



November 19, 2009

Mark R. Vickery, P.G.
Executive Director
Texas Commission on Environmental Quality– M109
12100 Park 35 Circle
Austin, TX 78753

Dear Mr. Vickery:

I am the President of the Texas Coal Ash Utilization Group. Texas Coal Ash Utilization Group (TCAUG) is a non-profit organization whose membership includes utilities that operate coal fired power plants, companies that market and manage coal combustion products and academia within the State of Texas. In 1990, TCAUG was formed to promote the beneficial reuse of coal combustion products (CCPs). TCAUG has been instrumental in working with local and state government in providing scientific data and research that illustrates the beneficial use of CCPs.

I wanted to personally thank you and TCEQ for your position and comments against EPA developing a regulation for managing CCPs as a hazardous waste under RCRA Subtitle C. Your August 24, 2009 letter to Lisa Jackson, EPA Administrator is greatly appreciated throughout industry. As we continue to address this concern, I would like to offer any assistance our organization could provide to TCEQ.

Next month, our organization will be meeting for our 2009 Annual TCAUG Membership Meeting. This meeting will be held Wednesday, December 16th at the Lower Colorado Authority (LCRA) offices at 3601 Lake Austin Boulevard, Austin, TX. I wanted to extend an invitation to you, or a member of your staff, to attend if your schedule will permit as the proposed rule by EPA will be on our agenda for discussion. Also, we would be very interested to know if any one on your staff would be able to provide us with information, or make a presentation to our membership, regarding the potential regulatory/practical implications for Texas electric utilities and ash marketers, if EPA were to regulate CCPs through some type of Subtitle C regime. I believe that a TCEQ regulatory view of the proposed regulation would be a benefit to the TCAUG membership.

Thank you again for TCEQ's support of CCP beneficial reuse. Please feel free to contact me at 713-722-6043 or mikell.silvertooth@cemex.com to discuss this further and I look forward to your response on the invitation to present at the TCAUG Annual meeting next month.

Best regards,

Mike Silvertooth, President
Texas Coal Ash Utilization Group

Cc: Zak Covar, Deputy Executive Director