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To: All Inside, Outside Construction and Utility Business Managers in the United States

Dear Sisters and Brothers:

The United States Environmental Protection Agency (EPA) is proposing to regulate Coal Combustion Residuals (CCRs), better known as coal or fly ash. EPA was prompted to act as a result of a dam collapse in 2008 at a coal ash pond operated by the Tennessee Valley Authority (TVA) near Kingston, Tennessee. The magnitude of this spill, approximately one billion gallons, raised public concern about the storage of coal ash and the potential for accidents that could harm surrounding communities.

EPA is considering two proposals for regulating coal ash which is currently controlled by the states, not the federal government. Under the first proposal, EPA would regulate CCRs under Subtitle C of the Resource Conservation and Recovery Act (RCRA), the section for hazardous waste. Although EPA would call CCRs "special waste," the result of listing them with hazardous materials would effectively destroy the recycle market for coal ash, greatly increasing our employers' costs and putting at risk many coal-fired powerhouses. Currently, approximately 45 percent of CCRs are recycled into products such as concrete and wallboard.

Under EPA's second proposal, which I support, fly ash would be regulated under Subtitle D of the RCRA, the section for non-hazardous waste. Under Subtitle D, CCRs would be treated much the same as municipal waste. Recycling of coal ash would continue without the stigmatization of classifying CCRs under the same section of the law as hazardous waste.

As part the regulatory process, EPA has announced a series of seven public hearings to be held throughout the U.S. The first was held in the Washington, DC area on August 30, the rest through the month of September. Attached is a list of hearings with dates and locations.

If any of these hearings take place in or near your jurisdiction, I respectfully ask you and your members to attend. If possible, you should feel free to comment. These are public hearings; and rest assured, the enemies of coal will be there. They will not be bashful. To counter their arguments, attached is a background document with talking points. If you have any questions, please contact Political/Legislative Affairs Director Brian Baker, at (202) 728-6046, or via e-mail, to ibewpoliticaldept@ibew.org.

With best wishes, I am

Fraternally yours,

Edwin D. Hill
International President

EDH:ceb
Attachments
Copy to all U.S. International Vice Presidents