

# The Coal Ash Bill Evolution It Just Gets Worse and Worse Oppose H.R. 2218

July 23, 2013

Dear Colleague:

Later this week, the House is expected to consider legislation addressing the disposal of coal ash. This will be the third version of this legislation that the House has considered in recent years.

Some special interests are now making the rounds arguing to members and staff that this bill is “better” than the previous bills.

I am writing to explain that the version of the coal ash bill we will consider will actually be the worst version yet from a public health and environmental perspective.

Below are some brief highlights of the evolving versions of the proposed legislation:

## **October 2011 Version**

On October 14, 2011, the House considered H.R. 2273. H.R. 2273 would have blocked EPA’s existing authority to regulate disposal of coal ash and required EPA to defer to states in regulating these wastes that pose proven risks to human health and the environment. State permit programs under the bill would not have been required to protect human health and the environment. Approximately [80% of Democrats who voted opposed this legislation](#).

## **September 2012 Version**

On September 21, 2012, the House considered H.R. 3409 which included a slightly modified version of the October 2011 bill. Although this version included some slight improvements, they were outweighed by other changes that made it worse. This version limited the scope of facilities covered by state permit programs and rendered citizen suits unavailable to address the safety of coal ash impoundments like the one that failed in Kingston, Tennessee. It also allowed any state-required cleanup to be delayed indefinitely if the owner or operator of the contaminated site meets certain loosely defined conditions. Approximately [90% of Democrats who voted opposed this legislation](#).

## **July 2013 Version**

This week, the House will consider yet another version of this legislation. H.R. 2218 modifies the September 2012 bill to make it worse. [The attached fact sheet describes](#)

[these modifications](#). This new version includes a provision to allow polluting facilities to continue to operate indefinitely. It also includes limits on when EPA can find a state permit program deficient, making it absolutely clear that EPA cannot take over a state program on the basis that public health is suffering or that the environment is being polluted.

I hope you'll join me in opposing this legislation. We can't afford to gut our environmental laws.

Sincerely,

HENRY A. WAXMAN  
Ranking Member  
Committee on Energy and Commerce