

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SHIMKUS OF ILLINOIS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

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**AMENDMENT TO H.R. 2273, AS REPORTED
OFFERED BY MR. SHIMKUS OF ILLINOIS**

Page 5, line 2, strike the semicolon and insert the following: “, including a description of the State’s—

- 1 “(I) process to inspect or other-
- 2 wise determine compliance with such
- 3 permit program;
- 4 “(II) process to enforce the re-
- 5 quirements of such permit program;
- 6 and
- 7 “(III) public participation proc-
- 8 ess for the promulgation, amendment,
- 9 or repeal of regulations for, and the
- 10 issuance of permits under, such per-
- 11 mit program;

Page 5, line 5, strike “, regulations, or guidance” and insert “or regulations”.

Page 5, beginning on line 9, strike “, regulations, and guidance” and insert “and regulations”.

Page 6, line 13, insert “according to a schedule determined by such agency” after “correct the deficiency”.

Page 6, line 14, insert “according to such schedule” after “is not corrected”.

Page 6, line 21, insert a comma after “assurance, closure”.

Beginning on page 7, line 1, strike subparagraph (D) and redesignate subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively.

Page 7, line 17, insert “according to a schedule determined by such agency” before the period.

Page 7, line 18, insert “according to such schedule” before the comma.

Page 8, after line 5, insert the following new subparagraph:

1 “(G) In the case of a coal combustion re-
2 siduals permit program implemented by a
3 State, the State has the authority to address
4 wind dispersal of dust from coal combustion re-
5 siduals by requiring dust control measures, as
6 determined appropriate by the head of the lead
7 State agency responsible for implementing the
8 coal combustion residuals permit program.

Page 8, line 21, insert “and corrective action” after “groundwater monitoring”.

Page 8, line 23, strike the semicolon and insert the following: “, except that, for the purposes of this paragraph, such revised criteria shall also include—

- 1 “(I) for the purposes of detection
- 2 monitoring, the constituents boron,
- 3 chloride, conductivity, fluoride, mer-
- 4 cury, pH, sulfate, sulfide, and total
- 5 dissolved solids; and
- 6 “(II) for the purposes of assess-
- 7 ment monitoring, the constituents alu-
- 8 minum, boron, chloride, fluoride, iron,
- 9 manganese, molybdenum, pH, sulfate,
- 10 and total dissolved solids;

Page 9, line 16, strike “; and” and insert a semicolon.

Page 9, line 21, strike the period and insert a semicolon.

Page 9, after line 21, insert the following:

- 11 “(E) for all structures that receive coal
- 12 combustion residuals after the date of enact-
- 13 ment of this section, the revised criteria for sur-
- 14 face water described in section 258.27 of title
- 15 40, Code of Federal Regulations;

1 “(F) for all structures that receive coal
2 combustion residuals after the date of enact-
3 ment of this section, the revised criteria for rec-
4 ordkeeping described in section 258.29 of title
5 40, Code of Federal Regulations;

6 “(G) for landfills and other land-based
7 units, other than surface impoundments, that
8 receive coal combustion residuals after the date
9 of enactment of this section, the revised criteria
10 for run-on and run-off control systems de-
11 scribed in section 258.26 of title 40, Code of
12 Federal Regulations; and

13 “(H) for surface impoundments that re-
14 ceive coal combustion residuals after the date of
15 enactment of this section, the revised criteria
16 for run-off control systems described in section
17 258.26(a)(2) of title 40, Code of Federal Regu-
18 lations.

Page 17, line 23, strike “, in a schedule.”.

Page 17, line 24, insert “that establishes a deadline
for completion and” before “that takes into account”.

Page 18, after line 20, insert the following:

19 “(C) TECHNICAL AND ENFORCEMENT AS-
20 SISTANCE ONLY UPON REQUEST.—Upon re-

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1 quest from the head of a lead State agency that
2 is implementing a coal combustion residuals
3 permit program, the Administrator may provide
4 to such State agency only the technical or en-
5 forcement assistance requested.

6 “(3) CITIZEN SUITS.—Nothing in this section
7 shall be construed to affect the authority of a person
8 to commence a civil action in accordance with sec-
9 tion 7002.

Page 20, line 11, insert “in accordance with the re-
quirement of such section that the criteria protect human
health and the environment” after “4010(c)”.

