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September 5, 2001

Alexandra Dapolito Dunn
AMSA
1816 Jefferson Place, NW
Washington, D.C. 20036-2505

Dear Ms. Dunn:

Thank you for your letter of August 23, 2001 regarding sewage sludge incinerators. I have considered your request that Sierra Club amend its complaint in *Sierra Club v. Whitman* (D.D.C. No. 01-1578) to remove sewage sludge incinerators from the list of incinerator categories for which EPA must promulgate regulations under § 129 of the Clean Air Act. Because Sierra Club disagrees with your assertion that § 129 does not apply to sewage sludge incinerators, Sierra Club respectfully declines to amend that complaint.

I also have considered your request that Sierra Club amend its complaint in *Sierra Club v. Whitman* (D.D.C. No. 01-1558) to exclude sewage sludge incinerators from the source categories at issue in that case. You state that because no sewage sludge incinerators are major sources, the agency plans to remove the category from its § 112(c)(6) listing. EPA, however, has not taken such action. Moreover, the agency's obligation to list source categories pursuant to § 112(c)(6) does not depend on whether such categories contain major sources. Although I will review the complaint in light of any delisting actions that EPA might take, Sierra Club respectfully declines to amend the complaint at the present time.

Finally, I have reviewed your summary of the Clean Air Act and Clean Water Act regulations to which sewage sludge incinerators currently are subject. The existence of those regulations does not diminish the need for EPA to promulgate § 129 regulations for sewage sludge incinerators as soon as possible. Section 129 regulations would yield substantial additional reductions in the pollutants emitted by sewage sludge incinerators — reductions that are mandated by the Clean Air Act and needed to protect public health and the environment.

Sincerely,


James S. Pew

Attorney for Sierra Club

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