



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

July 14, 2015

The Honorable Robert Aderholt
235 Cannon House Office Building
Washington, D.C. 20515

Re: H.R. 1734, "*Improving Coal Combustion Residuals Regulation Act of 2015*"

Dear Representative Aderholt:

I am writing to strongly encourage your support for on-going efforts to bolster protection of human health and the environment by passing federal legislation to improve the regulation of coal combustion residuals (CCR). Alabama supports the US Environmental Protection Agency's (EPA) recent decision to regulate CCR as non-hazardous under Subtitle D of the Resource Conservation and Recovery Act (RCRA). Alabama also supports the final rule's recognition that States are in the best position to regulate CCR units. However, we share the concerns regarding certain aspects of the final rule expressed by the Environmental Council of the States (ECOS) in their testimony before the Senate Committee on Environment and Public Works on June 17, and by the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) in their July 1 letter to the Senate Committee regarding the June 17 hearing, as well as their testimony before the House Environment and the Economy Subcommittee on March 18.

ADEM believes these concerns can best be addressed by passing federal legislation to address those issues of concern. ADEM supports H.R. 1734 (*the Improving Coal Combustion Residuals Regulation Act of 2015*), which is currently pending consideration by the full House. As discussed in the July 1, 2015 ASTSWMO letter, this bill:

- 1) Incorporates the essential technical requirements promulgated in the EPA rule.
- 2) Addresses the current federal statutory constraints which prevent the establishment of a federal permit program for CCR under Subtitle D of RCRA.
- 3) Ensures a strong State role in the implementation of CCR requirements and eliminates the necessity of a dual State and federal CCR regulatory program.
- 4) Provides for expedited State implementation of the technical requirements of the recent EPA CCR rules by State programs which have already demonstrated their competency and capabilities (under RCRA Subtitle C and/or RCRA Subtitle D) to implement such waste programs.
- 5) Eliminates the ambiguity and uncertainty of the use of State Solid Waste Management Plans by requiring that a CCR permit program implementing

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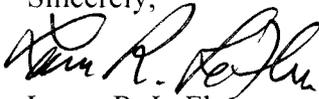
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7) Requires that financial assurance, including financial assurance for post-closure care of inactive surface impoundments, be provided to ensure long term compliance with environmental and public health requirements.

8) Promotes transparency and accountability to the public by ensuring that existing State programs are made more robust to comply with the new federal standards, and by ensuring that facility information is made readily available to the public, including via the internet.

In conclusion, Alabama believes that H.R. 1734 will address problematic State implementation issues with the EPA rule and produce a viable, workable, and protective result in managing CCR and in protecting our citizens and our environment.

Thank you for considering Alabama's position on this important issue. If you have any questions, please do not hesitate to contact me.

Sincerely,

Lance R. LeFleur
Director

LRL/SAC/ghe

cc: Rep. Fred Upton, Chairman
US House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

Rep. Frank Pallone, Jr., Ranking Member
US House Committee on Energy and Commerce
2322A Rayburn House Office Building
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Rep. John Shimkus, Chairman
US House Subcommittee on Environment and the Economy
2125 Rayburn House Office Building
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Rep. Paul Tonko, Ranking Member
US House Subcommittee on Environment and the Economy
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July 14, 2015

The Honorable Mo Brooks
1230 Longworth House Office Building
Washington, D.C. 20515

Re: H.R. 1734, "*Improving Coal Combustion Residuals Regulation Act of 2015*"

Dear Representative Brooks:

I am writing to strongly encourage your support for on-going efforts to bolster protection of human health and the environment by passing federal legislation to improve the regulation of coal combustion residuals (CCR). Alabama supports the US Environmental Protection Agency's (EPA) recent decision to regulate CCR as non-hazardous under Subtitle D of the Resource Conservation and Recovery Act (RCRA). Alabama also supports the final rule's recognition that States are in the best position to regulate CCR units. However, we share the concerns regarding certain aspects of the final rule expressed by the Environmental Council of the States (ECOS) in their testimony before the Senate Committee on Environment and Public Works on June 17, and by the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) in their July 1 letter to the Senate Committee regarding the June 17 hearing, as well as their testimony before the House Environment and the Economy Subcommittee on March 18.

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In conclusion, Alabama believes that H.R. 1734 will address problematic State implementation issues with the EPA rule and produce a viable, workable, and protective result in managing CCR and in protecting our citizens and our environment.

Thank you for considering Alabama's position on this important issue. If you have any questions, please do not hesitate to contact me.

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July 14, 2015

The Honorable Bradley Byrne
119 Cannon House Office Building
Washington, D.C. 20515

Re: H.R. 1734, "*Improving Coal Combustion Residuals Regulation Act of 2015*"

Dear Representative Byrne: *Bradley*

I am writing to strongly encourage your support for on-going efforts to bolster protection of human health and the environment by passing federal legislation to improve the regulation of coal combustion residuals (CCR). Alabama supports the US Environmental Protection Agency's (EPA) recent decision to regulate CCR as non-hazardous under Subtitle D of the Resource Conservation and Recovery Act (RCRA). Alabama also supports the final rule's recognition that States are in the best position to regulate CCR units. However, we share the concerns regarding certain aspects of the final rule expressed by the Environmental Council of the States (ECOS) in their testimony before the Senate Committee on Environment and Public Works on June 17, and by the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) in their July 1 letter to the Senate Committee regarding the June 17 hearing, as well as their testimony before the House Environment and the Economy Subcommittee on March 18.

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In conclusion, Alabama believes that H.R. 1734 will address problematic State implementation issues with the EPA rule and produce a viable, workable, and protective result in managing CCR and in protecting our citizens and our environment.

Thank you for considering Alabama's position on this important issue. If you have any questions, please do not hesitate to contact me.

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Lance R. LeFleur
Director

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The Honorable Gary Palmer
206 Cannon House Office Building
Washington, D.C. 20515

Re: H.R. 1734, "*Improving Coal Combustion Residuals Regulation Act of 2015*"

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The Honorable Gary Palmer

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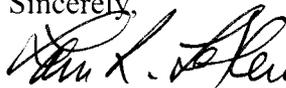
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The Honorable Martha Roby
442 Cannon House Office Building
Washington, D.C. 20515

Re: H.R. 1734, "*Improving Coal Combustion Residuals Regulation Act of 2015*"

Dear Representative Roby:

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The Honorable Martha Roby

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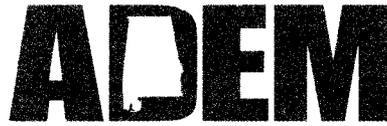
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The Honorable Mike Rogers
324 Cannon House Office Building
Washington, D.C. 20515

Re: H.R. 1734, "*Improving Coal Combustion Residuals Regulation Act of 2015*"

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The Honorable Terri Sewell
1133 Longworth House Office Building
Washington, D.C. 20515

Re: H.R. 1734, "*Improving Coal Combustion Residuals Regulation Act of 2015*"

Dear Representative Sewell:

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