

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

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Doug MacMillan, Executive Director
Environmental Technology Council
734 15th Street NW, Suite 720
Washington, DC 20005

Dear Mr. MacMillan:

Thank you for your letter of January 8, 1997 expressing concern about potential changes to the Resource Conservation and Recovery Act (RCRA) as it relates to regulation of remediation wastes. As you know through participation in development of the Hazardous Waste Identification Rule for Contaminated Media (HWIR-Media) and discussions of the remediation waste proposals before the 104th Congress, EPA has long believed that changes in application of certain RCRA requirements to remediation waste are appropriate. While the Agency has not endorsed any specific legislative proposal, we continue to believe reform to application of RCRA requirements to remediation waste, especially RCRA land disposal restrictions, minimum technology, and permitting requirements, if accomplished appropriately, could significantly accelerate cleanup actions at Superfund, Brownfield, and RCRA Corrective Action sites without sacrificing protection of human health or the environment. We are committed to continuing and improving our dialogue on this issue with all stakeholders and are hopeful that remaining technical and policy concerns can be resolved so meaningful reform can proceed as soon as possible.

Your letter suggests we may differ on the scope of the reforms we are attempting to achieve through the HWIR-Media proposal. The changes to RCRA regulations proposed in HWIR-Media address application of RCRA requirements to remediation wastes that are being managed; they do not address cleanup standards or remedy selection criteria. Under the HWIR-Media proposal, and the alternative approaches discussed in the proposal, decisions governing whether or not to manage any given remediation waste would continue to be resolved through applicable Federal or state remedy selection criteria. We recognize that this distinction may seem artificial; however, we believe it is important to emphasize that our fundamental goal in HWIR-Media is to tailor RCRA management standards for remediation waste already caught within the RCRA hazardous waste regulatory system, rather than impose RCRA cleanup standards on Federal, state or private cleanups not currently subject to RCRA.

Thank you again for your interest and continued assistance in development and

RO 14231

resolution of the many, complicated issues associated with RCRA remediation waste reform. If you have any questions or would like to discuss these issues further, please feel free to contact me or Elizabeth McManus, of my staff, at (703) 308-8657.

Sincerely Yours,

Michael Shapiro, Director
Office of Solid Waste