



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
841 Chestnut Building
Philadelphia, Pennsylvania 19107

Daniel W. Heintz, Director
Environmental Permitting
Southdown, Incorporated
Citicorp Center, Suite 2400
1200 Smith Street
Houston, Texas 77002-4486

JUL 6 1992

Dear Mr. Heintz:

This will formally acknowledge receipt of your letter dated March 3, 1992 in which you withdrew your Precompliance Certification under EPA's Boiler and Industrial Furnace (BIF) rule (40 CFR §266.100 et sea.) and surrendered your claim of interim status for the Kosmos Cement Facility located on Neville Island, Allegheny County, Pennsylvania. Although it is the Environmental Protection Agency's position that Kosmos' Neville Island facility never did, in fact, meet the regulatory criteria for interim status (see my letter to you dated October 11, 1991), that issue is rendered moot by your withdrawal.

We do note, however, that because the facility never burned hazardous waste, it is not subject to closure requirements under the Resource Conservation and Recovery Act (RCRA). In addition, because the facility never attained RCRA interim status, it is not subject to corrective action or other requirements applicable to RCRA treatment, storage, and disposal facilities.

Please be advised that hazardous waste may be burned at the Neville Island facility only following the issuance of a full RCRA permit.

Sincerely,

Bruce P. Smith
Associate Division Director
for the Office of RCRA Programs

cc: Kevin Paveglio
Kosmos Plant Manager

Charles Duritsa
DER Regional Director

Waste-burning plans set aside ^{PG-04/18}

Kosmos Cement Co., which enraged some of its Neville Island neighbors 16 months ago when it proposed using hazardous wastes as fuel for its cement kilns, has pushed those plans to a back burner.

Kevin Paveglio, Kosmos plant manager, said the cement company has been hurt by a slowdown in the construction industry and the plans to burn 36 tons a day of hazardous waste dropped to the bottom of the firm's priority list.

"We intend to approach it again someday, but I don't know when that day is," he said.

Kosmos is unlikely to start pursuing permits to burn hazardous waste again this year, Paveglio said.

Anne Shea-Lewis, a member of the Ohio River Basin Environmental Council, a citizens group, said she thinks Kosmos withdrew its application from the U.S. Environmental Protection Agency because the agency had already rejected its request for an exemption from stringent new hazardous waste regulations.

■ NEVILLE

Kosmos pulls application for waste burning

Kosmos Cement Co. is dropping its plans to burn hazardous wastes in a cement kiln at its Neville Island plant — for now.

Neville Township commissioners said last week the company has pulled its application from the Environmental Protection Agency to burn the wastes.

But Kosmos officials did not say they would not try again.

The officials told about their plans in a closed meeting with Neville commissioners to discuss the company's finances earlier this month.

Commissioner Jo Ellen Phillips said the board members will keep their eyes and ears open.

Dave Hinzman, chairman of the board of commissioners, said the company now is trying to reform a manufacturers' association on the island, which was halted in the 1980s. The association involved all industry officials who would meet to discuss problems and work toward the good of the community.

It became defunct when Dtavo, its main sponsor, pulled out its shipyards.