

**Congress of the United States**  
Washington, DC 20510

October 15, 2012

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

Dear Administrator Jackson:

We are writing in regard to the 14 coal-refuse-to-energy plants that are located in Pennsylvania and are affected by the Mercury and Air Toxics Standards (“MATS rule”). These plants provide unique environmental benefits by using state-of-the-art circulating fluidized bed (“CFB”) technology to convert coal refuse into energy. The coal refuse these plants use is derived from both past and current mining activities. Operation of these plants results in the reclamation of idle or abandoned mine lands and strip mines as well as the abatement of acid mine drainage from these lands, all at no cost to taxpayers.

We have been informed that the coal refuse to energy plants can meet the MATS mercury standard and that these plants are so effective in removing mercury that such emissions are typically measured in ounces per year, some of the lowest levels in the country. We have also been told that the plants can meet the MATS particulate matter emission rate which is used as a surrogate for the non-mercury HAP metals. However, we have been informed that the EPA study conducted by Sargent & Lundy (used as a basis for the MATS rule) did not consider the effects of the MATS HCl standard on coal refuse fired CFB boilers. Consequently, the plant operators state that they cannot economically meet the MATS rule HCl emission limit.

Fuel switching is not an option for these plants as that would end the environmentally beneficial reclamation results that the industry produces. Thus, we ask you to consider modifying the MATS rule through the creation of a subcategory-specific HCl emission limitation so that these sources may continue to provide critical environmental benefits in Pennsylvania. This request aligns with the approach that EPA has taken toward sub-categorization under other MACT regulations.

We are concerned about the effect that the current HCl emission limit could have on the ability of these plants to operate because this industry provides so many benefits to people and the environment. This industry provides the only current viable option for removing coal refuse stockpiles from the environment without shifting such costs to public sources. Should that option become unavailable, the entire responsibility for removal and clean-up would fall on taxpayers and the government, a task the Pennsylvania Department of Environmental Protection has testified would cost billions of dollars and take over 500 years to accomplish.

These plants work closely with a variety of local watershed groups to reclaim abandoned mine lands and convert polluted streams into clean and useable waterways. We have been informed that since the plants’ inception, approximately 189 million tons of coal refuse has been removed from surface

lands, over 6,700 acres of land has been reclaimed and hundreds of miles of streams have been restored to support aquatic life. These results have produced positive environmental and safety benefits and have energized local volunteer watershed groups into leveraging these reclamation efforts in conjunction with their activities.

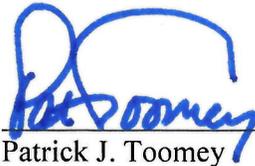
Besides the environmental benefits, these plants directly employ over 1,000 people, with additional thousands employed indirectly. We believe the economic stimulus from the plants to financially distressed areas of Pennsylvania is considerable. Removal of waste coal piles across Pennsylvania also benefits communities that have long lived with the legacy of problems associated with abandoned “gob” and “culm” piles that were created before environmental regulations existed.

In order to ensure that coal-refuse-to-energy plants are able to continue providing critical environmental benefits, we ask you to consider a subcategory-specific HCl emission limitation under the MATS rule. Thank you for your consideration of this matter. We look forward to your response and to working with you in the future.

Sincerely,



Robert P. Casey, Jr.  
United States Senator



Patrick J. Toomey  
United States Senator



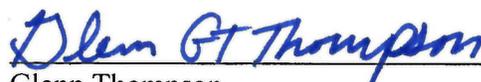
Mark S. Critz  
Member of Congress



Jason Altmire  
Member of Congress



Tim Holden  
Member of Congress



Glenn Thompson  
Member of Congress



Lou Barletta  
Member of Congress



Tom Marino  
Member of Congress



Charles W. Dent  
Member of Congress



Bill Shuster  
Member of Congress