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

April 10, 1996

Neil J. Carman, Ph.D.
Director, Clean Air Programs
Lone Star Chapter of the Sierra Club
P.O. Box 1931
Austin, Texas 78767

Dear Dr. Carman:

Thank you for your letter of March 14, 1996 to Administrator Browner regarding our proposed maximum achievable control technology (MACT) rulemaking for hazardous waste combustors (HWCs).

We agree that improperly designed hazardous waste incinerators and cement and lightweight aggregate kilns burning hazardous waste can pose a hazard to human health and the environment. Furthermore, the Environmental Protection Agency's (EPA's) current regulations may not be protective in all cases. Accordingly, you may have already heard that Administrator Browner signed the proposed MACT rule for these devices on March 20, 1996. We believe that the proposed rule would establish tough emission standards for dioxin, mercury, and lead, in particular.

Regarding EPA's cement kiln dust (CKD) regulatory activities, the Agency remains committed to developing tailored regulations in conjunction with existing authorities. The Agency identified risks resulting from CKD and industry management practices. These risks were noted in EPA's Regulatory Determination for CKD, Federal Register 7366 (1995) as well as in correspondence previously sent to you dated July 25, 1995. Accordingly, EPA's decision affects all CKD, regardless of the type of fuel burned in the cement manufacturing process. In making its decision, the Agency conducted an objective analysis of the data at its disposal, as set forth in RCRA §8002(o). EPA has no information to suggest that the CKD metals concentration data considered in the Report to Congress reflect anything but routine

industry practice.

The Agency considered Certificate of Compliance (CoC) data from cement kilns burning hazardous waste. During the CoC test burns, kilns document compliance with emissions standards while adding (i.e., spiking) metals in the feed in excess of normal levels to ensure that limits on operating conditions provide adequate operational flexibility. CKD metal concentration data, as described in the Report to Congress, shows metals concentrations in managed CKD at levels significantly below those levels reported in the CoC reports. The samples of managed CKD were composites of recently managed dust (0-6 months old) collected from on-site piles. Hence, we believe the available data shows that cement facilities are not routinely burning wastes with metals concentrations at or near their BIF permit limits (i.e., CoC levels). However, even if metals concentration levels in CKD are significantly affected by hazardous waste burning, BIF regulations under 40 CFR §266.112 prohibit CKD from exceeding our health-based limits.

EPA's CKD regulatory program will be risk-based, flexible and tailored to site-specific conditions. It will provide environmental protection at a reasonable cost and avoid over regulation. Please be assured that in developing the program, the Agency will work with all interested parties, including states and local citizen groups, to achieve a protective, efficient, common sense standard.

Finally, you expressed concern about the impacts of area wide emissions from HWCs clusters. In addition to upgrading the current HWC emission standards under the MACT rulemaking, the Agency will continue to use the omnibus permit authority (under the Resource Conservation and Recovery Act) as warranted to ensure protection of human health and the environment on a site specific basis. Evaluating the risk from multiple HWCs in a particular area is an example of how we would continue to use omnibus authority to determine if the national MACT standards need to be adjusted on the local level.

Thank you for sharing your concerns with us. We hope you will be able to take advantage of the opportunity to comment on the proposed MACT rules.

Sincerely yours,

Michael Shapiro, Director
Office of Solid Waste