

# United States Senate

WASHINGTON, DC 20510

November 19, 2009

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

Dear Administrator Jackson,

I understand that the Agency is considering the implementation of new regulations governing the management of coal combustion by-products, and expects to issue a proposed rule by the end of the year.

My question today is, will categorizing all coal combustion by-products as hazardous waste eliminate their beneficial use as additions to cement and concrete products, waste stabilization, and construction products?

I have been told previous Agency regulatory determinations have advised that coal combustion by-products not used for beneficial use should be disposed of in landfills and surface impoundments with composite liners to reduce risk to human and ecological health. However, coal combustion by-products used beneficially, other than for mine-filling, should not be categorized as a hazardous waste as they are not a waste, but an ingredient in applications that conserve natural resources and reduce disposal costs.

I commend the EPA for recognizing and strongly promoting the beneficial use of CCBs through the C<sup>2</sup>P<sup>2</sup> program while at the same time strictly controlling their management.

Thank you for your consideration.

Sincerely,



Roland W. Burris