

HR 2273

Coal Residuals Reuse and Management Act

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Environmental Protection

Introduced: Jun 22, 2011

Current Status: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 202.

Latest Action: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 202.

(Oct 18, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/2273>

Sponsor

Name: Rep. McKinley, David B. [R-WV-1]

Party: Republican • **State:** WV • **Chamber:** House

Cosponsors (32 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barton, Joe [R-TX-6]	R · TX		Jun 22, 2011
Rep. Bucshon, Larry [R-IN-8]	R · IN		Jun 22, 2011
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Jun 22, 2011
Rep. Johnson, Bill [R-OH-6]	R · OH		Jun 22, 2011
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Jun 22, 2011
Rep. McMorris Rodgers, Cathy [R-WA-5]	R · WA		Jun 22, 2011
Rep. Myrick, Sue Wilkins [R-NC-9]	R · NC		Jun 22, 2011
Rep. Olson, Pete [R-TX-22]	R · TX		Jun 22, 2011
Rep. Palazzo, Steven M. [R-MS-4]	R · MS		Jun 22, 2011
Rep. Pitts, Joseph R. [R-PA-16]	R · PA		Jun 22, 2011
Rep. Rahall, Nick J., II [D-WV-3]	D · WV		Jun 22, 2011
Rep. Rogers, Harold [R-KY-5]	R · KY		Jun 22, 2011
Rep. Ross, Dennis A. [R-FL-12]	R · FL		Jun 22, 2011
Rep. Sullivan, John [R-OK-1]	R · OK		Jun 22, 2011
Rep. Whitfield, Ed [R-KY-1]	R · KY		Jun 22, 2011
Rep. Womack, Steve [R-AR-3]	R · AR		Jun 22, 2011
Rep. Coble, Howard [R-NC-6]	R · NC		Jul 13, 2011
Rep. Miller, Jeff [R-FL-1]	R · FL		Jul 13, 2011
Rep. Rehberg, Denny [R-MT-At Large]	R · MT		Jul 13, 2011
Rep. Crawford, Eric A. "Rick" [R-AR-1]	R · AR		Sep 12, 2011
Rep. Gosar, Paul A. [R-AZ-1]	R · AZ		Sep 12, 2011
Rep. Nunnelee, Alan [R-MS-1]	R · MS		Sep 12, 2011
Rep. Scott, Tim [R-SC-1]	R · SC		Sep 12, 2011
Rep. Terry, Lee [R-NE-2]	R · NE		Sep 12, 2011
Rep. Bishop, Rob [R-UT-1]	R · UT		Sep 15, 2011
Rep. Camp, Dave [R-MI-4]	R · MI		Sep 15, 2011
Rep. Dent, Charles W. [R-PA-15]	R · PA		Sep 15, 2011
Rep. Emerson, Jo Ann [R-MO-8]	R · MO		Sep 15, 2011
Rep. Rogers, Mike D. [R-AL-3]	R · AL		Sep 15, 2011
Rep. Rooney, Thomas J. [R-FL-16]	R · FL		Sep 15, 2011
Rep. Sensenbrenner, F. James, Jr. [R-WI-5]	R · WI		Sep 15, 2011
Rep. Adams, Sandy [R-FL-24]	R · FL		Sep 23, 2011

Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Referred to	Jun 22, 2011

Subjects & Policy Tags

Policy Area:

Environmental Protection

Related Bills

Bill	Relationship	Last Action
112 HR 3409	Related bill	Nov 13, 2012: Received in the Senate and Read twice and referred to the Committee on Environment and Public Works.
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 S 1751	Related bill	Oct 20, 2011: Read twice and referred to the Committee on Environment and Public Works.
112 HRES 431	Procedurally related	Oct 14, 2011: Motion to reconsider laid on the table Agreed to without objection.

Coal Residuals Reuse and Management Act - (Sec. 2) Amends the Solid Waste Disposal Act to authorize states to adopt and 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.

(Sec. 3) 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 18, 2011:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 202.
- **Oct 17, 2011:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Oct 14, 2011:** Rule H. Res. 431 passed House.
- **Oct 14, 2011:** Considered under the provisions of rule H. Res. 431. (consideration: CR H6934-6959)
- **Oct 14, 2011:** Rule provides for consideration of H.R. 2273 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce shall be considered as an original bill.
- **Oct 14, 2011:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 431 and Rule XVIII.
- **Oct 14, 2011:** The Speaker designated the Honorable Kevin Yoder to act as Chairman of the Committee.
- **Oct 14, 2011:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2273.
- **Oct 14, 2011:** DEBATE - Pursuant to the provisions of H.Res. 431, the Committee of the Whole proceeded with 10 minutes of debate on the Shimkus amendment.
- **Oct 14, 2011:** DEBATE - Pursuant to the provisions of H.Res. 431, the Committee of the Whole proceeded with 10 minutes of debate on the Waxman amendment.
- **Oct 14, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Waxman amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Waxman demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Oct 14, 2011:** DEBATE - Pursuant to the provisions of H.Res. 431, the Committee of the Whole proceeded with 10 minutes of debate on the Markey amendment No. 3.
- **Oct 14, 2011:** DEBATE - Pursuant to the provisions of H.Res. 431, the Committee of the Whole proceeded with 10 minutes of debate on the Markey amendment No 4.
- **Oct 14, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Markey amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Markey demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Oct 14, 2011:** DEBATE - Pursuant to the provisions of H.Res. 431, the Committee of the Whole proceeded with 10 minutes of debate on the Rush amendment.
- **Oct 14, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Rush amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Rush demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Oct 14, 2011:** DEBATE - Pursuant to the provisions of H.Res. 431, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee (TX) amendment.
- **Oct 14, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jackson Lee (TX) amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Jackson Lee (TX) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Oct 14, 2011:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was on the adoption of amendments which had previously been debated and on which further proceedings were postponed.
- **Oct 14, 2011:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2273.
- **Oct 14, 2011:** The previous question was ordered pursuant to the rule. (consideration: CR H6956)
- **Oct 14, 2011:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of committee amendment in the nature of a substitute: CR H6943-6945)
- **Oct 14, 2011:** Mr. Cicilline moved to recommit with instructions to Energy and Commerce. (consideration: CR H6956-6958; text: CR H6956)
- **Oct 14, 2011:** DEBATE - The House proceeded with 10 minutes of debate on the Cicilline motion to recommit with instructions. The instructions contained in the motion seek to report the same back to the House with an amendment to implement a warning system in the event of a catastrophic failure at a coal ash disposal site. Under this amendment,

the EPA Administrator must require the owner or operator of a surface coal ash disposal site, such as a disposal pile or lagoon, to equip such site with a sufficient system to monitor for, and notify the public of a potentially hazardous condition that could lead to failure of the site's ability to contain coal ash.

- **Oct 14, 2011:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H6957)
- **Oct 14, 2011:** On motion to recommit with instructions Failed by the Yeas and Nays: 172 - 238 (Roll no. 799).
- **Oct 14, 2011:** Passed/agreed to in House: On passage Passed by recorded vote: 267 - 144 (Roll no. 800).
- **Oct 14, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Oct 14, 2011:** On passage Passed by recorded vote: 267 - 144 (Roll no. 800).
- **Oct 12, 2011:** Rules Committee Resolution H. Res. 431 Reported to House. Rule provides for consideration of H.R. 2273 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce shall be considered as an original bill.
- **Sep 26, 2011:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 112-226.
- **Sep 26, 2011:** Placed on the Union Calendar, Calendar No. 147.
- **Jun 22, 2011:** Introduced in House
- **Jun 22, 2011:** Referred to the House Committee on Energy and Commerce.
- **Jun 22, 2011:** Referred to the Subcommittee on Environment and the Economy.