

October 11, 2011

The Honorable John Boehner
Speaker of the House
U.S. House of Representatives
Washington, DC 20510

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20510

The Honorable Fred Upton
Chairman
House Energy & Commerce Committee
Washington, DC 20510

The Honorable Henry Waxman
Ranking Member
House Energy & Commerce Committee
Washington, DC 20510

Dear Mr. Speaker, Madam Leader, Chairman Upton, and Ranking Member Waxman,

As a diverse group of stakeholders that depend on an abundant and affordable supply of domestic electricity, we are writing to express our strong support for H.R. 2273, the Coal Residuals Reuse and Management Act, which establishes new federal standards for the management of coal combustion residuals (CCRs). We believe that H.R. 2273 provides the federal oversight needed to ensure the safe disposal or recycling of CCRs while building on existing state authorities to manage their solid waste programs

As you know, the Environmental Protection Agency (EPA) has proposed new federal regulations governing the disposition of coal ash and other CCRs under the Resource Conservation and Recovery Act (RCRA). In its proposed rule, the EPA presented two options: regulate CCRs as hazardous waste under RCRA subtitle C or regulate them as non-hazardous waste under RCRA subtitle D. We believe the designation of CCRs as hazardous waste under RCRA Subtitle C would immediately have negative economic impacts on electricity consumers, particularly those in coal-dependent states, as well as on manufacturing industries that use coal to co-generate energy and industries that recycle coal combustion residuals, including ash and gypsum.

Over the last several years, individual companies and the federal government have spent millions of dollars developing new technologies and management practices that allow CCRs to be beneficially reused in important construction materials like cement, shingles, wallboard, and bricks. A RCRA subtitle C designation would likely end most of these recycling programs and lead to CCRs simply being stored in landfills at a greater cost to consumers and the environment. According to a June study by Veritas Economic Consulting, the United States would also lose an estimated 183,900–316,000 jobs under a Subtitle C designation, with the Midwest bearing the brunt of those losses with an estimated 57,300–95,600 jobs lost.

Specifically, H.R. 2273 strengthens state programs by establishing a federal baseline for the regulation of CCR disposal under RCRA Subtitle D, the municipal solid waste program. The bill also provides a federal backstop that gives the EPA the authority to intervene if a state is unable or unwilling to meet the federal baseline program. While the bill moves forward with these new federal standards, it applies them in a way that

maximizes the flexibility for state implementation, such as allowing existing safe and well engineered facilities to operate to the end of their design life, yet it mandates diligent monitoring and compliance by utilities. This gives states the ability to strengthen their disposal programs while also preserving their beneficial reuse programs.

Again, we strongly support H.R. 2273 and urge Members to vote for passage in the House this week.

Respectfully,

Alabama Coal Association
American Coal Ash Association
American Coal Council
American Coalition for Clean Coal Electricity
American Concrete Pavement Association
American Concrete Pressure Pipe Association
American Forest & Paper Association
American Public Power Association
American Road & Transportation Builders Association
Associated Builders and Contractors
Association of American Railroads
Citizens for Recycling First
Colorado Mining Association
Council of Industrial Boiler Owners
Edison Electric Institute
Friends of Coal
Illinois Coal Association
Indiana Coal Council, Inc.
Kentucky Coal Association
Large Public Power Council
Midwest Coal Ash Association
Midwest Power Coalition
National Association of Manufacturers
National Mining Association
National Ready Mixed Concrete Association
National Rural Electric Cooperative Association
Ohio Coal Association
Pennsylvania Anthracite Council
Pennsylvania Coal Association
Portland Cement Association
Texas Coal Combustion Products Coalition
U.S. Chamber of Commerce
Utility Solid Waste Activities Group
Virginia Coal Association
Western Business Roundtable
Western Energy Supply and Transmission Associates
West Virginia Coal Association
Wisconsin Concrete Pavement Association