



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR - 2 2007

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Richard G. Lugar
United States Senate
Attention: Mr. Lane Ralph
10 West Market Street
Suite 1180
Indianapolis, IN 46204-2964

Dear Senator Lugar:

Thank you for your recent letter relaying Ms. Janet L. Nona's request that the Environmental Protection Agency (EPA) implement mandatory regulations for the management of coal combustion wastes (CCW) pursuant to the Agency's 2000 Regulatory Determination on Wastes from the Combustion of Fossil Fuels.

First, we are aware of the groundwater contamination that occurred in the Town of Pines in northwest Indiana, and as noted in her letter, EPA and the responsible parties are taking action at this site. Ms. Nona expressed concern that EPA has decided not to establish regulations on the management of CCW in landfills and surface impoundments. EPA has not made any such decision. Rather, EPA intends to publish a Notice of Data Availability (NODA), soliciting comment on three new analyses that have become available since EPA's 2000 Regulatory Determination on coal combustion wastes: (1) a joint study between EPA and the Department of Energy on the disposal of CCW in landfills and surface impoundments; (2) an assessment of environmental damage cases resulting from disposal of CCW in landfills and surface impoundments; and (3) a risk assessment conducted by EPA on the management of CCW in landfills and surface impoundments.

As part of the record to the NODA, we plan to make available a February 2004 Petition for Rulemaking submitted by the Clean Air Task Force and the Hoosier Environmental Council, jointly with a number of citizens' groups, to prohibit the placement or disposal of CCW into groundwater and surface water. We also plan to make available two suggested approaches for managing CCW in landfills and surface impoundments. One approach is a Voluntary Action Plan that was formulated by the electric utility industry through its trade association, the Utility Solid Waste Activities

Group (USWAG), regarding the management of CCW. The second approach is a proposed framework prepared by a number of citizens' groups for federal regulation under Subtitle D of RCRA of CCW generated by U.S. coal-fired power plants and disposed of in landfills and surface impoundments. EPA will consider all of the information provided through the NODA, as well as the comments and new information submitted in response to the NODA as it continues to follow up on its 2000 Regulatory Determination for CCW disposed of in landfills and surface impoundments.

Again, thank you for your letter and your interest. We appreciate Ms. Nona's concerns, and encourage her to provide comments on the upcoming NODA. If you have further questions, please contact me, or your staff may call Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-1859.

Sincerely,


Susan Parker Bodine
Assistant Administrator