

SENATE RESOLUTION 64—RECOGNIZING THE NEED FOR THE ENVIRONMENTAL PROTECTION AGENCY TO END DECADES OF DELAY AND UTILIZE EXISTING AUTHORITY UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT TO COMPREHENSIVELY REGULATE COAL COMBUSTION WASTE AND THE NEED FOR THE TENNESSEE VALLEY AUTHORITY TO BE A NATIONAL LEADER IN TECHNOLOGICAL INNOVATION, LOW-COST POWER, AND ENVIRONMENTAL STEWARDSHIP

Mrs. BOXER (for herself and Mr. CARPER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 64

Whereas the burning of coal creates more than 130,000,000 tons of coal combustion waste a year;

Whereas coal combustion waste is made up of various types of waste, including fly ash, bottom ash, boiler slag, and flue gas emission control waste;

Whereas the National Academy of Sciences found that coal combustion waste “often contain a mixture of metals [including arsenic, lead, selenium, mercury, cadmium, beryllium, chromium, thorium and uranium] and other constituents in sufficient quantities that they may pose public health and environmental concerns if improperly managed.”;

Whereas the 2 most common forms of disposal for coal combustion waste are landfills and surface impoundments, with impoundments generally holding a “wet” waste mixture of water and landfills holding a “dry” waste that does not include intentionally added water, although other forms of disposal also occur in other areas including mines;

Whereas a 1993 report prepared for the United States Department of Energy found that over the preceding 50 years, roughly 500,000,000 tons of coal combustion waste were disposed of at then-existing or operating waste management units, and that about 1,000,000,000 tons of coal combustion wastes had been disposed of at an estimated 759 closed units;

Whereas the United States Environmental Protection Agency reported to Congress in 1999 that there were roughly 600 fossil fuel combustion waste disposal units operating at approximately 450 coal-fired power plants;

Whereas the United States Department of Energy in 2006 found: “The total number of [coal combustion waste] disposal units permitted, built, or laterally expanded between January 1, 1994 and December 31, 2004 (‘new units’) is not known, as no industry organization or government agency tracks this information.”;

Whereas on Monday, December 22, 2008 at 1:00 a.m. a wall constructed of coal combustion waste and dirt failed on a 84-acre surface impoundment holding coal combustion waste and water at the Kingston Fossil Plant in Harriman, Tennessee, 40 miles west of Knoxville;

Whereas the spill from this “wet storage” impoundment at the Kingston plant released 5,400,000 cubic yards of waste, equaling more than 1,000,000,000 gallons or an amount nearly 100 times greater than the amount of oil spilled in the Exxon Valdez disaster, into the Emory River and the surrounding valley and community;

Whereas the spill from the Kingston plant covered half of a square mile of land and water with waste up to 12 feet deep, destroying roads, waterways, wildlife, trees, railroad tracks, and impacting 42 properties, 40 homes, and sections and coves of the Emory River used by businesses, community members, families, and children;

Whereas the Kingston spill occurred around 1:00 a.m. in the morning in December, but if it had occurred at midday during the summer, when businesses, community members, families, and children regularly use the river and coves, the already-extensive property damage could have been far greater and the loss of life could have been catastrophic;

Whereas the United States Department of Energy has information demonstrating wet storage impoundments present risks to public safety, health, and the environment: “[W]et impoundment systems require substantially greater disposal site volumes than dry systems... Also, the presence of free liquid increases the possibility of leachate (i.e., a combination of ash solids and water) creation and its potential for migration into underlying soils and groundwater”;

Whereas in 2006 the United States Department of Energy reported inconsistent coal combustion waste disposal standards, with some States weakening safeguards and others improving protections;

Whereas the United States Environmental Protection Agency in 2000 produced a draft regulatory determination that certain fossil fuel combustion wastes, including coal ash, should be regulated as a hazardous waste under the Resource Conservation and Recovery Act; and

Whereas the United States Environmental Protection Agency has continued to issue information on the adverse effects of coal combustion waste but the agency has so far not required any consistent Federal regulatory protections for coal combustion waste disposal practices despite their clear authority to do so: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the need for the United States Environmental Protection Agency to—

(A) immediately conduct and complete reviews, including onsite confirmatory examinations, of all coal combustion waste impoundments and landfills to ensure the safety of people and the environment located in any area that may be threatened by a spill or release from an impoundment or landfill;

(B) report to the Senate Committee on Environment and Public Works on the earliest date possible that the Agency can regulate coal combustion waste using their existing authority under the Resource Conservation and Recovery Act;

(C) propose rules as quickly as possible to regulate coal combustion waste under the Resource Conservation and Recovery Act using the substantial information currently available to the Agency; and

(D) issue final rules as quickly as possible on regulating coal combustion waste under the Resource Conservation and Recovery Act; and

(2) recognizes the need for the Tennessee Valley Authority to meet the intentions of Congress and be “a national leader in technological innovation, low-cost power, and environmental stewardship”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 641. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 643. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 644. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 645. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 646. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 647. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 648. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 649. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 650. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 651. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 652. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

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SA 654. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 655. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 656. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 657. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 658. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 659. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 660. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 661. Mr. TESTER (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 662. Mr. THUNE (for himself, Mr. DEMINT, Mr. INHOFE, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1105, supra; which was ordered to lie on the table.

SA 663. Mr. ENZI (for himself and Mr. BARRASSO) submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

SA 664. Mr. BAUCUS (for himself, Mr. GRASSLEY, and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 1105, *supra*; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 640. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds made available in Title II of Division C under the heading "JUVENILE JUSTICE PROGRAMS" under the heading "OFFICE OF JUSTICE PROGRAMS" may be used for the At the Park After Dark Gang Prevention Program in California through a congressionally directed spending initiative and the amount made available under that heading is reduced by \$50,000.

SA 641. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds made available in Title II of Division C under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" under the heading "OFFICE OF JUSTICE PROGRAMS" may be used for a tattoo removal violence prevention outreach program in California through a congressionally directed spending initiative and the amount made available under that heading is reduced by \$200,000.

SA 642. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in Division A, before the short title, insert the following:

SEC. 7 _____. Notwithstanding any other provision of this Act, section 726 of this title shall have no effect.

SA 643. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in Division A, before the short title, insert the following:

SEC. 7 _____. Notwithstanding any other provision of this Act, none of the funds made available under the heading "SALARIES AND EXPENSES" under the heading "AGRICULTURAL RESEARCH SERVICE" in title I may be

used for a honey bee laboratory in Texas through a congressionally directed spending initiative and the amount made available under that heading is reduced by \$1,762,000.

SA 644. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III of division F, add the following:

SEC. _____. PROHIBITION OF USE OF FUNDS TO TEACH SCIENTISTS TO TALK TO THE PRESS.

Notwithstanding any other provision of this Act—

(1) none of the funds appropriated or otherwise made available in title III of division F, under the heading "HIGHER EDUCATION" may be available for Stony Brook University School of Journalism in New York through a congressionally directed spending initiative; and

(2) the amount made available under such heading shall be reduced by \$214,000.

SA 645. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 427, lines 10 and 11, strike "\$6,590,000, to remain available until expended" and insert "\$5,090,000, to remain available until expended: *Provided*, That no amounts made available under this heading shall be made available for the California National Historic Trail Interpretive Center".

SA 646. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII in Division A, before the short title, insert the following:

SEC. 7 _____. (a) Notwithstanding any other provision of this Act, none of the funds made available under this Act may be used for congressionally directed spending initiative related to—

(1) the Virus-Free Wine Grape Cultivars or Wine/Grape Foundation Block in Washington;

(2) the Viticulture Consortium in California, New York, or Pennsylvania;

(3) the Center for Advanced Viticulture and Tree Crop Research in California; or

(4) the Center for Grape Genetics in New York.

(b) Notwithstanding any other provision of this Act, the amount made available under the heading "SALARIES AND EXPENSES" under the heading "AGRICULTURAL RESEARCH SERVICE" in title I is reduced by \$1,677,000.

(c) Notwithstanding any other provision of this Act, the amount made available under the heading "RESEARCH AND EDUCATION ACTIVITIES" under the heading "COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE" in title I is reduced by \$4,384,000.

SA 647. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for

other purposes; which was ordered to lie on the table; as follows:

At the end of title II of division B, add the following:

SEC. _____. PROHIBITION OF USE OF FUNDS FOR ANTI-BULLYING PROGRAMS.

Notwithstanding any other provision of this Act—

(1) none of the funds appropriated or otherwise made available in title II of division B, under the heading "JUVENILE JUSTICE PROGRAMS" may be available for the Self-Determination Anti-Bullying in Lifetown in Michigan through a congressionally directed spending initiative; and

(2) the amount made available under such heading shall be reduced by \$820,000.

SA 648. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, section 110 of title I of division B shall have no effect.

SA 649. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 221 of division F.

SA 650. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Notwithstanding any other provision of this Act, none of the funds appropriated under this Act may be used to repeal or amend part 88 of title 45, Code of Federal Regulations.

SA 651. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION OF USE OF APPROPRIATED FUNDS TO STUDY, RECOMMEND, OR IMPLEMENT A NEW METHOD OF TAXATION BASED ON VEHICLE MILES TRAVELED.

Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to study, recommend, or implement a new method of taxation based on vehicle miles traveled.

SA 652. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1105, making omnibus appropriations for the fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows: