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4 H.R. \_\_\_\_\_, IMPROVING COAL COMBUSTION RESIDUALS REGULATION

5 ACT OF 2015 (DAY 2)

6 TUESDAY, MARCH 24, 2015

7 House of Representatives,

8 Subcommittee on Environment and the Economy

9 Committee on Energy and Commerce

10 Washington, D.C.

11 The Subcommittee met, pursuant to call, at 2:34 p.m., in  
12 Room 2123 of the Rayburn House Office Building, Hon. John  
13 Shimkus [Chairman of the Subcommittee] presiding.

14 Members present: Representatives Shimkus, Harper,  
15 Murphy, Latta, McKinley, Johnson, Bucshon, Flores, Hudson,  
16 Cramer, and Tonko.

17 Staff present: Nick Abraham, Legislative Clerk;

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18 Charlotte Baker, Deputy Communications Director; David  
19 McCarthy, Chief Counsel, Environment and the Economy; Tina  
20 Richards, Counsel, Environment and the Economy; Chris Sarley,  
21 Policy Coordinator, Environment and the Economy; Jacqueline  
22 Cohen, Democratic Senior Counsel; Michael Goo, Democratic  
23 Senior Counsel, Energy and Environment; Caitlin Haberman,  
24 Democratic Professional Staff Member; Rick Kessler,  
25 Democratic Senior Advisor and Staff Director, Energy and  
26 Environment; and Ryan Schmit, Democratic EPA Detailee.

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|

27           Mr. {Shimkus.} We want to call the hearing back to  
28 order and welcome the Undersecretary Mathy Stanislaus from  
29 the EPA to testify on the coal ash bill. And my colleagues  
30 are here, and some will come back. We just came from votes.  
31           Just for information, Mathy has to leave at 3:30, so we  
32 will try to expedite this as much as possible. And with  
33 that, your full statement is submitted for the record. You  
34 have 5 minutes, and welcome.

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|

35 ^STATEMENT OF MATHY STANISLAUS, ASSISTANT ADMINISTRATOR,  
36 OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE, U.S.  
37 ENVIRONMENTAL PROTECTION AGENCY

|

38 } Mr. {Stanislaus.} Okay. Thank you. Good afternoon  
39 Chairman Shimkus, Ranking Member Tonko, and members of the  
40 subcommittee. I am Mathy Stanislaus, Assistant Administrator  
41 for the Office of Solid Waste and Emergency Response. Thank  
42 you for the opportunity to testify on EPA's efforts on coal  
43 ash residuals as well as the subcommittee's decision draft.  
44 I was also looking for a frequent witness card after I am  
45 done here today.

46 Mr. {Shimkus.} We will see how your testimony goes.

47 Mr. {Stanislaus.} So as you all know, on December 19,  
48 the EPA Administrator signed the coal ash rule. The rule  
49 establishes the first-ever nationally applicable minimum  
50 criteria for the safe disposal of coal combustion residuals  
51 in landfills and surface impoundments. The agency is pleased  
52 that there continues to be wide agreement on the importance  
53 of ensuring the safe disposal of coal ash residuals. As  
54 noted in my testimony before the subcommittee on January 22

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55 of this year, EPA believes that the agency's rulemaking  
56 appropriately addresses the risks posed by the mismanagement  
57 of coal ash residual disposal. The EPA believes that the  
58 coal ash rule is a strong, effective, approach that provides  
59 critical protection to communities across the Nation by  
60 helping to protect our water, land, and air. The rule  
61 provides states and local communities the information they  
62 need to fully engage in the rule's implementation, thereby  
63 helping to ensure that facilities safely manage and dispose  
64 of coal ash residuals. To address the risk posed by  
65 mismanagement of coal ash residuals, the rule requires  
66 utilities to conduct groundwater monitoring, installing  
67 liners for new surface impoundments and landfills, control  
68 fugitive dust, and properly close surface impoundments and  
69 landfills no longer receiving coal ash.

70 The CCR rule is designed to provide electric utilities  
71 and independent power producers generating coal ash with a  
72 practical approach for addressing the issue of coal ash  
73 disposal and has established varying implementation timelines  
74 for the technical requirements that take into account, among  
75 other things, upcoming regulatory actions affecting electric  
76 utilities and site-specific practical realities. This rule

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77 also sets out recordkeeping and reporting requirements,  
78 including requirements to post information on a publicly  
79 available website to ensure transparency. We are committed  
80 to working closely with our state partners on rule  
81 implementation, and as a major component of this, we are  
82 encouraging states to revise their Solid Waste Management  
83 Plans and submit the revisions to the EPA for approval.

84 Just last week I briefed states' commissioners on the  
85 rule's implementation process, and we agreed to continue to  
86 work together on expediting a streamlined process for  
87 developing and improving states' solid waste management  
88 plans. EPA has been working extensively with stakeholders  
89 before the rule and subsequently, and just recently we had a  
90 webinar in which 800 participants participated in discussing  
91 the rule.

92 EPA expects that the states will use the solid waste  
93 management planning process to help align state programs with  
94 the EPA rule and revise the state Solid Waste Management  
95 Plans to demonstrate how the state intends to regulate coal  
96 ash landfills and surface impoundments. We believe states  
97 will have sufficient time to prepare the solid waste  
98 management plans for approval. We believe we built in

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99 adequate time, up to 18 months, to revise the Solid Waste  
100 Management Plans before key provisions of the rule take  
101 effect. The agency expects that the solid waste management  
102 plan process can accommodate state program variability as  
103 states demonstrate regulatory requirements that are  
104 equivalent or more stringent than the requirements in the EPA  
105 rule. Most importantly, states' concerns of having state  
106 oversight and permit program that is aligned with the coal  
107 ash rule will be achieved with an approved solid waste  
108 management plan, and utilities will have a single point of  
109 compliance.

110 EPA is currently reviewing the subcommittee's draft, and  
111 we remain open to providing technical comments to the  
112 committee. We believe that legislation should provide for a  
113 national uniform minimum standard that is protective of  
114 public health and the environment as we have set forth in the  
115 rule, and we appreciate the provisions of the discussion  
116 draft that incorporates components of the EPA's CCR rule.

117 However, while the coal ash rule contains very specific  
118 detail regarding elements of transparency, prevention, and  
119 response, these elements were developed by reviewing  
120 extensive information from utilities, states, and citizens,

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121 augmented by in-the-field inspections of coal ash  
122 impoundments. The rule provides specific timelines that  
123 reflect the balance of immediately addressing risk to  
124 communities as soon as possible such as structural integrity  
125 to prevent catastrophic failure and ongoing risk to drinking  
126 water, while providing a reasonable amount of time for  
127 utilities to take actions given the variability of  
128 circumstance of CCR units. These components include a  
129 requirement that facility compliance data and information be  
130 posted on the internet for public access, criteria for  
131 addressing coal ash unit's closure, comprehensive structural  
132 stability requirements, and requirements for all releases.  
133 Now we believe these are critically important components for  
134 a protective national program for coal ash disposal.

135 With that, Mr. Chairman, I look forward to your  
136 questions.

137 [The prepared statement of Mr. Stanislaus follows:]

138 \*\*\*\*\* INSERT 1 \*\*\*\*\*

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|  
139 Mr. {Shimkus.} Thank you very much. I would like to  
140 recognize myself for the first 5 minutes, and Mr. Stanislaus,  
141 I would like to walk you through some of the specific  
142 provisions in the legislation and compare them to the final  
143 rule. We are going to try the yes or no because of our time  
144 comparing the rule to the language of the bill. So if we can  
145 get to a yes and no on some of these first ones, we would  
146 appreciate it.

147 Do you agree the bill requires states to use the exact  
148 design requirements as in 257.70 and 257.72?

149 Mr. {Stanislaus.} Well, I know you want yes and no  
150 answers, but I think the best way to kind of address those  
151 specific detailed questions is to--

152 Mr. {Shimkus.} But the real question is--

153 Mr. {Stanislaus.} Yeah.

154 Mr. {Shimkus.} --did we take the language from the reg-  
155 -

156 Mr. {Stanislaus.} Yeah.

157 Mr. {Shimkus.} --and place that in the language of the  
158 bill?

159 Mr. {Stanislaus.} Well, I guess I will have to get back

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160 to you on that.

161 Mr. {Shimkus.} Yeah, I think you know the answer. It  
162 does.

163 Mr. {Stanislaus.} Okay.

164 Mr. {Shimkus.} Do you agree that the bill requires the  
165 states to incorporate the groundwater monitoring and  
166 corrective action provisions in 257.90 to 257.98?

167 Mr. {Stanislaus.} Yeah, I believe the draft does  
168 contain those kind of requirements as I said in my testimony.  
169 Some of the details having set forth in the rule is where we  
170 would like to work with you on.

171 Mr. {Shimkus.} Do you agree that the bill has a  
172 deadline of no more than 36 months for the installation of  
173 groundwater monitoring?

174 Mr. {Stanislaus.} Again--

175 Mr. {Shimkus.} It does.

176 Mr. {Stanislaus.} Okay.

177 Mr. {Shimkus.} Does the final rule require installation  
178 of groundwater monitoring within 30 months of the effective  
179 date?

180 Mr. {Stanislaus.} You talking about the draft or the  
181 rule?

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182           Mr. {Shimkus.} We are talking about--you are testifying  
183 on the bill.

184           Mr. {Stanislaus.} Okay.

185           Mr. {Shimkus.} We are comparing the bill's language to  
186 the rule.

187           Mr. {Stanislaus.} Okay.

188           Mr. {Shimkus.} Which we looked at very closely.

189           Mr. {Stanislaus.} Okay. Well, again, in terms of a  
190 direct comparison, we can get back to you on that, you know,  
191 so--

192           Mr. {Shimkus.} Okay. We believe it does.

193           Mr. {Stanislaus.} Okay.

194           Mr. {Shimkus.} Do you agree the bill includes all the  
195 same constituents identified by EPA as being of concern for  
196 coal ash?

197           Mr. {Stanislaus.} Again, I believe it does, but we will  
198 have to do a direct comparison.

199           Mr. {Shimkus.} Yeah.

200           Mr. {Stanislaus.} Okay.

201           Mr. {Shimkus.} Do you agree the bill requires states to  
202 include the post-closure requirements in 257.104? I am just  
203 going to keep reading these.

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204 Mr. {Stanislaus.} Okay.

205 Mr. {Shimkus.} Okay. So the answer that we are trying  
206 to get to is, and there may be when we go through the markup,  
207 there may be some issues of debate, but our intent was as  
208 much as we could grabbing the regulation language and putting  
209 it in the bill.

210 Mr. {Stanislaus.} Yeah.

211 Mr. {Shimkus.} And this line of questioning is to  
212 confirm that.

213 Mr. {Stanislaus.} Yeah.

214 Mr. {Shimkus.} Do you agree that the bill requires the  
215 states to include the exact air criteria in 257.80? You  
216 probably don't know. We think it does. Does the final rule  
217 require financial assurance? Does our draft bill include  
218 financial--does the final rule, excuse me, your rule, does it  
219 include financial assurance?

220 Mr. {Stanislaus.} The coal ash rule does not include  
221 financial assurance, but it does not foreclose existing  
222 states who have financial assurance for adding that to their  
223 administration of coal ash disposal.

224 Mr. {Shimkus.} Okay. But so you are testifying that  
225 the final rule doesn't but they could, based upon state

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226 action?

227 Mr. {Stanislaus.} Yeah, states can, in fact--

228 Mr. {Shimkus.} Right. Okay.

229 Mr. {Stanislaus.} --add that, yeah.

230 Mr. {Shimkus.} Do you agree that the bill requires  
231 states to include surface water requirements as part of a  
232 permit program?

233 Mr. {Stanislaus.} You are talking about the draft?

234 Mr. {Shimkus.} I am on the same line of questioning--

235 Mr. {Stanislaus.} Okay.

236 Mr. {Shimkus.} --is the regulation comparing it to the  
237 draft. So the question is do you agree that the bill, the  
238 draft bill, requires states to include surface water  
239 requirements as part of a permit program?

240 Mr. {Stanislaus.} Again, we would be more than willing  
241 to compare it back to--

242 Mr. {Shimkus.} I think what we will do, we will just  
243 submit--

244 Mr. {Stanislaus.} Sure.

245 Mr. {Shimkus.} --these questions for the record,  
246 although, you know, we are going to be--as we mentioned  
247 before the hearing, a bill moves through the process. We

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248 will have a subcommittee mark. Through that process, if you  
249 can confirm or deny these questions, then we go to Full  
250 Committee mark, then we go to the Floor. So there are other  
251 times for this process to move forward. But we think we have  
252 drafted the bill to, for the most part, address the  
253 regulatory issues that you have. Our intent was to, as I  
254 said in the earlier part of the hearing two days ago, is to  
255 be helpful, codifying versus what we are concerned about is  
256 litigation, citizen suits and different rules throughout the  
257 Federal District Court jurisdictions and then giving states  
258 the permitting authority with, you know, federal standards  
259 and to comply. So I will submit these questions, and if you  
260 can as quickly as possible, respond to those. I didn't get  
261 to the other ones, but my time is expired. And I will yield  
262 to Mr. Tonko for 5 minutes.

263 Mr. {Tonko.} Thank you, Chair Shimkus, and welcome to  
264 Administrator Stanislaus. We can all agree that coal ash can  
265 pose serious risks when not disposed of properly. Now for  
266 the first time we have minimum federal requirements that set  
267 a floor of public health and environmental protections. But  
268 we are still hearing from our majority that a bill is needed,  
269 that this rule somehow falls short.

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270           Mr. Stanislaus, do you believe there are gaps in EPA's  
271 final rule?

272           Mr. {Stanislaus.} Well, we believe that the rule  
273 comprehensively addressed the risk that we have identified  
274 from a technical perspective, and we also believe that the  
275 alignment of the federal rule which state requirements can  
276 occur to the state solid waste management planning process.

277           Mr. {Tonko.} And does the rule address the major risks  
278 of improper coal ash disposal?

279           Mr. {Stanislaus.} Yes.

280           Mr. {Tonko.} And do you think there are problems in the  
281 rule that need to be addressed?

282           Mr. {Stanislaus.} We believe that we have addressed all  
283 the rest identified by EPA and by all the stakeholders, and  
284 in fact, in last week's testimony, I think the state  
285 witnesses had noted that the rule reflects the best practices  
286 of the states.

287           Mr. {Tonko.} And you know, we have heard from some  
288 stakeholders last week, even after all of this, that the rule  
289 does not include enough discretion for states to tailor  
290 requirements to specific sites. In response, this bill gives  
291 states significant leeway to apply alternative groundwater

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292 protection standards, clean-up requirements, and more. But  
293 this leeway undermines the federal floor or the national  
294 minimal criteria that EPA sets in the final rule.

295 So my question to you, do you think it is important to  
296 have a federal floor of protections for coal ash disposal?

297 Mr. {Stanislaus.} Well absolutely. What we have done  
298 is establish a clear federal floor around the major risk but  
299 also provided some tailored requirements to accommodate site-  
300 specific flexibility as well as timelines to accommodate the  
301 variants of the size of facilities.

302 Mr. {Tonko.} Thank you. And we have also heard some  
303 concerns about enforcement, that it might rely exclusively on  
304 citizen suits or that we may see issues of dual enforcement.  
305 So do you have confidence that enforcement of the final rule  
306 through citizen suits or states that have adopted  
307 requirements into their existing plans will be effective?

308 Mr. {Stanislaus.} Well, we have confidence that the  
309 states going through the state solid waste management  
310 planning process would align the state requirements with the  
311 federal requirements and not result in dual requirements.  
312 And therefore, in any citizen suit as courts have done in  
313 looking at other kind of citizen suits under RCRA would

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314 provide substantial weight to EPA's approval of the state's  
315 solid waste management plan.

316 Mr. {Tonko.} And lastly, we have heard from some that  
317 the final rule does not provide enough certainty to the  
318 recycling industry because EPA could, at some time in the  
319 future, go through another lengthy public process to regulate  
320 coal ash as hazardous. By that measure, nothing that we do  
321 is certain because regulations and statutes can always be  
322 revised. Mr. Stanislaus, does EPA's final rule label coal  
323 ash as hazardous?

324 Mr. {Stanislaus.} No.

325 Mr. {Tonko.} Does the final rule prevent beneficial  
326 reuse?

327 Mr. {Stanislaus.} No.

328 Mr. {Tonko.} Does EPA have any plans at this time to  
329 label coal ash as hazardous or restrict beneficial reuse?

330 Mr. {Stanislaus.} No.

331 Mr. {Tonko.} I thank the chair for calling this hearing  
332 and the witness for his testimony. Based on this testimony,  
333 I do not see a need for legislation at this time, and I see  
334 serious risks in this particular proposal at a point I  
335 believe the public interest would be best served by allowing

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336 the EPA rule to move forward. The state-based approach on  
337 coal ash disposal has been in effect for over 30 years and  
338 has resulted in too many failures.

339 So EPA's proposal deserves I believe a fair test to see  
340 if it results in better protection for the American people  
341 from the risks of coal ash. And with that, I will yield back  
342 to the chair.

343 Mr. {Shimkus.} The gentleman yields back his time.  
344 Just a note that I appreciate your yes and no answer to my  
345 colleague but no ability to do yes or no to me.

346 So I will now recognize my colleague, Mr. Murphy, for 5  
347 minutes.

348 Mr. {Murphy.} Thank you. I am over here. Good to see  
349 you. Now, does this legislation create enforceable permit  
350 programs for coal ash?

351 Mr. {Stanislaus.} In my understanding, it is having a--  
352 there is a permit program in there.

353 Mr. {Murphy.} Okay. You have read the bill?

354 Mr. {Stanislaus.} Yes.

355 Mr. {Murphy.} Okay. So you are aware on pages 10  
356 through 18 the bill text sets out the minimum requirements  
357 for states' coal ash permit programs. Are those direct

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358 references to the requirements in Part 257 of the EPA's final  
359 rule?

360 Mr. {Stanislaus.} Yeah, I do believe there are  
361 references to EPA's final rule, and as I noted in my opening  
362 statement, I think that there has been a lot of incorporation  
363 of the elements of the EPA's final rule. I do think the  
364 specificity that we laid out in the coal ash rule regarding  
365 the major risks are critical enhancements that are necessary  
366 to provide the kind of protections against catastrophic  
367 failure among other kinds of risk.

368 Mr. {Murphy.} And doesn't the bill then also require  
369 state permit programs to use the requirements in the final  
370 rule as the minimum requirements of coal ash permit programs?

371 Mr. {Stanislaus.} I am sorry. Could you say that  
372 again?

373 Mr. {Murphy.} The bill requires the state permit  
374 programs to use the requirements in the final rule as the  
375 minimum requirements of coal ash permits?

376 Mr. {Stanislaus.} Minimum requirements? Yeah, I don't  
377 really have that in front of me.

378 Mr. {Murphy.} Okay. We will get back to that.

379 Mr. {Stanislaus.} Okay.

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380           Mr. {Murphy.} I believe it directly incorporates the  
381 minimum requirements set forth in your December final rule,  
382 but let us know. In the fact sheet that accompanied the  
383 December 20, 2014, final rule, your agency says, ``EPA has no  
384 formal role in implementation of the rule. EPA does not  
385 issue permits nor can EPA enforce the requirements of the  
386 rule.'' In order to ensure that the EPA's coal combustion  
387 residual standards are met, doesn't it make more sense to  
388 enact a statutory guarantee that these standards would be  
389 adhered to rather than placing reliance on this rule's self-  
390 implementing mechanism?

391           Mr. {Stanislaus.} Well yeah, we have been really clear  
392 that the rule is self-implementing, but we believe, you know,  
393 based on all the comments we have heard from the states that  
394 the states want to enforce it through their programs. The  
395 states have that ability right now and that the alignment  
396 between state programs and the coal ash rule can occur  
397 through EPA's approval of the state's solid waste management  
398 plan.

399           Mr. {Murphy.} When you refer to that states can enforce  
400 that, isn't that also referring though to lawsuits states and  
401 individuals can bring up as far as a means of enforcing the

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402 federal standards?

403 Mr. {Stanislaus.} No. I mean, I want to separate the  
404 two. So with respect to aligning with state prominent  
405 programs and enforcing it through the state authority, they  
406 can do that by integrating the coal ash rule into their  
407 program and then by submitting a solid waste management plan  
408 for EPA's approval separately, the states or citizens can  
409 enforce the self-implementing requirements through a suit.

410 Mr. {Murphy.} Right, but won't enforcement through  
411 citizens' suits as called for in the final rule result in  
412 this extreme variety of interpretations and a patchwork of  
413 compliance and enforcement decisions as made by federal  
414 courts and not the EPA, not elected Members of Congress, not  
415 EPA and Congress working together? I am very concerned about  
416 that. Are you concerned as well that that basically means we  
417 are going to punt our authority here by relying on the courts  
418 for enforcement which includes interpretation? It is not  
419 just making someone do that which they are supposed to be  
420 doing, but whenever you go to the courts, you are also  
421 dealing with interpretation issues. Does that concern you?

422 Mr. {Stanislaus.} Well, precisely because of that  
423 concern we have heard from utilities, we have heard from the

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424 states that very issue. That is the reason why we identified  
425 this opportunity to align state programs using the state's  
426 solid waste management planning process. And we have heard  
427 from utilities and states, and we agree that there should be  
428 a single point of compliance and that--

429 Mr. {Murphy.} And what is that point of compliance?  
430 Would that point of compliance be the permit process itself  
431 or letting the states go through the enforcement and  
432 challenging in courts and individuals challenging courts?  
433 Wouldn't the permit process be the best place so you have  
434 interpretation and enforcement by the very agency that is  
435 working with Congress on this?

436 Mr. {Stanislaus.} Oh, yeah, and we would agree and we  
437 think that states utilizing the solid waste management  
438 planning process would enable for that to occur.

439 Mr. {Murphy.} So we want to make sure that the  
440 legislation really enables that to occur. I appreciate that.  
441 That is very important. And I yield back the balance of my  
442 time. Thank you.

443 Mr. {Shimkus.} The gentleman yields back his time. The  
444 chair now recognizes the gentleman from Ohio, Mr. Latta, for  
445 5 minutes.

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446           Mr. {Latta.} Well, thank you very much, Mr. Chairman,  
447 and thanks so much for being here again with us. I really  
448 appreciate it. Let me ask if I could, what do you see as the  
449 role of states in protecting the environment? Kind of a  
450 general question, but do you see as the overall role of  
451 states out there in protecting the environment?

452           Mr. {Stanislaus.} What do I see the states--

453           Mr. {Latta.} Yeah. Right.

454           Mr. {Stanislaus.} Well, I mean, the states are very  
455 much a co-regulator, in fact have lead responsibility for  
456 overseeing and enforcing environmental requirements. That is  
457 found within the Resource Conservation Recovery Act and  
458 probably many of our other environmental statutes. So we  
459 very much believe the states are on the front lines and  
460 should have primacy over that.

461           Mr. {Latta.} Because as you just said, the states are  
462 on the front line that especially when the states, you know,  
463 they know their own backyards much better. And so you think  
464 that the states should be out there on the front and should  
465 be maybe the first line of defense out there instead of the  
466 Federal Government?

467           Mr. {Stanislaus.} Yeah, I mean, I don't disagree with

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468 that statement, and I--you know, we spent a lot of time in  
469 the rule recognizing that fact and to accommodate the states  
470 to the greatest extent that we can. And even during the  
471 development, the rule, we have spent extensive time analyzing  
472 the states' rules and figuring out how we can best align the  
473 federal rule with state requirements and with the states  
474 taking the lead.

475 Mr. {Latta.} Let me follow up on that then. Do you  
476 believe that most states want to implement their own  
477 regulatory or permit program rather than have the U.S. EPA do  
478 it? Do you think--

479 Mr. {Stanislaus.} Well, yeah. I mean, I think the  
480 states in fact want to move forward on either enhancing their  
481 permit program, a new permit program for the coal ash rules,  
482 and you know, in my conversations with the states is that,  
483 you know, we want to move forward taking advantage of the  
484 requirements in the rule to do that.

485 Mr. {Latta.} Well, when we are looking at that, then  
486 would more states be inclined to want to do it themselves or  
487 have the U.S. EPA do it, to have their own permitting  
488 process?

489 Mr. {Stanislaus.} I am not sure I have that information

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490 in front of me. I mean I would say that states generally  
491 want to administer a permit program for coal ash disposal  
492 management.

493 Mr. {Latta.} Okay. Let me just follow up again. Given  
494 all the uncertainty that the EPA's rule has given states in  
495 the industry, the fact that many states already have permit  
496 programs and the fact that the EPA has previously determined  
497 that coal ash is not a hazardous waste, wouldn't it be more  
498 prudent now to provide that full authority to the states to  
499 be able to do that on their permitting?

500 Mr. {Stanislaus.} Well, I actually believe that we have  
501 done that in the rule that we finalized. We finalized as  
502 minimum technical requirements and the ability of states with  
503 the existing authority to incorporate that within their  
504 existing permitting program and for EPA to approve that, to  
505 align those requirements with the state requirements which  
506 would, we believe, substantially help states and utilities in  
507 any challenges, any court challenges.

508 Mr. {Latta.} Okay. Let me ask this then. Also looking  
509 at your testimony, you say that--you know, we have talked  
510 about this in the past in the committee, approximately 40  
511 percent of all the CCR generated in 2012 was beneficially

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512 used. Do you believe that this bill, you know, that we are  
513 talking about today would ensure that continued beneficial  
514 use of that CCR?

515 Mr. {Stanislaus.} Yeah. I am not sure that I have  
516 analyzed it from a benefit-use perspective. I mean, I think  
517 both, I think the rule and the legislation, is focused on the  
518 disposal, you know, so I believe both will accommodate  
519 beneficial reuse of coal ash.

520 Mr. {Latta.} Okay. Well, thank you very much, and Mr.  
521 Chairman, I yield back the balance of my time.

522 Mr. {Shimkus.} The gentleman yields back the balance of  
523 his time. The chair now recognizes the gentleman from West  
524 Virginia, Mr. McKinley, who is the author of much of this  
525 bill, for 5 minutes.

526 Mr. {McKinley.} Thank you, Mr. Chairman, and welcome  
527 again to our committee and your help on this. I have got  
528 probably--if I can get to three questions, I would like to  
529 handle it that way. I am still somewhat troubled by the  
530 preamble, about the possibility of a slip, that there could  
531 be some consideration as a result of that. I am getting  
532 still phone calls about this and primarily from state highway  
533 commissions around the country that they are concerned that

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534 their use of cinders for providing traction on our highways  
535 that they have used historically may be not permitted.

536 Do you have a sense of where the EPA would come down on  
537 whether cinders, the bottom ash, could be used on highways  
538 for safety?

539 Mr. {Stanislaus.} Yeah. So with respect to any issue  
540 with respect to regulation, I think we are very clear in the  
541 rule that all beneficial use would not be subject to the  
542 rules on disposal. Separate from that, we have established a  
543 methodology for safe use of encapsulated use where we are now  
544 working on a methodology for the safe use of unencapsulated  
545 use. That deals with the risk--

546 Mr. {McKinley.} So where--

547 Mr. {Stanislaus.} --side of disposal.

548 Mr. {McKinley.} --do you think the EPA may come down on  
549 that issue? Because some of the states, during this past  
550 winter because of this controversy that has been stirred up  
551 by certain people, they are afraid to use cinders. As a  
552 result, we have had increased accident rate in some areas.

553 So can you share? Do you think that they would rule  
554 that as being a beneficial use or are they going to--how  
555 would you finish that sentence?

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556 Mr. {Stanislaus.} Well, I can't--you know, we are in  
557 the midst of evaluating the unencapsulated use. All I can  
558 say is that the encapsulated use--

559 Mr. {McKinley.} This wouldn't be encapsulated,  
560 obviously, not the cinders spread on the highway.

561 Mr. {Stanislaus.} Yeah. Yeah. So to draw the analogy  
562 to the methodology, unencapsulated use, what it would do is  
563 to lay out the kind of techniques and applications so that it  
564 can be safely recycled. It would not at all getting involved  
565 in whether that is subject to regulation at all.

566 Mr. {McKinley.} Okay. I think we are going to have to  
567 have more conversation about that.

568 Mr. {Stanislaus.} Okay.

569 Mr. {McKinley.} I am still not clear on that. So  
570 again, your testimony said that that the criteria to address  
571 when the CCR unit--in critiquing the legislation, the  
572 criteria to address when a CCR unit would need to close  
573 should be included. Can you explain what you mean by that?

574 Mr. {Stanislaus.} Sure. So we spent a lot of time in  
575 the particular circumstance and timeline for closure of  
576 impoundment. So there can be times where a unit has to close  
577 for structural stability purposes, and so we lay out a series

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578 of requirements for structural stability, for inspection,  
579 looking at safety factors, if they don't pass safety factors,  
580 the ability to engineer around and fix those safety factors.  
581 Another circumstance where there could be impact of  
582 groundwater, where it is an unlined impoundment. So we spent  
583 a lot of time both in the rule text and in the preamble  
584 articulating how to do the analysis, under what circumstance  
585 it would have to close and the particular methods of closure  
586 and timeline of closure.

587 Mr. {McKinley.} Very good. I would really like to  
588 spend more time back in that first because that issue of  
589 spreading salt we know is doing damage. Any of us that know  
590 from engineering that we are going to destroy our roads and  
591 bridges by use of salt. So I hope that your ultimate  
592 decision will be that we can continue using cinders on our  
593 highways.

594 Mr. {Stanislaus.} And as a follow--

595 Mr. {McKinley.} Especially given the vegetation, the  
596 flora and fauna that we are killing along the highways  
597 because of the salt runoff. So there are some issues with  
598 that, and we can have more conversation. But in the  
599 timeframe, one last question. You talked about you wanted

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600 comprehensive structural integrity requirements you thought  
601 were--maybe we need to amplify that a little bit more in the  
602 bill. But the language in the bill is from the rule over the  
603 structural integrity requirements. The only thing was just a  
604 slight modification for utilities. What is not included?  
605 What is causing you consternation over this?

606 Mr. {Stanislaus.} Yeah, I think let us have our staff  
607 get together on that. I mean, one of the issues I think we  
608 flagged was the timing addressing the structural integrity  
609 problems. We didn't think that was identical to what we have  
610 laid out in the rule. All right. So what our rule says is  
611 do these inspections, do these assessments. Have a  
612 professional evaluate it. If there are problems with it, fix  
613 it, but if you can't fix it, then you're going to have to  
614 close because of the real consequence of a catastrophic  
615 failure.

616 Mr. {McKinley.} I would agree. I yield back the  
617 balance of my time. Thank you.

618 Mr. {Shimkus.} The gentleman yields back his time. The  
619 chair now recognizes the gentleman from Ohio, Mr. Johnson,  
620 for 5 minutes.

621 Mr. {Johnson.} Thank you, Mr. Chairman. I appreciate

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622 that. Mr. Stanislaus, there are a number of places in the  
623 preamble where the EPA indicated that certain provisions of  
624 the rule would have been written differently if the final  
625 rule was not self-implementing and if there was state  
626 oversight. So let us look at some specific issues.

627 If the requirements were implemented with state  
628 regulatory oversight through permits, would the EPA have  
629 allowed alternative groundwater protection standards to be  
630 established?

631 Mr. {Stanislaus.} I guess I am not sure. What we  
632 included in the rule was the various technical considerations  
633 for evaluating--

634 Mr. {Johnson.} Well, it says right in the preamble yes.  
635 I mean, you do know your rule, right?

636 Mr. {Stanislaus.} Yeah.

637 Mr. {Johnson.} Okay. So it says that it--

638 Mr. {Stanislaus.} Yeah.

639 Mr. {Johnson.} --would. So would it also allow for  
640 alternative points of compliance to be established?

641 Mr. {Stanislaus.} If there was a permit program?

642 Mr. {Johnson.} Yes.

643 Mr. {Stanislaus.} Yeah, let me get back to you. I

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644 mean, I don't know at this moment.

645 Mr. {Johnson.} Would it allow a determination that  
646 compliance with corrective action requirements cannot be  
647 reasonably achieved with concurrently available methods, with  
648 currently available methods?

649 Mr. {Stanislaus.} I believe that is currently in the  
650 rule.

651 Mr. {Johnson.} Okay. Would it allow a determination  
652 that remediation of a release is not necessary?

653 Mr. {Stanislaus.} If there was a permit program

654 Mr. {Johnson.} Yeah. The preamble to the rule says  
655 that there are provisions in the rule that would have been  
656 written differently if the final rule was not self-  
657 implementing and if there was a state oversight. So if the  
658 requirements were implemented with state regulatory oversight  
659 through permits, would the rule have allowed a determination  
660 that remediation of a release is not necessary?

661 Mr. {Stanislaus.} I guess I am not sure. If there was  
662 a release resulting in exceedance, be it a state permit  
663 program or minimum federal requirements, I think that would  
664 both require addressing that release.

665 Mr. {Johnson.} All right. Well, let us move on. The

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666 groundwater monitoring and corrective action provisions in  
667 the proposed and final rule are based on the municipal solid  
668 waste regulations in part 258. Would you disagree that the  
669 flexibility afforded states in making regulatory decisions  
670 under part 258 would also be appropriate for a state to  
671 incorporate as part of a coal ash permit program?

672 Mr. {Stanislaus.} Well, I mean--

673 Mr. {Johnson.} Why would they be different?

674 Mr. {Stanislaus.} I am sorry?

675 Mr. {Johnson.} Why would they be different?

676 Mr. {Stanislaus.} Well, I mean, I think--

677 Mr. {Johnson.} If they are both based on part 258?

678 Mr. {Stanislaus.} Yeah.

679 Mr. {Johnson.} Why would they be different?

680 Mr. {Stanislaus.} Well, yeah, you know the rule, it  
681 does borrow from the provision that you noted.

682 Mr. {Johnson.} Yes. So the question is would it also  
683 be appropriate then under Part 258 for a state to incorporate  
684 as part of a coal ash permit program?

685 Mr. {Stanislaus.} Well, I guess what I would say is the  
686 rule provides specific requirements regarding groundwater  
687 that we think should be followed, and we believe states

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688 should adopt those groundwater requirements in the state  
689 programs to be protected.

690 Mr. {Johnson.} Mr. Stanislaus, we would like to compare  
691 how the final rule addresses inactive surface impoundments  
692 with how the legislation addresses them. So doesn't the bill  
693 require that inactive impoundments notify EPA and the state  
694 within two months of enactment regarding whether they intend  
695 to close? You have read the bill, right?

696 Mr. {Stanislaus.} Yeah. Yeah. Yeah, I am not sure of  
697 the time period in front of me but--

698 Mr. {Johnson.} Okay. Well, it does. Do you know what  
699 the rule requires?

700 Mr. {Stanislaus.} Yes. The rule permits subjects'  
701 inactive units that don't close within 3 years of the  
702 effective date to do the requirements of the rule. Within  
703 those 3 years, a unit can dewater and close.

704 Mr. {Johnson.} Doesn't the bill require that an  
705 inactive impoundment close within 3 years or 5 years or  
706 become subject to all of the requirements of a permit  
707 program?

708 Mr. {Stanislaus.} Yeah. I believe that is the case.

709 Mr. {Johnson.} Okay. What does the rule require?

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710 Mr. {Stanislaus.} Again, the rule requires the 3-year  
711 timeframe.

712 Mr. {Johnson.} Okay.

713 Mr. {Shimkus.} The gentleman's time has expired.

714 Mr. {Johnson.} Mr. Chairman, I yield back.

715 Mr. {Shimkus.} The chair recognizes the gentleman from  
716 Texas, Mr. Flores, for 5 minutes.

717 Mr. {Flores.} Thank you, Mr. Chairman. Mr. Stanislaus,  
718 quick question for you. Once the file rule is effective,  
719 what will the EPA's role be with respect to enforcing the  
720 requirements in the rule?

721 Mr. {Stanislaus.} The rule again is self-implementing  
722 so it would be enforced either by the states or citizens.

723 Mr. {Flores.} Means the EPA has no role in enforcement  
724 essentially, right?

725 Mr. {Stanislaus.} Well, with the exception of an  
726 imminent and substantial endangerment where we reserve that  
727 opportunity.

728 Mr. {Flores.} In the legislation on the other hand that  
729 we are proposing gives the EPA a continuing oversight rule to  
730 ensure that the state permit programs meet the minimum  
731 federal requirements, and it allows the EPA to implement a

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732 permit program if the states decide not to. And the EPA  
733 could take over a state permit program if the state fails to  
734 correct the deficiencies. Doesn't the EPA have a more  
735 substantial role with respect to the regulation of coal ash  
736 and with the legislation than it does under the rule that you  
737 proposed?

738 Mr. {Stanislaus.} Yeah, actually we are not sure  
739 because I think we have questions about--

740 Mr. {Flores.} It does. I don't think this has been  
741 asked already. When does the EPA plan to publish the final  
742 rule in the Federal Register?

743 Mr. {Stanislaus.} Well, it has been sent to the Federal  
744 Register Office, so expect it very shortly.

745 Mr. {Flores.} Okay. What changes are you proposing  
746 from the initial rule?

747 Mr. {Stanislaus.} There are no real changes. It is  
748 technical corrections.

749 Mr. {Flores.} Okay. So no substantive changes?

750 Mr. {Stanislaus.} No substantive.

751 Mr. {Flores.} No substantive changes?

752 Mr. {Stanislaus.} No.

753 Mr. {Flores.} Okay. Will there be a document that

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754 describes all the changes between the December 19 publication  
755 and--the pre-publication and the version in the Federal  
756 Register?

757 Mr. {Stanislaus.} Yeah, let me get back to you on that.

758 Mr. {Flores.} Okay. Does the EPA have the legal  
759 authority to publish the rule in the Federal Register that  
760 varies from the December 19 prepublication version?

761 Mr. {Stanislaus.} Sure. I mean, the standard process,  
762 I mean, basically is a cleaning up of the rule.

763 Mr. {Flores.} And that is based on your representation  
764 that there are no substantive changes?

765 Mr. {Stanislaus.} That is right.

766 Mr. {Flores.} Okay. This is more a rhetorical  
767 question. You don't have to answer, but isn't it preferable  
768 that the EPA issue rules based on statutory guidance from  
769 Congress instead of doing it on its own? I mean, this  
770 hearing was about the legislation we are proposing, and you  
771 have said you read it. But yet, many of the questions that  
772 have been asked my members, it doesn't feel like you have had  
773 your arms around it. So I would say that it makes more sense  
774 I think for the EPA to have statutory authority to do  
775 something than do it on its own and not have it work as well

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776 as it could. I yield back.

777 Mr. {Shimkus.} The gentleman yields back his time. The  
778 chair now recognizes the gentleman from North Carolina, Mr.  
779 Hudson, for 5 minutes.

780 Mr. {Hudson.} Thank you, Mr. Chairman, and thank you,  
781 sir, for being here with us today. Mr. Stanislaus, on the  
782 first day of our hearing last week from one of our witnesses,  
783 we heard a lot of distrust of the states and their ability to  
784 implement permit programs that are protective of human health  
785 and the environment. Do you believe the states would develop  
786 coal ash permit programs that did not protect human health  
787 and the environment?

788 Mr. {Stanislaus.} Well, I have a large degree of  
789 confidence that the states will--and we are working with  
790 them--the states will develop a coal ash disposal program in  
791 alignment with the rule, yes.

792 Mr. {Hudson.} So do you agree the states have an  
793 established standard of protection that they are required to  
794 meet and establish environmental statutes and regulations?

795 Mr. {Stanislaus.} Well, I think that is the goal to  
796 have states incorporate the minimum federal requirements set  
797 forth in the coal ash rule.

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798           Mr. {Stanislaus.} Okay. The agency in proposing that  
799 the location restrictions apply retroactively to existing  
800 service impoundments acknowledge that this would force a  
801 majority of those impoundments to close. Do you have an  
802 estimate of how many we would be talking about would close  
803 and what the potential impacts would be on grid reliability?

804           Mr. {Stanislaus.} I don't have an estimate in front of  
805 me. I can get that to you. But I don't believe that a  
806 majority would close because of location requirements. Now,  
807 we built in, you know, per information that we received from  
808 utilities and states, the ability to examine these particular  
809 location requirements and conduct retrofits to continue  
810 operation. But I can provide to you the estimate that we  
811 have.

812           Mr. {Hudson.} I would appreciate that because I think  
813 it is important, and you know, we have heard a lot of concern  
814 about the fact that it can be retroactively applied but you  
815 know, we are looking at a significant amount of closure. And  
816 again, that has really raised a lot of concern in my mind  
817 about the grid reliability and what the impact on that will  
818 be.

819           In your written testimony you state that the requirement

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820 that facility compliance data and information be posted on  
821 the internet for public access is critical to establishing a  
822 framework to help ensure proper management of CCR disposal.  
823 Why is it critical that regulated agencies directly post  
824 compliance data instead of the states posting the information  
825 or otherwise making the information publically available as  
826 is required by our legislation?

827 Mr. {Stanislaus.} Well, I mean, we believe that the  
828 public posting of critical data in terms of, for example, how  
829 a utility is or is not exceeding groundwater protection  
830 standards, how a utility is moving forward on corrective  
831 action helps, the community living next to a facility to  
832 understand how a utility is addressing the coal ash  
833 impoundments.

834 Mr. {Hudson.} Well, sure, but our legislation expressly  
835 requires that states make information such as groundwater  
836 monitoring data, structural stability assessments, fugitive  
837 dust control plans, emergency action plans, and corrective  
838 action remedies be made available to the public. Why is this  
839 not an acceptable alternative to having the facilities  
840 directly post this information? It is going to be out there  
841 for the public consumption.

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842 Mr. {Stanislaus.} Yeah, I think having--whether this  
843 talks about the utilities or the states, I think they are  
844 both I think adequate enough so, yeah.

845 Mr. {Hudson.} Right. Thank you, Mr. Chairman. I yield  
846 back.

847 Mr. {Shimkus.} The gentleman yields back his time. The  
848 chair now recognizes the gentleman from Mississippi, Mr.  
849 Harper, for 5 minutes.

850 Mr. {Harper.} Thank you, Mr. Chairman. Thank you for  
851 being here, and I wanted to just let you know a few things in  
852 case you didn't get a chance to look at it when we had this  
853 beginning of the hearing last week on the 18th. I just  
854 wanted to point out some testimony from a couple of the  
855 witnesses that were here. David Paylor, who is with the  
856 Virginia DEQ and Past-President of ECOS, he said in his  
857 testimony that the draft bill amended Subtitle D of RCRA by  
858 allowing the states to implement and enforce the EPA's coal  
859 ash management rule through a state permit program instead of  
860 having the rule be self-implementing. He said this  
861 recognizes that the states are in the best position to  
862 implement the rule and to regulate CCR units but also  
863 properly empowers the EPA to serve as a backstop and

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864 administrate the new rule and circumstances where a state  
865 decides not to do so or fails to do so properly. Further, he  
866 pointed out that ECOS testified before this subcommittee in  
867 January, supporting the final rules' technical requirements  
868 but stating that legislation to amend RCRA was still needed  
869 to address limitations in weaknesses in the final rule.  
870 Further ECOS has reviewed the draft bill and finds that it  
871 positively addresses the concerns identified by ECOS in our  
872 January testimony. The draft bill leverages and codifies the  
873 extensive technical work in EPA's final rule.

874         So I could go on with what he said, but I also want to  
875 point out Michael Forbeck who, you know, is on behalf of the  
876 Association of State and Territorial Solid Waste Management  
877 Officials. And their testimony was pretty clear that the  
878 discussion draft has addressed the main concerns that they  
879 have expressed regarding EPA's final rule on CCR, and they  
880 believe that this discussion draft addresses the main  
881 concerns that they have in that this is necessary. And they  
882 are pleased that the legislation requires financial assurance  
883 for post-closure care of inactive surface impoundments and I  
884 could go on and on.

885         But this is something we believe is necessary. And I

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886 have got a few questions as I follow up. The legislation  
887 allows states to use their discretion to establish  
888 alternative groundwater protection standards, alternative  
889 points of compliance, and determine that corrective action is  
890 not necessary or technically feasible. But the bill limits  
891 the discretion to what the state could do under the municipal  
892 solid waste regulations in Part 258. Do you feel that this  
893 significantly weakens the protections in the final rule?

894 Mr. {Stanislaus.} Well, I guess our view is that the  
895 level of detail to ensure equivalency between what we put in  
896 the coal ash rule and what is contained in the bill, we are  
897 not sure it has the same level of equivalency.

898 Mr. {Harper.} Okay. Did EPA promulgate the final rule  
899 to be protective of human health in the environment?

900 Mr. {Stanislaus.} Yes.

901 Mr. {Harper.} Why is a general standard of protection  
902 necessary in the bill to ensure that states develop permit  
903 programs that are protective of human health and the  
904 environment?

905 Mr. {Stanislaus.} Well, you know, we established very  
906 specific requirements based on the risk, the risk to  
907 groundwater, you know, the risk of catastrophic failure. So

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908 we believe that level of specificity is necessary to ensure  
909 an adequate level of protection.

910 Mr. {Harper.} Some of the environmental groups are  
911 saying that EPA finalized the weakest regulatory option. Do  
912 you agree that the final rule contains weak regulatory  
913 standards?

914 Mr. {Stanislaus.} No.

915 Mr. {Harper.} The agency in proposing that the location  
916 restrictions apply retroactively to existing surface  
917 impoundments acknowledged that this would force the majority  
918 of these impoundments to close. Do you have an estimate of  
919 how many will close and what the potential impacts will be on  
920 grid reliability?

921 Mr. {Stanislaus.} Sure. Yeah. I can get back to you  
922 with those numbers.

923 Mr. {Harper.} Okay. We really would--

924 Mr. {Stanislaus.} Sure.

925 Mr. {Harper.} --like to see that.

926 Mr. {Stanislaus.} Okay.

927 Mr. {Harper.} And do you know if those estimates exist?  
928 Are they already part of your file? Do you already have that  
929 and you just have to get it to us or does it have to be

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930 compiled?

931 Mr. {Stanislaus.} Yeah, we can get you--we have  
932 analyzed it. We can get you information on that. I mean,  
933 just to be clear, because of the concern that you raised, you  
934 know, the location requirements permit one, the analysis of  
935 those various requirements but also the ability to implement  
936 engineering solutions to provide the necessary safety net--

937 Mr. {Harper.} Thank you for being willing to provide  
938 that.

939 Mr. {Stanislaus.} Okay.

940 Mr. {Harper.} We look forward to seeing that. I yield  
941 back.

942 Mr. {Shimkus.} The gentleman yields back his time.  
943 Last but not least, the gentleman from North Dakota, Mr.  
944 Cramer, for 5 minutes.

945 Mr. {Cramer.} Yes. Thank you, Mr. Chairman, and thank  
946 you as well. I am just going to--I want to maybe focus in  
947 just a little more on one topic, and I know Mr. Johnson  
948 raised it a little bit ago. But I felt like we left it a  
949 little early. And just as a background, I am a former state  
950 regulator. I was in the Public Service Commission, and we,  
951 in North Dakota, had the surface mining, the SMCRA rules, and

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952 carried them out as a state on behalf of the Federal  
953 Government as well as our own reclamation rules. And  
954 realizing that coal ash is RCRA and solid waste, and what I  
955 am struggling with, and I am hoping you can help me, is if a  
956 state opens up its solid waste regulations as you suggest and  
957 if they adopt, you know, these rules, your rules, they then  
958 become part of their--258 rules, they then become part of  
959 their enforcement regime. But as I understand it, that is  
960 not the end of it. In other words, they still have the EPA  
961 rule over here, and the state doesn't enforce in lieu of the  
962 federal rule. Is that right? And I have to tell you, if  
963 that is right, that is concerning to me because it seems if I  
964 was the state regulator that I used to be, that would be  
965 problematic for me. That would be confusing I think  
966 certainly to the stakeholders, and I think it would be  
967 confusing to the regulators with regard to who has got  
968 enforcement over what.

969 I pose it in that statement in hopes that you can help  
970 clarify it for me.

971 Mr. {Stanislaus.} Sure. You know, because of this  
972 concern that the states can't act in lieu of EPA in the way  
973 that other programs can is the reason why we believe the

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974 state's solid waste management planning process would allow  
975 that alignment, you know. So once a state submits a plan to  
976 us that demonstrates that the minimum federal requirements  
977 are contained in a state program, ideally a permit program,  
978 EPA would then approve that, you know, and believe--you know,  
979 the major concern that we heard from the states and utilities  
980 was a court could view this as different requirements between  
981 the states and the coal ash rule. And you know, we do  
982 believe that should there be litigation around that, that our  
983 experience has been, it is going to provide substantial  
984 weight of EPA's conclusion that a state program is consistent  
985 with the federal rule. Does that answer your question?

986 Mr. {Cramer.} I think it does, but it doesn't alleviate  
987 my concern because with your court example, wouldn't it be  
988 easier if we just had the states permitting as part of the  
989 enforcement mechanism rather than have a court, what I think  
990 you are talking about, a court sort of recognize that the  
991 state adopted this and therefore they will consider that as  
992 part of this citizen suit enforcement mechanism that I think  
993 is, you know, the highlight of the rule, which I think is  
994 quite problematic. Obviously, I mean, it is pretty clear by  
995 the legislation and certainly by the majority that that is a

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996 fairly major concern for us.

997           So yeah, I think I understand your answer. I just am  
998 not sure that I can agree with it as a conclusion. With  
999 that, I have nothing further, but I would yield back, Mr.  
1000 Chairman.

1001           Mr. {Shimkus.} The gentleman yields back his time. I  
1002 have four letters to ask unanimous consent to submit into the  
1003 record. One references the opposition to the draft, and it  
1004 is signed by a lot of organizations from all over the  
1005 country. So people can check the record for that. Another  
1006 one, another letter requests for the subcommittee to convene  
1007 a hearing to address this and concerns, and it is signed by a  
1008 lot of citizens from across the country. And people can find  
1009 out who they are if we accept this into the record.

1010           We also have a letter by the Chamber of Commerce in  
1011 support of the legislation and a letter from the Portland  
1012 Cement in support of the legislation.

1013           Without objection, I would like to submit these to the  
1014 record. Without objection, so ordered.

1015           [The information follows:]

1016 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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1017           Mr. {Shimkus.} We want to thank you for testifying for  
1018 us as part of the process of looking at the bill. We look  
1019 forward to some responses to the many questions that members  
1020 put forth, and with that, this hearing is adjourned.

1021           [Whereupon, at 3:27 p.m., the Subcommittee was  
1022 adjourned.]