

February 9, 2012

BY PERSONAL SERVICE

Lisa Jackson Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

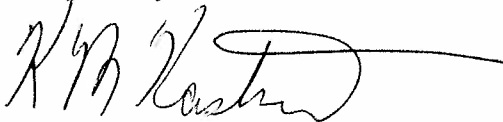
Re: 60-Day Notice of Intent to Sue for Failure to Perform Nondiscretionary Duties Under the  
Resource Conservation and Recovery Act

Dear Administrator Jackson:

This letter is written on behalf of Headwaters Resources, Inc. to provide notice of its intent to sue the United States Environmental Protection Agency (EPA) for failure to perform nondiscretionary duties under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 *et seq.* Specifically, EPA has failed to fulfill its duty under RCRA § 2002(b) to review, and where necessary, revise not less frequently than every three years the rules it has promulgated under RCRA regarding fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, to the extent such rules are reviewable under RCRA § 2002(b).

If you have any questions or wish to discuss this matter, please do not hesitate to contact me.

Respectfully submitted,



Kenneth M. Kastner

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cc: Eric Holder, Attorney General (via first class mail)  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530