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# ***RCRA Box 485***

*Prepped by Ryan Dugan*

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**268) FF2P-L0128**

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*Docket Number:*

**F-99-FF2P-FFFFF**



STATE OF TENNESSEE

DON SUNDQUIST  
GOVERNOR

March 22, 2000

Mr. Jacob Lew  
Director, Office of Management & Budget  
Old Executive Office Building  
17<sup>th</sup> Street and Pennsylvania Avenue  
Washington, D.C. 20503

Re: Bevill Regulatory Determination on Fossil Fuel Combustion Wastes

Dear Mr. Lew:

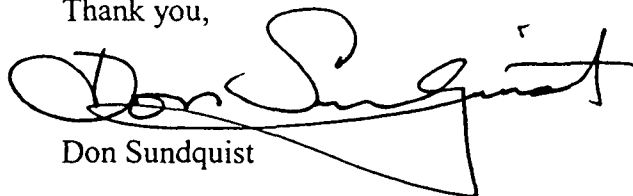
Last year the U. S. Environmental Protection Agency recommended in its *Report to Congress on Wastes from the Combustion of Fossil Fuels* that the regulation of these wastes should remain the responsibility of the states. I understand that Administrator Carol Browner is now considering the reversal of this recommendation. I am aware of no justification for federal regulation of these materials under RCRA Subtitle C and urge that inter-agency review will produce a final determination consistent with the well-documented findings in the Report to Congress. A contrary conclusion to this process would be seen as a vote of no confidence in the ability of my state and others to regulate these materials adequately to protect our citizens and the environment. We know of no justification for federalizing the regulation of these wastes after decades of satisfactory state regulation, nor are we aware of any environmental damage from these wastes here in Tennessee.

RCRA carefully preserves the authority of the states to regulate non-hazardous industrial waste. This reversal would impose regulatory burdens on the implementing states, not to mention the regulated industries, that are clearly not warranted and would impose a confusing special set of hybrid regulations that the states would have to implement.

EPA told us in its first Bevill Report to Congress in 1988 that the "high volume" coal combustion wastes do not pose a threat to human health and the environment and confirmed that conclusion in its 1993 regulatory determination. Again let me urge you to not reverse last year's decision.

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Thank you,



Don Sundquist

- cc: Mr. John D. Podesta, Chief of Staff to the President
- Ms. Carol Browner, Administrator, U. S. Environmental Protection Agency
- Mr. John Spotila, Administrator, Office of Information and Regulatory Affairs
- Mr. W. Michael McCabe, Acting Deputy Administrator, U.S. EPA
- Mr. Don Arbuckle, Deputy Administrator, Office of Information and Regulatory Affairs
- Mr. George T. Frampton, Jr., Acting Chair, Council on Environmental Quality
- Mr. Wesley P. Warren, Chief of Staff, Council on Environmental Quality
- Mr. Tim Fields, EPA Office of Solid Waste and Emergency Response