UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

August 17, 2022

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

The Honorable Bill Johnson
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Johnson:

Thank you for your letter of June 22, 2022, to the U.S. Environmental Protection Agency, regarding your concerns with the proposed and pending determinations for the alternative closure demonstration requests in Ohio, including Gavin, Cardinal, Kyger Creek, Miami Fort, W.H. Sammis and Zimmer power plants. EPA is currently reviewing the public comments submitted on the proposed decisions and we are also reviewing the remaining facilities' demonstrations.

EPA is working to respond as expeditiously as possible, per the procedures outlined in the applicable regulations. EPA appreciates your concern about the potential impacts these decisions could have on the local communities in Ohio. We will ensure the protection of human health and the environment from the mismanagement of coal combustion residuals (CCR), consistent with all applicable laws and the best available science.

EPA's proposed process (in the January 11th proposed decisions) is designed to ensure that grid reliability will not be impaired. There are a wide array of tools available to utilities, systems operators, and state and federal regulators to address situations where the outage of a generating unit might otherwise affect reliability conditions. EPA is sensitive to the importance of maintaining enough electricity generating capacity to meet the country's energy needs, including meeting specific, localized issues. EPA proposed to rely on existing procedures established by the grid reliability experts (regional transmission organizations and balancing authorities) to determine whether there would be any adverse effects on grid reliability as a consequence of a temporary outage at the facility that may result from denying an extension request. If the grid reliability authority determines that the temporary outage cannot proceed without causing adverse effects on reliability, EPA proposed that the facility could obtain additional time to continue to operate the CCR unit. EPA is working closely with PJM and MISO to fully understand the comments submitted on the January 11th proposed decisions.

EPA will continue to communicate with your office as we issue proposed and final decisions on the Part A demonstrations. EPA will also post the proposed determinations on its website and in the dockets on Regulations.gov, where the agency will accept public comments for 30 days. At the same time, EPA will send out a notice in its solid and hazardous waste e-newsletter to targeted stakeholders. EPA will use the same general approach for final decisions.

Again, thank you for your letter. If you have further questions, please contact me or you staff may contact Raquel Snyder, in EPA's Office of Congressional and Intergovernmental Relations at snyder.raquel@epa.gov or at (202) 564-9586.

Sincerely,

Barry N. Breen
Acting Assistant Administrator