

**Utility Solid Waste Activities Group**

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**U S W A G**

**STATEMENT OF JIM ROEWER, EXECUTIVE DIRECTOR  
UTILITY SOLID WASTE ACTIVITIES GROUP  
AT EPA LISTENING SESSION ON COAL COMBUSTION PRODUCTS,  
DALLAS, TEXAS**

**April 13, 2004**

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Good afternoon, my name is Jim Roewer, and I am the Executive Director of the Utility Solid Waste Activities Group, or USWAG. USWAG consists of approximately 80 utilities, energy companies and trade associations and is responsible for addressing solid and hazardous waste issues on behalf of the utility industry. I am pleased to offer these comments on behalf of USWAG members.

I thank EPA for the opportunity to speak here this afternoon and commend the Agency for responding to communities that have expressed concerns regarding coal ash management to listen to the community's concerns. I also thank the citizens who are here today; those of you who have taken time off your busy schedules and in some cases traveled great distance to come and express your concerns. These Listening Sessions are not for EPA's benefit alone. Industry is also here to listen to your concerns. We remain committed to improving our industry practices and to address legitimate concerns.

These listening sessions are a continuation of a process EPA began more than 20 years ago as part of its responsibilities under the Bevill Amendment to the Resource Conservation and Recovery Act ("RCRA") to assemble the facts on fossil fuel combustion wastes – coal ash or coal combustion products in particular – and to establish environmental policy based on those facts.

Four times in the nearly 24 years of EPA's study of coal combustion products ("CCPs"), EPA came to the conclusion that these materials **do not** warrant hazardous waste regulation – first in 1988; second in 1993; third in 1999; and finally in 2000. These were bipartisan decisions: In 1988, President Reagan was in the White House; in 1993 and again in 1999 and 2000, Bill Clinton was President.

The purpose of these listening sessions is *not* for EPA to revisit its nonhazardous determination, but rather, to inform EPA's on-going review of appropriate non-hazardous waste management practices for CCPs. That is, to supplement EPA's database of information that documents the basis for any concerns stemming from management of coal ash either in waste disposal facilities or in mine reclamation.

One of the tasks EPA assigned to itself in the 2000 regulatory determination is to identify gaps in existing regulatory programs and to help fill those gaps, if necessary. Data gathered by EPA, the Office of Surface Mining and the Interstate Mining Compact Commission, support the thesis that the states – including the State of Texas – have

robust programs that regulate the management, including beneficial use, of CCPs. EPA does not need to develop regulations that supplant these successful programs.

I want to close by speaking quite candidly to the citizens who have come to participate in this meeting. I will listen to your concerns with an open mind. I expect to hear some criticism of my industry. I promise to listen closely to what you have to say. In return, I ask you to be fair in your criticism: make sure that you are pointing to concerns that EPA and industry can resolve in the Bevill process – concerns or criticisms that truly relate to coal ash management and not something else.

Often, I hear criticisms directed at coal ash that have nothing to do with coal ash. Many points that are not relevant to the current Bevill process are continually raised by groups whose goal is to shut down coal mining or to ban the combustion of coal to generate electric power. Neither of these will happen any time soon, and taking such a stance in a forum like this is counter-productive. If, however, your goal is to ensure that coal ash disposal facilities are managed properly and achieve compliance with Federal primary drinking water standards at the locations where you draw your drinking water, you will find support for that goal not only among the government regulators present at this Listening Session, but also from my industry. You have our cooperation in working toward that goal.