

Mr. Michel R. Benoit
Executive Director
Cement Kiln Recycling Coalition
1001 Connecticut Ave, NW, Suite 615
Washington, D.C. 20036

Dear Mr. Benoit:

Thank you for your letter of January 22, 2004, to Administrator Leavitt regarding particulate matter continuous emissions monitoring systems (CEMS) requirements for hazardous waste combustors. We appreciate your concern on this subject and can confirm that the future particulate matter CEMS requirements of 40 CFR 63.1209(a)(1)(iii) are not currently in effect.

As indicated in 65 FR 52926 (September 30, 1999), EPA must complete a rulemaking establishing operational requirements (including a deadline) for particulate matter CEMS before there would be requirement to install and operate them at hazardous waste combustors under 40 CFR 63.1209(a)(1)(iii). Those operational requirements and supporting information could include: (1) an explanation of how CEMS relate to the current requirements to comply with operating parameter limits; (2) documentation that technical issues regarding performance, maintenance, and correlation of the CEMS have been resolved for hazardous waste combustors; (3) CEMS-based emission standards; and (4) a schedule for installing, correlating, and monitoring with particulate matter CEMS. EPA's final particulate matter CEMS rule of January 12, 2004, does not constitute such a rulemaking; therefore, the requirements of 40 CFR 63.1209(a)(1)(iii) are not currently in effect, and will not be until EPA has completed a notice and comment rulemaking specifically addressing operational requirements as they apply to this section.

Again, thank you for your letter. If you have further questions or concerns, please contact James Berlow at 703-308-8414.

Sincerely yours,

Barry Breen
Deputy Assistant Administrator