off-site uses for which there are significant risks.

With respect to ground water, the Agency will use its authority under Subtitle C of RCRA to address these concerns. The Agency will use its broad authority provided by RCRA section 2002(a), section 3001(b)(3)(C), and section 3004(x) to develop a program tailored to local cement plant conditions to control the specific risks identified while minimizing compliance costs. Until the Subtitle C tailored rules take effect, the Agency will retain the Bevill exemption. The Bevill exemption will be removed when final regulations under RCRA authority take effect.

The Agency believes that subjecting CKD waste to the full RCRA Subtitle C program would be prohibitively burdensome on the cement industry, and is not a feasible regulatory option under the factors cited in RCRA section 8002(o). Although EPA at this time is not proposing the specifics of a RCRA regulatory program for CKD, EPA intends to apply only those components of Subtitle C that are necessary, based on our current knowledge of the cement industry and the human health and environmental concerns associated with CKD, to achieve a common sense result with respect to the hazards posed by CKD on a site-specific basis. The Agency anticipates that any such standards would be designed to be protective, yet minimally burdensome, and may not necessarily apply to all facilities or may not apply to all facilities in the same manner or to the same extent.

The specific RCRA Subtitle C components that EPA believes may deserve particular scrutiny in developing a minimal, tailored approach, including site-specific considerations, include the following: facility-wide corrective action under section 3004(u); land disposal restriction requirements (LDRs) under sections 3004 (c), (d), (e), (f) and (g); minimum technology standards under section 3004(o); and permit requirements under section 3005. EPA believes that most of the concerns addressed by the land disposal restrictions program, permit requirements, and the minimum technology standards might be best addressed through management standards developed specifically for CKD, and the Agency will carefully study those possibilities as an alternative to some or all LDRs and minimum technology standards. Moreover, because the costs for including all solid waste management units under facility-wide corrective action at all cement plants may be prohibitively burdensome on the cement industry, EPA intends to explore less burdensome, site-specific, tailored approaches to identifying and correcting problems that may occur from existing CKD piles and preventing problems arising from future CKD management. This may include ground water monitoring, a reliance on existing response authorities under RCRA section 7003 and CERCLA (or state response authorities), or may focus on site-specific factors, such as geography and hydrology, in determining the need for corrective action requirements. Because most of the Agency's ground water concerns are associated with potential contamination in areas of limestone with karst features, EPA will focus on tailored standards for CKD disposal in karst terrain. The Agency believes that concerns about contamination in non-karst areas can be addressed through the adoption by industry of good CKD waste management practices.

In addition, EPA believes it is appropriate to consider other RCRA Subtitle C requirements to see if, and to what extent, they are necessary to address the human health and environmental concerns discussed in this regulatory determination. In doing so, EPA will also consider the costs associated with those Subtitle C requirements. EPA intends to develop a regulatory program for CKD waste only after full participation by the various stakeholders. Consistent with the spirit of that commitment, EPA at this time is neither definitively limiting the scope of, nor determining that any particular elements necessarily will be included in any proposed CKD regulatory program.

Finally, as discussed in the RTC, CKD is often re-introduced into the kiln as a substitute for raw material in clinker production. In the absence of the CKD regulatory exemption, under certain regulatory scenarios clinker produced from re-introduced CKD could be considered a hazardous waste under the derived-from rule (40 CFR 261.3(c)(2)(i)). As part of the regulations that EPA will promulgate as a result of today's determination, EPA intends to propose exclusion of clinker from regulation as a derived-from hazardous waste when CKD is reintroduced. When reintroduced, CKD does not contribute any constituents to clinker production that are not already present in the production process. Furthermore, at this time, EPA has no indication that such clinker poses unacceptable threats to human health or the environment.

V. Next Steps

This section provides an overview of the Agency's plans for developing and issuing tailored regulations for CKD. The Agency recognizes that the selection of a regulatory approach for CKD waste may involve difficult choices and policy decisions with wide-ranging economic and environmental implications. EPA believes that the development of regulations under multiple statutes (without duplication among regulatory programs) that adequately address the risks identified in the RTC, yet are economically affordable to the industry, should involve participation by all interested parties. To this end, EPA is announcing a regulation development process designed to encourage involvement by all stakeholders. The regulation development process will be conducted in similar fashion to the Agency's Common Sense Initiative, notably with early-on participation by all stakeholders. This process will be directed towards development of environmentally protective regulations that provide for highly flexible methods to administer and implement them. The Agency's concern for minimizing the burden on State and local regulatory authorities and minimizing compliance costs and resource burdens on the regulated community will be an important principle in the regulation development process.

EPA will begin this process by conducting a series of meetings with interested parties, including industry, government, and public interest groups. The initial meetings with the parties will be used to solicit technical information and approaches that will facilitate the Agency's analysis of regulatory options (e.g., CKD management technologies, cost information, and economic information). The Agency plans to conduct the initial meetings during the spring and summer of 1995. Before these meetings are held, the Agency will identify specific questions and issues on which the Agency would like to receive information.

During the regulation development process, the Agency will use the information in the cumulative record of the RTC and regulatory determination, along with any new information received, to formulate its approach to developing tailored regulations for CKD. Before the rule is proposed, the Agency may publish an advance notice of proposed rulemaking (ANPR) to present and solicit comment on various approaches to developing the regulations.