



American Coal Ash Association

Advancing the management and
use of coal combustion products.

June 18, 2013

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Henry Waxman
Ranking Member
Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton and Ranking Member Waxman:

The American Coal Ash Association (ACAA) writes in support of H.R. 2218, the Coal Residuals Reuse and Management Act of 2013. The ACAA represents those interested in recycling coal combustion products (CCP) in ways that protect the environment, are technically appropriate, commercially competitive, and contributing to a more sustainable society.

Members of the majority and minority have expressed their support for national standards covering the disposal of CCP not recycled. H.R. 2218 provides such standards in a manner that protects human health and the environment without crippling CCP recycling. The US Environmental Protection Agency has suggested CCP be managed as a hazardous waste. While there is no science or damage cases to support such a suggestion, the mere suggestion has created a stigma on recycling markets. This bill removes the stigma. Elimination of the possibility of hazardous waste regulation of disposal is vital to the survival of one of the most successful environmental efforts of our time. Following years of study and consideration the US EPA issued a "final determination" in 2000. At that time the recycling rate was 29.5%. With the regulatory certainty resulting from that determination the recycling rate grew to 44.5% in only 8 years. Since the EPA announced its intention to regulate CCP disposal with the possibility of hazardous waste rules the recycling markets have been stuck at a rate of about 43%. Generators, designers, users, marketers, owners and others have suspended their investment in CCP recycling pending EPA action. The agency has stated it has cannot complete its work in 2013 and has not projected a completion date. In the mean time the businesses that support CCP recycling markets are barely surviving. The CCP recycling industry needs regulatory certainty today without any further delay.

The ACAA has been on record in support of improved standards for disposal of coal combustion products (CCP) for quite some time. We urge you to pass H.R. 2218 immediately. Further delay provides denies environmental protection in those regions lacking sufficient disposal standards and continues to devastate the recycling industry.

Sincerely,

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Executive Director

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