



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
50 W. Town St., Suite 700
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184
www.epa.state.oh.us

MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

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Mr. Matt Hale
Director, Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Mr. Hale:

I understand that the U.S. Environmental Protection Agency is moving forward on developing regulations addressing coal combustion waste (CCW) and intends to propose rules by the end of this year. I wish to offer my thoughts regarding Ohio's preferred federal approach to CCW regulations.

I understand that various options are under consideration. My preferred option is to follow the previous 2000 USEPA decision to regulate CCW under RCRA Subtitle D.

Other options based upon regulation under RCRA Subtitle C provide no clear advantages to Ohio's solid waste or hazardous waste programs that cannot be accomplished under a RCRA Subtitle D regulatory approach. In fact, regulation of CCW under RCRA Subtitle C would needlessly complicate Ohio's existing programs and specifically the inclusion of CCW in Ohio's future beneficial use program. Under Ohio statute, hazardous waste and solid waste are distinct and mutually exclusive types of wastes. A federal hybrid approach towards regulation of CCW as a hazardous waste intended to be managed at a solid waste disposal facility is in conflict with Ohio law. From Ohio's perspective, federal regulation under RCRA Subtitle D is the appropriate approach.

Ohio's experience is that CCW is a high volume, low toxicity waste that has not exceeded RCRA Subtitle C-based hazardous waste characteristics. CCW disposal should be regulated and both CCW landfills and surface impoundments must obtain Ohio permits. Environmental regulation of CCW disposal is most reasonably accomplished under RCRA Subtitle D.

Ohio's experience as a federally approved Subtitle D municipal solid waste landfill permit program has been successful. The regulatory scheme USEPA has taken in 40 CFR part 258 (municipal solid waste landfills) establishing minimum national standards for the location, design, operation, closure, post-closure, corrective action, and

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monitoring as well as the method of approving state permitting programs has worked well for over a decade. This is the model that USEPA should build upon and tailor to the concerns arising from CCW disposal and management.

Ohio EPA has valuable regulatory experience permitting and inspecting CCW disposal facilities. We look forward to assisting USEPA in the development of a national CCW regulatory program.

Sincerely,



Chris Korleski
Director

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