

April 14, 2015

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515-6115

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, DC 20515-6115

Re: Opposition to “H.R. 1734, Improving Coal Combustion Residuals Regulation Act of 2015”

Dear Chairman Upton and Ranking Member Pallone:

The undersigned 290 public interest groups, private and concerned citizens, and state legislators strongly oppose “H.R. 1734, the 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 bill 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:

H.R. 1734, the "Improving Coal Combustion Residuals Regulation Act of 2015" will:

- **DELAY** many of the rule’s new health and safety protections- potentially for more than 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 H.R. 1734, the “Improving Coal Combustion Residuals Regulation Act of 2015” 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 H.R. 1734, 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 Air Task Force
 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
 National Environmental Law Center
 Natural Resources Defense Council (NRDC)
 Physicians for Social Responsibility (PSR)

Public Citizen
Sierra Club
WE ACT for Environmental Justice

State Legislators

Representative Lori Ehrlich, Massachusetts
Senator Mike Woodard, North Carolina
Senator Terry Van Duyn, North Carolina
Senator Mike Woodard, North Carolina
Minority Leader Larry Hall, North Carolina
Representative Pricey Harrison, North Carolina
Representative John Ager, North Carolina
Representative Bobbie Richardson, North Carolina
Representative Graig Meyer, North Carolina
Representative Ralph Johnson, North Carolina
Representative Brian Turner, North Carolina
Representative Rick Glazier, North Carolina
Representative Darren Jackson, North Carolina
Representative Yvonne Holley, North Carolina
Representative Robert Reives, North Carolina
Representative Paul Luebke, North Carolina
Representative Susan C. Fisher, North Carolina
Representative Grier Martin, North Carolina
Representative Becky Carney, North Carolina
Representative Carla Cunningham, North Carolina
Representative Cecil Brockman, North Carolina
Representative Brad Salmon, North Carolina
Representative Shelley Willingham, North Carolina
Representative Duane Hall, North Carolina
Representative Joe Sam Queen, North Carolina
Representative Tricia Cotham, North Carolina
Representative Howard Hunter III, North Carolina

Alaska

Alaska Community Action on Toxics
Resurrection Bay Conservation Alliance

Alabama

Alabama Environmental Council
Alabama Rivers Alliance
Alabama Water Watch Association
Black Warrior Riverkeeper
Cahaba River Society
Choctawhatchee Riverkeeper, Inc.
Esther Calhoun, Black Belt Citizens Fighting for Health and Justice
Flint River Conservation Association

Friends of the Locust Fork River
GASP (this is our name)
Private Citizen
Tennessee Riverkeeper
William Deutsch, PRIVATE CITIZEN
Cahaba Riverkeeper
Mobile Baykeeper

Arkansas

Copley H. Smoak, Private Citizen

Arizona

Barbara H. Warren. MD, MPH
Physicians for Social Responsibility, AZ Chapter
As You Sow

California

KyotoUSA
Label GMOs
Our Children's Earth Foundation
Julian Fisher, Private Citizen

Florida

Apalachicola Riverkeeper
Florida Wildlife Federation
Matanzas Riverkeeper
Physicians for Social Responsibility - Florida Chapter
St. Johns Riverkeeper
Suncoast Waterkeeper, Inc.

Georgia

Altamaha Riverkeeper
Fall-line Alliance for a Clean Environment (FACE)
GreenLaw
Interfaith Power and Light – Georgia

Illinois

Bill & Kay Ahaus
Canton Area Citizens for Environmental Issues, Canton Lake & its watershed
Carole Spencer
Chris Krusa
Citizens Against Longwall Mining
Citizens Against Ruining the Environment-C.A.R.E.
Committee on the Middle Fork Vermilion River
Cynthia McCormick
Diane Todd, private citizen

Eco-Justice Collaborative
Environmental Law & Policy Center
Faith in Place
Faith in Place - Central Illinois
Friends of Bell Smith Springs
Rebecca Bierbaum, Illinois citizen
Elizabeth, Scrafford, Impacted citizen
Sara McGibany, Impacted Citizen
Vanette McConahey, Impacted Citizen
Barbara Fry, Impacted Citizen
Jenica Hopkins
John A. Slosar, Jr, Private Citizen
Kevin Fahey, Private Citizen
Metro East Green Alliance
Piasa Palisades Group of the Sierra Club
Prairie Rivers Network
Cindy Phegley, Private Citizen
David Beile, Private Citizen
Carol L. Curtis, Private Citizen
Ramona Cook
Roger Glotfelty
Sierra Club -Alton Chapter
Sierra Club Piasa Palisades Group
Sierra Club-Illinois Chapter
Stand Up To Coal
William Toole, Impacted citizen

Indiana

American Indian Movement of Kentucky and Indiana
Banks of the Wabash
Hoosier Environmental Council
Indiana Forest Alliance
Indiana National Association for the Advancement of Colored People - Environmental Climate Justice
People in Need for Environmental Safety
Samuel E. Flenner III, Private Citizen
Save the Dunes
Sustainable Earth
Valley Watch, Inc.

Kentucky

American Indian Movement of Kentucky and Indiana
Cumberland Chapter Sierra Club
Kentuckians for the Commonwealth
Kentucky Environmental Foundation
KY Jobs with Justice

Wallace McMullen, US Citizen

Louisiana

Afchafalaya Basinkeeper
Gulf Coast Center for Law & Policy

Massachusetts

Clean Water Action Massachusetts
Conservation Law Foundation
Healthlink
Jan Schlichtmann, Private Citizen
Toxics Action Center Campaigns

Maryland

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

Michigan

Karol Walker, private citizen
Lone Tree Council

Missouri

Alan Ranford, Private Citizen
Amy Bonsall, Impacted Citizen
Anthony M. Ramspott, Impacted Citizen
Butch Drury, Private Citizen
Charles Tussey, Impacted Citizen
Christine Alt, Impacted Citizen
Corinne McAfee, Impacted Citizen
Darrell Wyatt, Private Citizen
Dave Greeley, Impacted Citizen
Earth Ethics of the Ethical Society of St. Louis
Elizabeth Schmidt, Impacted Citizen
Gail Greeley, Impacted Citizen
George and Rita Schuba, Impacted Citizen
Jan Brennan, Impacted Citizen
Jeffrey Owens, Private Citizen
Jon George, Impacted Citizen
Kate Holloway, Impacted Citizen
Labadie Environmental Organization
Mid-Missouri Peaceworks/Missourians for Safe Energy
Midwest Coalition for Responsible Investment
Missouri River Communities Network
Petra Haynes, Impacted Citizen
Polly Rutherford, Private Citizen
Pat McHugh, Private Citizen

Rita Wirts, Private Citizen
Ronald S. Holloway, Impacted Citizen
Ronald Wirts, Private Citizen
Sharon Poe, Impacted citizen
Sierra Club - Missouri Beyond Coal Campaign
Steve H. Johnson, Impacted Citizen
Steven Carrico, Impacted Citizen

Montana

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

North Carolina

Appalachian Voices
Catawba Riverkeeper
Center for Community Action (CCA)
Clean Air Carolina
Clean Water for North Carolina
Climate Voices US
Colin P. Osborne, III, Private Citizen
David and Donna Scott, Private Citizens
Elizabeth Burton, Private Citizen
Environment North Carolina
French Broad Riverkeeper
Greenpeace - North Carolina Chapter
Greenpeace Charlotte
MountainTrue
NC Interfaith Power & Light
NC WARN
New River Conservancy
North Carolina Conservation Network
North Carolina League of Conservation Voters
Patricia Sellers, Impacted Citizen
Sandra Diaz, Private Citizen
Richard Fireman, MD, Impacted Citizen
River Guardian Foundation
Southern Alliance for Clean Energy
Southern Environmental Law Center
The Lumber River Conservancy
Verla Insko, Private Citizen
Walter H. Dodge Jr., Impacted citizen
Western North Carolina Chapter, Physicians for Social Responsibility
Yadkin Riverkeeper, Inc.

New Jersey

Raritan Riverkeeper

New Mexico

Amigos Bravos

Diné Citizens Against Ruining our Environment

New Energy Economy

New Mexico Environmental Law Center

Western Environmental Law Center

WildEarth Guardians

Nevada

Leland Swain, Private Citizen

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)

Diane Hofner, Impacted Citizen

Linda Warner, Private Citizen

Minda Rae Amiran, 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

Communities United for Responsible Energy

Concerned Citizens of Lake Township/Uniontown IEL Superfund Site

Concerned Citizens of Medina County

Leann Ramirez, Impacted Citizen

Mary Ellen Berger, Private Citizen

Ohio Citizen Action

Ohio Organizing Collaborative

Oregon

Southern Oregon Climate Action Now

Pennsylvania

Andrew Liebhold, Private Citizen

Center for Coalfield Justice

Citizens Coal Council

Clean Air Council

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

Puerto Rico

Comite Dialogo Ambiental, Inc.

South Carolina

Save Our Saluda
South Carolina Coastal Conservation League
Upstate Forever
Waccamaw Riverkeeper Program of Winyah Rivers Foundation
William D. Anderson, Jr., Private Citizen
Winyah Rivers Foundation

Tennessee

Axel C. Ringe, Private Citizen
Hunter Oppenheimer, Private Citizen
John Todd Waterman, Impacted Citizen
Dr. Cliff Cockerham, Private Citizen
Rocky Swingle, Impacted Citizen
Southern Alliance for Clean Energy
Tennessee Clean Water Network

Texas

Bastrop County Environmental Network

Utah

HEAL Utah
Utah Physicians for a Healthy Environment

Virginia

Concerned Citizens of Giles County
James River Association
Mary Jane Reyes, Private Citizen
Roanoke River Basin Association

Shenandoah Riverkeeper
Virginia Conservation Network

Wisconsin

Clean Wisconsin
Milwaukee Riverkeeper

West Virginia

Carrie Bodnar, Impacted Citizen
Debbie Havens, Impacted Citizen
Deedy L Hebrock, Private Citizen
John and Petra Wood, Private Citizens
Keith Bodnar, Impacted Citizen
Little Blue Regional Action Group (LBRAG)
Ohio Valley Environmental Coalition
WV Highlands Conservancy
Curtis Havens, Impacted Citizen

Wyoming

Powder River Basin Resource Council