

March 18, 2015

The Honorable David McKinley
412 Cannon HOB
United States House of Representatives
Washington, DC 20515

RE: THE DISCUSSION DRAFT OF THE BILL ENTITLED: “IMPROVING COAL COMBUSTION RESIDUALS REGULATION ACT OF 2015”

Dear Representative McKinley:

I am writing on behalf of the Large Public Power Council (LPPC) in support of the discussion draft of the bill, entitled “*Improving Coal Combustion Residuals Regulation Act of 2015*”. The bill would amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals (CCR) and establish requirements for their proper management and disposal that are protective of human health and the environment. The bill improves upon the final rule signed by the Environmental Protection Agency (EPA) in December 2014, *Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities*.

The Large Public Power Council represents 26 of the largest locally owned and operated not-for-profit electric systems in the nation. Members are located in 11 states and Puerto Rico. LPPC member utilities supply electricity to some of the largest cities in the country—including Los Angeles, Seattle, Omaha, Phoenix, Sacramento, Jacksonville, San Antonio, Orlando and Austin. Collectively, our members own and operate over 86,000 megawatts of generation, reflecting a portfolio of renewable energy, fossil fuel, nuclear, hydropower and other resources.

We have a strong interest in the establishment of workable rules for regulating the disposal and management of CCR in an effective and efficient manner. Unfortunately, the final CCR rule falls short of this objective due to statutory limitations imposed on EPA. For example, the statute leaves EPA with no choice but to establish a self-implementing rule that prevents state agencies from tailoring the rule’s applicable CCR regulatory requirements and standards to the site-specific characteristics of the regulated CCR facility.

Similarly, the final rule has dropped all of the proposed CCR provisions involving a risk-based decisions that would have required the oversight of a federal or state regulatory authority that is not available under a self-implementing rule. As a result, this approach precludes the use of alternative risk-based requirements that EPA developed for the regulation of municipal solid waste landfills and that have proven to be protective of human health and the environment.

The discussion draft addresses these problems and does so in a manner that assures the protection of human health and the environment. Most importantly, the draft bill uses the requirements of the final CCR rule to set the minimum federal CCR standards that would be implemented through state permit programs. Although states would have primarily responsibility to administer the CCR permit programs, we applaud the inclusion of the proposed regulatory backstop provisions that authorize EPA to step in and implement those minimum federal CCR standards when a state fails to do so. Importantly, not regulating CCR as a hazardous waste through this permit program allows the beneficial reuse of CCR to continue. Currently, about 40 percent of CCR in the United States is directed to beneficial reuse (e.g., cement) rather than landfills or impoundments.

The members of the LPPC urge swift action by Congress in passing the bill to establish an effective regulatory framework for the safe and efficient reuse and disposal of CCR.

Sincerely,

A handwritten signature in black ink, appearing to read "John Di Stasio", with a long horizontal flourish extending to the right.

John Di Stasio
President, LPPC