



# Citizens Advisory Council

to the Department of Environmental Protection

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Please Note: Our New Fax Number is 717-772-5748

30 days - cc: DeLoe ✓  
MRA ✓

SELF

2-16  
US  
Delegation

February 11, 2000

Mr. Dennis Ruddy  
U.S. Environmental Protection Agency  
RCRA Docket Information Center  
Mail Code 5305G  
401 M Street, SW  
Washington, D.C. 20460

Dear Mr. Ruddy:

I am writing on behalf of the Citizens Advisory Council<sup>1</sup> to the Pennsylvania Department of Environmental Protection (DEP) to share our comments on the controversy surrounding the U.S. Environmental Protection Agency's March 1999 *Report to Congress: Wastes from the Combustion of Fossil Fuels*. We are concerned about EPA potentially classifying coal combustion wastes as Subtitle C hazardous wastes under the Resource Conservation and Recovery Act (RCRA).

The basis of Council's interest comes from closely monitoring the ash issue in Pennsylvania and working with the DEP for over 10 years to address concerns about properly handling this waste. Points Council has raised previously about ash have focused on the need for more stringent inspection and testing requirements, the frequency of ash testing, the comingling of ash with other wastes, and the disposal of waste in impoundments. We maintain that ash is a waste that needs particular attention and testing if it is to be properly used and managed, and agree with many of the conclusions raised by EPA's report.

The protection of water quality and conservation of water resources in Pennsylvania is a priority. However, ample evidence has been provided by industry, academia and federal and state regulatory agencies demonstrating the significant economic and environmental benefits coal ash plays in the reclamation activities of abandoned mine lands if *properly managed*.

Council agrees that the *improper* use of fly ash poses a significant environmental threat as potential toxics and heavy metals may leach into ground water. However, we believe proper fly ash use can be adequately enforced by state and federal regulatory programs. This does not mean there is no room for improvement; we believe that the long-term effects of using ash for reclamation should continue to be evaluated. Yet it is hasty for EPA to regulate ash as hazardous before more consensus is reached on the issue, especially when EPA's own study has been widely criticized by virtually all sectors: academia, industry, government agencies, environmental groups and other organizations.

Council believes this complex issue warrants more study of actual site and project applications and encourages you to continue to work with all interested parties. *We recommend that EPA not only continue to research the environmental effects of fly ash, but thoroughly investigate the potential health*

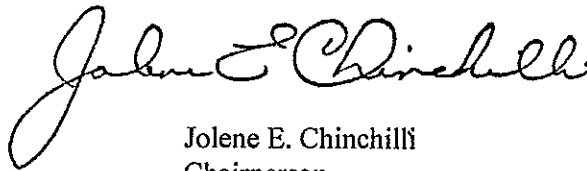


*impacts posed by trace elements and toxics as well.* For example, some commentators reference human health and ecological concerns about comingling high volume lower hazard wastes to dilute the toxicity of low volume toxic waste streams. In order to conclude whether coal combustion wastes are hazardous under RCRA, EPA needs to segregate the component waste streams and make a determination of each, based on volume and toxicity.

*We also recommend that EPA consider the potential and undocumented threat coal refuse piles themselves pose to the environment.* If these sites are not remediated, the refuse coal piles may pose significantly more hazards to the environment if they are not beneficially addressed through power generation and reclamation activities. With estimates ranging between 300 million to 2 billion pounds of coal refuse in the state, the economic and environmental consequences of not remediating these piles must be taken into account if ash is deemed hazardous. In short, no new requirements should be established unless and until evidence clearly indicates that society and the environment are best served by ending the currently obvious advantages of the beneficial use of this ash.

Thank you for your attention to this critical matter. Please call Susan Wilson, Council's Executive Director at 717-787-4527 should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Jolene E. Chinchilli".

Jolene E. Chinchilli  
Chairperson

cc: Pennsylvania Congressional Delegation  
Mining Reclamation Advisory Board  
Secretary Seif

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<sup>1</sup> The Council is a legislatively created advisory committee charged with reviewing all environmental issues, legislation, regulations, policies and programs relating to Pennsylvania.