

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Billups, Karen  
**Sent:** Mon 11/13/2017 7:40:53 PM  
**Subject:** Toomey Letter re: coal refuse plants  
Sent EPA 110717 Coal refuse.pdf

Ryan,

I thought the attached letter from Senator Toomey to the Administrator re: coal refuse plants might be of interest.

Thank you!

Best wishes,

Karen



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# United States Senate

WASHINGTON, DC 20510

November 7, 2017

The Honorable Scott Pruitt  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Pruitt,

Thank you for meeting with me last month to discuss important environmental issues impacting energy production and public health in Pennsylvania. I enjoyed our conversation and am encouraged by your commitment to implement commonsense policies that strike an appropriate balance between conservation, job creation, and economic growth as head of the Environmental Protection Agency (EPA).

I write today concerning the 14 electric generating units located in Pennsylvania that use circulating fluidized bed (CFB) boilers to convert coal refuse into energy. As you know, coal refuse is a byproduct of past and current mining activities and consists of low quality coal mixed with rock, clay, and other materials. In Pennsylvania, there are more than 800 identified coal refuse piles covering 9,500 acres. These piles have a detrimental impact on the environment and public health, contributing to acid mine drainage in rivers and subsurface drinking water, as well as the release of air pollutants when the piles spontaneously catch on fire.

Coal refuse-fired power plants provide unique environmental benefits to communities across Pennsylvania with a legacy of previous coal mining. These facilities remove coal refuse from abandoned mine land and strip mines, burning the substance in a controlled, regulated location for electric generation, all at no cost to the taxpayer. After the coal refuse is burned, the alkaline coal ash is distributed at the original mine site to neutralize the acidity of the soil and acid mine drainage, at which point the reclaimed property can be used for commercial or residential purposes. Since these plants' inception in the 1980s, the industry has removed and burned more than 200 million tons of coal refuse, reclaiming more than 7,000 acres and restoring 1,200 miles of streams and rivers in Pennsylvania.

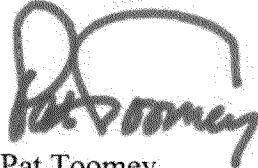
Unfortunately, the Obama Administration failed to recognize the environmental benefits provided by coal refuse-fired power plants when promulgating certain regulations, specifically the Mercury and Air Toxics Standards (MATS) rule. This oversight now threatens the operation of these facilities. Coal refuse power plants do not have an issue meeting the MATS mercury standard due to the design of the plants' CFB boilers, which inject limestone and use fabric filters to capture mercury that adheres to particulate matter. In fact, EPA used coal refuse facilities as the benchmark when establishing the mercury standard for other power plants.

However, many coal refuse plants cannot economically meet the MATS hydrogen chloride (HCl) emission limit due to the sulfur content of coal refuse. It is impractical for these facilities to install additional post-combustion control systems to meet the HCl standard due to the size and design of the CFB boilers, nor can they switch to another fuel source as that would end the environmental and reclamation work the industry produces.

Coal refuse-fired power plants in Pennsylvania are currently operating under a state-issued waiver that expires in April 2019. Action is needed to prevent the closure of these facilities, which could occur as soon as next year. Accordingly, I request that EPA create a subcategory-specific HCl emission limitation for coal refuse plants under the MATS rule. It is critical that EPA make the appropriate regulatory adjustments to ensure that coal refuse facilities continue remediating abandoned mine land, generating electric power, and supporting jobs in financially distressed areas of Pennsylvania.

Coal refuse-fired power plants play a critical role to address and remediate the damaged environmental legacy of past mining activity in Pennsylvania. This industry provides the only viable option for eliminating coal refuse stockpiles without shifting remediation responsibility to public sources, which could cost taxpayers billions of dollars and divert funding from other environmental clean-up projects. As such, I ask that you take all necessary regulatory action to allow for the continued operation of coal refuse facilities. Thank you for your consideration, and I look forward to working with you on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Toomey". The signature is stylized with a large, looping initial "P" and a cursive "Toomey".

Pat Toomey  
U.S. Senator