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December 8, 2009

VIA FEDERAL EXPRESS

Environmental Quality Board  
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Harrisburg, PA 17101-2301

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ENVIRONMENTAL QUALITY BOARD

**Comments to Proposed Rulemaking – Beneficial Use of Coal Ash**

FirstEnergy Generation Corp. (“FirstEnergy”) would like to offer the following comments to the proposed beneficial use of coal ash regulations published in the November 7, 2009 edition of the *Pennsylvania Bulletin*. FirstEnergy is the owner and operator of the largest coal-fired steam electric generating station in Pennsylvania.

**Proposed Chapter 290 – Beneficial Use of Coal Ash**

FirstEnergy supports and joins in the comments to be submitted by the Electric Power Generation Association (“EPGA”), a regional trade organization of electric generating companies that own and operate more than 122,000 megawatts of electric generating capacity in the United States.

**Proposed Revisions to Chapter 287 – Residual Waste Management (General Provisions)**

In addition to the inclusion of a new Chapter 290, the Environmental Quality Board has proposed a number of revisions to existing Chapter 287 of the residual waste regulations. The proposed rulemaking should include a technical correction to Section 287.115(c). Specifically, Section 285.115(c)(4) should read:

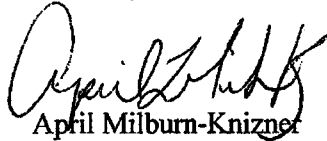
*The liner system and leachate treatment system requirements may not be modified or waived for areas identified in an application for a new permit or permit modification submitted after January 13, 2001, except for vertical (and any related horizontal) expansions*

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*of disposal impoundments that have been permitted and operated prior to September 7, 1980 and have been re-permitted as disposal impoundments under the provisions of the residual waste regulations after July 4, 1992, as long as any groundwater degradation found to exist is assessed and abated, if the Department deems it necessary.*

FirstEnergy appreciates the opportunity to submit these comments.

Sincerely,



April Milburn-Knizner