



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

July 21, 2015
(House Rules)

STATEMENT OF ADMINISTRATION POLICY

H.R. 1734 – Improving Coal Combustion Residuals Regulation Act of 2015

(Rep. McKinley, R-WV, and 44 cosponsors)

The Administration strongly opposes H.R. 1734, because it would undermine the protection of public health and the environment provided by the Environmental Protection Agency's (EPA's) December 2014 final rule addressing the risks posed by mismanaged impoundments of coal ash and other coal combustion residuals (CCR). The 2008 failure of a coal ash impoundment in Kingston, Tennessee, and the 2014 coal ash spill into the Dan River in Eden, North Carolina, serve as stark reminders of the need for safe disposal and management of coal ash.

EPA's rule articulates clear and consistent national standards to protect public health and the environment, prevent contamination of drinking water, and minimize the risk of catastrophic failure at coal ash surface impoundments. H.R. 1734 would, however, substantially weaken these protections. For example, the bill would eliminate restrictions on how close coal ash impoundments can be located to drinking water sources. It also would undermine EPA's requirement that unlined impoundments must close or be retrofitted with protective liners if they are leaking and contaminating drinking water. Further, the bill would delay requirements in EPA's final CCR rule, including structural integrity and closure requirements, for which tailored extensions are already available through EPA's rule and through approved Solid Waste Management Plans.

While the Administration supports appropriate State program flexibility, H.R. 1734 would allow States to modify or waive critical protective requirements found in EPA's final CCR rule. Specifically, H.R. 1734 authorizes States to implement permit programs that would not meet a national minimum standard of protection and fails to provide EPA with an opportunity to review and approve State permit programs prior to implementation, departing from the long-standing precedent of previously enacted Federal environmental statutes.

Because it would undercut important national protections provided by EPA's 2014 CCR management and disposal rule, the Administration strongly opposes H.R. 1734. If the President were presented with H.R. 1734 as drafted, his senior advisors would recommend that he veto the bill.

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