



USWAG

June 21, 2011

The Honorable John Shimkus
Chair
Subcommittee on Environment and the Economy
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Gene Green
Ranking Member
Subcommittee on Environment and the Economy
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Shimkus and Ranking Member Green:

The Edison Electric Institute (“EEI”) and the Utility Solid Waste Activities Group (“USWAG”) strongly support the “Coal Residuals Reuse and Management Act.” The bill combines strong federal standards with experienced state management to ensure the proper disposal and management of coal combustion residuals (CCR).

We believe there is a general consensus on the need for a consistent regulatory framework for CCR disposal. In particular, there is broad support—including among federal agencies, state policymakers, state environmental officials, the beneficial use community and utilities—for a non-hazardous regulatory approach, based on the standards established for municipal solid waste landfills under subtitle D of the Resource Conservation and Recovery Act (RCRA).

We urge support for the Coal Residuals Reuse and Management Act because it provides for just such a regulatory framework and does so in a way that takes advantage of the states’ robust, existing, EPA-approved, RCRA regulatory programs. By allowing states to incorporate the CCR waste stream into their existing subtitle D municipal solid waste landfill programs, the bill ensures that CCR disposal activities are subject to enforceable permits that address critical concerns such as facility design, groundwater monitoring and protection, corrective action, and closure and post-closure care. The bill preserves the ability of the states to regulate CCR structures more stringently and allows EPA to administer the permit program should a state decide not to adopt and implement a CCR permit program or fail to meet certain other requirements.

The approach avoids the problematic consequences of hazardous waste regulation, which threatens the beneficial use industry and would overwhelm available hazardous waste disposal capacity. Furthermore, the “Coal Residuals Reuse and Management Act” would not unnecessarily burden already strained state operating budgets and staff resources or impose high costs on utility operations, resulting in higher electricity costs to consumers.

June 21, 2011

Page 2

According to the recently released Veritas Economic Consulting Report, "An Economic Assessment of Employment Impacts from Regulation Coal Combustion Residuals," EPA's proposed hazardous waste coal ash rules would result in net job losses of between 184,000 and 316,000. Even EPA's proposed non-hazardous waste rules would result in job losses of between 39,000 and 65,000 because its mandatory retrofit requirement would result in the closure of surface impoundments.

With economic recovery continuing to lag and job loss numbers again on the upswing, we believe the approach taken by the bill is a sound approach to ensuring the proper regulation and management of CCRs.

Thank you for your consideration.

Sincerely,



Thomas R. Kuhn
President, EEI



Jim Roewer
Executive Director, USWAG