

Opening Statement of the Honorable Chairman Fred Upton
Subcommittee on Environment and the Economy
Markup of the Coal Residuals Reuse and Management Act of 2013; the Reducing
Excessive Deadlines Obligation Act of 2013; the Federal Facility Accountability
Act of 2013; and the Federal and State Partnership for Environmental Protection
Act of 2013
June 5, 2013

(As Prepared for Delivery)

Today we take a key step toward enacting four pieces of important legislation to protect human health and the environment, reduce red tape, protect jobs, and improve the partnership between the federal and the state governments. We have a strong working relationship with our states, and these bills reflect that ongoing partnership.

The coal ash bill before us today represents a multi-party compromise that has been years in the making. It preserves the core of last year's House bill by making it clear that either the state's own implementing agency or EPA will administer a state coal ash program, but not both at the same time. And the states tell us that they will choose to take the responsibility.

The bill adopts new minimum standards proposed by our Senate colleagues including groundwater monitoring, deadlines for surface impoundments to meet groundwater protection standards, requirements for ensuring structural stability, and restrictions on fugitive dust and location of new structures.

The bill also addresses suggestions proposed by the administration at our legislative hearing in April. It includes a deadline for states to issue permits; deficiency criteria by which EPA may determine whether it needs to assume responsibility for coal ash management; periodic evaluations for structural weakness; and emergency action plans.

The House, the Senate, and EPA, all made enormous contributions to this legislation. It strikes a good balance between state authority to implement these programs and congressional authority to establish stringent but achievable national standards. And, most importantly, it will help protect jobs.

The Reducing Excessive Deadline Obligations (REDO) Act makes two short, but important improvements to federal environmental law. First, it amends RCRA to give EPA authority to review and revise RCRA regulations as appropriate, instead of an arbitrary every three years under current law. It also ensures that if and when EPA promulgates financial responsibility requirements under CERCLA, state financial responsibility requirements will not be pre-empted. This protection is important to state governments, project managers, and the people who provide financial surety for projects. Project financial responsibility commitments that have already been carefully crafted should be honored.

The Federal Facility Accountability Act also improves the balance of responsibility between states and the federal government. It provides that any federal operations sites must respect state environmental protection laws, whether they are still operating or were shut down years ago. This good neighbor policy is long overdue.

Finally, the Federal and State Partnership for Environmental Protection Act amends CERCLA to strengthen states' consultation role on removal and remediation actions and listings on the National Priorities List. Since states are required to spend some of their own money on these clean-up projects, shouldn't they have a greater voice in the listing and remedial action decisions?

The bill also allows states credit for in-kind contributions to the removal or remediation action. This is good for everybody. It encourages states to volunteer contributions such as land that can be important pieces to a clean-up puzzle.

Chairman Shimkus, I commend you and all our colleagues on the subcommittee for their fine work on all four bills and I urge their adoption.

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