



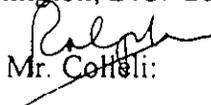
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 27 1998

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Mr. Ralph Colleli  
American Petroleum Institute  
1220 L Street NW  
Washington, D.C. 20005

  
Dear Mr. Colleli:

Thank you for your letter of June 29, 1998 regarding the U.S. Environmental Protection Agency's (EPA) recently released study entitled "Potential Inhalation Risks due to Air Emissions from Certain Waste Management Units" (the "Air Characteristic Study"). Specifically, your letter expressed concern over EPA's commitment to notify the Environmental Defense Fund (EDF) by mid-July whether the Agency intends to pursue regulatory action on a Resource Conservation and Recovery Act (RCRA) characteristic based on the inhalation pathway.

Per the consent decree in EDF v. Browner, Civ. No. 89-0598 (D.D.C.), as amended by the court's order of March 20, 1998, EPA was required to conduct the Air Characteristic Study. EPA completed and delivered this study on May 18, 1998, as specified in the consent decree. In the stipulated motion to amend the decree filed on June 12, 1997, EPA also agreed to decide and notify EDF within 60 days (i.e., July 15) whether the Agency intends to pursue development of a RCRA characteristic addressing risks from inhalation.

In response to the concerns raised in your letter as to why it would be premature for EPA to initiate development of a RCRA air characteristic, I am enclosing a copy of the Agency's decision on this matter to EDF. As you can see in the enclosed, EPA has notified EDF that it does not intend to pursue initiation of a proposal for an air characteristic rule under RCRA at this time. However, the Agency will be further investigating the results of the study for possible future action. This decision is based on several factors, including the Agency's determination of the need for additional data on the occurrence of these constituents in non-hazardous waste, further discussion among EPA Offices on the appropriateness of RCRA versus the Clean Air Act for addressing any potential risks identified, and the timing of peer review completion.

EPA is anxious to receive your written comments on the study and any data you may have that would provide insight into the occurrence of these chemicals in non-hazardous waste.



Recycled  
Printed with  
contains at l

Faxback 14479

In addition, we would be happy to arrange to meet with you or any of the organizations party to your letter to discuss your comments and views on the study.

I hope that this letter addresses your concerns regarding EPA's decision on immediate actions resulting from the Air Characteristic Study. If you have additional questions or concerns, you may wish to contact Robert Tonetti, Chief of the International and Special Projects Branch in the Hazardous Waste Identification Division. He can be reached at 703-308-8878.

Sincerely,



Elizabeth A. Cotsworth, Acting Director  
Office Of Solid Waste

Enclosure