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January 7, 2010

The Honorable Peter Orszag
Director
Office of Management and Budget
725 17th Street, N.W.
Washington, DC 20503

Re: Proposed regulation of coal combustion products as hazardous waste

Dear Director Orszag:

On behalf of our 24,000 members and customers, the Pennsylvania Chamber of Business and Industry wants to express our concern and opposition over the potential regulation of coal combustion byproducts (CCBs) as hazardous waste.

We believe regulation of coal combustion waste as hazardous waste is unnecessary, as none of these wastes generated by Pennsylvania power plants has been observed to exhibit characteristics of hazardous waste. Classification of coal combustion waste as hazardous would likely end its beneficial use without any tangible increase in environmental protection. Pennsylvania has no commercial permitted hazardous waste disposal facilities, and none are being proposed. Therefore, all coal combustion waste generated in Pennsylvania would need to be transported to other states for disposal causing the power industry to incur significant costs for transportation and disposal.

The broad classification and regulation of coal ash as a hazardous waste is not supported by science, and if coal ash were to be classified as hazardous waste it would have a significant economic impact to Pennsylvania, leading to higher electricity production costs for industry and increases in costs for electricity for businesses and every citizen of the Commonwealth.

For the above reasons, we urge you to disapprove any proposed rule by EPA that would re-classify CCBs as hazardous waste.

Sincerely,

Floyd Warner
President