



COMMONWEALTH of VIRGINIA

Office of the Governor

Robert F. McDonnell
Governor

October 11, 2011

Dear Congressmen:

I am writing to encourage your support of H.R. 2273, Coal Residuals Reuse and Management Act, which has been recorded favorably by the House Energy and Commerce Committee. This proposed legislation to amend Subtitle D of the Solid Waste Disposal Act, also known as RCRA, 42 U.S.C. §6901 *et seq.*; provides for the environmentally sound regulation of coal combustion residuals (CCR), facilitates the beneficial reuse of these materials, and, most importantly, correctly regulates CCR as a non-hazardous solid waste. Additionally, this bill provides minimal criteria for the management of CCR and allows States the flexibility to regulate CCR within their own jurisdiction through an analogous permit program approval process that was successfully used for municipal solid waste landfills.

H.R. 2273 is a realistic approach to dealing with CCR and although it will require effort to implement in Virginia, such as regulatory amendments for conformance, notifying and seeking EPA program approval, it would provide the appropriate and necessary protection for Virginia's environment and citizens, and would not have the adverse economic impact that EPA proposed regulation under RCRA Subtitle C would have, for little, if any, additional benefit.

The current course of the EPA to consider possible regulation of CCR as a special hazardous waste under Subtitle C of RCRA is neither reasonable nor technically justified and the repercussions from such a determination have not been adequately considered. The damage to environmentally sound CCR beneficial use would be costly to our economy and citizens.

H.R. 2273 is a sensible approach for management of CCR as it provides protections to human health and the environment and eliminates the negative impacts of regulation under Subtitle C of RCRA.

I write to ask that you support this legislation. Please let me know if I can be of assistance to you on this, or any other, issue.

Sincerely,

A handwritten signature in black ink that reads "Robert F. McDonnell".

Robert F. McDonnell