



Durbin, Duckworth to EPA: Don't weaken coal ash rule

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WASHINGTON – U.S. Senators Dick Durbin (D-IL) and Tammy Duckworth (D-IL) today sent a letter to the U.S. Environmental Protection Agency (EPA) urging the agency to not weaken the federal regulation for the safe disposal of coal combustion residuals (CCR) or “coal ash”, which protects drinking water, human health, and the environment. The 2015 rule established by the EPA sets minimum federal standards for coal ash disposal. Industry reports required under the 2015 rule show that coal ash disposal ponds caused unsafe pollution levels of arsenic, cobalt, and selenium in groundwater wells at 22 of the 24 power plant locations in Illinois

“This contamination threatens to spread to rivers, lakes, and drinking water sources throughout the State—including Lake Michigan, which provides drinking water to the Chicago area, and the Illinois River, home to diverse pool of aquatic species and wildlife and an important destination for recreational activities,” the Senators wrote. “The proper disposal of coal ash is necessary for protecting humans and wildlife. We strongly urge you to consider new, stronger, more protective standards to ensure public health and environmental safety.

Since the rule was finalized, Congress passed the *Water Infrastructure Improvements for the Nation (WIIN) Act*, enabling, but not requiring, states to set up permitting programs at least as protective as federal requirements for the disposal of coal ash. However in September 2017, the Trump Administration announced that it would consider revisions to the coal ash rule, and in March 2018, the EPA issued a [new proposed rule](#).

Coal ash contains toxic metals that can cause cancer, heart damage, lung disease, kidney disease, and birth defects and even lead to premature death. More than 130 million tons of coal ash are generated each year in the United States. Although half of the coal ash produced is reused and repurposed as either a substitute for Portland concrete or gypsum

wallboard, the other half must be disposed of as waste. According to an EPA Risk Assessment, people living within one mile of unlined coal ash ponds have an elevated cancer risk.

The 2015 CCR rule represents a consensus among utilities, environmental groups, and waste facilities to implement common sense regulations for coal ash disposal. In April, Senators Durbin, Duckworth, and others wrote a [letter](#) to then-EPA Administrator Pruitt highlighting how EPA's proposed rule would weaken standards and harm the environment.

Full text of the letter is available [here](#) and below:

December 14, 2018

Dear Acting Administrator Wheeler:

We write to express concern about the Environmental Protection Agency's (EPA's) steps to roll back the 2015 Coal Ash Rule—a crucial regulation for toxic coal combustion residuals—and to urge the EPA to strengthen its standards to ensure safe disposal of coal ash, as required by the DC Circuit Court's decision in August.

A recent report by several environmental groups highlighted the harmful effects of coal ash in the State of Illinois. Industry reports required under the 2015 rule show that coal ash disposal ponds caused unsafe pollution levels of arsenic, cobalt and selenium in groundwater wells at 22 of the 24 power plant locations in Illinois (as shown on the attached map). This contamination threatens to spread to rivers, lakes, and drinking water sources throughout the State—including Lake Michigan, which provides drinking water to the Chicago area, and the Illinois River, home to diverse pool of aquatic species and wildlife and an important destination for recreational activities

Unfortunately, the severity of this problem is not limited to Illinois. These findings are proxies for the nationwide pollution problems caused by coal ash, which can be seen in Tennessee, North Carolina, and Kentucky. Given this data, it is unsurprising that the DC Circuit Court found the 2015 rule insufficient in preventing toxic pollution from leaching from inactive sites and coal ash disposal ponds into nearby groundwater. It's clear that coal ash, a brew of carcinogenic chemicals and heavy metals, is a danger to human health and the environment.

The proper disposal of coal ash is necessary for protecting humans and wildlife. We strongly urge you to consider new, stronger, more protective standards to ensure public health and environmental safety.