



June 18th, 2015

**The Honorable U.S. Rep. Marcia Fudge
U.S. House District 11
2344 Rayburn HOB
Washington, D.C. 20515**

Dear Congresswoman Fudge,

We are writing in support of the discussion draft, entitled "*Improving Coal Combustion Residuals Regulation Act of 2015*".

Along with the states and other stakeholders, we applaud the decision by the U.S. Environmental Protection Agency (EPA) to regulate coal combustion residuals (CCR) as non-hazardous in its final rule. We are deeply concerned, however, that the rule is self-implementing. This means that there is no state permitting authority to issue permits and oversee compliance with the regulatory requirements and that enforcement is solely through litigation in the courts. Also, where site-specific application of the requirements will inevitably require interpretive judgments, our members will be making multi-million dollar investment decisions without knowing for sure whether they will be considered in compliance by whichever court is the final arbiter.

We strongly urge a "yes" vote for the "*Improving Coal Combustion Residuals Regulation Act*". It accomplishes several very important objectives. The bill:

- Allows the states to establish a state-based permit program to implement regulatory requirements at least as stringent as those in the final CCR rule;
- Provides EPA with authority to review state programs and their implementation of the requirements, and authorizes EPA to implement the permit program where a state chooses not to implement the requirements or has failed to implement them adequately;
- Restores to each state the normal and customary flexibility for site-specific tailoring of the minimum federal requirements; and
- Addresses the uncertainty created by the EPA's preamble language suggesting that, in the future, it might reconsider the decision to regulate CCR as non-hazardous.

In the final rule, EPA tries to finesse its lack of authority to establish a permit program under subtitle D of the Resources Conservation and Recovery Act by encouraging states to amend their solid waste management plans. This pathway does not result in a single set of requirements implemented through a state program, but rather a set of dual regulatory requirements that have the potential to diverge frequently and often as site-specific application

of the requirements are challenged. The requirements of the final CCR rule are going to prove costly for electric utilities and their customers, but will establish a federal floor for CCR management practices throughout the country. Congress should assure that additional and unnecessary costs are not imposed on utilities, their customers, and the courts through the inefficient and unprecedented self-implementing approach of the final CCR rule. The discussion draft will ensure this will not occur.

Sincerely,



Nicholas Celebrezze
Asst. Minority Leader
15th House District



Michael O'Brien
State Representative
64th House District



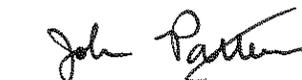
Kevin Boyce
Minority Whip
25th House District



Sean J. O'Brien
State Representative
63rd House District



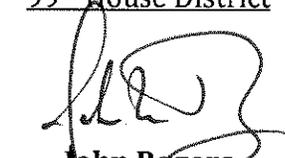
Michael Ashford
State Representative
44th House District



John Patterson
State Representative
99th House District



Jack Cera
State Representative
96th House District



John Rogers
State Representative
60th House District



Ron Gerberry
State Representative
59th House District



Michael Stinziano
State Representative
18th House District



June 18th, 2015

**The Honorable U.S. Rep. Joyce Beatty
U.S. House District 3
133 Cannon HOB
Washington, D.C. 20515**

Dear Congresswoman Beatty,

We are writing in support of the discussion draft, entitled "*Improving Coal Combustion Residuals Regulation Act of 2015*".

Along with the states and other stakeholders, we applaud the decision by the U.S. Environmental Protection Agency (EPA) to regulate coal combustion residuals (CCR) as non-hazardous in its final rule. We are deeply concerned, however, that the rule is self-implementing. This means that there is no state permitting authority to issue permits and oversee compliance with the regulatory requirements and that enforcement is solely through litigation in the courts. Also, where site-specific application of the requirements will inevitably require interpretive judgments, our members will be making multi-million dollar investment decisions without knowing for sure whether they will be considered in compliance by whichever court is the final arbiter.

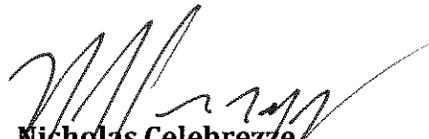
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In the final rule, EPA tries to finesse its lack of authority to establish a permit program under subtitle D of the Resources Conservation and Recovery Act by encouraging states to amend their solid waste management plans. This pathway does not result in a single set of requirements implemented through a state program, but rather a set of dual regulatory requirements that have the potential to diverge frequently and often as site-specific application

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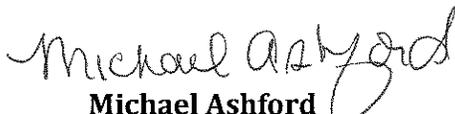
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Nicholas Celebrezze
Asst/ Minority Leader
15th House District



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Minority Whip
25th House District



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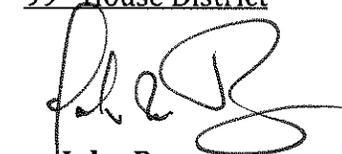
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Michael Stinziano
State Representative
18th House District



June 18th, 2015

**The Honorable U.S. Rep. Marcy Kaptur
U.S. House District 9
2186 Rayburn HOB
Washington, D.C. 20515**

Dear Congresswoman Kaptur,

We are writing in support of the discussion draft, entitled "*Improving Coal Combustion Residuals Regulation Act of 2015*".

Along with the states and other stakeholders, we applaud the decision by the U.S. Environmental Protection Agency (EPA) to regulate coal combustion residuals (CCR) as non-hazardous in its final rule. We are deeply concerned, however, that the rule is self-implementing. This means that there is no state permitting authority to issue permits and oversee compliance with the regulatory requirements and that enforcement is solely through litigation in the courts. Also, where site-specific application of the requirements will inevitably require interpretive judgments, our members will be making multi-million dollar investment decisions without knowing for sure whether they will be considered in compliance by whichever court is the final arbiter.

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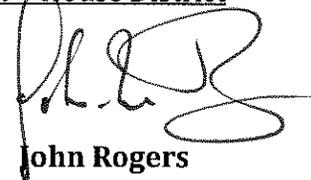
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Michael Stinziano
State Representative
18th House District



June 18th, 2015

**The Honorable U.S. Rep. Tim Ryan
U.S. House District 13
1421 Longworth HOB
Washington, D.C. 20515**

Dear Congressman Ryan,

We are writing in support of the discussion draft, entitled "*Improving Coal Combustion Residuals Regulation Act of 2015*".

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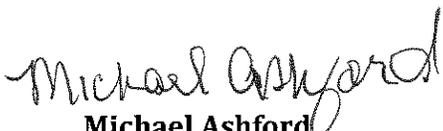
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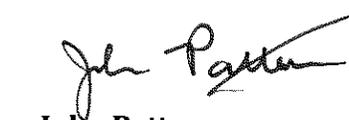

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