



## **Resolution of the American Coal Ash Association**

The Board of Directors of the American Coal Ash Association (“the ACAA”), a trade organization established in 1968 and devoted exclusively to encouraging beneficial uses of coal combustion products (“CCP”) in ways that are beneficial to the environment, economy, and society, conducted a meeting on April 12, 2010, at which time the Directors duly adopted the following resolution.

WHEREAS, the ACAA has considered the salient features of changes to regulation of coal combustion byproducts (“CCB”) under the Resource Conservation and Recovery Act (“RCRA”) of 1976;

WHEREAS, ACAA members are engaged daily in the beneficial use of CCP and thousands of green jobs within the CCP industry depend upon meeting numerous standards and specifications set by ASTM International (“ASTM”), the American Concrete Institute (“ACI”), the American Association of State Highway and Transportation Officials (“AASHTO”), the U.S. Environmental Protection Agency (“EPA”), and other state and local agencies;

WHEREAS, EPA has discussed proposing to regulate CCB under RCRA under either Subtitle C - Hazardous Waste, Subtitle D - Non-hazardous waste, or a “hybrid” approach that would include some form of Subtitle C regulation;

WHEREAS, numerous states, ASTM, ACI and AASHTO have signaled in written correspondence to EPA that a Subtitle C regulatory approach, including a hybrid approach, would have negative impacts upon beneficial uses of CCP;

WHEREAS, ACAA agrees that regulating CCB under Subtitle C of RCRA, including under a hybrid approach, would have negative impacts upon beneficial uses of CCP;



WHEREAS, implementation of CCB rules under Subtitle D would occur sooner than under Subtitle C, thousands of CCP green jobs would be saved and negative impacts to the beneficial uses under Subtitle C would be avoided; and,

WHEREAS, ACAA supports regulation of CCB under Subtitle D of RCRA;

The following resolutions were offered, seconded, and adopted.

BE IT RESOLVED that the Directors of ACAA support federal regulation of CCB under Subtitle D of RCRA; and,

BE IT FURTHER RESOLVED that the Directors of ACAA oppose regulation of CCB under Subtitle C of RCRA

**CERTIFICATION**

I, the undersigned, Secretary, do certify that the foregoing is a true exact and correct copy of a resolution adopted at a lawfully held meeting of the trade organization on the

12<sup>th</sup> day of April 2010.

Charles Price  
Signature

Charles Price  
Print Name