

United States Senate

WASHINGTON, DC 20510

November 28, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

We write to express our concerns regarding recent regulations of sewage sludge incinerators at publicly owned treatment works' (POTWs). These new regulations, promulgated in March of 2011, impose unnecessary air emissions requirements for incinerators burning domestic sewage sludge at POTWs under §129 of the Clean Air Act (CAA).

For 46 years Congress has regulated the disposal of sewage sludge pursuant to §405 of the Clean Water Act (CWA). By applying §129 standards for sewage sludge incineration emissions, EPA is not only ignoring its CWA statutory authority, but it is also exceeding specific authority in the CAA. EPA does have CAA authority to propose further standards than those in the CWA, however this authority lies in §112 rather than §129. There is clear statutory instruction in §112 directing hazardous air emission standards applicable to POTWs with sewage sludge incinerators to be developed pursuant to this section's guidelines.

In these uncertain economic times, it is incumbent upon EPA to make sure it is on the firmest possible legal grounds when promulgating new regulations with potentially burdensome and expensive implications. Burdensome regulations such as these have the potential to significantly increase consumer rates in our states and elsewhere. We therefore urge you to reconsider this action and continue to regulate POTWs' sewage sludge incinerators in accordance with §405 of the CWA and pursuant to §112 of the CAA.

Thank you for your consideration of this matter. Please do not hesitate to contact my office should you have questions or like to discuss this further.

Sincerely,

