

## MEMORANDUM

SUBJECT: Headquarters Review of Site-Specific Risk Assessment Decisions for Hazardous Waste Combustors

FROM: Robert Springer, Director  
Office of Solid Waste

TO: RCRA Senior Policy Advisors  
Regions 1 - 10

The purpose of this memorandum is to request that you provide to the Office of Solid Waste, a summary of each forthcoming Regional decision that a site-specific risk assessment (SSRA) is or is not necessary for a hazardous waste combustion unit or facility seeking a RCRA permit determination. We are requesting that this summary information be provided so that we can work with you and your staff to ensure that SSRA decisions are appropriately arrived at.

By way of background, on February 28, 2002, the Administrator received a petition for rulemaking from the Cement Kiln Recycling Coalition (CKRC) regarding hazardous waste combustion SSRAs. In the petition, CKRC asserts that EPA has and is continuing to require SSRAs in violation of the notice and comment rulemaking process required by the Administrative Procedure Act (APA), 5 U.S.C. §§551, *et seq.* CKRC also requests that we repeal the SSRA policy and guidance and promulgate them under the APA, if we continue to believe that SSRAs are necessary. We are evaluating this petition. Recently, we provided you with a memorandum reiterating the appropriate use of the hazardous waste combustion SSRA policy and technical guidance and requested that you review certain documents to determine if they contain misleading or incorrect information concerning the policy and guidance. See memorandum from Marianne Lamont Horinko to the Regional Administrators dated April 10, 2003 and titled *Use of the Site-Specific Risk Assessment Policy and Guidance for Hazardous Waste Combustion Facilities*. In addition, because I believe it is important for us to work together to ensure that SSRA decisions are appropriately arrived at, I am asking that you provide a summary of each forthcoming decision to headquarters for review.

## **What Site-Specific Risk Assessment Decisions Should Be Included in This Review?**

We are interested in how and why you arrive at the decision of whether an SSRA is or is not needed for a particular combustion unit or facility. It is not necessary to include information on decisions made by your states. The review process is not retroactive; it only applies to determinations whether to conduct or require an SSRA after the date of this memorandum.

## **What Should Be Included In the Summary?**

The summary, to be transmitted using the attached form, should include a Regional contact name, the facility name and EPA identification number, where it is located, the unit type (if facility-wide, provide a summary of all relevant unit types and their names), and the basis for arriving at your decision of whether an SSRA is or is not needed at the facility. Other information you should include in your summary, if applicable, would be to indicate whether an SSRA has been conducted previously for the unit or facility in question and what the basis is for determining that another SSRA is or is not needed. You do not need to provide any additional information beyond that necessary to support your decision.

## **How Will the Review Process Work?**

You should submit your summary to the OSW Director, Robert Springer, with courtesy copies to PSPD Division Director, Stephen Heare and OGC Assistant General Counsel for RCRA, Brian Grant. OSW will coordinate a response and provide comments, as appropriate, to you. We anticipate that there may, in some cases, need to be phone calls with you during the review process. In consideration of the time that might be required to clarify information, we will try to provide you with a final response regarding your decision within 30 days of receiving your summary.

If you have any questions regarding the above information, please contact Sasha Gerhard or Rosemary Workman of my staff at (703) 605-0632 and (703) 308-8725, respectively.

Attachment

cc: Brian Grant, OGC  
Carolyn Hoskinson, OSWER, OAA  
Matt Straus, OSWER, OAA  
Stephen Gilrein, Region 6, MPPD  
Stephen Heare, PSPD  
Barnes Johnson, EMRAD

RO 14667

**BASIS FOR DECISION TO CONDUCT OR NOT TO CONDUCT AN SSRA**

**Region:**

**Regional Contact:**

**Facility Name and ID:**

**Facility Location:**

**Unit Type(s) and Name(s):**

**SSRA Needed:** Yes / No

**Basis for Decision:**

**BASIS FOR DECISION TO CONDUCT OR NOT TO CONDUCT AN SSRA**

**Basis for Decision (continued):**