

ONE HUNDRED FIFTEENTH CONGRESS  
**Congress of the United States**  
**House of Representatives**

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

December 21, 2017

Ms. Amy Romig  
Partner  
Plews Shadley Racher & Braun  
1346 N. Delaware Street  
Indianapolis, IN 46202

Dear Ms. Romig:

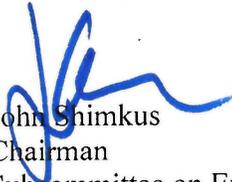
Thank you for appearing before the Subcommittee on Environment on November 9, 2017, to testify at the hearing entitled "H.R. \_\_\_\_, Farm Regulatory Certainty Act."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, January 12, 2017. Your responses should be mailed to Allie Bury, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to [Allie.Bury@mail.house.gov](mailto:Allie.Bury@mail.house.gov).

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus  
Chairman  
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment

## Attachment—Additional Questions for the Record

### The Honorable John Shimkus

1. Under RCRA, citizen suits may not be brought when EPA or a State is already pursuing an action to address the problem a citizen suit seeks to address. The discussion draft similarly precludes an action under RCRA if EPA or the State has initiated and is conducting a criminal, civil, or administrative action to address the conduct at issue – do you agree? Do you agree with the approach taken in the legislation and could you explain why or why not?
2. EPA stated in their written testimony on the bill that “unlike the current statutory bars, the EPA or state actions that would bar a citizen suit under this bill are not limited to RCRA or CERCLA actions.” Do you agree with this assessment? Do you think this is appropriate?

### The Honorable Tim Walberg

1. Ms. Romig, your written testimony provides a good explanation of how citizen suit provisions are intended to work and why it is important that the regulating agency is able to do what it needs to do to bring the regulated entity into compliance. You state that citizen suits should be a “last resort” – can you explain why that is?
  - a. Would the Discussion Draft help EPA or State regulators work with agricultural operations to ensure that they are doing the right thing with respect to manure management?