



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

OFFICE OF CHEMICAL SAFETY
AND POLLUTION PREVENTION

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People for Protecting Peace River
P.O. Box 3354
Arcadia, Florida 34265

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Center for Biological Diversity
P.O. Box 2155
St. Petersburg, Florida 33731

Dear Ms. Curran and Ms. Lopez:

I am writing to confirm that on February 8, 2021, the U.S. Environmental Protection Agency (EPA) received your petition on behalf of People for Protecting Peace River, Atchafalaya Basinkeeper, Bayou City Waterkeeper, Calusa Waterkeeper, Center for Biological Diversity, Cherokee Concerned Citizens, Healthy Gulf, ManaSota-88, Our Santa Fe River, People for Protecting Peace River, RISE St. James, Sierra Club's Florida and Delta chapters, Suncoast Waterkeeper, Tampa Bay Waterkeeper, Waterkeeper Alliance, Waterkeepers Florida, and WWALS Watershed Coalition. The petition requests, “[p]ursuant to section 7004(a) of [the Resource Conservation and Recovery Act (RCRA)], RCRA’s implementing regulations, section 21 of [the Toxic Substances Control Act (TSCA)], and section 553(e) of the [Administrative Procedure Act], . . . the Administrator of the EPA to: (1) issue a rule reversing EPA’s 1991 Beville regulatory determination excluding phosphogypsum and process wastewater from phosphoric acid production (“process wastewater”) from RCRA Subtitle C hazardous waste regulation; (2) promulgate regulations under RCRA Subtitle C governing the safe treatment, storage and disposal of phosphogypsum and process wastewater as hazardous wastes; (3) initiate the prioritization process for designating phosphogypsum and process wastewater as high priority substances for risk evaluation under TSCA §6(b)(1)(B)(i); (4) issue a testing rule under TSCA §4(a)(1)(A)(ii) requiring phosphogypsum and process wastewater manufacturers to develop information with respect to health and environmental effects relevant to a determination that the disposal of these chemical substances does or does not present an unreasonable risk of injury to health or the environment; and (5) make a determination by rule under TSCA §5(a) that the use of phosphogypsum in road construction is a significant new use” (footnotes from original petition text removed).

Section 21 of TSCA provides that any person may petition the EPA Administrator to initiate a proceeding for the issuance, amendment, or repeal of a rule under TSCA section 4, 6 or 8 or an order under TSCA section 4 or 5(e) or (f). Section 21 further provides that EPA shall either grant or deny such petition within 90 days after the date of filing. If the Administrator grants the petition, the Administrator shall promptly commence an appropriate proceeding, in accordance

with section 4, 5, 6, or 8; and, if the Administrator denies the petition, the Administrator shall publish the reasons for such a denial in the Federal Register. Because the above-mentioned petition cites TSCA section 21 as an authority under which action is requested, relevant portions of the petition are under review by the Office of Pollution Prevention and Toxics, which is responsible for programs under TSCA.

If you have questions relating to the petition, please contact Brooke Porter of my staff by telephone at 202-564-6388 or by email at porter.brooke@epa.gov.

Sincerely,

Yvette T. Collazo
Director
Office of Pollution Prevention and Toxics