



December 3, 2015

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Harry Reid
Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Democratic Leader
U.S. House of Representatives
Washington, D.C. 20515

Dear Majority Leader McConnell, Speaker Ryan, Minority Leader Reid, and Democratic Leader Pelosi:

As you work to assemble a Fiscal Year 2016 omnibus funding bill, we strongly urge you to include legislation to address the lack of a state-based permit program through which the Environmental Protection Agency's (EPA) coal combustion residuals (CCR) rule – commonly referred to as the “coal ash rule” – can be implemented and enforced. A revised version of the House-passed H.R. 1734, developed with technical assistance from the Environmental Protection Agency to address concerns raised by the Administration, was filed by Representative McKinley as an amendment to the highway bill. It is that text that we urge you to include in the omnibus.

EPA's CCR rule is already in effect and our members are moving to comply with the rule. Without legislation that allows for implementation of EPA's rule by the states, however, power plant operators have no regulatory agency with whom they can work to make multi-million dollar, site-specific judgments about the application of the new federal requirements. Application of the federal requirements is normally done through issuance of a permit, a feature absent from EPA's rule, but one that would be required under the legislation. Furthermore, the only enforcement mechanism for these new federal requirements under the EPA rule is through citizen suits, an inefficient and potentially ineffective mechanism that would also be resolved under the legislation.

Regulated entities and the public deserve a fully functional permit program to ensure proper implementation and enforcement of the CCR requirements. The McKinley language accomplishes that and ensures that EPA has prior approval of each state permit program.

This has become an urgent and time-sensitive concern for our members. We appreciate that you have many competing priorities for the omnibus, but we believe that five years of bipartisan, bicameral work – and consultation with EPA on the text – makes the McKinley language ripe for inclusion. Thank you for your consideration of our request.

Sincerely,

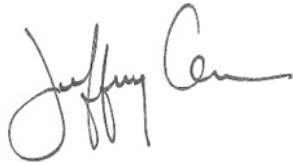
Thomas R. Kuhn
President, Edison Electric Institute

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Susan N. Kelly
President & CEO, American Public Power Association



Jeffrey Connor
Interim CEO, National Rural Electric Cooperative Association



James Roewer
Executive Director, Utility Solid Waste Activities Group

cc: Honorable Thad Cochran, Chairman – Senate Committee on Appropriations
Honorable Barbara Mikulski, Vice Chairwoman – Senate Committee on Appropriations
Honorable Harold Rogers, Chairman – House Committee on Appropriations
Honorable Nita Lowey, Ranking Member – House Committee on Appropriations
Honorable Lisa Murkowski – Chairwoman Senate Interior, Environment, and Related Agencies Subcommittee
Honorable Tom Udall – Ranking Member, Senate Interior, Environment, and Related Agencies Subcommittee
Honorable Ken Calvert – Chairman, House Interior, Environment, and Related Agencies Subcommittee
Honorable Betty McCollum – Ranking Member, House Interior, Environment, and Related Agencies Subcommittee
Honorable James Inhofe – Chairman, Senate Committee on Environment and Public Works
Honorable Barbara Boxer – Ranking Member, Senate Committee on Environment and Public Works
Honorable Fred Upton – Chairman, House Committee on Energy and Commerce
Honorable Frank Pallone – Ranking Member, House Committee on Energy and Commerce