

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

July 21, 2015

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, strongly supports H.R. 1734, the "Improving Coal Combustion Residuals Regulation Act of 2015." This bill would amend Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 *et seq.*) to build upon and improve the final rule on coal combustion residuals (CCR) that was issued in December 2014 by the Environmental Protection Agency (EPA) and provide states with the enforcement authority they need to implement the standards established by the EPA.

This bill takes into account the significant effort that the EPA undertook to develop sound technical standards protective of human health and the environment, and borrows from previous legislative proposals, requiring states to develop enforceable CCR permit programs to administer minimum federal standards. Importantly, the bill would allow states to retain the ability to make their permitting programs more rigorous than the standards set forth in the EPA's final rule and allows for direct enforcement by state agencies. Without the bill, EPA's CCR standards could only be enforced by citizen lawsuits, which put an undue and costly burden on the regulated community and the general public.

H.R. 1734 would also require surface water protections and financial assurances to be a part of formal CCR permit programs. The financial assurance provisions will ensure applicable EPA-approved safety standards are maintained at closed inactive CCR impoundments.

This bill would also fully incorporate the groundwater monitoring and corrective action provisions of the EPA's final rule and provide flexibility such that implementing agencies can tailor aspects of these rules on a case-by-case basis depending on site-specific and risk-based factors. Further, H.R. 1734 would provide clarification and specific examples of beneficial use/reuse of CCR.

H.R. 1734 would provide the specific Congressional authority necessary for EPA and for states to implement and enforce effective CCR regulatory programs. Although this bill would not impact the ability to bring citizen enforcement suits under the Resource Conservation and Recovery Act, it rightly would prevent such suits from being the only mechanism to enforce the EPA's final CCR standards. Thus, H.R. 1734 represents a workable and appropriate balance

between the implementation of the EPA's final rule and the need to fairly and rationally address the storage and beneficial reuse of coal combustion residuals.

The Chamber strongly urges you to support H.R. 1734, the "Improving Coal Combustion Residuals Regulation Act of 2015." **The Chamber may consider votes on, or in relation to, this bill in our annual *How They Voted* scorecard.**

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

R. Bruce Josten