



Alabama Department of Environmental Management  
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October 1, 2013

The Honorable Spencer Bachus  
2246 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Bachus:

I am writing to strongly encourage your support of H.R. 2226, the "Federal and State Partnership for Environmental Protection Act of 2013" (FSPEPA); H.R. 2279, the "Reducing Excessive Deadline Obligations Act of 2013" (REDO); and H.R. 2318, the "Federal Facilities Accountability Act of 2013" (FFAA).

These bills address important issues with respect to how State environmental protection requirements are addressed in cleanups conducted under the broad auspices of CERCLA by ensuring that the State has a meaningful voice in environmental decision-making within our borders, will aid in the economic redevelopment and revitalization of CERCLA sites by clarifying that States may use in-kind services and contributions to fund the State share of Fund-lead remedial actions, and will serve to ensure that there is a level playing field of environmental protection for all of Alabama's citizens and industry.

H.R. 2226, the "Federal and State Partnership for Environmental Protection Act of 2013" includes provisions ensuring that States are consulted throughout the process of determining appropriate remedies for environmental contamination, and ensuring that States have an active voice in determining whether a site should be placed on the National Priorities List, and by ensuring that state laws and regulations requiring the use of engineering controls or land use controls to ensure that remedies remain protective will be appropriately considered as Applicable or Relevant and Appropriate Requirements (ARARs) when evaluating remedies under CERCLA. H.R. 2226 also includes a provision to clarify that State contributions to cleanup activities at a taxpayer-funded cleanup may be in the form of in-kind contributions of property, equipment, goods and services, and proceeds from recycling materials that are provided to assist in or fund the cleanup. These provisions are of significant importance to Alabama, as they could enable faster and more thorough cleanup and economic redevelopment of sites such as the abandoned Gulf States Steel facility in Gadsden, where millions of pounds of potentially recyclable steel slag were left behind when the facility was liquidated due to bankruptcy, and will serve to ensure that remedies remain protective of our citizens into the future.

H.R. 2279, the "Reducing Excessive Deadline Obligations Act of 2013" includes provisions which would ensure that pre-existing State financial responsibility requirements will not be summarily pre-empted without appropriate review and evaluation in the event USEPA promulgates federal requirements pursuant to CERCLA Section 108(b), and that will also ensure that industry is not required to comply with duplicative federal financial responsibility requirements when there are adequate and protective State requirements already in place.



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H.R. 2318, the "Federal Facilities Accountability Act of 2013" addresses a long-standing issue related to the applicability of State environmental requirements to current and former federal facilities regulated under CERCLA, and clarifies Congressional intent regarding the principle of equal protection for all citizens regardless of whether the source of environmental contamination is from a private industrial facility or from a federal facility. These changes will make clear that federal facilities regulated under CERCLA are subject to State environmental laws and regulations to the same extent as any other person or facility, and will bring the CERCLA sovereign immunity waiver provisions up to date and in-line with those in contained in the Resource Conservation and Recovery Act and the Clean Air Act, both of which have been updated to address judicial decisions since the current CERCLA provisions were enacted in the late 1980s. These changes are also consistent with a long-standing Environmental Council of the States (ECOS) resolution on the subject.

In closing, please be aware that these bills are an outgrowth of the testimony received from various State representatives at the February 15 Environment and the Economy Subcommittee of the U.S. House Energy and Commerce Committee hearing on the role of States in protecting the environment under current law, and as such are not EPA-driven proposals. Based upon our assessment these bills should have no negative impact on economic development. It is my understanding that the full House of Representatives may consider H.R. 2226, H.R. 2279, and H.R. 2318 during the current session of Congress.

Thank you for your consideration of this important matter. Please do not hesitate to contact me if you have questions or need more information.

Sincerely,



Lance R. LeFleur  
Director

LRL/SAC/ghe

cc: Senator Richard Shelby  
Senator Jeff Sessions  
Congressman Fred Upton  
Congressman John Shimkus