



SALT RIVER

PIMA~MARICOPA INDIAN COMMUNITY

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November 6, 2009

The Honorable Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building. Mail Code: 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Reference: Potential Designation of Coal Combustion Byproducts as Hazardous Waste

Dear Administrator Jackson:

The Salt River Pima-Maricopa Indian Community (SRPMIC) is a Native American People with 9,058 members located on 52,600 square acres of reservation lands just east of Scottsdale, Arizona.

SRPMIC depends on tribal-owned businesses to generate income to provide the basic and necessary public services for our Community and our People. One of the businesses that we own is the Phoenix Cement Company, which is comprised of a Cement Business Unit and a Pozzolan Business Unit. The Pozzolan Business Unit purchases, processes, recycles and sells fly ash, bottom ash, and cenospheres (all Coal Combustion Byproducts, or CCBs) from contracts it has with four power plants in New Mexico and Arizona.

We are extremely concerned that EPA will reverse its long-standing and science-based position that CCBs are non-hazardous wastes under Sub-Title D of RCRA. This potential change would have a negative impact on the environment as well as cause severe financial hardship for our Community.

Scientific analysis from the past several decades including EPA's own determinations has concluded that CCBs do not warrant designation as hazardous wastes. Changing the designation to a hazardous waste would effectively terminate the beneficial uses of CCBs in concrete applications.

This would not only end one of the best recycling stories ever developed, but it would also create un-needed landfills for tens of millions of tons of CCBs each year in our communities. Recycling CCBs is a sustainable and environmentally responsible approach that a non-hazardous designation will allow to flourish.

Our Community will also suffer financial hardship due to a change of designation of CCBs. One of the primary sources of funding for our People is from the recycling and sale of CCBs into concrete products throughout Arizona, California, New Mexico, Texas, Colorado and Utah. Funding for our citizens' healthcare, our children's education, our roads and water systems, our fire, police and courts will be reduced if we are no longer able to reap the benefits of recycling CCBs.

SRPMIC understands the value of a clean, safe and healthy environment. Recycling CCBs is the right thing to do. Keeping CCBs designated as a non-hazardous waste is also the right thing to do.

Sincerely,

A handwritten signature in blue ink that reads "Diane Enos". The signature is written in a cursive, flowing style.

Diane Enos, President
Salt River Pima-Maricopa Indian Community

Cc: Matt Hale
AZ Senators & Congressional Reps