

S 1751

Coal Residuals Reuse and Management Act

Congress: 112 (2011–2013, Ended)

Chamber: Senate

Policy Area: Environmental Protection

Introduced: Oct 20, 2011

Current Status: Read twice and referred to the Committee on Environment and Public Works.

Latest Action: Read twice and referred to the Committee on Environment and Public Works. (Oct 20, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/senate-bill/1751>

Sponsor

Name: Sen. Hoeven, John [R-ND]

Party: Republican • **State:** ND • **Chamber:** Senate

Cosponsors (12 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Boozman, John [R-AR]	R · AR		Oct 20, 2011
Sen. Conrad, Kent [D-ND]	D · ND		Oct 20, 2011
Sen. Enzi, Michael B. [R-WY]	R · WY		Oct 20, 2011
Sen. Landrieu, Mary L. [D-LA]	D · LA		Oct 20, 2011
Sen. Manchin, Joe, III [D-WV]	D · WV		Oct 20, 2011
Sen. Nelson, Ben [D-NE]	D · NE		Oct 20, 2011
Sen. Portman, Rob [R-OH]	R · OH		Oct 20, 2011
Sen. Rockefeller, John D., IV [D-WV]	D · WV		Oct 20, 2011
Sen. Thune, John [R-SD]	R · SD		Oct 20, 2011
Sen. Blunt, Roy [R-MO]	R · MO		May 7, 2012
Sen. Johnson, Ron [R-WI]	R · WI		May 7, 2012
Sen. Lee, Mike [R-UT]	R · UT		May 7, 2012

Committee Activity

Committee	Chamber	Activity	Date
Environment and Public Works Committee	Senate	Referred To	Oct 20, 2011

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

Bill	Relationship	Last Action
112 S 3512	Related bill	Aug 2, 2012: Read twice and referred to the Committee on Environment and Public Works.
112 S 1971	Related bill	Dec 8, 2011: Read twice and referred to the Committee on Environment and Public Works.
112 HR 2273	Related bill	Oct 18, 2011: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 202.

Coal Residuals Reuse and Management Act - Amends the Solid Waste Disposal Act to authorize states to implement coal combustion residuals permit programs. Requires each state governor to notify the Administrator of the Environmental Protection Agency (EPA) within six months about whether such state will implement such a program. Requires states that decide to implement such a program to: (1) submit to the Administrator within 36 months a certification that such program meets the specifications of this Act, and (2) maintain either an approved municipal solid waste program for the control of hazardous disposal or an authorized state hazardous waste program. Establishes minimum requirements for coal combustion residuals permit programs. Requires: (1) the revised criteria established by this Act to apply to such programs; (2) landfills, surface impoundments, or other land-based units that may receive coal combustion residuals (structures) to be designed, constructed, and maintained to provide for containment of the maximum volumes of coal combustion residuals appropriate for the structure; (3) such programs to apply such revised criteria to surface impoundments; and (4) new structures that first receive coal combustion residuals after this Act's enactment to be constructed with a base located a minimum of two feet above the upper limit of the natural water table.

Authorizes: (1) state agency heads to require action to correct structural integrity deficiencies according to a schedule for structures that are classified as posing a high hazard potential pursuant to the guidelines published by the Federal Emergency Management Agency (FEMA) entitled "Federal Guidelines for Dam Safety: Hazard Potential Classification System for Dams," (2) state agency heads to require that such a structure close if such deficiency is not corrected according to such schedule, (3) states to inspect structures and implement and enforce such permit program, and (4) states to address wind dispersal of dust from coal combustion residuals by requiring dust control measures.

Sets forth revised criteria for such programs with respect to: (1) design, groundwater monitoring, corrective action, and closure and post-closure for structures; (2) location restrictions for new structures in floodplains, wetlands, fault areas, seismic impact zones, and unstable areas; (3) criteria for air quality, financial assurance, surface water, and record keeping; (4) criteria for run-on and run-off control systems for landfills and other land-based units, other than surface impoundments that receive coal combustion residuals; and (5) run-off control systems for surface impoundments. Authorizes states to determine that such criteria is not needed for the management of their coal combustion residuals permit program. Authorizes the Administrator to treat such state determination as a deficiency if it does not accurately reflect the needs for the management of coal combustion residuals in the state.

Requires the Administrator to provide a state with notice of, and an opportunity to remedy, deficiencies.

Requires the Administrator to implement such a program for a state only if: (1) the governor of such state notifies the Administrator that such state will not implement a program; (2) the state is notified of, but fails to remedy, program deficiencies; or (3) the state notifies the Administrator that it will no longer implement such a program. Sets forth provisions concerning resumption of implementation by states.

Requires the time period and method for a structure's closure to be set forth in a schedule in a closure plan that takes into account the site-specific characteristics of such structure. Directs the closure plan for a surface impoundment to require the removal of liquid and the stabilization of remaining waste as necessary to support the final cover.

Prohibits the Administrator from applying such programs to the utilization, placement, and storage of coal combustion residuals at surface mining and reclamation operations.

Prohibits this Act from being construed to alter the EPA's regulatory determination, entitled "Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels," that the fossil fuel combustion wastes addressed in that

determination do not warrant regulation under such Act.

Actions Timeline

- **Oct 20, 2011:** Introduced in Senate
- **Oct 20, 2011:** Sponsor introductory remarks on measure. (CR S6876-6877)
- **Oct 20, 2011:** Read twice and referred to the Committee on Environment and Public Works.