
RCRA Box 485

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F-99-FF2P-FFFFFF

Congress of the United States

Washington, DC 20515

March 1, 2000

The Honorable Carol Browner
Administrator
Environmental Protection Agency
401 M St SW
Washington, DC 20460-0001

Dear Administrator Browner:

We, the undersigned Members of Congress, understand the EPA is under a Federal court order to issue, by March 10, 2000, its final regulatory determination regarding the remaining "Bevill combustion wastes, including coal combustion wastes, co-managed with other non-combustion wastes." In its March 1999 Report to Congress, the EPA concluded that most of these wastes except possibly ash for agricultural purposes and mine-fill, **DO NOT** warrant Federal hazardous waste regulation under RCRA. After considering the data and comments submitted by industry, States, Federal agencies, and environmental groups, EPA professional staff recommended ALL remaining combustion wastes from fossil fuels remain classified as nonhazardous solid wastes subject to State regulatory jurisdiction.

As you know, these combustion wastes have long been recognized as posing little if any environmental compliance problems. EPA's 1999 Report to Congress indicates that the EPA has identified no more than 6 proven cases of environmental damage out of more than 400 combustion waste management locations. The EPA Report further explained that most of these proven damage cases occurred many years ago and involved older sites that either have closed or have upgraded their waste management operations, and in no case resulted in adverse human health effects. Indeed, EPA's examination of industry enforcement records showed not a single solid waste regulatory violation in the period since 1992. EPA also reported that most of the major states with major coal-burning power plant operations have put in place comprehensive regulatory programs applicable to these combustion wastes or are in the process of expanding their existing programs. No one can seriously claim that the states have failed to act responsibly in this area or that Federal intervention is necessary to address unmet environmental needs that the states are unwilling to address.

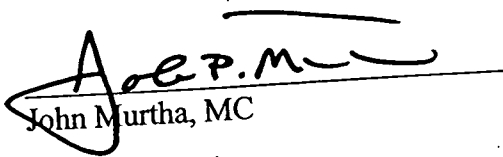
In closing, we strongly urge the EPA not to regulate the ash from the combustion of fossil fuels as a hazardous waste under RCRA. Sound science and the EPA's own data supports our contention that this move is both impractical and unnecessary. Thank you very much for your attention to this matter.

Sincerely,

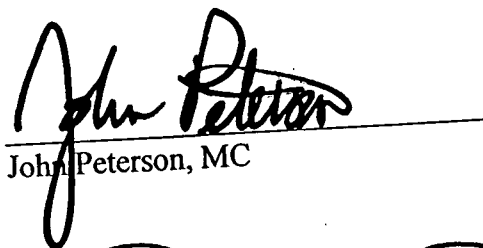

Tim Holden, MC


Nick J. Rahall, MC

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Robert Wise, MC

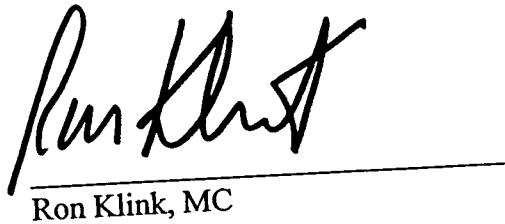

John Peterson, MC


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