



October 16, 2009

Mr. Richard Mattick
Office of Solid Waste and Emergency Response's (OSWER's)
Policy Analysis and Regulatory Management
U.S. Environmental Protection Agency
Washington, DC 20460

Dear Mr. Mattick:

On behalf of The U.S. Conference of Mayors, I appreciate this opportunity to respond to your forthcoming proposal to regulate Coal Combustion Residuals (CCR) or Coal Combustion Byproducts (CCB).

The U.S. Conference of Mayors strongly opposes the idea of labeling of CCRs or CCBs as a hazardous waste. We do, however, encourage the Environmental Protection Agency (EPA) to label CCRs and CCBs as a non-hazardous waste and for this material to be properly disposed of as any other non-hazardous material.

The Mayors of this nation are on the forefront of protecting public health while maintaining the economic vitality of their communities. CCBs should be regulated as a non-hazardous waste to allow these byproducts to be safely managed in a manner that fully protects public health and the environment without generating the severe economic impact that would result if EPA labels CCBs as a hazardous material. CCBs are now being safely used in concrete and other construction materials. However, by labeling CCR as a hazardous waste, EPA would severely curtail the use of these byproducts in this safe manner. Additionally, the resulting increased costs for the disposal and transportation would present an undue financial burden on constituents and local businesses.

Thank you for your consideration on this matter. Attached you will also find a copy of the letters we have received so far on this matter. If you have any questions, please call Judy Sheahan of my staff at 202-861-6775 or email her at jsheahan@usmayors.org.

Sincerely,

A handwritten signature in black ink that reads "Tom Cochran". The signature is written in a cursive, slightly slanted style.

Tom Cochran
CEO and Executive Director
The U.S. Conference of Mayors

cc: Andrew Hanson, Office of Congressional and Intergovernmental Relations