

Honorable Paul D. Coverdell
United States Senate
Washington, D.C. 20510

Dear Senator Coverdell:

I am writing in response to your May 12, 2000 referral of Mr. William P. Miller's April 3, 2000 letter concerning the regulation of fossil fuel combustion wastes under the Resource Conservation and Recovery Act.

On April 25, 2000, the Environmental Protection Agency 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 the beneficial use of coal combustion wastes as an agricultural soil amendment. 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.

Thank you for your interest in our recent regulatory determination 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 of my staff at (703) 308-8430.

Sincerely yours,

Elizabeth A. Cotsworth, Director
Office of Solid Waste

Enclosure

RO 14453