UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 1 6 2011

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
2000 P Street, N.W.
Suite 240
Washington, D.C. 20036

Dear Mr. Ruch:

This is the response to your July 1, 2010, Request for Correction (RFC #10003 – EPA Coal Combustion Products Partnerships Web Site and Related Documents) on behalf of the Public Employees for Environmental Responsibility (PEER). In this RFC, you request that the United States Environmental Protection Agency (EPA) rescind and correct printed and online information found on the EPA Coal Combustion Products Partnerships ("C2P2")[1] web site regarding greenhouse gas emissions reductions resulting from the "beneficial use" of coal combustion waste products. As you are aware, the C2P2 web site has been removed, while the program is being re-evaluated.

Many of the specific documents referenced in your RFC serve as background technical support documents for EPA's proposed rulemaking to address the risks from the disposal of coal combustion residuals generated by electric utilities and independent power producers: *Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities*.[2] In addition, the issues raised in your RFC are among those presented for public comment in that rule. Accordingly, EPA has decided to address your information quality concerns through the rulemaking process for the rule. The RFC, which includes specific EPA statements being challenged, has been placed in the docket (EPA-HQ-RCRA-2009-0640) for this rule. At the conclusion of the rulemaking process, EPA will provide a written response to your information quality concerns either in the preamble to the final rule or in the accompanying Response to Comments document. The Response to Comments document will be placed in the rulemaking docket at the time the final rule is signed. Regarding your request that the Agency undertake a new externally peer-reviewed assessment concerning the lifecycle GHG emissions, after the Agency reviews the information received during the public comment period, EPA will determine the appropriate follow-up actions which

[1] http://www.epa.gov/wastes/partnerships/c2p2/index.htm
[2] *Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities*
http://www.regulations.gov/search/Regs/home.html#docketDetail?R=EPA-HQ-RCRA-2009-0640

may include the need for further assessment and peer review. In the interim, until EPA concludes its reevaluation of these issues in the final rule, the statements in the proposed rule and the background documents reflect the approach used by the Agency.

If you are dissatisfied with the Agency's decision to respond to your information quality concerns as part of the final rule or the accompanying Response to Comments document, you may submit a Request for Reconsideration (RFR). EPA requests that the RFR be submitted within 90 days of this letter. If you choose to submit a RFR, please send a written request to the EPA Information Quality Guidelines Processing Staff via mail (Information Quality Guidelines Processing Staff, Mail Code 2811R, US EPA, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460); electronic mail (quality@epa.gov); or fax [(202) 565-2441.] If you submit a RFR, please reference the request number assigned to the original Request for Correction (RFC #10003). Additional information about how to submit an RFR is listed on the EPA Information Quality Guidelines Web site at http://www.epa.gov/quality/informationguidelines.

Sincerely,

Mathy Stanislaus
Assistant Administrator

cc: Malcolm D. Jackson
Assistant Administrator and Chief Information Officer
Office of Environmental Information