

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

September 18, 2009

Re: EPA Regulation of Coal
Combustion Byproducts

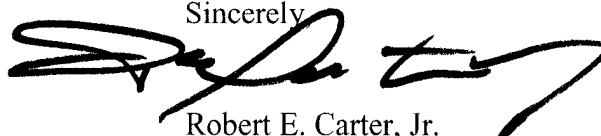
Dear Administrator Jackson;

On behalf of the Indiana Department of Natural Resources (IDNR), I am writing to express our position concerning the regulation of coal combustion byproducts by the U.S. Environmental Protection Agency (EPA). Indiana statute provides for the use of coal combustion byproducts in beneficial use applications in the state of Indiana so long as the material is used for specific purposes and is not a hazardous waste. A change in the current regulatory status under subtitle D solid waste regulations would adversely impact our abilities to utilize this material for legitimate beneficial use. The outcome of designation of coal combustion byproducts as a hazardous waste would result in the waste of a reusable resource and impose a new, unneeded, regulatory and financial burden upon industry and ultimately consumers.

The IDNR Division of Reclamation oversees the reclamation of coal mine operations in the state of Indiana. Under the Indiana beneficial use statute coal combustion byproducts have been successfully utilized at mining and reclamation sites for a variety of purposes including for example, road base construction, mitigation of mine subsidence, and as anti-skid material. The Division of Reclamation has an extensive database of analytical data relative to the characteristics of coal combustion byproducts collected over nearly two decades. None of that data has been indicative of materials that should be classified as a hazardous waste.

We urge the EPA to continue regulation of coal combustion byproducts under subtitle D solid waste regulations and to continue dialog and interaction with the states on this subject. We appreciate the opportunity to provide input. Should you have questions concerning our comments or wish to review our data relative to the subject please contact Bruce Stevens, Director of the IDNR Division of Reclamation at (812) 665-2207 or bstevens@dnr.IN.gov.

Sincerely



Robert E. Carter, Jr.
Director