



Greater Phoenix
Chamber of
Commerce

November 1, 2010

The Honorable Lisa Jackson
Administrator
US Environmental Protection Agency Region IX
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: EPA Proposed Ruling on Coal Combustion Residuals; EPA Docket #EPA-HQ-RCRA-2009-0640.

Dear Administrator Jackson:

On behalf of the Greater Phoenix Chamber of Commerce, I am writing to express concern regarding the U.S. Environmental Protection Agency (EPA) proposed rule to regulate coal combustion residuals (CCRs) as hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA). With nearly 3000 members consisting of small, medium and large businesses we submit this letter as reflecting the concerns of the business community in the greater Phoenix area.

Our membership shares concern over the possibility CCRs will be regulated as a hazardous waste product for disposal purposes. EPA's previous determination not to regulate CCRs as such has allowed for the development of industry around this product and resulted in dramatic growth in the use of CCRs as a beneficial use. Under RCRA Subtitle C designation, the regulation of CCRs will result in a critical loss of jobs in Arizona, where industry has already been devastated due to the economic crisis.

As a recovered resource, CCRs have become an essential element to the economic vitality of the Arizona construction industry. They are significant to the competitive pricing of products and use, where possible, has created savings compared to that of more costly cement. Additionally, allowing CCRs for beneficial use has resulted in a reduced cost of disposal.

Regulating CCRs under the Subtitle C hazardous waste program represents the most extreme, costly, and burdensome option available to EPA under federal law. In Arizona, regulating CCRs as hazardous waste will undercut existing and effective state regulatory authority, resulting in additional and unwarranted regulatory programs that will burden Arizona's economy and state budget. Currently, there are no hazardous waste facilities in Arizona to manage the disposal of CCRs and should this regulation change, the financial burden will be overwhelming.

Furthermore, under Subtitle C treatment of CCRs, the stigma associated with a hazardous waste designation will have a significant negative impact on the beneficial use of CCRs, which as described, provides significant economic benefits to Arizona.

In addition, as a partner in this community, we also recognize the environmental benefits that result from the reuse of CCRs in terms of energy savings, reduction in emissions of greenhouse gases and space conservation in landfills. These environmental benefits will not be realized if CCRs are regulated as a hazardous waste.

Simply put, there are no sound environmental or economic reasons to pursue a Subtitle C approach when the Subtitle D option will offer the same degree of protection without the attendant regulatory and cost burdens

associated with listing CCRs as a hazardous waste. For this reason, the Greater Phoenix Chamber of Commerce opposes EPA's Subtitle C proposal and supports the Subtitle D option.

Thank you for the opportunity to provide comment on this very important issue.

Sincerely,

A handwritten signature in black ink that reads "Todd Sanders". The signature is written in a cursive, flowing style.

Todd Sanders
President and CEO
Greater Phoenix Chamber of Commerce