

The Honorable Melissa A. Hart
Senate of Pennsylvania
Senate Box 203040
Harrisburg, Pennsylvania 17120-3040

Dear Senator Hart:

This is in response to your letter of August 26, 1999 to Administrator Browner regarding the Agency's March 1999 *Report to Congress on Wastes from the Combustion of Fossil Fuels*.

In your letter, you expressed concern about the Environmental Protection Agency (EPA) considering the regulation of waste coal ash as hazardous waste when it is used in mine reclamation efforts and similar projects. In the Report to Congress, EPA did not express a tentative conclusion about the regulatory status of coal combustion wastes that are placed in mines because we lacked sufficient information at the time to characterize potential human health risks from these practices. The Agency solicited additional information from reviewers of the report to help us make a fully informed decision about these wastes when they are placed in mines, whether for disposal purposes or for reclamation of the mines. We are currently evaluating a significant body of public comments on the report, including case study information on coal combustion wastes used for mine reclamation efforts that was submitted by the Pennsylvania Department of Environmental Protection.

We will place your letter in the docket supporting the regulatory determination and will also carefully consider the information provided to us by the Pennsylvania DEP as we conduct our evaluation of the public comments. As you likely know, EPA has re-opened the public comment period on the Report to Congress, and it will close on September 24, 1999. The Agency will consider the information and concerns identified by you and others, formulate a final decision on this matter and issue the regulatory determination by March 10, 2000.

RO 14369

Thank you for your comments and views on the Report to Congress and your recommendation concerning the use of coal combustion wastes for mine reclamation. If you have any questions concerning this letter, please have your staff contact Mr. Dennis Ruddy of my staff at (703) 308-8430.

Sincerely,

Elizabeth A. Cotsworth, Director
Office of Solid Waste