



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We Protect Hoosiers and Our Environment.

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Michael R. Pence
Governor

Thomas W. Easterly
Commissioner

July 23, 2013

Dear Indiana Members of the U.S. House of Representatives:

I understand that the U.S. House of Representatives will soon consider H.R. 2218, the Coal Residuals Reuse and Management Act of 2013, and I write today to urge your support for this common-sense legislation which will protect human health and the environment while allowing cost effective management of coal combustion residuals. H.R. 2218 would do this by permitting states to establish their own regulations for managing coal combustion residuals as long as the state regulations meet certain federal minimum standards. The legislation also removes further rulemaking authority from the federal Environmental Protection Agency (EPA) over coal combustible residuals and requires the EPA to defer to appropriate state regulations. States will be provided with flexibility to adapt their existing regulations for management and disposal of coal combustion residuals. Overall, H.R. 2218 will provide states with the ability to protect their citizens and the environment in a manner that will control costs and protect jobs and energy consumers.

The Indiana Department of Environmental Management (IDEM) currently regulates disposal of solid waste, including coal combustion residuals. H.R. 2218 would permit IDEM to continue to properly regulate coal combustion residuals while ensuring that implementation of those regulations meets minimum federal standards. Our history shows that modern coal combustion management facilities protect our air, land and water from contamination, but that some older facilities that were not designed to modern standards present a larger risk of future adverse impact on the environment. H.R. 2218 would allow for the orderly upgrade or remediation of these older facilities including addressing the important structural stability and dam safety aspects of these facilities. Like all states, Indiana delivers over 90% of the implementation of boots on the ground environmental protection in our state and we are uniquely suited to address the varying conditions of these facilities across the varied climate and geology of the state which is much more effective than a compromise one size fits all federal program.

I would like to point out that proper state regulation of coal combustion residuals is one of those rare issues where all states are aligned. Both the Environmental Council of the States (ECOS) and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) have unanimously adopted policy positions consistent with H. R. 2218.

Thank you for your consideration of this important legislation, and please do not hesitate to contact me if I can answer any questions or be of assistance.

Sincerely,

Thomas W. Easterly
Commissioner