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Congress of the United States House of Representatives

September 22, 2009

The Honorable Lisa Jackson
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Jackson:

I understand that the Environmental Protection Agency (EPA) is considering the implementation of new regulations governing the management of coal combustion byproducts (CCBs) and plans to issue a proposed rule by the end of the year. I am writing to express my concerns regarding the regulation of CCBs under Subtitle C of the Resource Conservation and Recovery Act (RCRA), as hazardous waste.

I am concerned that the regulation of CCBs as hazardous waste would almost surely eliminate their beneficial use, and severely impact an industry that employs thousands of people throughout the United States. It would have devastating consequences on my constituents' businesses and could lead to the end of some of their operations. Moreover, according to EPA's findings on four previous occasions, regulation under Subtitle C is not warranted based on sound scientific evidence.

In light of the recent ash spill disaster in Tennessee I certainly understand the EPA's raising concerns about the handling and storage of CCBs. I believe that appropriate precautions should be taken by all responsible operators and that all parties who have violated regulations should be held accountable. However, in light of how states and the EPA have historically approached the regulation of CCBs, I respectfully urge the EPA to work closely with the states in deliberating regulations for the best management of coal combustion byproducts.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Todd R. Platts".

TODD RUSSELL PLATTS
Member of Congress
19th District, Pennsylvania

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