

United States Senate

February 17, 2017

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave Northwest
Washington, D.C. 20460

Dear Mr. Pruitt:

Congratulations on your appointment as Administrator of the Environmental Protection Agency (EPA). As a Member of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies, the Committee on Energy and Natural Resources and the Committee on Agriculture, Forestry and Nutrition, I look forward to working with you to balance the protection of our environment with responsible production of our nation's vast natural resources. In Montana, agriculture, natural resources, and outdoor recreation are pillars of our state economy. Maintaining a balanced approach to environmental stewardship and protection is critical to ensure each aspect of our state's economy can thrive.

Unfortunately, in recent years under President Obama, the EPA has threatened that balance in our state by issuing rules that hurt our farmers, ranchers, operators and boilermakers. When the EPA promulgates regulations, it is critical to take into account the unique needs of each state. For many Montana communities, new leadership at the EPA cannot come soon enough. In April 2015, the J.E. Corrette Plant announced it was closing its doors after serving Montana customers after 47 years, largely due to compliance costs associated with the Mercury and Air Toxics Standards (MATS), only two months too soon before the U.S. Supreme Court remanded the rule.

Today, the community of Colstrip, Montana faces a real struggle to survive. Colstrip generating station and the neighboring mine are the lifeblood of its small town. Over 760 of the nearly 2,000 residents are directly employed at the plant and the mine, generating enough electricity to power 1.5 million homes. Overall, the plant contributes over \$630 million to Montana's Gross Domestic Product and over \$100 million in state and local taxes each year.

An onslaught of heavy-handed EPA regulations under the Obama Administration continues to challenge the survival of this plant. Yet, despite all odds, over the years the Colstrip plant has continued to develop and adopt technologies that have consistently led to less emissions and pollution and powered our state with affordable and reliable electricity. Still, fringe environmental litigation has called for the decommissioning of units 1 and 2 of the plant by 2022; and, the other two larger units are at risk.

Under the EPA Power Plan, Montana would need to cut its emissions by 47%, the largest reduction in the nation, leading almost inevitably to the entire shutdown of the Plant. According to a recent study conducted by the University of Montana (Bureau of Business and Economic Research), the Clean Power Plan would result in a loss of 7,000 direct and indirect jobs, a loss of

\$500 million in revenue, and a loss of over \$1.5 billion in gross annual sales in the state as we would move from an energy exporter to energy importer.

Mr. Pruitt, I cannot think of a better place to witness the face of unreasonable, unattainable EPA regulations than Colstrip, Montana. I invite you to come to Colstrip to tour the plant and coal mine to meet the hardworking Montanans who produce reliable energy in an increasingly cleaner and environmentally friendly manner.

In addition to heavy-handed environmental regulations threatening reliable energy in Montana, some other specific policies command your close attention:

- **Waters of the United States (WOTUS).** The overreaching WOTUS rule seeks to regulate virtually every ditch and pond that may be occasionally wet across the United States and would have a significant negative impact on farmers, ranchers, and landowners across the country. I urge you to support efforts to rollback WOTUS and issue a revised rule that protects traditional navigable waters from water pollution while protecting Montanans' private property rights.
- **Superfund.** Montana is home to nearly 20 National Priority List Superfund sites—including the Columbia Falls Aluminum Company (CFAC) Plant and Silver Bow Creek/Butte Area, the latter of which includes the Berkeley Pit—which have the potential to harm local water sources or environments. I request your commitment to ensuring these sites are cleaned up on time or ahead of schedule. I also urge maximum transparency in planning those cleanup efforts to ensure impacted Montanans have input into their management. I invite you to tour some of our sites and assess the challenges and needs associated with them.
- **EPA's Rulemaking under Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).** The financial assurance regulations established by this rulemaking directly threaten the very industries that are the backbone of our economy, mining our critical minerals that are essential to our national security. I hope that you will work to modify this rule.

While not an exhaustive list, I believe the above policies reflect the previous administration's disregard for state and Montana driven solutions. I am optimistic that your leadership of the EPA will bring a more balanced approach that protects the environment while not putting hardworking Montana families out of work. I also look forward to working with you on these issues and, again, I extend an invitation for you to join me in Montana to tour our state and witness firsthand how Montana has balanced economic growth and stewardship.

Sincerely,



STEVE DAINES
United States Senator