

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

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Mr. Matt Hale, Director
USEPA's Office of Resource Conservation and Recovery
USEPA Headquarters
Ariel Rios Building, 1200 Pennsylvania Avenue N.W.
Mail Code 5301P
Washington, DC 20460

RE: EPA Proposed Regulations of Coal Combustion Waste

Mr. Hale:

Coal combustion waste is managed as a solid waste in Colorado. The waste is managed in accordance with the requirements of the Solid Wastes and Disposal Sites and Facility Act (Title 30, Article 20, Part 1; the Act) and the Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1; the Regulations). The wastes are typically disposed of in monofills designed, constructed, operated, closed and monitored pursuant to all applicable requirements, most notably Section 3 (Subtitle D landfill design requirements) of the Regulations.

Facilities may apply for the beneficial use of coal combustion waste pursuant to Section 8 (Recycling) of the Regulations. Section 8 requires that the re-use of the material is a demonstrable beneficial use via the replacement of raw material and does not present a risk or threat to human health or the environment. This process includes the submittal and approval of a design and operations plan prior to re-use of the material. The Design and Operation plan must include geotechnical, chemical and other applicable testing of the coal combustion waste and the re-usable configuration of the material as a demonstration of acceptable material reuse. We believe the solid waste regulation of the waste material and the beneficial reuse is a safe and protective regulatory construct for coal combustion waste.

Charles G. Johnson, Unit Leader
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