



Congress of the United States

House of Representatives

Washington, DC 20515-0102

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President Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Dear Mr. President:

I am writing you regarding the United States Environmental Protection Agency's (EPA) expressed intent to issue new rules for the management of coal ash, or coal combustion byproducts (CCB). As you know, CCB is the bi-product of coal burned during the electricity generation process. It is typically stored in ponds, and recent events surrounding the coal ash spill in Kingston, Tennessee have prompted EPA to reconsider whether CCB should continue to be regarded as a non-hazardous waste.

My understanding is that EPA is considering regulating coal ash as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act. Though I believe that coal ash should be managed very carefully, I am afraid that such a designation could have a negative impact on jobs in Alabama, and could strongly affect the nation's energy policy. A hazardous regulation under Subtitle C would almost certainly cause the cost of electricity generated by coal-fired plants to rise, possibly threatening the ability of numerous power plants in the State of Alabama to remain in operation.

I share EPA's concerns over the handling and storage of CCB after the ash spill disaster at the Tennessee Valley Authority's Kingston facility, and I am convinced that the electricity providers which offer service in my district share these same concerns. But EPA should not punish our constituents who rely on their affordable services for the mistakes of those who have not been as diligent in their self-regulation. Because coal is essential to the country's energy supply, I believe it is crucial that EPA approach this subject with the aim of creating a reasonable regulatory framework that serves both the best interests of the public and of the industry which serves them.

However, I also recognize that the lack of uniform regulation nationwide creates a patchwork of state-based requirements that are often inconsistent and insufficient. Though EPA expressed its intention to establish national guidelines governing coal ash disposal in 2000, a rule was never issued and formal action was never taken. EPA now

has an opportunity to set up responsible regulation of CCBs, and it is my hope that they will avoid over-reach in doing so.

For that reason, I hope EPA will abandon consideration of CCB regulation under Subtitle C of RCRA and instead consider regulating CCBs under Subtitle D. It is my understanding that such a regulation would ensure that CCBs are managed in a manner that is protective of groundwater and the environment, while continuing to allow for beneficial usage through sustainable recycling. EPA's ruling on CCBs dated May 22, 2000, states that "the subtitle D approach should be fully effective in protecting human health and the environment." I agree with this assertion and appreciate your consideration as EPA moves forward with the issuance of a new rule.

I appreciate your thoughtful attention to this important matter.

Sincerely,

A handwritten signature in blue ink that reads "Bobby Bright". The signature is written in a cursive, flowing style with a long horizontal stroke extending to the right.

Bobby Bright
Member of Congress