

July 22, 2010

VIA ELECTRONIC SUBMISSION & U.S. MAIL

Mr. Steve Souders  
Office of Resource Conservation and Recovery  
Environmental Protection Agency  
Mail Code: 5304P  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
**Email:** souders.steve@epa.gov

**Re:** Request for Extension of Comment Period  
Notice of Proposed Rulemaking for the Identification and Listing of Special  
Wastes: Disposal of Coal Combustion Residuals from Electric Utilities  
75 Fed. Reg. 35128 (June 21, 2010)  
**Docket No. EPA-HQ-RCRA-2009-0640**

Dear Mr. Souders:

The National Association of Manufacturers (“The Manufacturers”) hereby requests a 120-day extension to the comment period on the EPA’s Proposed Rulemaking for the “Identification and Listing of Special Wastes: Disposal of Coal Combustion Residuals from Electric Utilities.” 75 Fed. Reg. 35128 (June 21, 2010).

An extension is necessary because the proposal contains at least four major components, all of which involve multifaceted and complex policy, legal, and technical issues, including (1) the EPA’s proposed reversal of its 2000 Final Regulatory Determination for coal combustion residuals (“CCRs”), (2) detailed and highly complex proposed Subtitle C regulations for CCRs, (3) detailed and equally complex proposed Subtitle D regulations for CCRs, and (4) a range of possible regulatory controls for the beneficial use of CCRs. In addition, the EPA seeks comment on a voluminous and complex regulatory impact analysis (“RIA”), as well as on a myriad of additional issues including, EPA’s compliance with the Regulatory Flexibility Act and the EPA’s proposed findings under Executive Order 13211 for “Actions that Significantly Affect Energy Supply, Distribution, or Use.” The Manufacturers respectfully suggest that a 90-day comment period is not adequate to allow members of the public to respond to the literally hundreds of detailed policy, technical, legal, and other substantive issues raised in this far-reaching co-proposal.

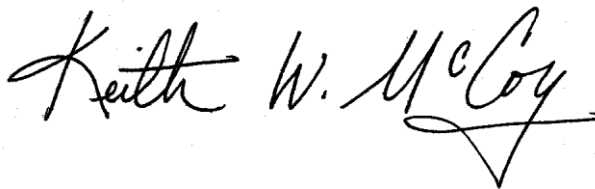
As the EPA correctly acknowledges, the magnitude and significance of this rulemaking initiative demand that any final rule be based on sound science and that the

EPA's decision-making processes “are transparent and encourage the greatest degree of public participation.” 73 Fed. Reg. at 35133. Given the breadth of options presented in the proposal and the detailed issues associated with each option, a final rule based on the greatest degree of public participation and sound science will require more time for the public to evaluate and properly respond to the co-proposal. For example, in responding to the RIA alone, it will be necessary to develop technical economic reports evaluating the cost impacts of the various regulatory scenarios, including some cost impacts that the EPA readily acknowledges are not included in the current RIA (*i.e.*, compliance costs under the Subtitle C option for CCR management units located upstream of CCR disposal units). In addition, the collection, compilation and analysis of market data on the adverse impacts to CCR beneficial use that would result under the Subtitle C option will take more than the 90 days currently allowed for under the proposal.

It is imperative that the EPA allow adequate time for the public to fully analyze, understand and respond to this multifaceted proposal which has enormous environmental, energy, and policy implications. An extension is especially appropriate where, as here, the Agency is not under any statutory or court-ordered deadline to complete this rulemaking initiative by a specified date. The Manufacturers therefore respectfully request that the EPA extend the comment period on the co-proposal by an additional 120 days to provide the public with adequate time to respond.

Thank you for your consideration of our request.

Sincerely,

A handwritten signature in black ink that reads "Keith W. McCoy". The signature is written in a cursive style with a large, stylized initial 'K' and a prominent flourish at the end of the name.

Keith W. McCoy  
Vice President, Energy & Resources Policy  
National Association of Manufacturers

cc: Robert Dellinger, EPA; dellinger.robert@epa.gov  
Betsy Devlin, EPA; devlin.betsy@epa.gov