

November 25, 2015

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
1233 Longworth House Office Building
Washington, DC 20515

The Honorable Mitch McConnell
Republican Majority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
233 Cannon House Office Building
Washington, DC 20515

The Honorable Harry Reid
Minority Leader
U.S. Senate
522 Hart Senate Office Building
Washington, DC 20510

Dear Representatives Ryan and Pelosi, and Senators McConnell and Reid:

I am writing on behalf of the Large Public Power Council (LPPC) in support of the compromise legislation that Representative McKinley recently offered on the regulation of coal combustion residuals (CCRs) generated by the electric generating units.

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.

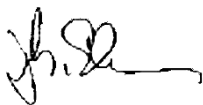
The new McKinley legislation makes major revisions to H.R. 1734, the House-passed CCR bill, in order to address concerns raised in the July 2015 Statement of Administration Policy (SAP) regarding this House bill. Most importantly, the legislation responds to the SAP by requiring that state CCR permit programs to be approved by the Environmental Protection Agency (EPA) before those permit programs can be implemented by states. This means that EPA must review and confirm that all aspects of a state CCR program meet the minimum federal standards set by EPA in its final CCR regulations.

LPPC has 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 recently adopted by EPA falls short of this objective due to statutory limitations imposed on the agency. Most importantly, 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.

The McKinley legislation addresses this problem 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.

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

Sincerely,



John Di Stasio, President
Large Public Power Council

