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June 18, 2013

The Honorable Fred Upton
Chairman, Committee on Energy and Commerce
2183 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

The Honorable Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
2204 Rayburn House Office Building
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Upton and Ranking Member Waxman:

We are writing in support of H.R. 2218, the Coal Residuals Reuse and Management Act of 2013, which was introduced on a bipartisan basis on June 3. The Committee passed similar legislation during the last Congress and has since worked to refine the bill through bipartisan Senate discussions and consultation with the U.S. Environmental Protection Agency (EPA).

H.R. 2218 accomplishes several very important objectives and reflects a significant consensus regarding how coal combustion residuals (CCR) should be managed and disposed. The bill:

- Establishes a non-hazardous regulatory framework to govern the disposal of CCR – a framework EPA has acknowledged is appropriate and that applies groundwater protection standards set by EPA;
- Ensures that the minimum federal requirements established by the bill for the disposal of CCR are implemented through enforceable permits issued by the states – something that cannot be done under EPA's proposed Subtitle D non-hazardous waste rule for CCR; and
- Ensures that the nation can continue to receive the substantial employment and environmental benefits that come from the beneficial use of coal ash in transportation, agriculture, housing and building construction, and other uses.

We believe that the states are in the best position to implement and enforce a permit program for CCR disposal. H.R. 2218 establishes an environmentally protective framework that includes a key role for EPA to ensure state programs are properly developed to implement CCR disposal requirements. Under H.R. 2218, the public can have confidence that the central components of an effective regulatory program will be implemented at facilities across the country. Even more important, they can have confidence that a disposal unit that does not meet environmental and safety standards will be closed.

We believe H.R. 2218 is the best and most effective path to resolve the regulatory uncertainty surrounding the disposal of CCR. Accordingly, we urge you to support H.R. 2218.

Sincerely,

Thomas R. Kuhn
President, Edison Electric Institute

Mark A. Crisson
President and CEO, American Public Power Association

Kirk Johnson
Senior Vice President, Government Relations, National Rural Electric Cooperative Association

James R. Roewer
Executive Director, Utility Solid Waste Activities Group