



## Legislative Bulletin.....October 14, 2011

### Contents:

**Amendments to H.R. 2273**—Coal Residuals Reuse and Management Act

**Order of Business:** The bill is scheduled to be considered on Friday, October 14, 2011 under a structured rule. The rule ([H.Res.431](#)) provides for one hour of general debate equally divided and controlled by the majority and minority, waives all points of order against consideration of the bill, provides for consideration of 6 amendments with 10 minutes for debate each, and provides for one motion to recommit with or without instructions.

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### AMENDMENTS MADE IN ORDER UNDER THE RULE

- I. Shimkus (R-IL).** In addition to a number of technical changes, the managers amendment would add additional requirements for the state certification process to also include a description of the:
- ◆ process to inspect or otherwise determine compliance of a CCR permit program;
  - ◆ process to enforce the requirements of a CCR permit program; and
  - ◆ public participation process for the promulgation, amendment, or repeal of regulations and the issuance of permits of a CCR permit program;

The amendment also provide an additional minimum requirement that grants a state the authority to require dust control measures to address wind dispersal of CCR's, as determined appropriate by the head of the lead state agency.

The amendment adds additional requirements to the “revised criteria” described under the bill to also include all structures that receive coal combustion residuals after the date of enactment for surface water described in section 258.27 & 258.29 of title 1540, Code of Federal Regulations. In addition, the revised criteria applies to landfills and other land-based units, other than surface impoundments, that receive coal combustion residuals after the date of enactment described in section 258.26 of title 40, Code of Federal Regulations.

Finally, the manager’s amendment allows for state agencies establishing a CCR program to request technical or enforcement assistance from the EPA and adds a clause to clarify nothing in the bill affects the authority of a person to commence a civil suit.

2. **Waxman (D-CA).** The amendment would create an additional minimum requirement to a state plan that the CCR permit program contains “criteria necessary to protect human health and environment.”
3. **Carney (D-DE).** The amendment would create an additional minimum requirement to a state CCR plan that requires the surface impoundments to be applied to existing and new structures within five years. If a structure fails to meet the standard in five years, the head of the agency responsible for implementing the CCR program may extend the deadline by one year. However, he or she may extend the deadline by more than ten years after the enactment of the bill.
4. **Markey (D-MA).** The amendment adds language that would require a state to provide notice, an opportunity for public comment, and comment from the EPA Administrator before a state can establish a CCR program.
5. **Rush (D-IL).** The amendment would allow the EPA Administrator to determine that if a state CCR permit program has not taken appropriate action to enforce a permit program, the Administrator may inspect the structure and enforce the requirements of the permit program established under the bill.
6. **Jackson-Lee (D-TX).** The amendment requires the EPA Administrator to submit a report that determines the long-term impacts of a state CCR permit program to human health and the environment within five years of enactment.