



November 19, 2010

Lisa Jackson
Administrator
Mail code 5305T
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

RE: Docket No: EPA-HQ-RCRA-2009-0640

Dear Administrator Jackson:

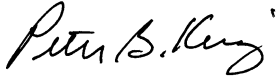
The undersigned municipal organizations write to comment on the *Proposed Rule: Hazardous and Solid Waste Management System, Identification and Listing of Special Wastes: Disposal of Coal Combustion Residuals from Electric Utilities* (75 F.R. 35128 (Jun. 21, 2010)). We believe that the U.S. Environmental Protection Agency (EPA) should carefully consider the unintended consequences of any new regulatory policy regulating coal combustion residuals (CCRs) under the Resource, Recovery and Conservation Act (RCRA). We understand the need for EPA to regulate CCR impoundments to protect public health and ensure public safety, but we caution the agency to avoid any regulatory scheme that discourages the use of these essential byproducts.

Local governments use these byproducts in many applications that are essential to public works and infrastructure development. For instance, CCR byproducts are used in highway construction both as a soil treatment for subgrades and as a component in the concrete they use in many applications. Regulating these essential byproducts as hazardous wastes would effectively eliminate the use of these byproducts because of the increased stigma associated with a hazardous waste designation, potential increases in liability for new construction and demolition activities, and increased materials costs. Moreover, a hazardous waste designation would create new and uncertain requirements for shipping, handling, use and disposal of these byproducts.

EPA and the states have the authority to protect public safety, health and the environment by establishing requirements on disposal liners, monitoring requirements and other protective safety measures. Relying on a regulatory approach like this would still provide sufficient safety, public health and environmental protection without unnecessarily raising disposal costs, materials costs, administrative burdens, and potential liability issues. Conversely, a hazardous waste designation may strain already dwindling hazardous waste landfill space. Moreover, a hazardous waste declaration would have a disastrous effect on responsible CCR recycling applications thereby increasing the need for the harvesting of virgin materials. Such an approach would result in increased greenhouse gas emissions and increased cost of materials. For all of these reasons we encourage EPA to choose a regulatory approach that balances the need to protect public safety with the continued use of these important and beneficial byproducts.

Our organizations share a common goal to uphold healthy and livable communities. Collectively, we represent thousands of professionals, cities and counties, and we urge you to call on us when we can be of assistance in the future.

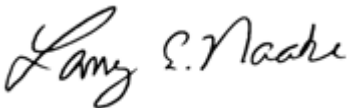
Sincerely,



Peter B. King
Executive Director
American Public Works Association



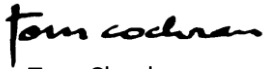
Anthony R. Giancola
Executive Director
National Association of County Engineers



Larry E. Naake
Executive Director
National Association of Counties



Donald J. Borut
Executive Director
National League of Cities



Tom Cochran
CEO and Executive Director
US Conference of Mayors

About our Organizations

American Public Works Association

The American Public Works Association is an organization dedicated to providing public works infrastructure and services to millions of people in rural and urban communities, both small and large. Working in the public interest, APWA's more than 29,000 members design, build, operate and maintain transportation, water supply and wastewater treatment systems, waste and refuse disposal systems, public buildings and grounds, and other structures and facilities essential to the economy and the American way of life.

National Association of County Engineers

The National Association of County Engineers (NACE) is a professional association in its sixth decade of representing county engineers and professional road managers. Our over 1,900 members consist of county engineers, road administrators, highway superintendents, public works directors, parish engineers, and other professional road managers. NACE advances issues with a unified voice before the federal government, improves the public's understanding of county government particularly on transportation and infrastructure issues, and assists in finding and sharing innovative solutions and value added services to save counties and taxpayers money. Visit www.countyengineers.org for more information.

National Association of Counties

The National Association of Counties (NACo) is the only national organization that represents county governments in the United States. Founded in 1935, celebrating its 75th Anniversary in 2010, NACo provides essential services to the nation's 3,068 counties. NACo advances issues with a unified voice before the federal government, improves the public's understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money.

National League of Cities

The National League of Cities is the nation's oldest and largest organization devoted to strengthening and promoting cities as centers of opportunity, leadership and governance. NLC is a resource and advocate for 19,000 cities, towns and villages, representing more than 218 million Americans.

U.S. Conference of Mayors

The U.S. Conference of Mayors (USCM) is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,207 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor.