



Coal Ash Provisions Dropped from Transportation Bill

Negotiators from the United States Senate and House of Representatives this week chose not to include legislative provisions related to coal ash regulation in the transportation bill now under consideration by Congress.

The coal ash provisions were widely discussed on Capitol Hill for several weeks. As transportation conference committee discussions neared a conclusion, there appeared to be bipartisan agreement on potential modifications to the legislative language that would allow it to go forward. However, at the last minute inclusion of the coal ash provisions was linked to a demand for funding for the Land and Water Conservation Fund that could not be agreed to and both items were dropped from the bill.

On April 18, 2012, the House approved HR 4348, the “Surface Transportation Extension Act of 2012, Part II.” Representative David McKinley (R-WV) successfully offered an amendment to insert the text of the “Coal Residuals Reuse and Management Act” (HR 2273) into the larger transportation bill. (HR 2273 was previously approved by the House in October 2011 with a bipartisan vote of 267 to 144.) The coal ash bill was one of only three amendments that were accepted.

The House’s coal ash legislation mandates the first ever national standards for coal ash disposal. The standards are patterned after successful regulatory programs for managing municipal solid waste. The bill requires state-administered permit programs to create enforceable requirements for groundwater monitoring, lining of landfills, corrective action when environmental damage occurs and structural criteria. It also provides that if a state is unable or unwilling to implement the permit program, the federal Environmental Protection Agency would have authority to do so. It would effectively preclude the federal EPA from designating coal ash as a “hazardous waste,” however.

Supporters of the coal ash legislation – including ACAA – expressed disappointment in the setback, but vowed to seek other approaches to passing the legislation in the U.S. Senate.

The legislative action will be discussed in greater detail during the next regularly scheduled Government Relations Committee conference call on Thursday, July 5, at 10:00 a.m. Eastern time. (A scheduling notice and new call-in numbers will be distributed to Committee members in the next couple of days. ACAA members who wish to join the Committee should contact Alyssa Barto at Alyssa.Barto@aca-usa.org.)