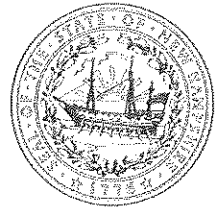


The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

August 12, 2011

The Honorable Charles F. Bass
United States House of Representatives
2350 Rayburn HOB
Washington, DC 20515

Subject: HR 2273 – Coal Residuals Reuse and Management Act

Dear Mr. Bass:

I am writing to urge your support for H.R. 2273, the Coal Residuals Reuse and Management Act. This bill provides a simple and practical approach to regulation of coal combustion residuals (CCRs) under federal rules governing the management of solid waste. While setting a federal baseline for regulation of CCRs under the existing program established for municipal solid waste landfills, it provides authority for states to craft permit programs that best meet their individual needs. The bill provides for regulation of these wastes in a manner that will be protective of human health and the environment and will continue to encourage appropriate beneficial reuse. It also represents a significant improvement over the U.S. EPA's proposed regulations.

The approach of this legislation is simple and practical because it relies on existing federal regulations for municipal solid waste under Subtitle D of the Resource Conservation and Recovery Act (RCRA). No new federal regulations are required, and most states, including New Hampshire, already implement approved Subtitle D programs. New Hampshire has only one facility that would be subject to these regulations (the PSNH landfill in Bow), and as we understand the bill, our current regulation and permitting of that facility would remain in force and essentially unchanged.

The bill has broad support from the states' regulatory agencies, in part because it recognizes the important role that existing state permit programs play in the safe and cost-effective management of CCRs. In fact, the states actively participated in the development of this bill, through the Environmental Council of the States (ECOS) and the Association of State & Territorial Solid Waste Management Officials (ASTSWMO), national organizations that represent the states' interests in environmental policy and waste management issues. Through ECOS and ASTSWMO, the states worked to ensure that this approach would provide them with the authority and flexibility to regulate CCRs in a protective manner, while avoiding the imposition of significant additional and unnecessary costs on the generators of these wastes, which would potentially increase electricity rates.

We believe that this bill is far superior to EPA's proposed rules. While EPA's proposal would also regulate CCRs under RCRA Subtitle D, it would not allow for a directly enforceable permit program. Instead, the EPA proposal requires that enforcement be accomplished by citizen suits

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The Honorable Charles F. Bass

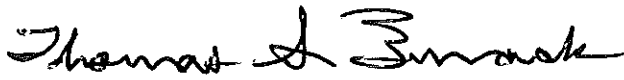
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filed by states or citizen groups in federal court. We believe this approach would be both impractical and undesirable for all affected parties.

In closing, I encourage your support of H.R. 2273, as it provides a safe and effective regulatory framework for coal combustion residuals. If you have any questions about this letter or the proposed legislation, please do not hesitate to contact Michael Wimsatt, Director of the Waste Management Division, at (603) 271-1997 or at michael.wimsatt@des.nh.gov, or me at (603) 271-2958. Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink that reads "Thomas A. Burack". The signature is written in a cursive style with a large, stylized initial 'T'.

Thomas Burack
Commissioner

cc: NH office of Congressman Bass
Mary Zdanowicz, Executive Director – ASTSWMO
Steve Brown, Executive Director - ECOS