

Mr. Earl Thomas, Executive Director
American Lung Association of the Northern Rockies
825 Helena Avenue
Helena, MT 59601-3459

Dear Mr. Thomas:

Thank you for your letter of March 15, 2000 to Administrator Browner concerning the regulation of fossil fuel combustion wastes under the Resource Conservation and Recovery Act (RCRA), and the upcoming December decision on Clean Air Act controls for toxic emissions from utilities.

On April 25, 2000, the Environmental Protection Agency (EPA) completed its decision on the regulatory status of fossil fuel combustion wastes, including wastes from the combustion of coal, oil and natural gas. We decided that none of the fossil fuel combustion wastes should be regulated as hazardous wastes, including beneficial use of flue-gas desulfurization wastes from the combustion of coal that are a source of synthetic gypsum used in manufacturing gypsum board. However, the Agency did conclude that coal combustion wastes that are disposed in landfills and surface impoundments, and also when placed in mines, should be regulated as non-hazardous wastes. The Agency also concluded that, except for placement of coal combustion wastes in mines, no additional regulation of the beneficial uses of fossil fuel combustion wastes is necessary.

The Agency's decision on fossil fuel combustion wastes was published in the *Federal Register* on May 22, 2000. A copy is enclosed. The decision is also available along with other background information on fossil fuel combustion wastes at the following EPA web site: www.epa.gov/epaoswer/other/fossil/index.htm.

Regarding air emissions of hazardous air pollutants (HAPs), including mercury, from the electric utility industry, EPA—along with other Federal agencies—is carefully and thoroughly studying the available scientific information to ensure that appropriate

conclusions regarding harm to human health due to these emissions can be drawn. To this end, we have contracted with the National Academy of Sciences (NAS) to undertake a review of the health impacts data related to mercury. The NAS review is due to be completed by the end of June 2000. In addition, we are analyzing the data collected from coal-fired power plants under an information collection request sent out in 1999. Analysis of these data will allow the EPA to better estimate the magnitude of mercury emissions to the air from electric utilities. We are also examining the available research on mercury control technologies as applied to the electric utility industry. Completion of these activities will allow Administrator Browner to make the determination on or before December 15, 2000, as stipulated in a settlement agreement.

Thank you for your interest in our recent regulatory determination and our upcoming decision on air emissions, and for sharing the concerns expressed by your constituent. If you have any questions on this matter, please have your staff contact Mr. Dennis Ruddy at (703) 308-8430 regarding RCRA issues, or Ms. Ellen Brown at (202) 260-7428 regarding air emission issues.

Sincerely yours,

Timothy Fields, Jr.
Assistant Administrator

Enclosure

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