

## HR 2218

Coal Residuals Reuse and Management Act of 2013

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** Environmental Protection

**Introduced:** Jun 3, 2013

**Current Status:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 153.

**Latest Action:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 153.  
(Jul 30, 2013)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/2218>

### Sponsor

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

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

**Cosponsors** (54 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Barletta, Lou [R-PA-11]	R · PA		Jun 3, 2013
Rep. Barr, Andy [R-KY-6]	R · KY		Jun 3, 2013
Rep. Barrow, John [D-GA-12]	D · GA		Jun 3, 2013
Rep. Bishop, Sanford D., Jr. [D-GA-2]	D · GA		Jun 3, 2013
Rep. Blackburn, Marsha [R-TN-7]	R · TN		Jun 3, 2013
Rep. Bucshon, Larry [R-IN-8]	R · IN		Jun 3, 2013
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Jun 3, 2013
Rep. Cuellar, Henry [D-TX-28]	D · TX		Jun 3, 2013
Rep. Ellmers, Renee L. [R-NC-2]	R · NC		Jun 3, 2013
Rep. Enyart, William L. [D-IL-12]	D · IL		Jun 3, 2013
Rep. Gibbs, Bob [R-OH-7]	R · OH		Jun 3, 2013
Rep. Gosar, Paul A. [R-AZ-4]	R · AZ		Jun 3, 2013
Rep. Guthrie, Brett [R-KY-2]	R · KY		Jun 3, 2013
Rep. Harper, Gregg [R-MS-3]	R · MS		Jun 3, 2013
Rep. Jenkins, Lynn [R-KS-2]	R · KS		Jun 3, 2013
Rep. Johnson, Bill [R-OH-6]	R · OH		Jun 3, 2013
Rep. Kelly, Mike [R-PA-3]	R · PA		Jun 3, 2013
Rep. Kind, Ron [D-WI-3]	D · WI		Jun 3, 2013
Rep. Long, Billy [R-MO-7]	R · MO		Jun 3, 2013
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Jun 3, 2013
Rep. Matheson, Jim [D-UT-4]	D · UT		Jun 3, 2013
Rep. Nunnelee, Alan [R-MS-1]	R · MS		Jun 3, 2013
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Jun 3, 2013
Rep. Rahall, Nick J., II [D-WV-3]	D · WV		Jun 3, 2013
Rep. Renacci, James B. [R-OH-16]	R · OH		Jun 3, 2013
Rep. Rogers, Harold [R-KY-5]	R · KY		Jun 3, 2013
Rep. Rokita, Todd [R-IN-4]	R · IN		Jun 3, 2013
Rep. Shimkus, John [R-IL-15]	R · IL		Jun 3, 2013
Rep. Stivers, Steve [R-OH-15]	R · OH		Jun 3, 2013
Rep. Stutzman, Marlin A. [R-IN-3]	R · IN		Jun 3, 2013
Rep. Thompson, Bennie G. [D-MS-2]	D · MS		Jun 3, 2013
Rep. Walz, Timothy J. [D-MN-1]	D · MN		Jun 3, 2013
Rep. Whitfield, Ed [R-KY-1]	R · KY		Jun 3, 2013
Rep. Womack, Steve [R-AR-3]	R · AR		Jun 3, 2013
Rep. Young, Todd [R-IN-9]	R · IN		Jun 3, 2013
Rep. Bilirakis, Gus M. [R-FL-12]	R · FL		Jun 4, 2013
Rep. Davis, Rodney [R-IL-13]	R · IL		Jun 18, 2013
Rep. Kinzinger, Adam [R-IL-16]	R · IL		Jun 18, 2013
Rep. Olson, Pete [R-TX-22]	R · TX		Jun 18, 2013
Rep. Ross, Dennis A. [R-FL-15]	R · FL		Jun 18, 2013
Rep. Ryan, Tim [D-OH-13]	D · OH		Jun 18, 2013

Cosponsor	Party / State	Role	Date Joined
Rep. Salmon, Matt [R-AZ-5]	R · AZ		Jun 18, 2013
Rep. Walorski, Jackie [R-IN-2]	R · IN		Jun 18, 2013
Rep. Daines, Steve [R-MT-At Large]	R · MT		Jun 19, 2013
Rep. Huizenga, Bill [R-MI-2]	R · MI		Jun 19, 2013
Rep. Schock, Aaron [R-IL-18]	R · IL		Jun 19, 2013
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		Jun 26, 2013
Rep. Franks, Trent [R-AZ-8]	R · AZ		Jun 26, 2013
Rep. Murphy, Tim [R-PA-18]	R · PA		Jun 26, 2013
Rep. Kline, John [R-MN-2]	R · MN		Jun 27, 2013
Rep. Terry, Lee [R-NE-2]	R · NE		Jun 27, 2013
Rep. Visclosky, Peter J. [D-IN-1]	D · IN		Jun 27, 2013
Rep. Cotton, Tom [R-AR-4]	R · AR		Jul 10, 2013
Rep. King, Peter T. [R-NY-2]	R · NY		Jul 10, 2013

### Committee Activity

Committee	Chamber	Activity	Date
Energy and Commerce Committee	House	Markup by	Jun 6, 2013

### Subjects & Policy Tags

#### Policy Area:

Environmental Protection

### Related Bills

Bill	Relationship	Last Action
113 HR 5360	Related bill	<b>Sep 15, 2014:</b> Referred to the Subcommittee on Public Lands and Environmental Regulation.
113 HR 4304	Related bill	<b>Jun 13, 2014:</b> Referred to the Subcommittee on Health, Employment, Labor, and Pensions.
113 HRES 315	Related bill	<b>Jul 24, 2013:</b> Motion to reconsider laid on the table Agreed to without objection.

Coal Residuals Reuse and Management Act of 2013 - (Sec. 2) Amends the Solid Waste Disposal Act (SWDA) to authorize states to adopt and implement coal combustion residuals (CCRs) permit programs. Requires each state governor to notify the Administrator of the Environmental Protection Agency (EPA) within 6 months about whether such state will implement a program. Requires states that decide to implement a program to: (1) submit to the Administrator, within 36 months, a certification that the program meets the specifications of this Act; and (2) maintain either an approved municipal solid waste program or other system of prior approval and conditions under such Act for the control of hazardous disposal or an authorized state hazardous waste program. Requires the certification to include an emergency action plan for state response to a leak or spill at a structure that receives CCRs. Authorizes the state to update the certification as needed to reflect changes to the CCRs permit program. Establishes minimum requirements for CCRs permit programs.

Requires the revised criteria established by this Act to apply to owners or operators of structures, including surface impoundments, that receive CCRs. Directs the agency responsible for implementing such a program to require that an independent registered professional engineer certify that: (1) the design of each structure that receives CCRs is in accordance with recognized and generally accepted good engineering practices for containment of the maximum volume of CCRs and liquids which can be impounded therein, and (2) the construction and maintenance of the structure will ensure structural stability.

Directs such agencies to require the owner or operator of a structure that receives CCRs and that is classified by the state 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," to prepare and maintain an emergency action plan that identifies responsible persons and actions to be taken in the event of a dam safety emergency.

Directs such agencies to require the inspection of such surface impoundment structures at least annually by an independent registered professional engineer to assure that the design, operation, and maintenance of the surface impoundment is in accordance with recognized and generally accepted good engineering practices for containment of the maximum volume of CCRs and liquids that can be impounded, so as to ensure dam stability.

Directs such agencies to require: (1) the owner or operator of the structure that has had an inspection or evaluation that revealed a potentially hazardous condition to immediately take action to mitigate such condition and notify appropriate state and local first responders, (2) structures that are surface impoundments that receive CCRs to be periodically evaluated for appearances of structural weakness, (3) action to correct structural deficiencies according to a schedule determined by the agency, and (4) closing of a structure if such deficiencies are not corrected according to the schedule.

Directs such agencies to require structures to be constructed with a base located a minimum of two feet above the upper limit of the water table, unless it is demonstrated that: (1) the hydrogeologic characteristics of the structure and surrounding land would preclude such a requirement, and (2) the function and integrity of the liner system will not be adversely impacted by contact with the water table.

Directs such agencies to require that owners or operators of structures address wind dispersal of dust by requiring cover or by wetting CCRs with water to a moisture content that prevents wind dispersal, facilitates compaction, and does not result in free liquids. Authorizes owners or operators of structures to propose alternative methods to address wind dispersal of dust that will provide comparable or more effective control of dust.

Directs such agencies to require that owners and operators apply for and obtain a permit incorporating the requirements of the CCRs permit program.

Authorizes such agencies to: (1) obtain information for compliance purposes; (2) require monitoring and testing to ensure compliance; (3) inspect structures and review records relevant to the design, operation, and maintenance of structures; and (4) implement and enforce such program.

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 structures in floodplains, wetlands, fault areas, seismic impact zones, and unstable areas; (3) air quality; (4) financial assurance; (5) surface water; (6) record keeping; (7) run-on and run-off control systems for landfills and other land-based units other than surface impoundments that receive CCRs; and (8) run-off control systems for surface impoundments that receive CCRs.

Requires states to notify owners and operators of such structures of the obligation to apply for and obtain a permit and the groundwater record keeping requirements no later than: (1) 12 months after a state submits a certification of a program under this Act, (2) 30 months after a state notifies the Administrator that it does not intend to develop such program, or (3) 36 months after the enactment of such program that is being implemented by the Administrator.

Directs such agencies to require such owners or operators to comply with such criteria and groundwater record keeping requirements no later than: (1) 12 months after a state submits its certification, (2) 42 months after the Administrator receives notice that a state will not operate its own permit program, or (3) 48 months after the enactment of such program that is being implemented by the Administrator.

Requires such agencies to issue a final permit incorporating the requirements of such program or final denial for an application no later than: (1) 48 months after the state submits its certification, (2) 78 months after the Administrator receives notice from a state that it does not intend to operate its own permit program, or (3) 84 months after the enactment of such program that is being implemented by the Administrator. Requires agency collaboration with a structure's owner or operator to identify a deadline by which a permit application must be submitted.

Authorizes owners and operators to continue to operate under existing authority: (1) until such deadlines are in effect, and (2) after such deadlines are in effect and before such agency has issued a final permit incorporating the requirements of such program if a structure meets such criteria and has not been directed to close.

Sets forth: (1) closure requirements for surface impoundments if they do not have specified liner systems and do not meet specified design criteria for municipal solid waste landfills, (2) deadlines for compliance with the groundwater protection standard for structures subject to corrective action; and (3) requirements for extending deadlines.

Requires the time period and method for a structure's closure to be set forth in a closure plan that establishes a deadline for completion and that takes into account the structure's site-specific characteristics. 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.

Requires the Administrator to: (1) provide a state with notice of, and an opportunity to remedy, deficiencies; and (2) consider certain criteria in determining if a state program is deficient.

Requires the Administrator to implement such a program for a state only if: (1) the governor of the state notifies the Administrator that the 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. Authorizes a state to obtain review of a determination by the Administrator that the state has failed to remedy such deficiencies as if such determination was a final regulation.

Prohibits the Administrator from having concurrent enforcement authority when a state is implementing a CCRs permit program, unless assistance is provided at the request of the head of a lead state agency that is implementing the program.

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

Prohibits this Act from being construed as affecting the authority of the Administrator under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) with respect to CCRs.

(Sec. 3) Prohibits this Act from being construed to: (1) alter the EPA regulatory determination, entitled "Notice of Regulatory Determination on Wastes from the Combustion of Fossil Fuels," that the fossil fuel combustion wastes addressed do not warrant regulation under SWDA; (2) affect the authority of a state to request, or the Administrator to provide, technical assistance under SWDA; or (3) affect the obligations of the owner or operator of a structure (as defined by SWDA) under the Federal Power Act concerning electric reliability.

## Actions Timeline

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- **Jul 30, 2013:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 153.
- **Jul 29, 2013:** Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.
- **Jul 25, 2013:** Considered under the provisions of rule H. Res. 315. (consideration: CR H5055-5072)
- **Jul 25, 2013:** Rule provides for consideration of H.R. 2218 and H.R. 1582.
- **Jul 25, 2013:** The Speaker designated the Honorable Rob Bishop to act as Chairman of the Committee.
- **Jul 25, 2013:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 315 and Rule XVIII.
- **Jul 25, 2013:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 2218.
- **Jul 25, 2013:** DEBATE - Pursuant to the provisions of H.Res. 315, the Committee of the Whole proceeded with 10 minutes of debate on the Connolly Part A Amendment No. 1.
- **Jul 25, 2013:** DEBATE - Pursuant to the provisions of H. Res. 315, the Committee of the Whole proceeded with 10 minutes of debate on the Waxman Part A Amendment No. 2.
- **Jul 25, 2013:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Waxman Part A Amendment No. 2, 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.
- **Jul 25, 2013:** DEBATE - Pursuant to the provisions of H. Res. 315, the Committee of the Whole proceeded with 10 minutes of debate on the Tonko Part A Amendment No. 3.
- **Jul 25, 2013:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Tonko Part A Amendment No. 3, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Tonko demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Jul 25, 2013:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was on adoption of amendments which were debated earlier and on which further proceedings were postponed.
- **Jul 25, 2013:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 2218.
- **Jul 25, 2013:** The previous question was ordered pursuant to the rule. (consideration: CR H5070)
- **Jul 25, 2013:** 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 amendment in the nature of a substitute: CR H5061-5065)
- **Jul 25, 2013:** Ms. McCollum moved to recommit with instructions to Energy and Commerce. (consideration: CR H5070; text: CR H5070)
- **Jul 25, 2013:** DEBATE - The House proceeded with 10 minutes of debate on the McCollum motion to recommit with instructions. The instructions contained in the motion to seek to require the bill to be reported back to the House with an amendment to require that the implementing agency of any coal ash permit granted under the bill ensure that all wet disposal structures meet criteria for design, construction, operation, and maintenance sufficient to prevent contamination of groundwater and sources of drinking water, including the Great Lakes pending reservation of a point of order. Subsequently, the reservation was removed.
- **Jul 25, 2013:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H5071)
- **Jul 25, 2013:** On motion to recommit with instructions Failed by recorded vote: 192 - 225, 1 Present (Roll no. 417). (consideration: CR H5071)
- **Jul 25, 2013:** Passed/agreed to in House: On passage Passed by recorded vote: 265 - 155 (Roll no. 418).
- **Jul 25, 2013:** On passage Passed by recorded vote: 265 - 155 (Roll no. 418).
- **Jul 25, 2013:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 23, 2013:** Rules Committee Resolution H. Res. 315 Reported to House. Rule provides for consideration of H.R. 2218 and H.R. 1582.
- **Jul 10, 2013:** Reported (Amended) by the Committee on Energy and Commerce. H. Rept. 113-148.
- **Jul 10, 2013:** Placed on the Union Calendar, Calendar No. 107.
- **Jun 19, 2013:** Committee Consideration and Mark-up Session Held.
- **Jun 19, 2013:** Ordered to be Reported by the Yeas and Nays: 31 - 16.
- **Jun 18, 2013:** Committee Consideration and Mark-up Session Held.

- Jun 6, 2013:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **Jun 6, 2013:** Subcommittee Consideration and Mark-up Session Held.
  - **Jun 4, 2013:** Referred to the Subcommittee on Environment and the Economy.
  - **Jun 3, 2013:** Introduced in House
  - **Jun 3, 2013:** Referred to the House Committee on Energy and Commerce.
  - **Apr 11, 2013:** Hearings Held by the Subcommittee on Environment and the Economy Prior to Introduction and Referral.