



COMMITTEE ON
ENERGY & COMMERCE
RANKING MEMBER FRANK PALLONE, JR.

DEMOCRATS

FOR IMMEDIATE RELEASE

July 22, 2015

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**Floor Statement of Ranking Member Frank Pallone, Jr., as prepared for delivery
H.R. 1734, Improving Coal Combustion Residuals Regulation Act of 2015**

Mr. Speaker, I oppose this legislation.

H.R. 1734, the Improving Coal Combustion Residuals Regulation Act of 2015, is unnecessary and dangerous legislation. The Administration opposes the bill, and if it somehow passes Congress, it will be vetoed.

The bill is also opposed by over 180 environmental, public health, and civil rights groups including the Sierra Club, League of Conservation Voters, NAACP, NRDC, and EarthJustice.

They oppose this legislation because it would block EPA's final coal ash rule and roll back important protections for human health and the environment.

EPA's rule has put these protections in place after years of hard work and public process. Transparency requirements, groundwater protection standards, cleanup requirements, location restrictions, liner requirements – all will protect human health and the environment.

These requirements are long overdue.

We have known for years that unsafe coal ash disposal threatens groundwater, drinking water, and air quality. Contaminants can leach into groundwater and drinking water supplies, or become airborne as toxic dust. Aging or deficient impoundments can fail structurally, resulting in catastrophic floods of toxic sludge entering neighboring communities.

Contamination can pose serious and widespread health risks. Just last year, a coal ash spill in North Carolina affected drinking water systems in Virginia. In 2005, a smaller spill in Pennsylvania affected drinking water systems in my state of New Jersey.

Unfortunately, these incidents are not uncommon. EPA has now identified 157 damage cases from coal ash contamination. If EPA's rule is delayed or undermined, that number will likely continue to grow.

At the same time that EPA's rule includes many important protections, it is also balanced and responsive to industry concerns.

When EPA solicited comments on their proposed rule, they heard from coal ash recyclers that they wanted a subtitle D, non-hazardous rule. That is what EPA finalized.

Those in the electric utility industry wanted a subtitle D rule that would not require them to retrofit their existing impoundments with liners. Again, that is what EPA finalized.

States wanted a mechanism to set up their own programs to implement federal standards and to have EPA approve them. EPA provided that in the final rule as well.

EPA's balanced rule has eliminated past justifications for coal ash legislation:

Past concerns that EPA would not be able to finalize a coal ash rule no longer have merit – because EPA has done so.

Past concerns that EPA might regulate coal ash as hazardous no longer have merit – because EPA finalized a non-hazardous rule and has no plans to reverse direction.

Past contentions that EPA needed legislation to effectively protect public health no longer have merit because EPA has confidence that the rule will be effective and protective.

Past concerns over enforcement of a subtitle D rule have been addressed because EPA has established mechanisms to review and approve state programs enforcing the rule.

So the bottom line is that legislation is not warranted. And even if it were, this bill would not be the vehicle because it dangerously eliminates or undermines necessary protections.

A number of amendments were be filed to preserve some of the important requirements in EPA's final rule, and I understand that some of these may be accepted. But these amendments highlight only a subset of the problems with this bill. Even if they were all adopted, the bill would still be unnecessary and a dangerous precedent for public health.

I urge everyone to oppose it.

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