

PPC 9441.1984(20)

COAL/FOSSIL FUEL COMBUSTION WASTES EXCLUDED FROM SUBTITLE C
PENDING FURTHER STUDY

AUG 16 1984

Mr. Tom Tiesler, Director
Division of Solid Waste Management
Bureau of Environmental Services
Department of Public Health
150 9th Avenue, North
Nashville, Tennessee 37203

Dear Tom:

At the request of Liz Cottingham in Congressman Leath's office, I am writing to clarify §261.4(b)(4) of the RCRA hazardous waste regulations. This section codifies a Congressional exemption that was enacted in the 1980 RCRA Amendments. The amendment (see RCRA Sec. 3001(b)(3)(A)(i)) removes fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels from control under RCRA Subtitle C until at least six months after a study under RCRA Section 8002(n) is submitted to Congress. Other applicable provisions of Federal and State laws, including RCRA Subtitle D, remain in effect.

While EPA's study under RCRA Section 8002(n) to date has concentrated on waste generated by coal-fired electric utility power plants, the Congressional exemption is not limited to these plants, in our opinion. Fly ash, bottom ash, slag and flue gas dust and sludges from the combustion of coal, oil, or natural gas from any source would also be exempted temporarily from RCRA Subtitle C control.

Sincerely,

Original Document signed

John P. Lehman
Director

RO 12284

Waste Management and
Economics Division

cc: Liz Cottingham
John Skinner
Fred Lindsey
Bruce Weddle
Martha Kittel
Tome Devine-Region IV