



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

JAN 03 2012

OFFICE OF
ENVIRONMENTAL INFORMATION

Mr. Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility (PEER)
2000 P Street, NW; Suite 240
Washington, D.C. 20036

RE: Request for Reconsideration of Request for Correction (RFC #10003) regarding
EPA's Coal Combustion Products Partnerships Website

Dear Mr. Ruch:

This letter is the response to the Public Employees for Environmental Responsibility (PEER) Request for Reconsideration (RFR #10003A)¹, which was received by the United States Environmental Protection Agency (EPA) on March 29, 2011. In the RFR, PEER requests that EPA reconsider its response to their Request for Correction (RFC 10003)² and take corrective actions to address concerns about information which used to be found on the Coal Combustion Product Partnerships Website³. As noted in the RFC Response, the C2P2 website which was referenced in the RFC has been removed while the program is being re-evaluated.

An EPA Executive Panel, which consisted of the EPA Chief Information Officer, the Science Advisor and the Economics Advisor, reviewed the PEER RFR. The panel concurs with the decision to respond to PEER's information quality concerns during the rulemaking process for the *Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities* rule. The EPA Information Quality Guidelines (IQG) administrative process⁴ is not intended to contravene ongoing Agency actions.

¹ PEER RFR 10003A (March 2011) <http://epa.gov/quality/informationguidelines/documents/10003A.pdf>

² PEER RFC 10003 (July 2010) <http://epa.gov/quality/informationguidelines/documents/10003.pdf>

³ <http://www.epa.gov/osw/partnerships/c2p2/>

⁴ Section 8.0 - Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency, EPA, 2002. (67 FR 63657)

The PEER RFC was placed in the docket⁵ for the rulemaking. With the exception of the content of a speech given by Tom Dunne⁶, all of the documents that are referenced in the PEER RFR have also been placed in the rulemaking docket. The text of the speech is no longer being disseminated; however, the information discussed in the speech is provided in other documents that are in the rulemaking docket. PEER's underlying concerns about whether EPA can identify the benefits of using coal ash, such as greenhouse gas reductions when used as a partial substitute for cement in concrete, without accounting for the negative aspects of burning coal, are not addressed in any one document. Consequently, EPA plans to evaluate all of the information being presented in these documents and the public comments. The Agency is currently reviewing public comments and information (including the PEER RFC) received during the open public comment period. EPA believes the thorough consideration that will be given to PEER's information quality concerns during this review will provide an opportunity for correction of any information that does not comply with the EPA IQG.

After this evaluation is completed, and at the conclusion of the rulemaking process, EPA will provide a definitive written response to PEER's information quality concerns, either in the preamble to the final rule or in the accompanying Response to Comments document.

If you have any questions about this response, please contact Monica D. Jones, Acting Director, Quality Staff, at (202) 564-6830.

Sincerely,



Malcolm D. Jackson
Assistant Administrator
and Chief Information Officer

cc: Paul Anastas, Assistant Administrator, ORD
Michael Goo, Assistant Administrator, OPEI
Mathy Stanislaus, Assistant Administrator, OSWER
Renee P. Wynn, Acting Principal Deputy Assistant Administrator, OEI

⁵ <http://www.regulations.gov/#!/home>; Docket Number: EPA-HQ-RCRA-2009-0640

⁶ Tom Dunne, Acting Assistant Administrator, EPA Office of Solid Waste & Emergency Response, Remarks at the Beneficial Reuse Summit, November 8, 2004.