

BLAINE LUETKEMEYER

MEMBER OF CONGRESS
9TH DISTRICT, MISSOURI

WASHINGTON OFFICE:
1118 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-2956
FAX: (202) 225-5712
<http://luetkemeyer.house.gov>

Congress of the United States
House of Representatives
Washington, DC 20515

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October 16, 2009

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Administrator Jackson:

I understand that the U.S. Environmental Protection Agency (EPA) is considering the implementation of new regulations governing the management of Coal Combustion By-products (CCBs), and expects to issue a proposed rule by the end of the year. I am writing to express my objection to regulating CCBs under Subtitle C of the Resource Conservation and Recovery Act (RCRA), as hazardous waste.

Regulation of CCBs as hazardous waste would almost surely eliminate their beneficial use and severely impact an industry that employs tens of thousands of people throughout Missouri and the United States. It would have devastating consequences on my constituents' businesses, and would in all likelihood lead to the end of some of their operations.

I commend EPA for recognizing and promoting the beneficial use of CCBs through the C2P2 program while simultaneously controlling their management. Regulation of CCBs under Subtitle D of RCRA would continue to promote its beneficial use while at the same time adequately protect the environment and health of the population. Moreover, according to your own findings on four previous occasions over the last twenty years, regulation under Subtitle C is not warranted based on sound scientific evidence. Unless the science has changed, it appears any regulation of CCBs can and should be done under Subtitle D of RCRA, consistent with protecting human health and the environment.

Thank you for your consideration of this request. If you have any questions or additional information, please contact Chris Brown in my office at (202) 225-2956.

Sincerely,



Blaine Luetkemeyer
Member of Congress