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114TH CONGRESS
1ST SESSION

H. R. 1734

[Report No. 114-143]

To amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2015

Mr. MCKINLEY (for himself, Mr. CRAMER, Mr. GUTHRIE, Mr. MURPHY of Pennsylvania, Mr. RODNEY DAVIS of Illinois, Mr. WHITFIELD, Mr. HUIZENGA of Michigan, Mr. HARPER, Mr. FRANKS of Arizona, Mr. BARR, Mr. OLSON, Mr. KELLY of Pennsylvania, Mr. RENACCI, Mr. THOMPSON of Mississippi, Mr. SHIMKUS, Mr. BARLETTA, Ms. JENKINS of Kansas, Mr. BISHOP of Georgia, Mr. JENKINS of West Virginia, Mrs. LUMMIS, Mr. LONG, Mrs. BLACKBURN, and Mr. MOONEY of West Virginia) introduced the following bill; which was referred to the Committee on Energy and Commerce

JUNE 9, 2015

Additional sponsors: Mr. LATTA, Mr. BUCSHON, Mr. PETERSON, Mr. KIND, Mr. KING of New York, Mr. KLINE, Mrs. MILLER of Michigan, Mr. WOMACK, Mr. BILIRAKIS, Mr. JOHNSON of Ohio, Mr. STIVERS, Mr. GOSAR, Mr. DUNCAN of Tennessee, Mr. ROGERS of Kentucky, Mr. BOST, Mr. GIBBS, Mr. BYRNE, Mr. ROGERS of Alabama, Mr. NUGENT, Mr. GRAVES of Georgia, Mrs. HARTZLER, and Mr. SESSIONS

JUNE 9, 2015

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “Improving Coal Combustion Residuals Regulation Act of
 6 2015”.

7 (b) TABLE OF CONTENTS.—The table of contents for
 8 this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Management and disposal of coal combustion residuals.
- Sec. 3. 2000 regulatory determination.
- Sec. 4. Technical assistance.
- Sec. 5. Federal Power Act.

9 **SEC. 2. MANAGEMENT AND DISPOSAL OF COAL COMBUS-**
 10 **TION RESIDUALS.**

11 (a) IN GENERAL.—Subtitle D of the Solid Waste Dis-
 12 posal Act (42 U.S.C. 6941 et seq.) is amended by adding
 13 at the end the following:

14 **“SEC. 4011. MANAGEMENT AND DISPOSAL OF COAL COM-**
 15 **BUSTION RESIDUALS.**

16 “(a) STATE PERMIT PROGRAMS FOR COAL COMBUS-
 17 TION RESIDUALS.—Each State may adopt, implement,
 18 and enforce a coal combustion residuals permit program
 19 in accordance with this section.

20 “(b) STATE ACTIONS.—

21 “(1) NOTIFICATION.—Not later than 6 months
 22 after the date of enactment of this section (except
 23 as provided by the deadline identified under sub-

1 section (d)(3)(B)), the Governor of each State shall
2 notify the Administrator, in writing, whether such
3 State will adopt and implement a coal combustion
4 residuals permit program.

5 “(2) CERTIFICATION.—

6 “(A) IN GENERAL.—Not later than 24
7 months after the date of enactment of this sec-
8 tion (except as provided in subparagraph (B)
9 and subsection (f)(1)(A)), in the case of a State
10 that has notified the Administrator that it will
11 implement a coal combustion residuals permit
12 program, the head of the lead State imple-
13 menting agency shall submit to the Adminis-
14 trator a certification that such coal combustion
15 residuals permit program meets the require-
16 ments described in subsection (c).

17 “(B) EXTENSION.—

18 “(i) REQUIREMENTS.—The Adminis-
19 trator may extend the deadline for submis-
20 sion of a certification for a State under
21 subparagraph (A) for a period of 12
22 months if the State submits to the Admin-
23 istrator a request for such an extension
24 that—

1 “(I) describes the efforts of the
2 State to meet such deadline;

3 “(II) demonstrates that the legis-
4 lative or rulemaking procedures of
5 such State render the State unable
6 meet such deadline; and

7 “(III) provides the Administrator
8 with a detailed schedule for comple-
9 tion and submission of the certifi-
10 cation.

11 “(ii) DETERMINATION.—If the Ad-
12 ministrator does not approve or deny a re-
13 quest submitted under clause (i) by the
14 date that is 30 days after such submission,
15 the request shall be deemed approved.

16 “(C) CONTENTS.—A certification sub-
17 mitted under this paragraph shall include—

18 “(i) a letter identifying the lead State
19 implementing agency, signed by the head
20 of such agency;

21 “(ii) identification of any other State
22 agencies involved with the implementation
23 of the coal combustion residuals permit
24 program;

1 “(iii) an explanation of how the State
2 coal combustion residuals permit program
3 meets the requirements of this section, in-
4 cluding—

5 “(I) a description of the
6 State’s—

7 “(aa) process to inspect or
8 otherwise determine compliance
9 with such permit program;

10 “(bb) process to enforce the
11 requirements of such permit pro-
12 gram;

13 “(cc) public participation
14 process for the promulgation,
15 amendment, or repeal of regula-
16 tions for, and the issuance of
17 permits under, such permit pro-
18 gram; and

19 “(dd) statutes, regulations,
20 or policies pertaining to public
21 access to information, including
22 information on groundwater mon-
23 itoring data, structural stability
24 assessments, emergency action
25 plans, fugitive dust control plans,

1 notifications of closure (including
2 any certification of closure by a
3 qualified professional engineer),
4 and corrective action remedies;
5 and

6 “(II) identification of any
7 changes to the definitions under sec-
8 tion 257.53 of title 40, Code of Fed-
9 eral Regulations, for purposes of the
10 State coal combustion residuals per-
11 mit program, including a reasonable
12 basis for such changes, as required
13 under subsection (1)(5);

14 “(iv) a statement that the State has
15 in effect, at the time of certification, stat-
16 utes or regulations necessary to implement
17 a coal combustion residuals permit pro-
18 gram that meets the requirements de-
19 scribed in subsection (c);

20 “(v) copies of State statutes and regu-
21 lations described in clause (iv);

22 “(vi) a plan for a response by the
23 State to a release at a structure or inactive
24 surface impoundment that has the poten-
25 tial for impact beyond the site on which

1 the structure or inactive surface impound-
2 ment is located; and

3 “(vii) a plan for coordination among
4 States in the event of a release that
5 crosses State lines.

6 “(D) UPDATES.—A State may update the
7 certification as needed to reflect changes to the
8 coal combustion residuals permit program.

9 “(3) MAINTENANCE OF 4005(c) OR 3006 PRO-
10 GRAM.—In order to adopt or implement a coal com-
11 bustion residuals permit program under this section
12 (including pursuant to subsection (f)), the lead State
13 implementing agency shall maintain an approved
14 permit program or other system of prior approval
15 and conditions under section 4005(c) or an author-
16 ized program under section 3006.

17 “(c) REQUIREMENTS FOR A COAL COMBUSTION RE-
18 SIDUALS PERMIT PROGRAM.—A coal combustion residuals
19 permit program shall consist of the following:

20 “(1) GENERAL REQUIREMENTS.—

21 “(A) PERMITS.—The implementing agency
22 shall require that owners or operators of struc-
23 tures apply for and obtain permits incor-
24 porating the applicable requirements of the coal
25 combustion residuals permit program.

1 “(B) PUBLIC AVAILABILITY OF INFORMA-
2 TION.—Except for information with respect to
3 which disclosure is prohibited under section
4 1905 of title 18, United States Code, the imple-
5 menting agency shall ensure that—

6 “(i) documents for permit determina-
7 tions are made publicly available for review
8 and comment under the public participa-
9 tion process of the coal combustion residu-
10 als permit program;

11 “(ii) final determinations on permit
12 applications are made publicly available;

13 “(iii) information on groundwater
14 monitoring data, structural stability as-
15 sessments, emergency action plans, fugitive
16 dust control plans, notifications of closure
17 (including any certification of closure by a
18 qualified professional engineer), and cor-
19 rective action remedies required pursuant
20 to paragraph (2), collected in a manner de-
21 termined appropriate by the implementing
22 agency, is publicly available, including on
23 an Internet website; and

24 “(iv) information regarding the exer-
25 cise by the implementing agency of any

1 discretionary authority granted under this
2 section and not provided for in the rule de-
3 scribed in subsection (l)(1) is made pub-
4 licly available.

5 “(C) AGENCY AUTHORITY.—

6 “(i) IN GENERAL.—The implementing
7 agency shall—

8 “(I) obtain information necessary
9 to determine whether the owner or op-
10 erator of a structure is in compliance
11 with the requirements of the coal com-
12 bustion residuals permit program;

13 “(II) conduct or require moni-
14 toring or testing to ensure that struc-
15 tures are in compliance with the re-
16 quirements of the coal combustion re-
17 siduals permit program; and

18 “(III) enter any site or premise
19 at which a structure or inactive coal
20 combustion residuals surface im-
21 poundment is located for the purpose
22 of inspecting such structure or surface
23 impoundment and reviewing relevant
24 records.

1 “(ii) MONITORING AND TESTING.—If
2 monitoring or testing is conducted under
3 clause (i)(II) by or for the implementing
4 agency, the implementing agency shall, if
5 requested, provide to the owner or oper-
6 ator—

7 “(I) a written description of the
8 monitoring or testing completed;

9 “(II) at the time of sampling, a
10 portion of each sample equal in vol-
11 ume or weight to the portion retained
12 by or for the implementing agency;
13 and

14 “(III) a copy of the results of
15 any analysis of samples collected by or
16 for the implementing agency.

17 “(2) CRITERIA.—The implementing agency
18 shall apply the following criteria with respect to
19 structures:

20 “(A) DESIGN REQUIREMENTS.—For new
21 structures, including lateral expansions of exist-
22 ing structures, the criteria regarding design re-
23 quirements described in sections 257.70 and
24 257.72 of title 40, Code of Federal Regulations,
25 as applicable.

1 “(B) GROUNDWATER MONITORING AND
2 CORRECTIVE ACTION.—

3 “(i) IN GENERAL.—Except as pro-
4 vided in clause (ii), for all structures, the
5 criteria regarding groundwater monitoring
6 and corrective action requirements de-
7 scribed in sections 257.90 through 257.98
8 of title 40, Code of Federal Regulations,
9 including—

10 “(I) for the purposes of detection
11 monitoring, the constituents described
12 in appendix III to part 257 of title
13 40, Code of Federal Regulations; and

14 “(II) for the purposes of assess-
15 ment monitoring, establishing a
16 groundwater protection standard, and
17 assessment of corrective measures, the
18 constituents described in appendix IV
19 to part 257 of title 40, Code of Fed-
20 eral Regulations.

21 “(ii) EXCEPTIONS AND ADDITIONAL
22 AUTHORITY.—

23 “(I) ALTERNATIVE POINT OF
24 COMPLIANCE.—Notwithstanding sec-
25 tion 257.91(a)(2) of title 40, Code of

1 Federal Regulations, the imple-
2 menting agency may establish the rel-
3 evant point of compliance for the
4 down-gradient monitoring system as
5 provided in section 258.51(a)(2) of
6 title 40, Code of Federal Regulations.

7 “(II) ALTERNATIVE GROUND-
8 WATER PROTECTION STANDARDS.—
9 Notwithstanding section 257.95(h) of
10 title 40, Code of Federal Regulations,
11 the implementing agency may estab-
12 lish an alternative groundwater pro-
13 tection standard as provided in section
14 258.55(i) of title 40, Code of Federal
15 Regulations.

16 “(III) ABILITY TO DETERMINE
17 THAT CORRECTIVE ACTION IS NOT
18 NECESSARY OR TECHNICALLY FEA-
19 SIBLE.—Notwithstanding section
20 257.97 of title 40, Code of Federal
21 Regulations, the implementing agency
22 may determine that remediation of a
23 release from a structure is not nec-
24 essary as provided in section

1 258.57(e) of title 40, Code of Federal
2 Regulations.

3 “(IV) AUTHORITY RELATING TO
4 RELEASES, OTHER THAN RELEASES
5 TO GROUNDWATER.—Notwithstanding
6 sections 257.90(d) and 257.96(a) of
7 title 40, Code of Federal Regulations,
8 the implementing agency may, with
9 respect to a release from a structure,
10 other than a release to groundwater,
11 authorize, for purposes of complying
12 with this section, remediation of such
13 release in accordance with other appli-
14 cable Federal or State requirements if
15 compliance with such requirements
16 will result in the same level of protec-
17 tion as compliance with the criteria
18 described in sections 257.96 through
19 257.98 of title 40, Code of Federal
20 Regulations, taking into consideration
21 the nature of the release.

22 “(V) GENERAL AUTHORITY RE-
23 LATING TO GROUNDWATER MONI-
24 TORING AND CORRECTIVE ACTION.—
25 Notwithstanding sections 257.90

1 through 257.98 of title 40, Code of
2 Federal Regulations, the imple-
3 menting agency may authorize alter-
4 native groundwater monitoring and
5 corrective action requirements pro-
6 vided that such requirements are no
7 less stringent than the alternative re-
8 quirements authorized to be estab-
9 lished under subpart E of part 258 of
10 title 40, Code of Federal Regulations.

11 “(VI) OPPORTUNITY FOR COR-
12 RECTIVE ACTION FOR UNLINED SUR-
13 FACE IMPOUNDMENTS.—Notwith-
14 standing section 257.101(a)(1) of title
15 40, Code of Federal Regulations, the
16 implementing agency may allow the
17 owner or operator of an existing
18 structure that is an unlined surface
19 impoundment—

20 “(aa) to continue to operate,
21 pursuant to sections 257.96
22 through 257.98 of title 40, Code
23 of Federal Regulations, until the
24 date that is 102 months after the

1 date of enactment of this section;
2 and

3 “(bb) to continue to operate
4 after such date as long as such
5 unlined surface impoundment
6 meets the groundwater protection
7 standard established pursuant to
8 this subparagraph and any other
9 applicable requirement estab-
10 lished pursuant to this section.

11 “(C) CLOSURE.—For all structures, the
12 criteria for closure described in sections
13 257.101, 257.102, and 257.103 of title 40,
14 Code of Federal Regulations, except—

15 “(i) the criteria described in section
16 257.101(a)(1) of title 40, Code of Federal
17 Regulations, shall apply to an existing
18 structure that is an unlined surface im-
19 poundment only if—

20 “(I) the unlined surface im-
21 poundment is not allowed to continue
22 operation pursuant to subparagraph
23 (B)(ii)(VI)(aa); or

24 “(II) in the case of an unlined
25 surface impoundment that is allowed

1 to continue operation pursuant to sub-
2 paragraph (B)(ii)(VI)(aa), the date
3 described in such subparagraph has
4 passed and the unlined surface im-
5 poundment does not meet the require-
6 ments described in subparagraph
7 (B)(ii)(VI)(bb);

8 “(ii) the criteria described in section
9 257.101(b)(1) of title 40, Code of Federal
10 Regulations, shall not apply to existing
11 structures, except as provided in subpara-
12 graphs (E)(i)(II) and (E)(ii); and

13 “(iii) if an implementing agency has
14 set a deadline under clause (i) or (ii) of
15 subparagraph (L), the criteria described in
16 section 257.101(b)(2) of title 40, Code of
17 Federal Regulations, shall apply to struc-
18 tures that are surface impoundments only
19 after such deadline.

20 “(D) POST-CLOSURE.—For all structures,
21 the criteria for post-closure care described in
22 section 257.104 of title 40, Code of Federal
23 Regulations.

24 “(E) LOCATION RESTRICTIONS.—

1 “(i) IN GENERAL.—The criteria for
2 location restrictions described in—

3 “(I) for new structures, including
4 lateral expansions of existing struc-
5 tures, sections 257.60 through 257.64
6 and 257.3–1 of title 40, Code of Fed-
7 eral Regulations; and

8 “(II) for existing structures, sec-
9 tions 257.64 and 257.3–1 of title 40,
10 Code of Federal Regulations.

11 “(ii) ADDITIONAL AUTHORITY.—The
12 implementing agency may apply the cri-
13 teria described in sections 257.60 through
14 257.63 of title 40, Code of Federal Regula-
15 tions, to existing structures that are sur-
16 face impoundments.

17 “(F) AIR CRITERIA.—For all structures,
18 the criteria for air quality described in section
19 257.80 of title 40, Code of Federal Regulations.

20 “(G) FINANCIAL ASSURANCE.—For all
21 structures, the criteria for financial assurance
22 described in subpart G of part 258 of title 40,
23 Code of Federal Regulations.

24 “(H) SURFACE WATER.—For all struc-
25 tures, the criteria for surface water described in

1 section 257.3–3 of title 40, Code of Federal
2 Regulations.

3 “(I) RECORDKEEPING.—For all structures,
4 the criteria for recordkeeping described in sec-
5 tion 257.105 of title 40, Code of Federal Regu-
6 lations.

7 “(J) RUN-ON AND RUN-OFF CONTROLS.—
8 For all structures that are landfills, sand or
9 gravel pits, or quarries, the criteria for run-on
10 and run-off control described in section 257.81
11 of title 40, Code of Federal Regulations.

12 “(K) HYDROLOGIC AND HYDRAULIC CA-
13 PACITY REQUIREMENTS.—For all structures
14 that are surface impoundments, the criteria for
15 inflow design flood control systems described in
16 section 257.82 of title 40, Code of Federal Reg-
17 ulations.

18 “(L) STRUCTURAL INTEGRITY.—For struc-
19 tures that are surface impoundments, the cri-
20 teria for structural integrity described in sec-
21 tions 257.73 and 257.74 of title 40, Code of
22 Federal Regulations, except that, notwith-
23 standing section 257.73(f)(4) of title 40, Code
24 of Federal Regulations, the implementing agen-
25 cy may provide for—

1 “(i) up to 30 days for an owner or op-
2 erator to complete a safety factor assess-
3 ment when an owner or operator has failed
4 to meet an applicable periodic assessment
5 deadline provided in section 257.73(f) of
6 title 40, Code of Federal Regulations; and

7 “(ii) up to 12 months for an owner or
8 operator to meet the safety factor assess-
9 ment criteria provided in section
10 257.73(e)(1) of title 40, Code of Federal
11 Regulations, if the implementing agency
12 determines, through the initial safety fac-
13 tor assessment, that the structure does not
14 meet such safety factor assessment criteria
15 and that the structure does not pose an
16 immediate threat of release.

17 “(M) INSPECTIONS.—For all structures,
18 the criteria described in sections 257.83 and
19 257.84 of title 40, Code of Federal Regulations.

20 “(3) PERMIT PROGRAM IMPLEMENTATION FOR
21 EXISTING STRUCTURES.—

22 “(A) NOTIFICATION.—Not later than the
23 date on which a State submits a certification
24 under subsection (b)(2), not later than 18
25 months after the Administrator receives notice

1 under subsection (e)(1)(A), or not later than 24
2 months after the date of enactment of this sec-
3 tion with respect to a coal combustion residuals
4 permit program that is being implemented by
5 the Administrator under subsection (e)(3), as
6 applicable, the implementing agency shall notify
7 owners or operators of existing structures of—

8 “(i) the obligation to apply for and
9 obtain a permit under subparagraph (C);
10 and

11 “(ii) the requirements referred to in
12 subparagraph (B)(ii).

13 “(B) COMPLIANCE WITH CERTAIN RE-
14 QUIREMENTS.—

15 “(i) INITIAL DEADLINE FOR CERTAIN
16 REQUIREMENTS.—Not later than 8 months
17 after the date of enactment of this section,
18 the implementing agency shall require own-
19 ers or operators of existing structures to
20 comply with—

21 “(I) the requirements under
22 paragraphs (2)(F), (2)(H), (2)(I), and
23 (2)(M); and

24 “(II) the requirement for a per-
25 manent identification marker under

1 the criteria described in paragraph
2 (2)(L).

3 “(ii) SUBSEQUENT DEADLINE FOR
4 CERTAIN OTHER REQUIREMENTS.—Not
5 later than 12 months after the date on
6 which a State submits a certification under
7 subsection (b)(2), not later than 30
8 months after the Administrator receives
9 notice under subsection (e)(1)(A), or not
10 later than 36 months after the date of en-
11 actment of this section with respect to a
12 coal combustion residuals permit program
13 that is being implemented by the Adminis-
14 trator under subsection (e)(3), as applica-
15 ble, the implementing agency shall require
16 owners or operators of existing structures
17 to comply with—

18 “(I) the requirements under
19 paragraphs (2)(B), (2)(G), (2)(J),
20 (2)(K), and (2)(L); and

21 “(II) the requirement for a writ-
22 ten closure plan under the criteria de-
23 scribed in paragraph (2)(C).

24 “(C) PERMITS.—

1 “(i) PERMIT DEADLINE.—Not later
2 than 48 months after the date on which a
3 State submits a certification under sub-
4 section (b)(2), not later than 66 months
5 after the Administrator receives notice
6 under subsection (e)(1)(A), or not later
7 than 72 months after the date of enact-
8 ment of this section with respect to a coal
9 combustion residuals permit program that
10 is being implemented by the Administrator
11 under subsection (e)(3), as applicable, the
12 implementing agency shall issue, with re-
13 spect to an existing structure, a final per-
14 mit incorporating the applicable require-
15 ments of the coal combustion residuals per-
16 mit program, or a final denial of an appli-
17 cation submitted requesting such a permit.

18 “(ii) APPLICATION DEADLINE.—The
19 implementing agency shall identify, in col-
20 laboration with the owner or operator of an
21 existing structure, a reasonable deadline by
22 which the owner or operator shall submit a
23 permit application under clause (i).

24 “(D) INTERIM OPERATION.—

1 “(i) PRIOR TO DEADLINES.—Unless
2 the implementing agency determines that
3 the structure should close in accordance
4 with the criteria described in paragraph
5 (2)(C), with respect to any period of time
6 on or after the date of enactment of this
7 section but prior to the applicable deadline
8 in subparagraph (B), the owner or oper-
9 ator of an existing structure may continue
10 to operate such structure until such appli-
11 cable deadline under any applicable regula-
12 tions in effect during such period.

13 “(ii) PRIOR TO PERMIT.—Unless the
14 implementing agency determines that the
15 structure should close in accordance with
16 the criteria described in paragraph (2)(C),
17 if the owner or operator of an existing
18 structure meets the requirements referred
19 to in subparagraph (B) by the applicable
20 deadline in such subparagraph, the owner
21 or operator may operate the structure until
22 such time as the implementing agency
23 issues, under subparagraph (C), a final
24 permit incorporating the requirements of
25 the coal combustion residuals permit pro-

1 gram, or a final denial of an application
2 submitted requesting such a permit.

3 “(4) REQUIREMENTS FOR INACTIVE COAL COM-
4 BUSTION RESIDUALS SURFACE IMPOUNDMENTS.—

5 “(A) NOTICE.—Not later than 2 months
6 after the date of enactment of this section, each
7 owner or operator of an inactive coal combus-
8 tion residuals surface impoundment shall sub-
9 mit to the Administrator and the State in which
10 such inactive coal combustion residuals surface
11 impoundment is located a notice stating wheth-
12 er such inactive coal combustion residuals sur-
13 face impoundment will—

14 “(i) not later than 3 years after the
15 date of enactment of this section, complete
16 closure in accordance with section 257.100
17 of title 40, Code of Federal Regulations; or

18 “(ii) comply with the requirements of
19 the coal combustion residuals permit pro-
20 gram applicable to existing structures that
21 are surface impoundments (except as pro-
22 vided in subparagraph (D)(ii)).

23 “(B) EXTENSION.—In the case of an inae-
24 tive coal combustion residuals surface impound-
25 ment for which the owner or operator submits

1 a notice described in subparagraph (A)(i), the
2 implementing agency may extend the closure
3 deadline provided in such subparagraph by a
4 period of not more than 2 years if the owner or
5 operator of such inactive coal combustion re-
6 siduals surface impoundment—

7 “(i) demonstrates to the satisfaction
8 of the implementing agency that it is not
9 feasible to complete closure of the inactive
10 coal combustion residuals surface impound-
11 ment in accordance with section 257.100
12 of title 40, Code of Federal Regulations, by
13 the deadline provided in subparagraph
14 (A)(i)—

15 “(I) because of complications
16 stemming from the climate or weath-
17 er, such as unusual amounts of pre-
18 cipitation or a significantly shortened
19 construction season;

20 “(II) because additional time is
21 required to remove the liquid from the
22 inactive coal combustion residuals sur-
23 face impoundment due to the volume
24 of coal combustion residuals contained
25 in the surface impoundment or the

1 characteristics of the coal combustion
2 residuals in such surface impound-
3 ment;

4 “(III) because the geology and
5 terrain surrounding the inactive coal
6 combustion residuals surface im-
7 poundment will affect the amount of
8 material needed to close the inactive
9 coal combustion residuals surface im-
10 poundment; or

11 “(IV) because additional time is
12 required to coordinate with and obtain
13 necessary approvals and permits; and

14 “(ii) demonstrates to the satisfaction
15 of the implementing agency that the inac-
16 tive coal combustion residuals surface im-
17 poundment does not pose an immediate
18 threat of release.

19 “(C) FINANCIAL ASSURANCE.—The imple-
20 menting agency shall require the owner or oper-
21 ator of an inactive surface impoundment that
22 has closed pursuant to this paragraph to per-
23 form post-closure care in accordance with the
24 criteria described in section 257.104(b)(1) of
25 title 40, Code of Federal Regulations, and to

1 provide financial assurance for such post-clo-
2 sure care in accordance with the criteria de-
3 scribed in section 258.72 of title 40, Code of
4 Federal Regulations.

5 “(D) TREATMENT AS STRUCTURE.—

6 “(i) IN GENERAL.—An inactive coal
7 combustion residuals surface impoundment
8 shall be treated as an existing structure
9 that is a surface impoundment for the pur-
10 poses of this section, including with respect
11 to the requirements of paragraphs (1) and
12 (2), if—

13 “(I) the owner or operator does
14 not submit a notice in accordance
15 with subparagraph (A); or

16 “(II) the owner or operator sub-
17 mits a notice described in subpara-
18 graph (A)(ii).

19 “(ii) INACTIVE COAL COMBUSTION RE-
20 SIDUALS SURFACE IMPOUNDMENTS THAT
21 FAIL TO CLOSE.—An inactive coal combus-
22 tion residuals surface impoundment for
23 which the owner or operator submits a no-
24 tice described in subparagraph (A)(i) that
25 does not close by the deadline provided

1 under subparagraph (A)(i) or subpara-
2 graph (B), as applicable—

3 “(I) shall be treated as an exist-
4 ing structure for purposes of this sec-
5 tion beginning on the date that is the
6 day after such applicable deadline, in-
7 cluding by—

8 “(aa) being required to com-
9 ply with the requirements of
10 paragraph (1), as applicable; and

11 “(bb) being required to com-
12 ply, beginning on such date, with
13 each requirement of paragraph
14 (2); but

15 “(II) shall not be required to
16 comply with paragraph (3).

17 “(d) FEDERAL REVIEW OF STATE PERMIT PRO-
18 GRAMS.—

19 “(1) IN GENERAL.—The Administrator shall
20 provide to a State written notice and an opportunity
21 to remedy deficiencies in accordance with paragraph
22 (3) if at any time the State—

23 “(A) does not satisfy the notification re-
24 quirement under subsection (b)(1);

1 “(B) has not submitted a certification as
2 required under subsection (b)(2);

3 “(C) does not satisfy the maintenance re-
4 quirement under subsection (b)(3);

5 “(D) is not implementing a coal combus-
6 tion residuals permit program, with respect to
7 which the State has submitted a certification
8 under subsection (b)(2), that meets the require-
9 ments described in subsection (c);

10 “(E) is not implementing a coal combus-
11 tion residuals permit program, with respect to
12 which the State has submitted a certification
13 under subsection (b)(2)—

14 “(i) that is consistent with such cer-
15 tification; and

16 “(ii) for which the State continues to
17 have in effect statutes or regulations nec-
18 essary to implement such program; or

19 “(F) does not make available to the Ad-
20 ministrator, within 90 days of a written re-
21 quest, specific information necessary for the
22 Administrator to ascertain whether the State
23 has satisfied the requirements described in sub-
24 paragraphs (A) through (E).

1 “(2) REQUEST.—If a request described in para-
2 graph (1)(F) is proposed pursuant to a petition to
3 the Administrator, the Administrator shall make the
4 request only if the Administrator does not possess
5 the information necessary to ascertain whether the
6 State has satisfied the requirements described in
7 subparagraphs (A) through (E) of paragraph (1).

8 “(3) CONTENTS OF NOTICE; DEADLINE FOR RE-
9 SPONSE.—A notice provided under paragraph (1)
10 shall—

11 “(A) include findings of the Administrator
12 detailing any applicable deficiencies described in
13 subparagraphs (A) through (F) of paragraph
14 (1); and

15 “(B) identify, in collaboration with the
16 State, a reasonable deadline by which the State
17 shall remedy such applicable deficiencies, which
18 shall be—

19 “(i) in the case of a deficiency de-
20 scribed in subparagraphs (A) through (E)
21 of paragraph (1), not earlier than 180
22 days after the date on which the State re-
23 ceives the notice; and

24 “(ii) in the case of a deficiency de-
25 scribed in paragraph (1)(F), not later than

1 90 days after the date on which the State
2 receives the notice.

3 “(4) CONSIDERATIONS FOR DETERMINING DE-
4 FICIENCY OF STATE PERMIT PROGRAM.—In making
5 a determination whether a State has failed to satisfy
6 the requirements described in subparagraphs (A)
7 through (E) of paragraph (1), or a determination
8 under subsection (e)(1)(B), the Administrator shall
9 consider, as appropriate—

10 “(A) whether the State’s statutes or regu-
11 lations to implement a coal combustion residu-
12 als permit program are not sufficient to meet
13 the requirements described in subsection (c) be-
14 cause of—

15 “(i) failure of the State to promulgate
16 or enact new statutes or regulations when
17 necessary; or

18 “(ii) action by a State legislature or
19 court striking down or limiting such State
20 statutes or regulations;

21 “(B) whether the operation of the State
22 coal combustion residuals permit program fails
23 to comply with the requirements of subsection
24 (c) because of—

1 “(i) failure of the State to issue per-
2 mits as required in subsection (c)(1)(A);

3 “(ii) repeated issuance by the State of
4 permits that do not meet the requirements
5 of subsection (c);

6 “(iii) failure of the State to comply
7 with the public participation requirements
8 of this section; or

9 “(iv) failure of the State to implement
10 corrective action requirements required
11 under subsection (c)(2)(B); and

12 “(C) whether the enforcement of a State
13 coal combustion residuals permit program fails
14 to comply with the requirements of this section
15 because of—

16 “(i) failure to act on violations of per-
17 mits, as identified by the State; or

18 “(ii) repeated failure by the State to
19 inspect or otherwise determine compliance
20 pursuant to the process identified under
21 subsection (b)(2)(C)(iii)(I).

22 “(e) IMPLEMENTATION BY ADMINISTRATOR.—

23 “(1) FEDERAL BACKSTOP AUTHORITY.—The
24 Administrator shall implement a coal combustion re-
25 siduals permit program for a State if—

1 “(A) the Governor of the State notifies the
2 Administrator under subsection (b)(1) that the
3 State will not adopt and implement a permit
4 program;

5 “(B) the State has received a notice under
6 subsection (d) and the Administrator deter-
7 mines, after providing a 30-day period for no-
8 tice and public comment, that the State has
9 failed, by the deadline identified in the notice
10 under subsection (d)(3)(B), to remedy the defi-
11 ciencies detailed in the notice pursuant to sub-
12 section (d)(3)(A); or

13 “(C) the State informs the Administrator,
14 in writing, that such State will no longer imple-
15 ment such a permit program.

16 “(2) REVIEW.—A State may obtain a review of
17 a determination by the Administrator under this
18 subsection as if the determination was a final regu-
19 lation for purposes of section 7006.

20 “(3) OTHER STRUCTURES.—For structures and
21 inactive coal combustion residuals surface impound-
22 ments located on property within the exterior bound-
23 aries of a State that the State does not have author-
24 ity or jurisdiction to regulate, the Administrator
25 shall implement a coal combustion residuals permit

1 program only for those structures and inactive coal
2 combustion residuals surface impoundments.

3 “(4) REQUIREMENTS.—If the Administrator
4 implements a coal combustion residuals permit pro-
5 gram under paragraph (1) or (3), the permit pro-
6 gram shall consist of the requirements described in
7 subsection (c).

8 “(5) ENFORCEMENT.—

9 “(A) IN GENERAL.—If the Administrator
10 implements a coal combustion residuals permit
11 program for a State under paragraph (1)—

12 “(i) the authorities referred to in sec-
13 tion 4005(c)(2)(A) shall apply with respect
14 to coal combustion residuals, structures,
15 and inactive coal combustion residuals sur-
16 face impoundments for which the Adminis-
17 trator is implementing the coal combustion
18 residuals permit program; and

19 “(ii) the Administrator may use those
20 authorities to inspect, gather information,
21 and enforce the requirements of this sec-
22 tion in the State.

23 “(B) OTHER STRUCTURES.—If the Admin-
24 istrator implements a coal combustion residuals
25 permit program under paragraph (3)—

1 “(i) the authorities referred to in sec-
2 tion 4005(c)(2)(A) shall apply with respect
3 to coal combustion residuals, structures,
4 and inactive coal combustion residuals sur-
5 face impoundments for which the Adminis-
6 trator is implementing the coal combustion
7 residuals permit program; and

8 “(ii) the Administrator may use those
9 authorities to inspect, gather information,
10 and enforce the requirements of this sec-
11 tion for the structures and inactive coal
12 combustion residuals surface impound-
13 ments for which the Administrator is im-
14 plementing the coal combustion residuals
15 permit program.

16 “(6) PUBLIC PARTICIPATION PROCESS.—If the
17 Administrator implements a coal combustion residu-
18 als permit program under this subsection, the Ad-
19 ministrator shall provide a 30-day period for the
20 public participation process required under sub-
21 section (c)(1)(B)(i).

22 “(f) STATE CONTROL AFTER IMPLEMENTATION BY
23 ADMINISTRATOR.—

24 “(1) STATE CONTROL.—

1 “(A) NEW ADOPTION, OR RESUMPTION OF,
2 AND IMPLEMENTATION BY STATE.—For a State
3 for which the Administrator is implementing a
4 coal combustion residuals permit program
5 under subsection (e)(1)(A) or subsection
6 (e)(1)(C), the State may adopt and implement
7 such a permit program by—

8 “(i) notifying the Administrator that
9 the State will adopt and implement such a
10 permit program;

11 “(ii) not later than 6 months after the
12 date of such notification, submitting to the
13 Administrator a certification under sub-
14 section (b)(2); and

15 “(iii) receiving from the Adminis-
16 trator—

17 “(I) a determination, after the
18 Administrator provides for a 30-day
19 period for notice and public comment,
20 that the State coal combustion residu-
21 als permit program meets the require-
22 ments described in subsection (c); and

23 “(II) a timeline for transition to
24 the State coal combustion residuals
25 permit program.

1 “(B) REMEDYING DEFICIENT PERMIT PRO-
2 GRAM.—For a State for which the Adminis-
3 trator is implementing a coal combustion re-
4 siduals permit program under subsection
5 (e)(1)(B), the State may adopt and implement
6 such a permit program by—

7 “(i) remedying only the deficiencies
8 detailed in the notice pursuant to sub-
9 section (d)(3)(A); and

10 “(ii) receiving from the Adminis-
11 trator—

12 “(I) a determination, after the
13 Administrator provides for a 30-day
14 period for notice and public comment,
15 that the deficiencies detailed in such
16 notice have been remedied; and

17 “(II) a timeline for transition to
18 the State coal combustion residuals
19 permit program.

20 “(2) REVIEW OF DETERMINATION.—

21 “(A) DETERMINATION REQUIRED.—The
22 Administrator shall make a determination
23 under paragraph (1) not later than 90 days
24 after the date on which the State submits a cer-
25 tification under paragraph (1)(A)(ii), or notifies

1 the Administrator that the deficiencies have
2 been remedied pursuant to paragraph (1)(B)(i),
3 as applicable.

4 “(B) REVIEW.—A State may obtain a re-
5 view of a determination by the Administrator
6 under paragraph (1) as if such determination
7 was a final regulation for purposes of section
8 7006.

9 “(g) IMPLEMENTATION DURING TRANSITION.—

10 “(1) EFFECT ON ACTIONS AND ORDERS.—Pro-
11 gram requirements of, and actions taken or orders
12 issued pursuant to, a coal combustion residuals per-
13 mit program shall remain in effect if—

14 “(A) a State takes control of its coal com-
15 bustion residuals permit program from the Ad-
16 ministrator under subsection (f)(1); or

17 “(B) the Administrator takes control of a
18 coal combustion residuals permit program from
19 a State under subsection (e).

20 “(2) CHANGE IN REQUIREMENTS.—Paragraph
21 (1) shall apply to such program requirements, ac-
22 tions, and orders until such time as—

23 “(A) the implementing agency that took
24 control of the coal combustion residuals permit
25 program changes the requirements of the coal

1 combustion residuals permit program with re-
2 spect to the basis for the action or order; or

3 “(B) with respect to an ongoing corrective
4 action, the State or the Administrator, which-
5 ever took the action or issued the order, cer-
6 tifies the completion of the corrective action
7 that is the subject of the action or order.

8 “(3) SINGLE PERMIT PROGRAM.—Except as
9 otherwise provided in this subsection—

10 “(A) if a State adopts and implements a
11 coal combustion residuals permit program
12 under subsection (f), the Administrator shall
13 cease to implement the coal combustion residu-
14 als permit program implemented under sub-
15 section (e) for such State; and

16 “(B) if the Administrator implements a
17 coal combustion residuals permit program for a
18 State under subsection (e)(1), the State shall
19 cease to implement its coal combustion residu-
20 als permit program.

21 “(h) EFFECT ON DETERMINATION UNDER 4005(c)
22 OR 3006.—The Administrator shall not consider the im-
23 plementation of a coal combustion residuals permit pro-
24 gram by the Administrator under subsection (e) in making
25 a determination of approval for a permit program or other

1 system of prior approval and conditions under section
2 4005(c) or of authorization for a program under section
3 3006.

4 “(i) AUTHORITY.—

5 “(1) STATE AUTHORITY.—Nothing in this sec-
6 tion shall preclude or deny any right of any State to
7 adopt or enforce any regulation or requirement re-
8 specting coal combustion residuals that is more
9 stringent or broader in scope than a regulation or
10 requirement under this section.

11 “(2) AUTHORITY OF THE ADMINISTRATOR.—

12 “(A) IN GENERAL.—Except as provided in
13 subsections (d), (e), and (g) of this section and
14 section 6005, the Administrator shall, with re-
15 spect to the regulation of coal combustion re-
16 siduals under this Act, defer to the States pur-
17 suant to this section.

18 “(B) IMMINENT HAZARD.—Nothing in this
19 section shall be construed as affecting the au-
20 thority of the Administrator under section 7003
21 with respect to coal combustion residuals.

22 “(C) ENFORCEMENT ASSISTANCE ONLY
23 UPON REQUEST.—Upon request from the head
24 of a lead State implementing agency, the Ad-

1 administrator may provide to such State agency
2 only the enforcement assistance requested.

3 “(D) CONCURRENT ENFORCEMENT.—Ex-
4 cept as provided in subparagraph (C) of this
5 paragraph and subsection (g), the Adminis-
6 trator shall not have concurrent enforcement
7 authority when a State is implementing a coal
8 combustion residuals permit program, including
9 during any period of interim operation de-
10 scribed in subsection (c)(3)(D).

11 “(3) CITIZEN SUITS.—Nothing in this section
12 shall be construed to affect the authority of a person
13 to commence a civil action in accordance with sec-
14 tion 7002.

15 “(j) MINE RECLAMATION ACTIVITIES.—A coal com-
16 bustion residuals permit program implemented by the Ad-
17 ministrator under subsection (e) shall not apply to the uti-
18 lization, placement, and storage of coal combustion residu-
19 als at surface or underground coal mining and reclamation
20 operations.

21 “(k) USE OF COAL COMBUSTION RESIDUALS.—Use
22 of coal combustion residuals in any of the following ways
23 shall not be considered to be receipt of coal combustion
24 residuals for the purposes of this section:

25 “(1) Use as—

1 “(A) engineered structural fill constructed
2 in accordance with—

3 “(i) ASTM E2277 entitled ‘Standard
4 Guide for Design and Construction of Coal
5 Ash Structural Fills’, including any
6 amendment or revision to that guidance;

7 “(ii) any other published national
8 standard determined appropriate by the
9 implementing agency; or

10 “(iii) a State standard or program re-
11 lating to—

12 “(I) fill operations for coal com-
13 bustion residuals; or

14 “(II) the management of coal
15 combustion residuals for beneficial
16 use; or

17 “(B) engineered structural fill for—

18 “(i) a building site or foundation;

19 “(ii) a base or embankment for a
20 bridge, roadway, runway, or railroad; or

21 “(iii) a dike, levee, berm, or dam that
22 is not part of a structure.

23 “(2) Storage in a manner that is consistent
24 with the management of raw materials, if the coal

1 combustion residuals being stored are intended to be
2 used in a product or as a raw material.

3 “(3) Beneficial use—

4 “(A) that provides a functional benefit;

5 “(B) that is a substitute for the use of a
6 virgin material;

7 “(C) that meets relevant product specifica-
8 tions and regulatory or design standards; and

9 “(D) if such use involves placement on the
10 land of coal combustion residuals in non-road-
11 way applications, in an amount equal to or
12 greater than the amount described in the defini-
13 tion of beneficial use in section 257.53 of title
14 40, Code of Federal Regulations, for which the
15 person using the coal combustion residuals
16 demonstrates, and keeps records showing, that
17 such use does not result in environmental re-
18 leases to groundwater, surface water, soil, or air
19 that—

20 “(i) are greater than those from a
21 material or product that would be used in-
22 stead of the coal combustion residuals; or

23 “(ii) exceed relevant regulatory and
24 health-based benchmarks for human and
25 ecological receptors.

1 “(1) EFFECT OF RULE.—

2 “(1) IN GENERAL.—With respect to the final
3 rule entitled ‘Hazardous and Solid Waste Manage-
4 ment System; Disposal of Coal Combustion Residu-
5 als from Electric Utilities’ signed by the Adminis-
6 trator on December 19, 2014—

7 “(A) such rule shall be implemented only
8 through a coal combustion residuals permit pro-
9 gram under this section; and

10 “(B) to the extent that any provision or re-
11 quirement of such rule conflicts, or is incon-
12 sistent, with a provision or requirement of this
13 section, the provision or requirement of this
14 section shall control.

15 “(2) REFERENCES TO THE CODE OF FEDERAL
16 REGULATIONS.—For purposes of this section, any
17 reference to a provision of the Code of Federal Reg-
18 ulations added by the rule described in paragraph
19 (1) shall be considered to be a reference to such pro-
20 vision as it is contained in such rule.

21 “(3) EFFECTIVE DATE.—For purposes of this
22 section, any reference in part 257 of title 40, Code
23 of Federal Regulations, to the effective date con-
24 tained in section 257.51 of such part shall be consid-
25 ered to be a reference to the date of enactment of

1 this section, except that, in the case of any deadline
2 established by such a reference that is in conflict
3 with a deadline established by this section, the dead-
4 line established by this section shall control.

5 “(4) APPLICABILITY OF OTHER REGULA-
6 TIONS.—The application of section 257.52 of title
7 40, Code of Federal Regulations, is not affected by
8 this section.

9 “(5) DEFINITIONS.—The definitions under sec-
10 tion 257.53 of title 40, Code of Federal Regulations,
11 shall apply with respect to any criteria described in
12 subsection (c) the requirements of which are incor-
13 porated into a coal combustion residuals permit pro-
14 gram under this section, except—

15 “(A) as provided in paragraph (1); and

16 “(B) a lead State implementing agency
17 may make changes to such definitions if the
18 lead State implementing agency—

19 “(i) identifies the changes in the ex-
20 planation included with the certification
21 submitted under subsection (b)(2)(C)(iii);
22 and

23 “(ii) provides in such explanation a
24 reasonable basis for the changes.

1 “(6) OTHER CRITERIA.—The criteria described
2 in sections 257.106 and 257.107 of title 40, Code of
3 Federal Regulations, may be incorporated into a coal
4 combustion residuals permit program at the discre-
5 tion of the implementing agency.

6 “(m) DEFINITIONS.—In this section:

7 “(1) COAL COMBUSTION RESIDUALS.—The
8 term ‘coal combustion residuals’ means the following
9 wastes generated by electric utilities and inde-
10 pendent power producers:

11 “(A) The solid wastes listed in section
12 3001(b)(3)(A)(i) that are generated primarily
13 from the combustion of coal, including recover-
14 able materials from such wastes.

15 “(B) Coal combustion wastes that are co-
16 managed with wastes produced in conjunction
17 with the combustion of coal, provided that such
18 wastes are not segregated and disposed of sepa-
19 rately from the coal combustion wastes and
20 comprise a relatively small proportion of the
21 total wastes being disposed in the structure.

22 “(C) Fluidized bed combustion wastes that
23 are generated primarily from the combustion of
24 coal.

1 “(D) Wastes from the co-burning of coal
2 with non-hazardous secondary materials, pro-
3 vided that coal makes up at least 50 percent of
4 the total fuel burned.

5 “(E) Wastes from the co-burning of coal
6 with materials described in subparagraph (A)
7 that are recovered from monofills.

8 “(2) COAL COMBUSTION RESIDUALS PERMIT
9 PROGRAM.—The term ‘coal combustion residuals
10 permit program’ means all of the authorities, activi-
11 ties, and procedures that comprise a system of prior
12 approval and conditions implemented under this sec-
13 tion to regulate the management and disposal of coal
14 combustion residuals.

15 “(3) ELECTRIC UTILITY; INDEPENDENT POWER
16 PRODUCER.—The terms ‘electric utility’ and ‘inde-
17 pendent power producer’ include only electric utili-
18 ties and independent power producers that produce
19 electricity on or after the date of enactment of this
20 section.

21 “(4) EXISTING STRUCTURE.—The term ‘exist-
22 ing structure’ means a structure the construction of
23 which commenced before the date of enactment of
24 this section.

1 “(5) IMPLEMENTING AGENCY.—The term ‘im-
2 plementing agency’ means the agency responsible for
3 implementing a coal combustion residuals permit
4 program, which shall either be the lead State imple-
5 menting agency identified under subsection
6 (b)(2)(C)(i) or the Administrator pursuant to sub-
7 section (e).

8 “(6) INACTIVE COAL COMBUSTION RESIDUALS
9 SURFACE IMPOUNDMENT.—The term ‘inactive coal
10 combustion residuals surface impoundment’ means a
11 surface impoundment, located at an electric utility
12 or independent power producer, that, as of the date
13 of enactment of this section—

14 “(A) does not receive coal combustion re-
15 siduals;

16 “(B) contains coal combustion residuals;
17 and

18 “(C) contains liquid.

19 “(7) STRUCTURE.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the term ‘structure’ means a
22 landfill, surface impoundment, sand or gravel
23 pit, or quarry that receives coal combustion re-
24 siduals on or after the date of enactment of this
25 section.

1 “(B) EXCEPTIONS.—

2 “(i) MUNICIPAL SOLID WASTE LAND-
3 FILLS.—The term ‘structure’ does not in-
4 clude a municipal solid waste landfill.

5 “(ii) DE MINIMIS RECEIPT.—The
6 term ‘structure’ does not include any land-
7 fill or surface impoundment that receives
8 only de minimis quantities of coal combus-
9 tion residuals if the presence of coal com-
10 bustion residuals is incidental to the mate-
11 rial managed in the landfill or surface im-
12 poundment.

13 “(8) UNLINED SURFACE IMPOUNDMENT.—The
14 term ‘unlined surface impoundment’ means a sur-
15 face impoundment that does not have a liner system
16 described in section 257.71 of title 40, Code of Fed-
17 eral Regulations.”.

18 (b) CONFORMING AMENDMENT.—The table of con-
19 tents contained in section 1001 of the Solid Waste Dis-
20 posal Act is amended by inserting after the item relating
21 to section 4010 the following:

“Sec. 4011. Management and disposal of coal combustion residuals.”.

22 **SEC. 3. 2000 REGULATORY DETERMINATION.**

23 Nothing in this Act, or the amendments made by this
24 Act, shall be construed to alter in any manner the Envi-
25 ronmental Protection Agency’s regulatory determination

1 entitled “Notice of Regulatory Determination on Wastes
2 From the Combustion of Fossil Fuels”, published at 65
3 Fed. Reg. 32214 (May 22, 2000), that the fossil fuel com-
4 bustion wastes addressed in that determination do not
5 warrant regulation under subtitle C of the Solid Waste
6 Disposal Act (42 U.S.C. 6921 et seq.).

7 **SEC. 4. TECHNICAL ASSISTANCE.**

8 Nothing in this Act, or the amendments made by this
9 Act, shall be construed to affect the authority of a State
10 to request, or the Administrator of the Environmental
11 Protection Agency to provide, technical assistance under
12 the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

13 **SEC. 5. FEDERAL POWER ACT.**

14 Nothing in this Act, or the amendments made by this
15 Act, shall be construed to affect the obligations of an
16 owner or operator of a structure (as such term is defined
17 in section 4011 of the Solid Waste Disposal Act, as added
18 by this Act) under section 215(b)(1) of the Federal Power
19 Act (16 U.S.C. 824o(b)(1)).

Union Calendar No. 103

114TH CONGRESS
1ST Session

H. R. 1734

[Report No. 114-143]

A BILL

To amend subtitle D of the Solid Waste Disposal Act to encourage recovery and beneficial use of coal combustion residuals and establish requirements for the proper management and disposal of coal combustion residuals that are protective of human health and the environment.

JUNE 9, 2015

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed