

October 15, 2009

Dear Congressman:

We write to you to request that you join Congressman John Lewis on a letter concerning the dangers posed by wastes from coal combustion. The letter asks Environmental Protection Agency (EPA) Administrator Lisa Jackson to take the action necessary to protect our communities and our nation's water resources from the threats posed by mismanaged coal combustion waste. Congressman Lewis' letter praises Administrator Jackson for her commitment to propose new coal ash rules by the end of the year and calls upon the EPA to develop federally enforceable standards that guarantee protection for our communities and our nation's water resources from the threats posed by mismanaged coal combustion waste.

The catastrophic failure in December 2008 of a coal ash pond at the Tennessee Valley Authority's Kingston Fossil Plant has appropriately focused public attention on the pressing need to safely manage over 130 million tons of coal combustion waste generated by more than 600 coal-fired power plants in the United States every year. This waste poses a significant risk that the EPA has a statutory obligation to address. Congressman Lewis' letter specifically recommends the phase-out of dangerous coal ash impoundments (ponds containing up to several billion gallons of a toxic water and toxic coal slurry) and the promulgation of federally enforceable regulations that provide stringent requirements for land disposal, which will both safeguard human health and the environment and promote safe recycling.

The EPA's recent publication of a list of 584 waste ponds, located in 35 states, which hold back hundreds of billions of gallons of waste and threaten communities across the nation, amply demonstrates the need for federal regulations that guarantee *for all citizens* safe disposal and protection from such deadly threats. Some have asked the EPA to promulgate "guidelines" for non-hazardous waste, which the states are not required to follow and the EPA is powerless to enforce. We believe non-mandatory guidelines are insufficient when half of all states that rely on coal-fired power do *not* require basic safeguards for coal ash ponds, like the pond that flooded Kingston with over 1 billion gallons of toxic sludge.

The EPA's data show clearly that coal ash when mismanaged poses severe threats to our health and the environment. The EPA's 2007 risk assessment, *Human and Ecological Risk Assessment of Coal Combustion Wastes*, reveals that, at the worst facilities, residents living near unlined coal ash impoundments have as much as a 1 in 50 chance of getting cancer from drinking water contaminated by arsenic leaking from the sites. Studies have shown that residents near such waste sites are more likely to be low income and communities of color. Damage to our health and the environment is also costly in economic terms, as evidenced by the \$1.1 billion cost of the cleanup in Kingston, Tennessee. These conditions cannot be allowed to continue.

By asking the EPA to phase out waste ponds and promulgate federally enforceable regulations, you are encouraging the EPA to solve a problem that should have been addressed decades ago.

We thank you in advance for your consideration of this important request.

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