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United States House of Representatives
Washington, D.C. 20515 September 5, 2013

Dear Representative:

On behalf of the Anthracite Region Independent Power Producers Association (ARIPPA), a non-profit trade association representing non-utility alternative energy electric power generation stations and related businesses, I write today to express strong support for H.R. _____, the *Satisfying Energy Needs and Saving the Environment ("SENSE") Act of 2013*.

For more than two decades, ARIPPA plant members have been successfully utilizing state-of-the-art circulating fluidized bed (CFB) technology to convert coal refuse (a low-BTU fossil fuel also commonly referred to as "waste coal") into energy. This has translated into direct benefits for American consumers in the form of cheap, domestic energy for hundreds of thousands of homes. It has also yielded significant environmental benefits by removing over 200 million tons of coal refuse stockpiles from our country's landscape.

Such removal has prevented acid mine drainage and allowed for the reclamation of more than 7,200 acres of previously-damaged land and the restoration of hundreds of miles of polluted streams. In total, this has equated to savings of between \$100 and \$200 million in potential cleanup costs for taxpayers.

In the past, both the Pennsylvania Department of Environmental Protection (PADEP) and the U.S. Environmental Protection Agency (EPA) have recognized the environmental benefits that these facilities provide "by combining the production of energy with the removal of coal refuse piles and by reclaiming land for productive use." These benefits will soon come to an end, however, if nothing is done to address the emissions limitations for hydrogen chloride (HCl) currently applicable to these sources under EPA's Mercury and Air Toxics Standards (MATS) rule. If left unaltered, this single specific emission limit will make compliance costs prohibitive for these environmentally-beneficial alternative energy plants.

Simply put, there is no economically-feasible way for these plants to satisfy the MATS standard for HCl emissions or the alternative surrogate sulfur dioxide (SO₂) emissions. In addition, many of the control solutions available to larger electric generating units are not economically practical for our industry and its relatively-small specialized CFB boiler technology plants. Many plants also operate under power purchase agreements that limit them from passing on additional costs, including emissions controls or allowance purchases, to customers because they are contractually obligated to produce power at a specified set rate.

We applaud Representative Keith Rothfus [PA-12] for recognizing these economic realities and the important energy and environmental benefits that our members provide and for his recent introduction of the *SENSE Act of 2013*. This legislation would provide relief from the unattainable HCl/SO₂ emission limitation in MATS for existing CFB facilities that convert coal refuse into



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alternative energy. Passage of this common-sense legislation would prevent a shutdown of our industry. More importantly, it would also serve the interests of all Americans by preserving the significant environmental benefits that these facilities provide at no cost to taxpayers, while supplying an important source of alternative energy.

For these reasons, we at ARIPPA strongly endorse the *SENSE Act of 2013* and urge your support for this important piece of legislation.

Sincerely, Jeff A. McNelly, Executive Director ARIPPA