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**House of Representatives**  
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**Statement of Ranking Member Frank Pallone, Jr.**  
**Committee on Energy and Commerce**  
**Subcommittee on Environment and the Economy**  
**Hearing on EPA's Final Rule on Disposal of Coal Ash**  
**January 22, 2015**

I thank the Chairman for calling this hearing. I want to start by congratulating my colleague from New York, Mr. Tonko, on continuing his role as ranking member of this important subcommittee. I think I can speak for all of the members on this side of the aisle when I say that we appreciate your expertise and leadership on environmental issues, and we look forward to working with you again this Congress.

Turning to the topic of today's hearing, I would like to commend the EPA for finalizing national criteria for coal ash disposal. These criteria will, for the first time, provide the framework for addressing this serious environmental problem.

Unsafe disposal of coal ash poses serious threats to human health and the environment. The three primary risks are groundwater contamination, fugitive dust, and catastrophic failure of wet impoundments. I am happy to say that each of these risks is addressed in EPA's new rule.

EPA first determined that national disposal criteria were needed for coal ash in the year 2000. That was 15 years ago now, and the need for this rule has only become clearer. We now have 157 documented cases of damage to human health and the environment from unsafe coal ash disposal. It is possible that, with the monitoring required under this rule, that number will only go up because more contamination will be detected.

This rule is the product of a robust public process, including field hearings and several rounds of public comment. It reflects the input of over 450,000 commenters, including states, industry groups, environmental groups, and individual concerned citizens.

And it addresses many of the concerns that this Subcommittee has heard in past hearings. By proceeding under Subtitle D, EPA addressed concerns about stigma raised by industry. By laying out a framework for states to incorporate the regulations into existing programs, EPA addressed state concerns. And by requiring public reporting of monitoring data and addressing some legacy sites, EPA addressed many concerns raised by environmental advocates.

We will hear today that not everyone is satisfied with the rule. Certainly, many in the environmental community argued that only a subtitle C rule could protect human health. And it is possible that the self-implementing nature of the rule could lead to inconsistent compliance. But as a whole, the rule is an important step forward. The rule will offer important protections for human health and the environment, including many important protections that were not part of past legislative proposals.

As we look ahead in this Subcommittee, I think the publication of this final rule changes our role. We are no longer called upon to set national criteria in statute, because those criteria have been set through a robust, transparent process. Instead, we will have to monitor compliance and conduct oversight of the rule's novel implementation structure. I hope we can conduct that oversight in a bipartisan manner.

I applaud EPA for their hard work on this rule, and I look forward to today's testimony.