

103^D CONGRESS
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H. R. 4984

To amend the Solid Waste Disposal Act to regulate the use of hazardous waste as fuel for energy recovery, the operation of cement kilns that burn hazardous waste as fuel, the disposal of cement kiln dust waste, and related activities.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 18, 1994

Ms. MARGOLIES-MEZVINSKY introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Solid Waste Disposal Act to regulate the use of hazardous waste as fuel for energy recovery, the operation of cement kilns that burn hazardous waste as fuel, the disposal of cement kiln dust waste, and related activities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Uniform Hazardous Waste Treatment Act of 1994”.

6 (b) REFERENCES TO THE SOLID WASTE DISPOSAL
7 ACT.—Whenever in this Act an amendment or repeal is

1 expressed in terms of an amendment to, or repeal of, a
2 section or other provision, the reference shall be consid-
3 ered to be made to a section or other provision of the Solid
4 Waste Disposal Act (42 U.S.C. 6901 et seq.).

5 **SEC. 2. FINDINGS.**

6 The Congress finds the following:

7 (1) Cement kilns produce cement kiln dust that
8 has caused and, if not properly controlled, will con-
9 tinue to cause contamination of air, soil, and surface
10 and ground water, and that present unacceptable
11 hazards to human health and the environment.

12 (2) Cement kiln dust and cement products pro-
13 duced from kilns that burn hazardous waste contain
14 concentrations of heavy metals, particularly lead, at
15 levels significantly higher than that produced in ce-
16 ment kilns that do not burn hazardous waste.

17 (3) Widespread burning of hazardous wastes in
18 cement kilns under current regulations discourages
19 preferable forms of recycling, reclamation, and
20 reuse.

21 (4) Existing statutes and regulations are inad-
22 equate to effectively monitor and control the hazards
23 to human health and the environment posed by ce-
24 ment kilns.

1 (5) Current regulations permit cement kilns to
2 burn fuel comprised of hazardous waste materials
3 with little or no fuel value blended with other mate-
4 rials and wastes.

5 (6) The public has not had adequate notice and
6 opportunity to comment on the increasingly large
7 quantities of hazardous wastes that cement kilns are
8 burning.

9 (7) Current regulation of cement kilns fosters
10 continued use of cement kilns that maximize envi-
11 ronmental pollution and discourages introduction of
12 less polluting cement-making technologies that are
13 currently available.

14 **SEC. 3. SPECIFICATIONS FOR HAZARDOUS WASTE FUELS**
15 **BURNED IN COMBUSTION UNITS.**

16 (a) IN GENERAL.—Section 3004(q) of the Solid
17 Waste Disposal Act is amended by adding at the end the
18 following new paragraph:

19 “(3)(A) Facilities that burn fuel for purposes of en-
20 ergy recovery shall not burn fuel containing any quantity
21 of hazardous waste identified or listed pursuant to section
22 3001, unless such fuel is conforming hazardous waste fuel.

23 “(B) Within 12 months of the date of the enactment
24 of this subparagraph, the Administrator shall promulgate
25 quantitative specifications for conforming hazardous waste

1 fuel to ensure that fuel containing hazardous waste is
2 burned to recover useful energy, and that conforming haz-
3 ardous waste fuel has physical, chemical, thermal and en-
4 ergy-related properties equivalent to standard fuels such
5 as coal and oil. Such specifications shall include at a mini-
6 mum:

7 “(i) British thermal unit (BTU) content.

8 “(ii) Metals content.

9 “(iii) Chlorinated hydrocarbon content.

10 “(iv) Sulfur content.

11 “(v) Halogens content.

12 “(vi) Hazardous waste content of the fuel suffi-
13 cient to ensure complete combustion of the hazard-
14 ous waste components of the fuel, to limit the ash
15 content of the combustion residue, and to minimize
16 the amount of ash contained in cement kiln dust and
17 clinker.”.

18 (b) DEFINITION.—Section 1004 is amended by add-
19 ing at the end the following new paragraph:

20 “(42) The term ‘conforming hazardous waste fuel’
21 means any fuel to be burned in a facility which burns fuel
22 for purposes of energy recovery that contains any amount
23 of hazardous waste and meets the specifications estab-
24 lished under section 3004(q)(3)(B), except that the fuel
25 does not contain any hazardous waste component that

1 does not meet the specifications when that component first
2 becomes subject to regulation under this subchapter.”.

3 **SEC. 4. CEMENT KILN DUST DISPOSAL.**

4 Section 3004(q), as amended by section 3(a) is fur-
5 ther amended by adding at the end the following new para-
6 graph:

7 “(4)(A) Notwithstanding the provisions of section
8 3001(b)(3)(A), cement kiln dust shall be disposed of only
9 at facilities and only in units that meet the performance
10 standards promulgated by the Administrator pursuant to
11 subsection (a) of this section and the minimum techno-
12 logical requirements promulgated by the Administrator
13 pursuant to subsection (o) of this section. The Administra-
14 tor’s authorization to modify certain subchapter C require-
15 ments pursuant to subsection (x) of this section, insofar
16 as it relates to the regulation of cement kiln dust, shall
17 not extend to cement kiln dust produced in a cement kiln
18 that burns conforming hazardous waste fuel.

19 “(B) Standards applicable to the land disposal of ce-
20 ment kiln dust produced in a cement kiln that burns con-
21 forming hazardous waste fuel pursuant to this paragraph
22 shall be not less stringent than the standards in effect as
23 of the date of the enactment of this subparagraph for
24 landfills, waste piles or land farms regulated under this
25 subchapter.

1 “(C) Cement kiln dust produced in a cement kiln that
2 burns conforming hazardous waste fuel is subject to any
3 land disposal treatment standards promulgated by the Ad-
4 ministrator pursuant to subsection (m) of this section ap-
5 plicable to the particular hazardous waste contained in the
6 conforming hazardous waste fuel.”.

7 **SEC. 5. CEMENT KILN DESIGN AND OPERATING STAND-**
8 **ARDS.**

9 Section 3004(q), as amended by section 4, is further
10 amended by adding at the end the following new para-
11 graph:

12 “(5)(A) Not later than 12 months after the date of
13 the enactment of this subparagraph, the Administrator
14 shall promulgate regulations establishing such standards
15 for design and operation of cement kilns that burn con-
16 forming hazardous waste fuel as may be necessary to pro-
17 tect human health and the environment, including stand-
18 ards for, at a minimum, the following:

19 “(i) The design and construction of a new or
20 modified cement kiln that burns conforming hazard-
21 ous waste fuel.

22 “(ii) The handling, storage and combustion of
23 conforming hazardous waste fuel pursuant to protec-
24 tive operating methods, techniques and practices.

1 “(iii) Contingency plans to anticipate and mini-
2 mize foreseeable potential hazards associated with
3 the transportation, storage and combustion of con-
4 forming hazardous waste fuel, including damage
5 from accidental spills, leaks, discharges, emissions,
6 or other releases into the environment of conforming
7 hazardous waste fuel. Each such contingency plan
8 shall take into consideration the location of the kiln,
9 and its proximity to population centers, wetlands,
10 and waters of the United States.

11 “(B) For purposes of this paragraph, the term ‘modi-
12 fied cement kiln’ includes the following alterations to a
13 cement kiln that, as of the date of the enactment of this
14 subparagraph, burns conforming hazardous waste fuel:

15 “(i) The addition of a kiln.

16 “(ii) The addition of a new waste feed process.

17 “(iii) Any other alteration of a cement kiln or
18 cement kiln facility that would require modification
19 of a permit issued pursuant to section 3005.”.

20 **SEC. 6. AIR EMISSIONS FROM CEMENT KILNS.**

21 Section 3004(n) is amended—

22 (1) by inserting “(1)” before “Not later than
23 thirty months”; and

24 (2) by adding at the end the following:

1 “(2) Not later than 12 months after the date of the
2 enactment of this paragraph, the Administrator shall pro-
3 mulgate regulations establishing standards for the control
4 of emissions of cement kiln dust from cement kilns. Such
5 standards shall address emissions from—

6 “(A) operation of a cement kiln;

7 “(B) removal of cement kiln dust from emission
8 control equipment;

9 “(C) cement kiln dust handling, interim stor-
10 age, transportation to and deposition in a landfill,
11 and long-term disposal; and

12 “(D) the clinker grinding process.

13 “(3) Not later than 18 months after the date of the
14 enactment of this paragraph, the Administrator shall pro-
15 mulgate regulations to control emissions of metals from
16 all units that burn hazardous waste, including combustion
17 units regulated under subsection (q) of this section and
18 incinerators, to the extent necessary to protect human
19 health and the environment. Such regulations shall include
20 standards for—

21 “(A) minimum removal efficiency;

22 “(B) emission limitation for total metals, except
23 mercury;

24 “(C) emission limitation for carcinogenic met-
25 als; and

1 “(D) emission limitation for mercury.

2 “(4) Not later than 12 months after the date of the
3 enactment of this paragraph, the Administrator shall pro-
4 mulgate regulations establishing standards for the control
5 of stack emissions from cement kilns. In the case of ce-
6 ment kilns that burn conforming hazardous waste fuel,
7 such standards shall be at least as stringent as those in
8 effect as of the date of the enactment of this paragraph
9 for other combustion units that burn hazardous waste.”.

10 **SEC. 7. PERMIT REQUIREMENTS.**

11 (a) IN GENERAL.—Section 3005(b) is amended—

12 (1) by inserting “(1)” before “Each application
13 for a permit”;

14 (2) in paragraph (1), as so designated—

15 (A) by striking “(1) estimates” and insert-
16 ing “(A) estimates”; and

17 (B) by striking “(2) the site” and inserting
18 “(B) the site”; and

19 (3) by adding at the end the following:

20 “(2) Not later than 180 days after the date of the
21 enactment of this paragraph, the Administrator shall pro-
22 mulgate regulations providing procedures or permit appli-
23 cation and requirements for information to be included in
24 permit applications for cement kilns that burn conforming
25 hazardous waste fuel.

1 “(3)(A) Not later than 12 months after the date of
2 the enactment of this subparagraph, each person referred
3 to in subparagraph (B) shall submit an application for a
4 permit to the Administrator in accordance with the regula-
5 tions promulgated pursuant to paragraph (1) (with regard
6 to landfills) or paragraph (2) (with regard to cement
7 kilns).

8 “(B) A person referred to in subparagraph (A) is a
9 person owning or operating—

10 “(i) a cement kiln that burns conforming haz-
11 arduous waste fuel; or

12 “(ii) a landfill used for the disposal of cement
13 kiln dust from a cement kiln that burns conforming
14 hazardous waste fuel that has not obtained a permit
15 under this section.”.

16 (b) ISSUANCE OF FINAL PERMIT.—Section 3005(c)
17 is amended—

18 (1) by redesignating paragraph (3) as para-
19 graph (4); and

20 (2) by inserting after paragraph (2) the follow-
21 ing new paragraph (3):

22 “(3) Not later than 2 years after the date of the en-
23 actment of this paragraph, the Administrator shall issue
24 a final permit pursuant to each application submitted

1 under subsection (b)(3) of this section or shall issue a final
2 denial of the permit application.”.

3 (c) TERMINATION OF INTERIM STATUS.—Section
4 3005(e) is amended by adding at the end the following
5 new paragraphs:

6 “(4)(A) In the case of each cement kiln that burns
7 conforming hazardous waste fuel which is in existence as
8 of the date of the enactment of this paragraph, interim
9 status shall terminate 12 months following such date un-
10 less the owner or operator of such facility—

11 “(i) certifies compliance with applicable require-
12 ments of section 3004(q); and

13 “(ii) submits a complete permit application in
14 accordance with the requirements of subsection (b)
15 of this section.

16 “(B) In the case of each landfill used for the disposal
17 of cement kiln dust from a cement kiln that burns con-
18 forming hazardous waste fuel which is in existence as of
19 the date of the enactment of this subparagraph, interim
20 status shall terminate 12 months following such date un-
21 less the owner or operator of such landfill—

22 “(i) certifies compliance with applicable require-
23 ments of subsections (a), (o), and (q) of section
24 3004; and

1 “(ii) submits a complete permit application in
2 accordance with the requirements of subsection (b)
3 of this section.

4 “(C) Interim status shall terminate 24 months after
5 the date of the enactment of this subparagraph for—

6 “(i) cement kilns burning conforming hazardous
7 waste fuel that comply with the requirements of
8 paragraph (4)(A); and

9 “(ii) landfills receiving cement kiln dust from
10 cement kilns burning conforming hazardous waste
11 fuel that comply with the requirements of paragraph
12 (4)(B).”.

13 **SEC. 8. MONITORING AND RECORDKEEPING.**

14 Section 3004(q), as amended by section 5, is further
15 amended by adding at the end the following new para-
16 graph:

17 “(6) Not later than 12 months after the date of the
18 enactment of this paragraph, the Administrator shall pro-
19 mulgate such monitoring and recordkeeping requirements
20 applicable to owners and operators of combustion units
21 that burn conforming hazardous waste fuel as the Admin-
22 istrator determines are necessary to ensure compliance
23 with the requirements of this section. Such monitoring and
24 recordkeeping requirements shall include, at a minimum,

1 a requirement that owners or operators of combustion
2 units that burn conforming hazardous waste fuel—

3 “(A) test the fuel feed stream on a batch basis
4 and obtain certified information on fuel composition
5 from the fuel blender or hazardous waste generator;
6 and

7 “(B) maintain records for 5 years that specify
8 source, date, quantity, and composition of all con-
9 forming hazardous waste fuel burned in a combus-
10 tion unit.”.

11 **SEC. 9. PERSONNEL TRAINING REQUIREMENTS.**

12 Section 3004(q), as amended by section 8, is further
13 amended by adding at the end the following new para-
14 graph:

15 “(7) Not later than 12 months after the date of the
16 enactment of this paragraph, the Administrator shall pro-
17 mulgate regulations, consistent with the Administrator’s
18 authority under subsection (a) of this section, that provide
19 requirements for training of personnel to—

20 “(A) operate cement kilns that burn conforming
21 hazardous waste fuel; and

22 “(B) operate landfills used for disposal of ce-
23 ment kiln dust from cement kilns that burn con-
24 forming hazardous waste fuel.”.

1 **SEC. 10. FUEL PROCESSORS.**

2 Section 3004(q), as amended by section 9, is further
3 amended by adding at the end the following new para-
4 graph:

5 “(8) Not later than 12 months after the date of the
6 enactment of this paragraph, the Administrator shall pro-
7 mulgate such regulations establishing standards applicable
8 to the owners and operators of facilities which produce a
9 fuel from any hazardous waste identified or listed under
10 section 3001, or from any hazardous waste identified or
11 listed under section 3001 and any other material, as may
12 be necessary to protect human health and the environ-
13 ment. Such standards shall include requirements that are
14 at least as stringent as the specifications for conforming
15 hazardous waste fuel promulgated pursuant to paragraph
16 (3) of this subsection.”.

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