

March 17, 2015

The Honorable John Shimkus
Chairman
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515-6115

The Honorable Paul Tonko
Ranking Member
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, DC 20515-6115

Re: Opposition to discussion draft of "H.R.____, the Improving Coal Combustion Residuals Regulation Act of 2015"

Dear Chairman Shimkus and Ranking Member Tonko:

The undersigned 122 public interest groups, private and concerned citizens, strongly oppose the discussion draft of "H.R.____,Improving Coal Combustion Residuals Regulation Act of 2015" which threatens health, safety and the environment while relieving owners of coal-fired power plants of their responsibility to safely dispose of toxic coal ash. This proposal greatly increases the potential for harm to communities in the United States and its territories by amending the Resource Conservation and Recovery Act (RCRA), to remove critical and long-awaited safeguards established by the U.S. Environmental Protection Agency (EPA) on December 19, 2014 in their final coal ash rule.

The EPA's first-ever coal ash rule was a compromise that went to great lengths to address the concerns of industry, recyclers and states by characterizing coal ash as non-hazardous, does not ban the continued operation of coal ash ponds, exempts the beneficial use of coal ash, and establishes generous timeframes for compliance and closure. Despite these generous concessions, the discussion draft further guts the new EPA rule of public health protections and places American communities at increased risk of toxic exposure and catastrophic disasters in the following ways:

The "Improving Coal Combustion Residuals Regulation Act of 2015" will:

- **DELAY** the rule's new health and safety protections- potentially for up to 10 years;
- **WEAKEN** the rule's mandate to close inactive (contaminated and abandoned) ponds by extending the deadline for closure, allowing these legacy ponds to operate without safeguards for at least 6 years;

- **ELIMINATE** the rule’s guarantee of public access to information and public participation;
- **ELIMINATE** the rule’s ban on storing and dumping coal ash in drinking water;
- **REMOVE** the rule’s national standard for drinking water protection and cleanup of coal ash-contaminated sites;
- **REMOVE** the rule’s national minimum standard for protection of health and the environment and allow state programs to eliminate critical safety requirements;
- **PROHIBIT** effective federal oversight of state programs; and
- **PROHIBIT** EPA enforcement of state program requirements unless invited by a state.

In summary, we oppose the “Improving Coal Combustion Residuals Regulation Act of 2015” discussion draft because it places the health of our communities and environment in great danger and fails to guarantee consistent nationwide protection. The proposal would particularly harm the nation’s most vulnerable communities, since coal ash ponds are disproportionately located in communities of color and low-income neighborhoods. Relief from coal ash dumping is long overdue:

- Three major coal ash disasters have occurred since 2008 (including the largest toxic waste spill in our nation’s history);
- U.S. utilities operate more than 300 high and significant-hazard earthen coal ash dams that can significantly harm communities and their environment if they fail;
- More than 200 coal ash sites have already contaminated water in 37 states, and
- Communities across the nation are threatened by toxic dust from coal ash dumpsites.

The EPA’s 2014 coal ash rule will help provide immediate protection to our most vulnerable communities and our irreplaceable water resources. Congress must refrain from causing irreparable harm by denying and delaying such protection, and consequently we respectfully request that you oppose the “Improving Coal Combustion Residuals Regulation Act of 2015.

Respectfully submitted,

National

Alliance of Nurses for Healthy Environments

American Rivers

Center for Biological Diversity

Clean Water Action

Defenders of Wildlife

Earthjustice

Environment America

Environmental Integrity Project

Friends of the Earth U.S.

Greenpeace USA

League of Conservation Voters

National Association for the Advancement of Colored People (NAACP)

Natural Resources Defense Council (NRDC)
Physicians for Social Responsibility (PSR)
Public Citizen
Sierra Club
WE ACT for Environmental Justice

Alaska

Alaska Community Action on Toxics
Resurrection Bay Conservation Alliance

Alabama

Alabama Environmental Council
Alabama Rivers Alliance
Black Warrior Riverkeeper
Cahaba Riverkeeper
Esther Calhoun, Black Belt Citizens Fighting for Health and Justice

Arizona

Barbara H. Warren, MD, MPH

California

As You Sow
KyotoUSA
Label GMOs
Our Children's Earth Foundation

Colorado

Diné Citizens Against Ruining our Environment

Florida

Florida Wildlife Federation

Georgia

Altamaha Riverkeeper
Fall-line Alliance for a Clean Environment (FACE)
GreenLaw

Illinois

Canton Area Citizens for Environmental Issues, Canton Lake and Its Watershed
Citizens Against Longwall Mining
Committee on the Middle Fork Vermilion River
Prairie Rivers Network

Indiana

People in Need for Environmental Safety
Hoosier Environmental Council

Kentucky

Cumberland Chapter Sierra Club
Kentucky Environmental Foundation
Kentuckians For The Commonwealth

Louisiana

Gulf Coast Center for Law & Policy

Maryland

Henry S. Cole & Associates, Environmental Inc.
Rachel Carson Council

Michigan

Lone Tree Council

Missouri

Elizabeth Schmidt, Impacted Citizen
Labadie Environmental Organization (LEO)
Midwest Coalition for Responsible Investment

Montana

Montana Environmental Information Center
Northern Plains Resource Council
Western Organization of Resource Councils

North Carolina

Appalachian Voices
Catawba Riverkeeper
Clean Air Carolina
Clean Water for North Carolina
Elizabeth Burton, Private Citizen
Environment North Carolina
French Broad Riverkeeper
Greenpeace Charlotte
Greenpeace - North Carolina Chapter
MountainTrue
New River Conservancy
NC Interfaith Power & Light
North Carolina Conservation Network

North Carolina League of Conservation Voters
Richard Fireman, MD, Impacted Citizen
River Guardian Foundation
Southern Environmental Law Center
Western North Carolina Chapter, Physicians for Social Responsibility
Yadkin Riverkeeper, Inc.

New Mexico

Amigos Bravos
New Mexico Environmental Law Center
Western Environmental Law Center
WildEarth Guardians

Nevada

Moapa Band of Paiutes

New York

Academy Heights Neighborhood
Allyson Kestler, Impacted Citizen
Cath Kestler, Impacted Citizen
Concerned Residents of Portland, NY + People Like Us (Crop Plus)
Linda Warner, Private Citizen
Robert C Kestler, Impacted Citizen
Sarah Kestler, Impacted Citizen
The Educational Foundation of America
The Marable Group, LLC
Waterkeeper Alliance

Ohio

Christopher James Cuic, Impacted Citizen
Concerned Citizens of Lake Twp./Uniontown IEL Superfund Site
Concerned Citizens of Medina County
Communities United for Responsible Energy
Leann Ramirez, Impacted Citizen
Mary Ellen Berger, Private Citizen

Oregon

Southern Oregon Climate Action Now

Pennsylvania

Andrew Liebhold, Private Citizen
Center for Coalfield Justice
Clean Air Council

Delaware Riverkeeper Network
Gary Conniff, Impacted Citizen
George W. Hawes, RA, Impacted Citizen
Judith Rock, Private Citizen
Kathy Gadinski LPT, Impacted Citizen
Mountain Watershed Association
PennEnvironment
Residents Against the Power Plant (RAPP)
Robert Gadinski, P.G., Impacted Citizen
William D. Lockwood, Private Citizen

Puerto Rico

Comite Dialogo Ambiental, Inc.

Tennessee

Southern Alliance For Clean Energy

Texas

Bastrop County Environmental Network

South Carolina

South Carolina Coastal Conservation League
Upstate Forever
Winyah Rivers Foundation

Utah

HEAL Utah

Virginia

Concerned Citizens of Giles County, Impacted Citizens
James River Association
Mary Jane Reyes, Private citizen
Virginia Conservation Network

Wisconsin

Clean Wisconsin

West Virginia

Ohio Valley Environmental Coalition
West Virginia Highlands Conservancy

Wyoming

Powder River Basin Resource Council

