



## Industrial Energy Consumers of America

*The Voice of the Industrial Energy Consumers*

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July 21, 2015

The Honorable John Hoeven  
U.S. Senate  
338 Russell Senate Office Building  
Washington, DC 20510

***Re: IECA Supports S. 1803, A bill to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.***

Dear Senator Hoeven:

On behalf of the Industrial Energy Consumers of America (IECA), we support passage of S. 1803, a bill to amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

IECA companies are energy-intensive trade-exposed (EITE) industries and represent a diverse set of industries including: chemical, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, building products, brewing, independent oil refining, and cement. Coal Combustion Products (CCPs) or coal ash is used in manufacturing processes and ensures billions of dollars in economic benefits, supports the creation of jobs across many industries, and has multiple environmental benefits, including GHG reductions, reduced water use, and improved energy efficiency.

Under the EPA's finalized rule for the *Disposal of Coal Combustion Residuals from Electric Utilities (CCR)*, EPA lacks authority to provide for implementation of the new federal requirements through a state permit program. Also, EPA tried to finesse its lack of authority to establish a permit program under the non-hazardous waste provisions of the Resource Conservation and Recovery Act (RCRA) by encouraging states to amend their solid waste management plans, however this sets up dual regulatory requirements.

S. 1803 would provide fixes to these problems. The bill would allow states to establish a state-based CCR permit program. It provides EPA with authority to review state programs and their implementation of the requirements, and if the state chooses not to implement the requirements or has failed to implement them adequately, it authorizes EPA to implement the permit program. Also, the bill addresses the uncertainty created by EPA's preamble language suggesting that, in the future, it might reconsider the decision to regulate CCR as non-hazardous.

We thank you for your leadership on this important legislation and look forward to working with you.

Sincerely,

Paul N. Cicio  
President

cc: Senate Committee on Environment and Public Works

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*The Industrial Energy Consumers of America is a nonpartisan association of leading manufacturing companies with \$1.0 trillion in annual sales, over 2,900 facilities nationwide, and with more than 1.4 million employees worldwide. It is an organization created to promote the interests of manufacturing companies through advocacy and collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of industries including: chemical, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, building products, brewing, independent oil refining, and cement.*