

GREG PENCE
6TH DISTRICT, INDIANA

ENERGY AND
COMMERCE COMMITTEE
SUBCOMMITTEE ON ENERGY
SUBCOMMITTEE ON CONSUMER
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June 24th, 2022

The Honorable Michael S. Regan
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20004

Dear Administrator Regan,

I write regarding the impact that Environmental Protection Agency's (EPA) actions on coal combustion residual (CCR) impoundments could have on the reliability of our region's electric grid. Hoosiers in my district, who are already burdened by rising energy prices on virtually every fuel, should not bear the risk of power outages from resource capacity restraints. This ill-advised action could lead to the closure of two sources of reliable electricity in Southeast Indiana. I urge EPA to find workable solutions to responsibly protect groundwater from CCR contamination at these plants without forcing the retirement of generating units that are critical to keep the lights on.

In light of concerning reports of blackouts in the Midwest this summer, your agency needs to take the necessary steps to protect dispatchable, baseload power supplies to keep the lights on for families and businesses. Most recently, the North American Electric Reliability Corporation highlighted high risks of energy supply shortfalls that will affect my home state of Indiana. Even further, comments received from multiple Regional Transmission Organizations echo the potential for this CCR rule to harm already low reserve margins, especially along the Ohio-Indiana border. In fact, in response to EPA's CCR rule, PJM explicitly states that EPA's timeline for plant closure is impractical and would lead to outages if not planned accordingly. Given these entities are entirely non-political in nature, these comments illustrate alarming consequences if your agency forces the closure of affordable baseload power supplies.

Under the proposed determination to cease the disposal of CCR into unlined surface impoundments, EPA provided an opportunity for plants to file an extension under circumstances of technical infeasibility. Plants in my district have undergone exhaustive, expensive assessments to meet the compliance requirements outlined in your rule. By providing flexibility to our plants, EPA acknowledged a need for collaboration to meet the unique characteristics of a plant's particular process. Instead of advancing pre-determined efforts to force the closure of coal burning generating units, EPA should partner alongside these plants to assist their ultimate compliance for safe disposal of CCR.

Rash, irresponsible decisions to pre-maturely close baseload plants without supplementing adequate capacity threatens affordable and reliable electricity. Citizens, seniors, hospitals, and businesses in Southeast Indiana rely on our federal government to maintain a reliable transmission grid and should not fall victim to ill-informed environmental wish lists. At a time when Hoosiers are paying more for everything from heating their homes and cooking their meals to driving their cars and keeping their lights on, this Administration should re-evaluate the impact that unrealistic goals will have on hardworking families and businesses trying to make ends meet.

I urge your agency to reconsider these determinations and work alongside plants in my district to satisfy environmental needs without unnecessarily removing baseload power from our electric grid. Thank you for your attention to this important matter and I look forward to your prompt response.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Pence", written over a horizontal line.

Greg Pence
Member of Congress