Congress of the United States
Washington, DC 20515

November 19, 2010

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We understand that the Agency will soon be setting standards for the safe disposal of fly ash, scrubber sludge, and other coal combustion wastes (CCW). We write to ask that the EPA's final decision be based on the best available science and guided first and foremost by concern for public health and the environment.

Your agency has already documented dozens of cases where coal ash dumpsites have contaminated groundwater and surface water (and sometimes both) throughout the United States. Sadly, the EPA estimates that as many as one in fifty residents at the most contaminated sites may get cancer, because their water has been poisoned by arsenic. Moreover EPA's risk assessment doesn't even begin to address the hazards to human health from exposure to other pollutants found in coal ash, or the damage that is being done to aquatic life as these contaminants seep into wetlands and creeks. If not remedied, theses problems will only get worse, increasing health costs, degrading our waterways, and creating additional Superfund sites that may eventually require billions of dollars to clean up.

Providing states with "guidance" or relying on outdated landfill standards that are designed for much less hazardous material will not solve this problem. EPA's final rule should establish federal standards that prevent ash dumps from being located in places where they are likely to leak into drinking water or surface water; phase out wet ash ponds that threaten the lives of entire communities and ecosystems; require liners, groundwater monitoring systems and leachate collection to trap and remove contaminants before they move offsite; and make power companies fully responsible for cleaning up their own pollution. These new standards should be enforceable not only by the EPA but also by states and affected citizens as a matter of federal law. Your rule should also ensure that as a matter of federal law, local communities have the right to participate in permit decisions involving the location or expansion of these huge disposal operations.

We also strongly encourage environmentally sound reuse of coal ash. Your approach of federally regulating coal ash destined for disposal, but not ash beneficially used, should create even greater incentives for appropriate reuse. Establishing in the proposed rule, as you have done, that the current legal status of coal combustion residuals beneficially reused remains entirely unchanged,

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puts an end to questions about potential liability issues and should help promote greater use of ash in concrete and other beneficial uses.

We greatly respect your earlier commitment to establish protective and effective standards based on the law, the best science, and the public interest, and we encourage you to follow through on that commitment.

Respectfully,

Mike Quigley
U.S. Representative

Gary L. Ackerman
U.S. Representative

Howard L. Berman
U.S. Representative

Earl Blumenauer
U.S. Representative

Madeleine Z. Bordallo
U.S. Representative

Bruce L. Braley
U.S. Representative

Lois Capps
U.S. Representative

Judy Chu
U.S. Representative

Emanuel Cleaver
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Steve Cohen
U.S. Representative

Danny K. Davis
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Bill Delahunt
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