



*Working Together for a
Better Tomorrow. Today.*

September 28, 2009

Judy Sheahan
Assistant Executive Director
The United States Conference of Mayors
1620 Eye Street Northwest
Washington DC 20006

Dear Ms. Sheahan:

The City of Grand Island is writing to inform you of a pending proposal by the U.S. Environmental Protection Agency which seeks to regulate ash generated during the combustion of coal to produce electricity. The ash produced during the combustion of coal is referred to as coal combustion by-product or CCB. Listing CCBs as hazardous waste would have substantial adverse consequences for the City of Grand Island due to the increase in costs associated with managing and disposing of the material from our power plants, as well as the lack of availability of CCBs for construction projects. The City of Grand Island wishes to register strong opposition to regulating CCBs as hazardous waste and requests that you urge the National Conference of Mayors to send comments to EPA by October 1st or as soon as possible thereafter opposing the designation of CCBs as hazardous.

In the past, EPA has evaluated CCBs several times, and in each review did not find the material to be hazardous under their regulations. The City agrees with previous EPA evaluations and the position expressed nearly universally by state environmental agencies, state transportation authorities, state public utility commissions, members of the U.S. Congress and virtually all industry groups that EPA should continue to regulate CCBs as non-hazardous waste. Regulating CCBs pursuant to the federal non-hazardous waste allows for the imposition of management and disposal controls on CCBs that are fully protective of human health and the environment without unduly impacting the beneficial uses of CCBs and imposing substantial unwarranted costs on cities and municipalities across the nation. Currently our City provides CCBs for beneficial use as approved by the Nebraska Environmental Protection Act, the Integrated Solid Waste Management Act, and Title 132 – Integrated Solid Waste Management Regulations. Any unused material is disposed of in a state licensed on-site ash disposal facility. Semi-annual ground water sampling has shown there has been no threat to human health or the environment. To regulate CCBs as hazardous materials would not provide any additional environmental protection.

In contrast, the regulation of CCBs as hazardous waste would require the City of Grand Island to dispose of CCBs generated during the production of electricity at commercial hazardous waste disposal facilities. There are very few such facilities in the U.S., and these facilities have limited capacity and impose substantial costs for the disposal of hazardous wastes. The disposal cost for the City will be substantially greater (approximately \$2.8 million annually) if

Page 2
Judy Sheahan
September 28, 2009

CCBs are re-regulated as hazardous waste. These costs will be borne directly by the electric ratepayers in Grand Island. Furthermore, because the few commercial hazardous waste disposal facilities are often located great distances from the generation of electricity, there are additional costs of transporting large volumes of CCBs to these facilities.

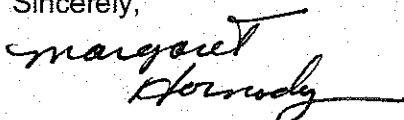
The listing of CCBs as hazardous waste will also significantly reduce the opportunities for beneficially using these materials, which could impact the cost and availability of materials for a variety of construction projects. As detailed in a letter to EPA, the American Concrete Institute advises that CCBs would no longer be used in concrete and other construction materials if regulated as hazardous waste. Unavailability of CCBs would increase the costs of projects in Grand Island including road construction projects which often include substantial quantities of fly ash.

It is necessary for EPA to understand that these unnecessary increases in costs for the disposal and transportation of CCBs as hazardous wastes as well as construction projects that use CCBs as construction materials are taking place in the context of drastic cuts in the services many cities and municipalities have had to impose during these challenging economic times. Diverting municipal resources to the management of CCBs as hazardous waste will interfere with the priorities of the City of Grand Island and compound the difficulties of managing already tight budgets.

In light of the issues addressed above, we urge you to encourage the U.S. Conference of Mayors to send comments to the EPA registering opposition to the regulation of CCBs as hazardous waste. The deadline for comments to the EPA is October 1, 2009. We apologize for the short notice, but we only recently became aware of the opportunity to comment.

Please contact Gary Mader, City of Grand Island Utilities Director, at (308)385-5444, ext. 280 with any questions. Thank you for your attention to this matter.

Sincerely,



Margaret Hornady, Mayor
City of Grand Island, Nebraska