

Alabama Environmental Council * Alaska Community Action on Toxics * American Nurses Association
* Appalachian Faith and Ecology Center * Appalachian Voices * Bastrop County Environmental
Network * Bokoshe Environmental Cause Group (B.E. Cause) * BridgeWorks * Cahaba Riverkeeper *
Center for Biological Diversity * Citizens Coal Council * Citizens for Responsible Resource Management
* Clean Water Action * Clean Water for North Carolina * Comité Diálogo Ambiental *
Committee for Constitutional and Environmental Justice * Concerned Citizens of Giles County *
Concerned Residents of Portland, NY + People Like Us (CROP PLUS) * Earthjustice * Physicians for
Social Responsibility * Environmental Integrity Project * Environmental Law & Policy Center * Fall-line
Alliance for a Clean Environment (FACE) * Florida Physicians for Social Responsibility *
Friends of the Earth * Greenpeace * Hoosier Environmental Council * Institute of Neurotoxicology &
Neurological Disorders * Just Transition Alliance * Keeper of the Mountains Foundation * Labadie
Environmental Organization * League of Conservation Voters * Little Blue Regional Action Group
(LBRAG) * Michigan Clean Water Action * Minnesota Center for Environmental Advocacy * Missouri
Coalition for the Environment * Montana Environmental Information Center * Mountain Watershed
Association * NAACP * National Latino Coalition on Climate Change * Natural Resources Defense
Council * North Carolina Conservation Network * Ohio Citizen Action * Ohio Valley Environmental
Coalition * Our Children's Earth Foundation * Oregon Physicians for Social Responsibility * Prairie
Rivers Network * Residents Against the Power Plant (RAPP) * Resurrection Bay Conservation Alliance *
San Juan Citizens Alliance * Save Our Rivers * Sierra Club * Southern Alliance for Clean Energy *
Southern Environmental Law Center * Sugar Law Center for Economic & Social Justice * Tennessee
Clean Water Network * Tennessee Sierra Club * Texas Environmental Justice Advocacy Services
(T.E.J.A.S) * Transition Asheville * Western North Carolina Alliance * West Harlem Environmental
Action, Inc. (WE ACT for Environmental Justice) * West Virginia Sierra Club * Wisconsin Physicians
for Social Responsibility

By Email

June 5, 2013

The Honorable John Shimkus
Chairman
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Paul Tonko
Ranking Member
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, DC 20515

Re: Opposition to the Coal Residuals Reuse and Management Act of 2013 (HR 2218); the Federal and State Partnership for Environmental Protection Act of 2013; and the Reducing Excessive Deadline Obligations Act of 2013

Dear Mr. Shimkus and Mr. Tonko:

The undersigned public interest groups write to express strong opposition to three bills before the Subcommittee which together dramatically threaten public health and the environment and protect polluters from liability for the full costs of toxic cleanup. The bills would amend the Resource Conservation and Recovery Act (RCRA) and Superfund (the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)) in a manner that substantially increases the potential for harm to human health and the environment in communities across the

United States. Because the majority of toxic waste sites disproportionately harm communities of color and low income communities, the Subcommittee should afford great attention to protecting our nation's most vulnerable communities.

The Coal Residuals Reuse and Management Act of 2013 (H.R. 2218):

Contamination from toxic coal ash is a serious problem nationwide. Despite the contamination of over 200 sites in 37 states, severe toxic dust near coal ash landfills and lagoons, and the largest environmental disaster in U.S. history in 2008 after a coal ash dam burst in Kingston, Tennessee, HR 2218 utterly fails to offer a solution.

The Coal Residuals Reuse and Management Act of 2013:

- Prevents EPA from finalizing its coal ash rule and prohibits all future rulemakings.
- Lacks a nationwide protective standard and a definition of the universe of structures subject to regulation, thus failing to ensure that communities in all states are protected.
- Fails to establish adequate dam stability protections.
- Fails to establish adequate toxic dust protections.
- Provides no authority for EPA to enforce requirements when states are unable or unwilling to do so; and
- Fails to require leaking landfills and impoundments to close by a date certain and fails to address old polluting sites.

In short, HR 2218 would amend RCRA to prevent effective regulation of the second largest toxic waste stream in the nation, thereby harming thousands of communities that are facing water contamination, fugitive dust, and the risk of catastrophic collapse of ash impoundments.

The Reducing Excessive Deadline Obligations Act of 2013

The Reducing Excessive Deadline Obligations Act of 2013 amends RCRA and CERCLA to remove critical federal protections for communities impacted by the use and disposal of hazardous and solid wastes. Regulation of toxic coal ash is long overdue, and the EPA has itself acknowledged that it has an obligation to conclude its review, and any necessary revision, of coal ash regulations.

The Reducing Excessive Deadline Obligations Act of 2013:

- Eliminates the basis for a lawsuit where public interest and industry plaintiffs are seeking regulatory certainty and a reasonable timeline for the EPA to establish safeguards for coal ash disposal.
- Weakens Superfund law by allowing insufficient state requirements to preempt federal rules, thereby leaving communities unprotected and taxpayers at risk of funding expensive cleanups.
- Fails to ensure full liability for cleanup, endangering the health of communities and their environment, causing significant delays in cleanup, and placing great burden on taxpayers to cover the shortfall, which is often substantial, particularly at hardrock mine sites and large chemical facilities.

The Federal and State Partnership for Environmental Protection Act of 2013

The Federal and State Partnership for Environmental Protection Act of 2013 also weakens the nation's Superfund law and places American communities at risk of increased toxic exposure. The bill will increase litigation that will cause delays in cleanups and establish roadblocks to listing new toxic waste sites on the National Priority List (NPL). The NPL is the list of the most dangerous toxic waste sites in the nation, and the listing of a site is often a prerequisite to its cleanup.

The Federal and State Partnership for Environmental Protection Act of 2013:

- Amends Section 105 of CERCLA by adding a statutory requirement that the EPA cannot list a site on the NPL over a state's objection. The EPA recognizes that under some conditions, it may not be feasible—or protective of public health—to obtain such concurrence. Examples include where the State is itself the

responsible party, where hazardous substances cross state lines, and where public health is in danger. The bill ignores these important considerations and offers an unqualified veto power to any state where a toxic site is located.

In summary, we oppose the amendments to RCRA and CERCLA contained in these three bills because they place the health of our communities and our environment in great danger and increase the cost of hazardous waste cleanup for U.S. taxpayers.

Respectfully:

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American Nurses Association	Missouri Coalition for the Environment
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Appalachian Voices	Mountain Watershed Association
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BridgeWorks	Natural Resources Defense Council
Cahaba Riverkeeper	North Carolina Conservation Network
Center for Biological Diversity	Ohio Citizen Action
Citizens Coal Council	Ohio Valley Environmental Coalition
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