all CKD, regardless of the type(s) of fuel burned in the cement manufacturing process.

The CKD regulatory program will be risk-based, flexible, and tailored to site-specific conditions. In order to avoid over-regulation, it will provide minimally burdensome environmental protection at a reasonable cost. In developing the program, EPA will work with all interested parties, including states and industry.

Until the tailored regulations are published by EPA, CKD will retain the Bevill exemption, and the status of CKD under RCRA Subtitle C will remain unchanged. The current RCRA rules for waste derived residuals require that cement facilities burning hazardous waste in

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their kilns test their CKD prior to disposal (see 40 CFR 266.112). CKD that is affected by combustion of hazardous waste must be managed according to the appropriate RCRA regulations.

We have enclosed an Environmental Fact Sheet that contains additional details of the future CKD regulatory program. Should you have any further questions, please call Robert Hall, Acting Chief of the Special Wastes Branch at (703) 308-8432.

Sincerely yours,

Michael Shapiro, Director
Office of Solid Waste

Enclosure