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

APR 07 1997

Michael W. Steinberg
Morgan, Lewis & Bockius
1800 M Street, N.W.
Washington, D.C. 20036

Douglas H. Green
Piper & Marbury
1200 Nineteenth St., N.W.
Washington, D.C. 20036-2430

Re: Issuance of Final HWIR-Media Rule

Dear Mr. Steinberg and Mr. Green:

EPA is pleased that it was able to reach agreement with plaintiff Edison Electric Institute ("EEI") and with Intervenors American Forest & Paper Association, American Iron & Steel Institute, American Petroleum Institute, Chamber of Commerce of the United States, Chemical Manufacturers Association, and The Fertilizer Institute in regard to Environmental Technology Council v. Browner, Civ. Nos. 94-2119 and 94-2346 (TFH) (D.D.C.). EEI, the Intervenors, and EPA have agreed: (1) to amend the consent decree in that case in various ways, including extending to April 30, 2001 the deadline for EPA to promulgate the Hazardous Waste Identification Rule for Waste ("the HWIR-Waste rule"); and (2) to provide this letter committing to issue a final Hazardous Waste Identification Rule for Media ("the HWIR-Media rule") by June 30, 1998.

As you know, EPA's proposal for the HWIR-media rule was published on April 29, 1996, and has been the subject of considerable interest by the public and other stakeholders. Because of the high level of interest, EPA extended the public comment period to August 28, 1996. The Agency received a large number of comments on the proposal, including comments on the fundamental approach to the rule. The comments indicated strong support for revising existing RCRA regulations to expedite clean-ups at hazardous waste sites, but offered differing views on how to achieve this result. Many complex issues were raised by the public comments. EPA is committed to signing a notice of final rulemaking for the HWIR-Media rule by June 30, 1998.

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EPA considers issuance of this rule to be among its highest RCRA priorities, and does not expect that priority to change. If EPA is not able to meet the schedule described above, my staff will notify you as soon as practicable.

Sincerely,

Fred Hansen

Fred Hansen
Deputy Administrator

Timothy Fields, Jr.

Timothy Fields, Jr.
Acting Assistant Administrator
Office of Solid Waste and Emergency
Response