



August 4, 2010

Via E-Mail & U.S. Mail

Hazardous Waste Management System
Identification and Listing of Special Wastes
Disposal of Coal Combustion Residuals from Electric Utilities Docket
Attention Docket ID No., EPA HQ-RCRA-2009-0640
U.S. Environmental Protection Agency
Mail Code: 5305T
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

RE: Request for Extension of Comment Period; Notice of Proposed Rulemaking for the Identification and Listing of Special Wastes: Disposal of Coal Combustion Residuals from Electric Utilities; 75 Fed. Reg. 35,128 (June 21, 2010); Docket ID No. EPA-HQ-RCRA-2009-0640

Dear Mr. Alexander Livnat:

The National Mining Association (NMA) hereby requests a 120-day extension to the comment period on the U.S. Environmental Protection Agency's (EPA) proposed rule on the "Identification and Listing of Special Wastes: Disposal of Coal Combustion Residuals from Electric Utilities." 75 Fed. Reg. 35,128 (June 21, 2010). NMA is a national trade association representing the producers of most of America's coal, metals, industrial and agricultural minerals; the manufacturers of mining and mineral processing machinery, equipment and supplies; and engineering, transportation, financial and other businesses that serve the mining industry. NMA members place coal combustion residuals (CCRs) in their mines and otherwise beneficially use CCRs at their facilities. Thus, EPA's treatment of these materials in the proposed rule is of great importance to NMA members.

As the agency is well aware, the proposal contains at least four major components, all of which involve multifaceted policy, legal and technical issues that must be reviewed carefully by stakeholders. These issues include: (1) EPA's proposed reversal of its May 2000 Final Regulatory Determination under the Bevill Amendment; (2) detailed and highly complex proposed Subtitle C regulations for CCRs; (3) detailed and equally complex proposed Subtitle D regulations for CCRs; and (4) a range of possible regulatory controls for the beneficial use of CCRs. In addition, EPA seeks comment on a voluminous and complex regulatory impact

analysis ("RIA"), as well as on myriad additional issues, including EPA's compliance with the Regulatory Flexibility Act, EPA's proposed findings under Executive Order 13211 for "Actions that Significantly Affect Energy Supply, Distribution, or Use" and EPA's environmental justice analysis under Executive Order 12898.

As EPA correctly acknowledges, the magnitude and significance of this rulemaking demands that any final rule be based on sound science and that EPA's decision-making processes "are transparent and encourage the greatest degree of public participation." 75 Fed. Reg. at 35,133. Given the breadth of options presented in the proposal and the detailed issues associated with each option, a final rule based on the greatest degree of public participation and sound science will require more time for the public to evaluate and properly respond to the co-proposal. NMA does not believe a 90-day comment period is adequate to allow members of the public, including NMA's members, to conduct a thorough review of the proposal and effectively respond to the literally hundreds of detailed policy, technical, legal and other substantive issues raised in this far-reaching co-proposal.

It is imperative that EPA allow adequate time for the public to fully analyze, understand and respond to this multifaceted proposal, which has enormous environmental, energy and policy implications. An extension is especially appropriate where, as here, the agency is not under any statutory or court-ordered deadline to complete this rulemaking by a specified date. NMA therefore respectfully requests that EPA extend the comment period on the co-proposal by an additional 120 days to provide our membership and the public at large with adequate time to respond.

If you need further information about this request, please contact me at (202) 463-2629 or tbridgeford@nma.org.

Sincerely,

A handwritten signature in black ink that reads "Tawny Bridgeford". The signature is written in a cursive, flowing style.

Tawny A. Bridgeford
Associate General Counsel