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# ***RCRA Box 485***

*Prepped by Ryan Dugan*

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**F-99-FF2P-FFFFFF**

# Congress of the United States

Washington, DC 20515

March 20, 2000

The Honorable Carol M. Browner  
Administrator  
U.S. Environmental Protection Agency  
401 M Street, SW  
Room W-1200  
Washington, DC 20460

Dear Administrator Browner:

We understand that the Environmental Protection Agency (EPA) is to make a determination as to whether or not certain solid wastes produced from power plant combustion of fossil fuels should be regulated under Section C of the Resource Conservation and Recovery Act(RCRA). According to a 1980 amendment to RCRA by Representative Tom Bevell, EPA must conduct a detailed and comprehensive study on the adverse human health and environmental effects, if any, from the disposal and utilization of fossil fuel combustion wastes. In 1993, EPA decided that further study was necessary and last spring issued a Report to Congress. It is our understanding the report recommended that it is appropriate for these coal combustion wastes to remain classified as nonhazardous solid wastes and remain regulated at the state level.

EPA has collected information on these wastes during a 19-year investigation. It is important to note that this has been an open process and that EPA solicited public comment at an oral hearing and during two written comment periods. Comments and data were provided by all interested parties, including Federal and State agencies, industry and environmental groups. We recognize that the EPA did conclude that some form of regulation or voluntary controls may be appropriate for the beneficial use of coal and oil combustion wastes in agricultural applications. However, we would like to point out that the Report to Congress surveyed the State programs in the major coal-burning states and documented a clear trend toward more stringent State regulation.

The cost of compliance to RCRA Subtitle C is significant. The added costs could have a devastating effect on Ohio's coal mines and the jobs of coal miners that are located in parts of Ohio where unemployment rates are two or three times the state average. Furthermore, EPA's change in position on the regulation of these materials as a hazardous waste could undermine the extensive efforts that states have made to increase the beneficial reuse of these materials. Even the hint of Federal Subtitle C regulation could stigmatize these materials and undo years of research and hard work with the goal of reducing dependence on land disposal. We are concerned that federal regulation could increase the volumes of these wastes requiring disposal because the public will be unwilling to purchase products containing materials that EPA believes warrant regulation under some parts, if not all of RCRA Subtitle C.

The Honorable Carol M. Browner  
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We believe that EPA's pending determination must be made based on the information the Agency has collected during its extensive investigation. Environmental and public health protections are increased when regulations are based on sound scientific evidence.

Sincerely,

George V. Voinovich  
George V. Voinovich

Mike DeWine  
Mike DeWine (Senator)

Ted Strickland  
Ted Strickland

Michael Oxley  
Michael Oxley

Paul Gillmor  
Paul Gillmor

Tom Sawyer  
Tom Sawyer

Robert Ney  
Robert Ney

Marcy Kaptur  
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Ralph Regula  
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David Hobson  
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