



August 24, 2018

**VIA E-DOCKET**

Ms. Stacey Yonce  
Office of Land & Emergency Management  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20004

**Re: EPA-HQ-OLEM-2018-0024, Clean Water Act Hazardous Substances Spill Prevention, 83 Fed. Reg. 29499 (June 25, 2018)**

Dear Sir or Madam:

The Cement Kiln Recycling Coalition (CKRC) appreciates the opportunity to comment on the U.S. Environmental Protection Agency's (EPA) Proposed Rule on Clean Water Act Hazardous Substances Spill Prevention (Proposed Rule), 83 Fed. Reg. 29499 (June 25, 2018).

CKRC is a national trade association representing cement companies that use hazardous waste and other secondary materials as alternative fuels and raw materials in cement kilns. Our membership also includes companies that collect, process, and manage secondary materials and companies that provide services to the industry. The Portland Cement Association (PCA), which is the leading voice for the U.S. cement manufacturing industry, has submitted a comment letter on this proposal and CKRC associates itself with the PCA comments submitted to this docket.

CKRC agrees with EPA's conclusion in the Proposed Rule that the existing framework of EPA and other agency regulatory requirements serves to prevent and contain discharges of hazardous substances, and that no additional spill prevention requirements under §311(J)(1)(C)<sup>1</sup> of the Clean Water Act (CWA) are necessary or appropriate.

As PCA's comments explain in detail, EPA has discretion to interpret CWA § 311(J)(1)(C) as having already been satisfied by regulations issued by EPA and other federal agencies and the statutes they implement. EPA also has inherent discretion to decline to issue regulations that would

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<sup>1</sup> CWA § 311(J)(1)(C) directs the President to "issue regulations, establishing procedures, methods, and equipment; and other requirements for equipment to prevent discharges of oil and HS from vessels and from onshore facilities and offshore facilities, and to contain such discharges.

carry significant regulatory burdens but would provide only de minimis regulatory benefit. EPA furthermore is entitled, and indeed is required by Executive Order, to avoid imposing additional regulatory requirements when the expected societal costs would significantly exceed the predicted benefits of the rule. Doing so would render that additional rulemaking arbitrary and capricious.

CKRC appreciates the opportunity to submit this comment letter in support of EPA's conclusion not to impose additional spill prevention requirements under CWA § 311(J)(1)(C) and incorporates by reference the detailed comments submitted by PCA. Should you have any questions, please feel free to contact me.

Sincerely,

*/s/ Michelle Lusk*

Michelle Lusk

Executive Director

Cement Kiln Recycling Coalition