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RPTS JANSEN

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MARKUP OF H.R. 2218, COAL RESIDUALS REUSE AND MANAGEMENT ACT OF 2013;
H.R. 2279, REDUCING EXCESSIVE DEADLINE OBLIGATIONS ACT OF 2013;
H.R. 2226, FEDERAL AND STATE PARTNERSHIP FOR ENVIRONMENTAL PROTECTION
ACT OF 2013; AND

H.R. 2318, FEDERAL FACILITY ACCOUNTABILITY ACT OF 2013

TUESDAY, JUNE 18, 2013

House of Representatives,

Committee on Energy and Commerce,

Washington, D.C.

The committee met, pursuant to call, at 4:08 p.m., in Room 2123, Rayburn House Office Building, Hon. Fred Upton [chairman of the committee] presiding.

Present: Representatives Shimkus, Gingrey, Scalise, Latta, Harper, McKinley, Bilirakis, Waxman, Dingell, Green, Schakowsky, Butterfield, and Tonko.

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Staff Present: Nick Abraham, Legislative Clerk; Gary Andres, Staff Director; Mike Bloomquist, General Counsel; Sean Bonyun, Communications Director; Tom Hassenboehler, Chief Counsel, Energy & Power; Peter Kielty, Deputy General Counsel; David McCarthy, Chief Counsel, Environment/Economy; Tina Richards, Counsel, Environment; Chris Sarley, Policy Coordinator, Environment & Economy; Phil Barnett, Minority Staff Director; Jen Berenholz, Minority Chief Clerk; Stacia Cardille, Minority Deputy Chief Counsel; Jacqueline Cohen, Minority Senior Counsel; and Karen Lightfoot, Minority Communications Director and Senior Policy Advisor.

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Mr. Shimkus. The committee will come to order. The chair now recognizes -- well, let me say, we look forward to moving these important pieces of legislation to the floor. And now I would like to recognize Mr. Gingrey from Georgia for 3 minutes for an opening statement.

Dr. Gingrey. Mr. Chairman, thank you for calling this markup of four different pieces of legislation from the Environment and Economy Subcommittee that will continue tomorrow.

First and foremost, I would like to commend both you and Subcommittee Chairman Shimkus for your continued commitment to regular order since each of these bills that we will be considering during this markup was subject to that process.

There is one major theme among all four pieces of legislation: With each of these bills, we are taking an important step to restore the balance of responsibility between the States and the Federal Government when it comes to environmental regulations. We will provide experts within the States with more flexibility to implement Federal law and make them more active participants within this process.

Mr. Chairman, I think there is no better example of this than has been exhibited through the consideration of H.R. 2218, the Coal Residuals Reuse and Management Act of 2013.

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[H.R. 2218 follows:]

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Dr. Gingrey. This bipartisan legislation authored by my colleague from the Environment and Energy Subcommittee, Mr. McKinley of West Virginia, saves jobs. At a time when our unemployment rate is still 7.5 percent, we need to implement commonsense policies to prevent job losses.

Unfortunately, the EPA's proposed rule to regulate coal ash as a hazardous waste could potentially jeopardize between 184,000 and 316,000 jobs, according to a June 2011 Veritas Economic Consulting study. H.R. 2218 is a solution that continues to allow for the safe regulation of coal ash without adding these needless burdens on overstretched State budgets.

Mr. Chairman, under the efforts from you and Chairman Shimkus, Mr. McKinley, we almost were able to find the balance needed for this legislation to pass the Senate in the 112th Congress. But despite this work, time ran out last year. It is my hope this legislation will finally make its way to the President's desk during this Congress, and I stand committed to working with Members on both sides of the aisle to make this a reality.

I am also very supportive of the other bills that will assist in modernizing important environmental laws that elevate the role of States. I believe that the two-part hearing held by E&E Subcommittee before Memorial Day provided us with further information on the merits of updating these laws through the REDO Act, the Federal and State Partnership for Environmental Protection Act, and the Federal Facility

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Accountability Act.

Mr. Chairman, Mr. Shimkus, I urge my colleagues support each of these bills. And I yield back the balance of my time.

[The prepared statement of Dr. Gingrey follows:]

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Mr. Shimkus. Gentleman yields back his time.

Chair now recognizes the ranking member of the full committee, Mr. Waxman, for 5 minutes.

Mr. Waxman. Thank you very much, Mr. Chairman.

Today the committee once again turns its attention to the issue of coal ash disposal. The committee has been working on this issue for almost 4 years now, but today's markup will not bring us any closer to resolution. The legislation we are considering today is based on the proposal that 90 percent of Democrats oppose when it was considered on the House floor in September of last year. It is based on the proposal that has been exhaustively analyzed by the Congressional Research Service and found severely wanting, and it is based on the same language that has failed to get sufficient support in the U.S. Senate.

This bill would abandon the proven models of environmental protection and adopt an approach that we have every reason to believe would fail if enacted. This proposal will not ensure the safe disposal of coal ash, protect groundwater, or prevent dangerous air pollution, and it will not prevent another catastrophic failure like we saw in Kingston, Tennessee. The bill forwarded from the subcommittee includes a number of small changes from the original discussion draft. None of them were worked out in an open or bipartisan way. Some have little substantive effect, some represent modest improvements, and some make the proposal even more problematic.

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Today Representative Tonko and I released a new analysis of the revised legislation by the Congressional Research Service. CRS has confirmed our concerns about this revised bill. H.R. 2218 deviates from other Federal laws in the following serious ways: It fails to contain any minimum Federal requirement to protect health and the environment. It fails to establish minimum national safeguards. It fails to establish Federal backstop authority. And it fails to define which facilities the bill covers.

I continue to oppose this legislation, and I believe there is simply not the support for this proposal to become law.

We will also consider the so-called REDO Act, which would likely moot pending lawsuits brought by the environmental community and the coal ash recycling industry. The chairman has said it isn't the majority's intention to eliminate these lawsuits, and yet that is what the bill would clearly accomplish. Mooting those lawsuits will likely slow down EPA's actions on coal ash, continuing unsafe coal ash disposal, and continuing the regulatory uncertainty that has impacted the beneficial reuse industry.

The committee is also considering two other bills affecting the Superfund program. These bills are not based on a clear oversight record, and we are still lacking basic information about whether the bills are needed and what they would accomplish. Just this week, my staff and Chairman Upton's staff met with the Department of Defense and the Department of Justice on the Federal Facility Accountability

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Act. Amazingly, even though the bill imposes new obligations on the Defense Department, the majority had never consulted with them during the development of this legislation.

The effect of the bill, according to the Department lawyers, would be to disrupt the national priority scheme in which the most contaminated Federal sites are cleaned up first, increase litigation, delay cleanups, waste limited resources, and expose Federal employees to criminal penalties for doing their jobs.

Both agencies offered to work with this committee on legislation if we could identify the objectives we are trying to achieve. I think we should take them up on that offer rather than voting to report a bill that is not ready for consideration.

Today's bills are not ready to be considered and are not likely to be enacted. And I encourage all Members to oppose them in their current form, and I urge the chairman to consider a more bipartisan approach for future legislation.

And with that, Mr. Chairman, I yield back the balance of my time.

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[The prepared statement of Mr. Waxman follows:]

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Mr. Shimkus. Gentlemen yields back his time.

The chair now turns to the majority side. Who seeks recognition?
Gentleman from Ohio is recognized for 3 minutes.

Mr. Latta. Thank you, Mr. Chairman.

The Federal Facility Accountability Act of 2013 is commonsense legislation that updates CERCLA to ensure that Federal facilities are held to the same level of accountability as private facilities.

[H.R. 2318 follows:]

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Mr. Latta. During our previous legislative hearings, a number of States and State organizations indicated problems associated with Federal facilities skirting CERCLA cleanup responsibilities and arguing that they do not have to fully comply with State cleanup laws.

Since those hearings and the introduction of this legislation, I have heard from a number of entities expressing their support. Most recently, I have heard from the State of Alaska's Department of Environmental Conservation Contaminated Sites Program. Because 69 percent of the land in Alaska is Federally owned, local authorities have extensive experience dealing with multiple Federal agencies using their CERCLA-delegated authority. According to the program authorities, a recurring problem is when Federal entities use sovereign immunity as a bar to limit or even refute State involvement and oversight of agency cleanups. In these instances, the Federal agency is acting as a responsible party and as a regulator in which they get to determine which laws apply, how safe the remedy needs to be, and then also how they pay the bill. Further, there is inconsistency in how some Federal agencies apply their CERCLA authority.

The Federal Facilities Accountability Act addresses these concerns and existing ambiguity by ensuring current and formerly owned Federal facilities will have to comply with the same State requirements as a private entity doing cleanup under CERCLA and specifically identifies the types of State procedural and substantive requirements that are applicable to the Federal government. Some of these most

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pressing environmental problems exist at current and former Federal facilities, and States have come a long way in developing strong regulatory programs to protect public health, safety, and the environment. It makes sense for Federal agencies to comply with the State environmental laws and to clean up contamination at Federal facilities to the same standards as everyone else.

With strong independent State enforcement authority, the environmental performance of Federal agencies will undoubtedly improve. This has been evident with updates to the waiver of sovereign immunity in both the Solid Waste Disposal Act and the Clean Air Act, and I support extending this update to CERCLA.

Thank you very much, Mr. Chairman. And I yield back the balance of my time.

[The prepared statement of Mr. Latta follows:]

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Mr. Shimkus. Gentleman yields back the time.

Chair now recognizes the chairman emeritus of the full committee, Mr. Dingell, for 3 minutes.

Mr. Dingell. Mr. Chair, I thank you for your courtesy, and I want to express to you my personal good wishes, and I want you to understand that what I say here is said with both affection and respect.

I can't understand why this committee is so reluctant to consider this legislation carefully and to improve it where it could be done and to be more responsible in the conduct of its business. We are engaged in an exercise which is a complete waste of the time of the committee, and we were doing that earlier. Nothing has changed. One bill completely changes how the substance would be regulated, unlike any other within EPA's jurisdiction. The remaining bills have no factual record upon which to base the proposed changes, and I have heard no examples or reasons showing that the legislation is necessary.

As for the legislation relating to coal ash, I understand this is an issue which must be addressed, and I happen to agree with that. And I hope that my Republican friends will accept the hand of friendship which has been offered by the members on this side over the last 2 years to work together on this issue. However, as much as I want there to be momentum to move a solution forward, I do not believe that this legislation addresses the problem in a proper way.

Now, I am just a simple Polish lawyer from Detroit, and I would remind the members of this committee that we are not at all engineers.

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And if we are to legislate on this issue, we must give EPA the flexibility to implement appropriate standards without having to constantly come back to the Congress to find out what we meant or what we wanted or how they should change the legislation or the regulatory approach to suit the needs of the country.

This bill doesn't go far enough to prevent future spills like what happened in Tennessee or more recently in Wisconsin, and I do not believe that there is enough justification or reason or public transparency to justify moving the bill forward at this time. I am unaware of any oversight by the committee that has identified problems necessitating that the Superfund amendments before us today be adopted, and I don't see what problems these bills are attempting to solve.

I would ask my Republican friends to give these bills more time and to take the opportunity that is offered to us work together to perfect the legislation so that, in fact, it solves problems and doesn't create more problems for the confusion and for the ill will of the American people.

If the majority really wants to address these issues, I hope that you would take the time to find a way to address the concerns from EPA and our friends in the Senate before charging headlong into solving problems that are not backed up with a factual record. I would hope the committee would gather a body of evidence from EPA, the States, local governments, industry, and communities to better understand and to better work out what is the proper solutions to the problems that

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we seek to cure.

So, Mr. Chairman, I think that perhaps the best thing we could do today to address these problems properly is a motion to adjourn. I thank you for your kindness.

Mr. Shimkus. The chair thanks the gentleman.

[The prepared statement of Mr. Dingell follows:]

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Mr. Shimkus. With great affection, I receive your admonition.

The chair now recognizes the chairman of the full committee, Mr. Upton, for 5 minutes.

The Chairman. Well, thank you, Mr. Chairman. I apologize that I am late and I apologize that I have got to leave after I give my statement, and will be back obviously tomorrow. But we are not adjourning quite yet.

This week, in fact, we are taking an important step towards enacting four pieces of legislation to protect human health and the environment, reduce red tape, protect jobs, and improve the partnership between the Federal Government and our States. Washington doesn't always know best. We have got a great relationship with our States. And the four bills that we are going to vote on tomorrow reflect that ongoing partnership.

We are going to first consider H.R. 2218, Mr. McKinley's Coal Residuals Reuse and Management Act, which is the latest product of an over 2-year effort to protect jobs. The original bill, voted out of this committee and passed in the House in 2011 by a bipartisan vote of 267-137, established the core principles of our approach: set minimum Federal standards for coal ash management and disposal and leave permitting and implementation to the States.

In 2012, the Senate took our bill and in consultation with this committee added a few additional specific standards. Unfortunately, that effort came up just short in the final days of the last Congress.

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Undeterred, we built upon the progress of the last 2 years, we sat down with EPA this last spring to exchange perspectives on many of the details, and ultimately incorporated some of their suggestions. After 2-1/2 years, it is time to enact this bill to ensure the environmental and economic benefits of coal ash recycling can continue, jobs will be protected, and that we can be confident that when coal ash is not recycled it is indeed properly managed.

The second bill that we are going to consider is Mr. Gardner's Reducing Excessive Deadline Obligations Act, H.R. 2279, which makes two simple reforms to existing law.

[H.R. 2279 follows:]

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The Chairman. First, takes EPA out from underneath an arbitrary and impractical deadline to review Solid Waste Disposal Act regs every 3 years, whether they need it or not. Instead, we instruct EPA to review them as appropriate. This will allow EPA, the States, and the regulated community to better focus their efforts on cleanup and waste management instead of rewriting regs.

The bill also preserves State financial responsibility authority in the event that EPA issues its own regs for the first time. Many projects are developed based on long-term financial surety commitments. Upsetting those after years of reliance could cost money, jobs, and resources that the project is expected to produce.

Next we will consider Mr. Johnson's Federal and State Partnership for Environmental Protection Act, H.R. 2226, to give States more say in choosing Superfund sites for the National Priority List and in crafting remediation strategies.

[H.R. 2226 follows:]

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The Chairman. After all, States under CERCLA are required to spend some of their own money on Superfund cleanup chosen principally by EPA, and it is their own citizens who are personally affected living near or downstream from these sites. More State voice brings better balance to the Federal-State partnership.

And finally, Mr. Latta's Federal Facility Accountability Act, H.R. 2318, helps ensure that the Federal Government will be a good neighbor whenever it owns or operates a site subject to CERCLA, the Superfund law. This bill allows States to enforce cleanup laws at Federal sites, both operating and formerly run sites, the same way that it enforces State law at any cleanup site.

I look forward to more opportunities to work closely with our States in pursuit of sensible and thoughtful policies and keep the public safe. I would urge all of our members to support the bill. Yield back my time.

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[The prepared statement of The Chairman follows:]

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Mr. Shimkus. Gentleman yields back his time.

Chair now looks to the minority side. Gentlady from Illinois seek recognition? Gentlady is recognized for 3 minutes.

Ms. Schakowsky. Thank you, Mr. Chairman. As I said 2 weeks ago in our Environment and the Economy Subcommittee markup, I oppose all four bills under consideration because I believe they would undermine important public health and environmental protections.

In 2008, over 1 billion gallons of coal ash spilled into the Emory River, contaminating drinking water with arsenic, chromium, selenium, lead, and mercury. In 2011, another spill occurred in Oak Creek, Wisconsin, pouring coal ash directly into Lake Michigan. The company responsible, We Energies, was aware of its inadequate storage of coal ash, and had in fact already been providing bottled water to local residents due to well contamination caused by the plant. Without strong Federal oversight we can expect to see many most coal ash-related public health and environmental tragedies in the future.

H.R. 2218 would ignore two reasonable EPA proposals to address coal ash disposal. Instead, the bill's standard, deemed remarkably deficient by a water dam safety expert who testified before the subcommittee, would allow millions of Americans to face an increased risk of cancer, neurological disorders, birth defects, reproductive failure, asthma, and other complications.

The other three bills would weaken the ability of the Federal Government to clean up our most toxic sites and protect the public

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health. RCRA and CERCLA have worked for decades to help States and localities to direct toxic contamination. As our witness from Garfield, New Jersey testified last month, the EPA has been at work with the city to effectively monitor contamination and clean impacted properties after a toxic spill. Without the EPA, thousands of Garfield citizens would now be exposed to cancerous toxins.

The bills we consider today would put the effectiveness of RCRA and CERCLA at risk. The REDO Act would eliminate a requirement for periodic review of RCRA regulations, which help ensure the law remains up to date and effective. The Federal and State Partnership for Environmental Protection Act would allow lawsuits to delay cleanup of the most contaminated sites in the country, jeopardizing public health in the process.

Instead of undermining RCRA and CERCLA, we should seek ways to maintain and strengthen them so that more communities can benefit from their protections. I urge my colleagues to join me in opposing all four bills. And I yield back.

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[The prepared statement of Ms. Schakowsky follows:]

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Mr. Shimkus. Gentlelady yields back her time.

Chair now recognizes the gentleman from Mississippi, Mr. Harper, for 3 minutes.

Mr. Harper. Thank you, Mr. Chairman.

I appreciate the good work that this committee continues to do, including the legislative hearing and subcommittee markups that were recently held on the bills that we will soon mark up. Three of these bill before us, H.R. 2279, 2226, and 2318, would reduce much of the uncertainty, redundancy, and waste associated with the EPA.

I believe that the other bill, the Coal Residuals Reuse and Management Act, is of particular importance. My district relies on coal and coal ash for electricity and jobs, jobs that are important to families in my State. And in an effort to protect the interests of my constituents, I will continue to support this bill to prevent EPA from regulating coal ash as a hazardous material. And I urge all members to support these four bills.

Thank you, Mr. Chairman. And I yield back.

[The prepared statement of Mr. Harper follows:]

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Mr. Shimkus. Gentleman yields back his time.

Chair now looks to the minority side. Who seeks recognition?
The gentleman from New York is recognized for 3 minutes.

Mr. Tonko. Thank you, Mr. Chair.

The bills before us today have little to recommend them. H.R. 2226 on Federal and State Partnership does not address any identified problem with the Superfund program and does not appear to have any outside advocates.

H.R. 2318, the Federal Facility Accountability Act, has possibilities. But according to the Department of Justice, it contains provisions that would create serious problems for our Federal employees. If we move this legislation forward without addressing these provisions, the bill is unlikely to move beyond the committee's consideration.

I continue to oppose H.R. 2279. There is no justification for this legislation, and it would cut off the one avenue now available to communities seeking to reduce the risks resulting from poor management of coal ash.

H.R. 2218, the Coal Ash Recycling and Oversight Act, is the centerpiece of this markup. Many provisions of this bill are unnecessary and others are designed to prevent EPA from setting national standards to ensure the safe operation and structural integrity of coal ash disposal facilities.

States have the authority to establish regulations for coal ash

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disposal facilities today. H.R. 2218 restates that fact. But this provides no assurance that longstanding problems with these facilities would indeed be addressed.

The States have had decades to demonstrate that no Federal role for EPA is necessary. The system of State-based regulation of coal ash has not worked. State-based regulation of these facilities has failed to protect air and water quality, drinking water sources, and whole communities. It is long past time for EPA to set a Federal standard that resolves uncertainty with respect to coal ash reuse and provides assurances to the public that coal ash disposal is being managed in a safe and responsible manner.

I stated earlier in this process about our willingness to work together to develop legislation that could be supported broadly by the members of this committee, a broad coalition of interest groups, and that could become law. H.R. 2218 is not such a bill.

Finally, I regret that we are rushing to take up H.R. 2318. With some additional time to resolve the issues identified by the Department of Justice in H.R. 2318, we could support the bill. We would all like to see Federal facilities cleaned up. It is disappointing that even where there is so much common ground we could not take the time, very valuable time, required to work things out.

With that, Mr. Chair, I yield back.

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[The prepared statement of Mr. Tonko follows:]

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Mr. Shimkus. Gentleman yields back his time.

Chair now recognizes the gentleman from West Virginia, Mr. McKinley, for 3 minutes.

Mr. McKinley. Thank you, Mr. Chairman.

Two months ago, this committee held a hearing, and we listened, we listened very carefully to the EPA and the other stakeholders regarding this crucial fly ash legislation. At the hearing, the EPA indicated that they would not oppose the draft legislation. Since that time, we have held additional meetings and discussions with the EPA and the Senate and the other stakeholders to further strengthen the legislation. The bill before us today shows we have developed a viable solution with strong bipartisan support.

Let me show you what we are talking about here today. Fly ash, this is fly ash. This is a byproduct of burning coal, just like when you burn a log in a fireplace, you get an ash. You burn coal, you get an ash. Hundred and forty million tons of that is created annually; 40 percent of it is recycled, the other 60 percent is sent to landfills. And given that there is apparently a budding consensus about the beneficial reuse of the 40 percent portion that is recycled, the argument comes down now how to handle and dispose of the remaining 60 percent, and, importantly, how we protect the health and the safety for families living near these disposal sites.

Thanks to the negotiations held with the States and the stakeholders, the bill before us today is an issue of fairness, a

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commonsense solution. Recyclers will be able to continue their beneficial reuse of fly ash. It was promoted by the EPA for years to be able to continue that. And for the first time there will be -- there will be a national minimum standard for disposal as established by the EPA. States will have primacy, but the EPA can step in at any time, if necessary, to make sure that it is complying with their requirements.

It protects 316,000 jobs. It prevents electricity costs from increasing. But, more importantly, is it provides consistency in the regulatory process. Not very often you get a group working together -- recyclers, labor unions, utility industry, coal operators, and environmental officials -- all in favor of this same piece of legislation.

Without this bill, ash will continue to be disposed of in the standards that were set forth in the 1950s and the 1960s. The stigma imposed by extremists within the environmental movement will continue.

Common sense and fairness should prevail on this issue. Working in a bipartisan fashion, we have made progress. After 32 years of uncertainty, it is time for action. We have passed this bipartisan legislation during the 112th Congress. Our neighbors deserve the protection for their health and their environment. We can do this with this legislation. It is finally possible. I encourage all my colleagues on the committee to support this bill.

Thank you, Mr. Chairman. I yield back my time.

[The prepared statement of Mr. McKinley follows:]

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Mr. Shimkus. Gentleman yields back his time.

Chair now recognizes the gentleman from North Carolina, Mr. Butterfield, for 3 minutes.

Mr. Butterfield. Thank you very much, Mr. Chairman.

Mr. Chairman, the environmentally safe reuse of elements from coal ash is important to many of our industries, including highway applications and concrete and wall board. While I support State efforts and voluntary industry efforts to strengthen the safe handling of coal ash, I am terribly concerned that this proposed legislation could lead to a patchwork of State policies regulating coal ash and could eliminate any possibility of establishing minimum national standards for their handling.

A 2008 breach of a coal ash surface impoundment pond in Kingston, Tennessee, damaged homes and property across 300 acres and is still being cleaned. The total cost of cleanup will be 1.2 billion. We can all agree that no one wants to have a catastrophe of that magnitude occur in their community.

In part due to that tragedy, the EPA began to reinvestigate the regulation of coal combustion residuals. In 2010, the EPA proposed different approaches to regulate CCRs under the Resource Conservation and Recovery Act. While I have heard from many constituents from eastern North Carolina about the advantages and disadvantages to both proposals by EPA, I appreciate the deliberate process EPA has undertaken to find a fair way to handle CCRs.

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H.R. 2218 fails -- fails -- to address issues important to my constituents throughout North Carolina. According to the 2007 census, North Carolina is the ninth-highest producer of CCRs in the country; 70 percent of the empowerment areas for coal ash in my State are located in poverty-stricken areas. Many of those are minority communities who have limited healthcare options and rely solely on groundwater. It is critical to ensure coal ash ponds are not disproportionately present in those communities. We must also be certain that coal ash ponds found in those communities do not pose threats to public health.

Mr. Chairman, we must continue to find ways where the local, State, and Federal governments can work together to promote public health and safety. I applaud the voluntary efforts of industry to properly handle coal ash, but also recognize the need to have enforceable standards to ensure that coal ash does not cause contamination and does not threaten people's health.

I look forward to discussing aspects relating to coal ash handling and public health, as well as the three other bills that we will be marking up tomorrow. Thank you for the time, Mr. Chairman. I yield back.

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[The prepared statement of Mr. Butterfield follows:]

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Mr. Shimkus. Gentleman yields back his time.

Chair now recognizes the gentleman from Florida, Mr. Bilirakis, for 3 minutes.

Mr. Bilirakis. Thank you, Mr. Chairman. Appreciate it very much.

I appreciate the hard work of Mr. McKinley and staff, how much hard work they have put into H.R. 2218. This commonsense legislation will ensure that coal combustion products are safely regulated by empowering the States to regulate it at certain minimum standards without overwhelming the State budgets or customers' wallets. It also gives the EPA the authority to act to protect the public should a State fail to enforce the law.

Finally, the bill will safeguard the recycling of coal combustion products. The EPA's pending rule has chilled their reuse. Coal combustion products has become a significant sector of the economy, providing jobs and environmental and safety benefits. The recycling of coal combustion products reduces greenhouse gas emissions, extends the life and durability of the Nation's roads and bridges, and reduces the amount that must be disposed of in landfills or surface empowerments. This legislation will protect jobs and provide certainty to States, utilities, and businesses that use this product.

I yield back the balance of my time. I urge members to support this important piece of legislation. Yield back. Thank you, Mr. Chairman.

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[The prepared statement of Mr. Bilirakis follows:]

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Mr. Shimkus. Gentleman yields back his time.

Chair now recognizes the gentleman from Texas, Mr. Green, for 3 minutes.

Mr. Green. Thank you, Mr. Chairman, for holding the markup.

In the 112th Congress and my role as ranking member of the E&E Subcommittee, I worked with Chairman Shimkus and Representative McKinley and other members in a bipartisan effort to find a solution to coal ash. That effort resulted in legislation that would create a State-run waste disposal program with minimum Federal requirements while ensuring that coal ash can continue to be reused and recycled in everyday products. I voted for that legislation in committee and on the House floor and it cleared the Energy and Commerce Committee and passed the House with notable Democratic support in 2011.

The bill before us today, though not perfect, is an improvement on efforts from the last Congress. Among the improvements include requiring groundwater monitoring, the requirements to ensure the structural stability and safety of emplacements, in addition to location restrictions and fugitive dust requirements. Most importantly, this bill would regulate coal ash under Subtitle D of RCRA, thereby protecting the economic benefits of recycled coal ash, which has been shown to be in the billions of dollars annually.

I am well aware of the criticism of Mr. McKinley's bill, and would welcome amendments that would further ensure that the legislation protects human health and the environment while providing regulatory

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certainty for our State and local governments, industries, and communities.

I have much stronger reservations over the other three bills being considered today, which would amend CERCLA and RCRA. As I noted in the markup 2 weeks ago, I represent an industrial district, with several Superfund sites in or near our district. This committee has responsibility to seriously examine how we can strengthen Superfund and assure that the necessary procedures and resources are in place for Federal and State officials to clean up hazardous sites affecting our communities. I would welcome further hearings on CERCLA and RCRA and how we could work together toward improving these two important statutes.

I thank you, Mr. Chairman. I yield back my time.

[The prepared statement of Mr. Green follows:]

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Mr. Shimkus. Gentleman yields back his time.

Chair now recognize the gentleman from Louisiana, Mr. Scalise, for 3 minutes.

Mr. Scalise. I want to thank the distinguished chairman for holding this hearing.

The four bills we are taking up are all important, and they have my full support, beginning with the Coal Residuals Reuse and Management Act of 2013. With that bill, we are considering legislation that will give power back to the States and ensure that local voices are more prominent than those here in Washington.

For instance, the Coal Residuals Reuse and Management Act allows States to manage coal ash permit programs if they so choose, giving local control to this vital issue. The Reducing Excessive Deadline Obligation Act allows the President to promulgate regulations under some CERCLA provisions and requires that those regulations do not preempt the requirements of States or other Federal agencies. The other bills we have before us amend CERCLA to require consultation with affected States when remediation activities are taking place under the law and require the Federal Government to comply with State regulations relating to hazardous substances at facilities that are now or used to be owned or operated by the Federal Government.

I look forward to working with my colleagues to enact these meaningful reforms that will give State agencies and laws greater weight when our Federal Government is making decisions. We have seen

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how radical regulations by the Federal Government has killed jobs in America, and the Obama administration seems to have no end to the additional roadblocks they will place on jobs just to appease their extremist friends. States are already providing responsible oversight in these areas, and States are in the best position to evaluate issues raised by these bills and will much more effectively respond to local conditions.

Thank you, Mr. Chairman. I urge passage of all these bills, and I yield back the balance of my time.

[The prepared statement of Mr. Scalise follows:]

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Mr. Shimkus. Gentleman yields back his time.

Chair seeing no other members, without objection, the chair calls up H.R. 2218 and asks the clerk to report.

The Clerk. H.R. 2218, To amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

Mr. Shimkus. Without objection, the first reading of the bill is dispensed with, and the bill will be open for amendment at any point. So ordered.

For the information of members, we are now on H.R. 2218. The committee will reconvene at 10 a.m. tomorrow morning. And I remind members that the chair will give priority recognition to amendments offered on a bipartisan basis. I look forward to seeing you all tomorrow.

Without objection, the committee stands in recess.

[Whereupon, at 4:45 p.m., the committee recessed, to reconvene at 10:00 a.m., Wednesday, June 19, 2013.]