

Message

From: Roewer, James [JRoewer@eei.org]
Sent: 2/21/2018 6:58:12 PM
To: Johnson, Barnes [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c39e9338cbf04dc3b4b29f78e5213303-Johnson, Barnes]; Walsh, Ed [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=51f3bac3af644626b6a70f087751baca-EWalsh]; Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]
CC: Odom, Cal [COdom@eei.org]; Franks, Jessica [JFranks@eei.org]
Subject: FY 2019 Appropriation for CCR Federal Permit Programs in Non-Participating States

We are writing in follow-up to the February 15th message from American Electric Power, FirstEnergy and Southern Company regarding appropriations to support the implementation of the federal Coal Combustion Residuals (CCR) Rule through federal permit programs.

We echo the concerns of our member companies, and we urge EPA to revise its funding requests to identify the resources necessary for it to implement a CCR permit program in “non-participating states” per the language in the Water Infrastructure Improvements for the Nation Act (WIIN Act), enacted in December 2016. It is critically important that EPA convey to the Senate and House Appropriations Committees how much you believe is necessary for this purpose.

One of the biggest flaws in the CCR Rule is its self-implementing nature which we believe will lead to an unpredictable patchwork of interpretation by federal District Courts’ rulings in citizen suit enforcement cases. Fulfilling the promise of the WIIN Act, designed to ultimately eliminate the self-implementing nature of the rule and replace it with either a state or federal CCR permit program, is contingent on both the approval of state permit programs and on the funding of a federal CCR permit program.

We will therefore continue to advocate for specific funding in both FY 2018 and 2019 appropriations bills and we urge you to identify to Congress the budget necessary for EPA to implement federal CCR permit programs in non-participating states.

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