

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

9441.1997(04)

MAY 19 1997

The Honorable Mark W. Neumann
United States House of Representatives
Washington, D.C. 200515-4901

Dear Congressman Neumann:

Thank you for your letter of April 18, 1997 regarding your constituent John Cable's request for information on hazardous materials, and on rules for disposal of discarded concrete on land (your file number 100299-JR).

In your letter, you state that Mr. Cable would like to place discarded street concrete on the shores of Lake Michigan for shoreline protection. You also state that Mr. Cable has now been instructed that this violates EPA regulations on hazardous materials. Absent any other information, we assume his concern is about hazardous waste regulations.

Federal hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA) apply to wastes that are either listed as a hazardous waste or exhibit a characteristic of hazardous waste (ignitability, reactivity, corrosivity or toxicity) (see 40 Code of Federal Regulations (CFR) Subpart B). Concrete has not been identified by the Environmental Protection Agency (EPA) as a listed hazardous waste. In addition, it is unlikely that common concrete would exhibit any of the four characteristics of hazardous waste. However, it is the responsibility of the generator of any waste to make hazardous waste determinations either by testing the material or through knowledge of the wastestream (40 CFR § 262.11).

Under Section 3006 of RCRA (42 U.S.C. Section 6926) individual states can be authorized to administer and enforce their own hazardous waste programs in lieu of the Federal program. Under Section 3009 of RCRA (42 U.S.C. Section 6929) states retain authority to promulgate regulatory requirements that are more stringent than Federal regulatory requirements. In addition, states may have their own rules regarding nonhazardous waste or debris.

Therefore, Mr. Cable should contact his state environmental agency for information on state requirements.

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For information on Wisconsin's hazardous waste rules, Mr. Cable should contact:

Barbara Zellmer, Section Chief
Hazardous Waste Management Section
WI Department of Natural Resources
P.O. Box 7921 SW/3
Madison, WI 53707-7921
Phone: (608) 266-2111
Fax: (608) 267-2768

I hope this letter sufficiently responds to your constituent's concerns regarding the disposal of discarded concrete. If you need further information, do not hesitate to contact Kristina Meson of my staff at (703) 308-4488. Again, thank you for your interest in this matter.

Sincerely,

Elizabeth A Cotsworth, Acting Director
Office of Solid Waste

Congress of the United States

Subcommittees Agencies
District of Columbia
Committees on the Budget

House of Representatives
Washington, DC 20515-1901
April 18, 1997

Ms. Lynne Ross
Director
Congressional Liaison Division
Environmental Protection Agency
West Tower, Rm. 835, A-103
Washington, D.C. 20460

Dear Ms. Ross:

I was recently contacted by a constituent, Mr. John Cable of Kenosha, Wisconsin, regarding his request for information on hazardous materials.

As I understand it, Mr. Cable would like information on an Environmental Protection Agency (EPA) rule that classifies concrete as a hazardous material. In the past, he would place discarded street concrete on the shores of Lake Michigan for shoreline protection, but he has now been instructed that this violates EPA regulations on hazardous materials.

I would appreciate it if you would provide me with any background information you have on this subject. Please address a response to my Washington office, and reference my file number 100299-JR. If you have any questions about this request, John Richardson can be contacted at (202) 225-3031.

Again, thank you for your assistance in this matter.

Sincerely,

Mark W. Neumann

RO 14284