

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

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. David R. Case
Executive Director
Environmental Technology Council
734 15th St., N.W.
Suite 720
Washington, D.C. 20005

Dear Mr. Case:

Thank you for your letter of July 11, 1997, concerning the regulatory status under the Resource Conservation and Recovery Act (RCRA) of certain vitrification processes for spent aluminum potliner (K088). We appreciate your interest in this important environmental issue. I am also pleased that you were able to meet with my staff on past occasions to discuss your concerns.

After evaluating two proposals to recycle K088 through vitrification into various glass products, the Environmental Protection Agency (EPA) has concluded that such vitrification can be a legitimate use of this material which could also be excluded from RCRA regulation under 40 CFR 261.2(e)(1)(I). If a state makes such a determination about specific potential vitrification facilities, these facilities will be able to use these wastes to make beneficial products without the necessity of obtaining a RCRA permit.

The Agency will shortly be issuing a letter explaining its conclusions. You have suggested that before this letter is issued, EPA should make a draft determination available for comment by interested parties, and that these comments should be considered by the Agency before the final determination is issued. EPA has agreed to share its draft letter with various interested parties to obtain their comments on how best to frame our conclusions, but not to revisit the outcome of the determination. We will be glad to make a draft available to you, and we will be grateful for any suggestions you may have. However, the Agency does not plan to change its decision in response to comments received. We have evaluated all relevant issues very thoroughly, and remain convinced that our conclusion is reasonable.

Thank you again for your interest in this matter. I hope this letter addresses your concerns. If you have any questions, please call Mike Flynn at 703-308-8894.

Sincerely yours,

RO 14153

Michael Shapiro
Acting Deputy Assistant Administrator