



News from the
Committee on Natural Resources
Rep. Nick J. Rahall, II - Chairman

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Statement of U.S. Rep. Nick J. Rahall, II
Chairman, Committee on Natural Resources
Subcommittee on Energy and Mineral Resources
Legislative Hearing on H.R. 493
“Coal Ash Reclamation, Environment, and Safety Act of 2009”
February 12, 2009

Thank you, Chairman Costa, for holding this hearing and for making this the first issue to be considered by the Subcommittee in the new Congress. To the gentleman from Colorado, Mr. Lamborn, congratulations on your being named as the Subcommittee Ranking Member.

When I introduced H.R. 493, I noted that years ago a West Virginia coal miner wrote a letter to me noting that every single federal law regulating coal was penned in blood. He was referring to the fact that it took a 1968 explosion claiming 78 souls at a mine in Farmington, West Virginia, to give rise to the Federal Coal Mine Health and Safety Act of 1969. And that it took the failure of a coal slurry impoundment at Buffalo Creek, in Logan County, West Virginia, that killed 125 people, for the Congress to finally pass the Surface Mining Control and Reclamation Act of 1977.

When that facility owned by the Tennessee Valley Authority (TVA) gave way, unleashing an avalanche of coal ash sludge that covered more than 300 acres, I noted that this time Heaven intervened, and thankfully no lives were lost.

We need to learn a lesson from what happened at Kingston, Tennessee. This issue cannot be ignored. I believe we have a ticking time bomb on our hands.

The electric utility industry generates 131 million tons of coal ash each year. Yet, the disposal of this massive amount of material is the subject of a patchwork of State regulation, some very good, some not so good, some bordering on the non-existent.

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The bill I have introduced deals with just one aspect of the issue of regulating the management of coal combustion wastes. It is a rifle shot aimed at ensuring the structural stability of coal ash impoundments. There remains the much broader issue of regulating the disposal of these wastes in landfills and coal mines.

Last week I sent a letter to EPA Administrator Lisa Jackson urging her to move forward with comprehensive coal combustion waste regulatory regime under the Resource Conservation and Recovery Act. Congress directed EPA to do this back in 1980. Twenty-nine years later, there are still no regulations on the books.

I look forward to hearing from the witnesses today. Davitt McAteer is from my home State of West Virginia, and is an expert on many coal-related issues. Tom FitzGerald, welcome also. Both of these gentlemen have worked with my staff and me for many, many years, and I appreciate your taking the time to come to Washington, D.C., for this hearing, as well, to all of the witnesses. Thank you.