

September 14, 2012

United States Senate
Washington, DC 20510

Re: Senate bill 3512 leaves communities unprotected from toxic pollution

Dear Senator:

The undersigned 301 state and national public interest organizations, representing people in every state in the country respectfully ask you to oppose the Coal Ash Recycling and Oversight Act of 2012 (S.3512). Sponsored by Sens. Hoeven, Conrad and Baucus, S.3512 fails to protect our communities' health and environment from the damage caused by unsafe dumping of toxic coal ash. The bill would regulate coal ash less stringently than the household trash you set out on the curb, even though the health risks from coal ash include cancer, neurological disorders, birth defects, reproductive failure, asthma, and other serious illnesses.

Coal ash, the by-product of burning coal, contains toxic heavy metals such as arsenic, cadmium, hexavalent chromium, lead and mercury. Billions of tons of this toxic waste are stored in unlined ponds, landfills and mines in almost every state in the nation. Many of these sites leave the public at risk of contamination as toxic ash blows into nearby communities and pollutants seep into water. EPA and public interest groups have documented water contamination at nearly 200 ash disposal sites across the nation.

S.3512 fails to solve the serious health and environmental threat posed to thousands of American communities near ash disposal sites. First, it allows dangerous ponds to continue operating without enforceable closure dates and engineering and inspection standards, and thus it will fail to prevent another large-scale disaster like the massive coal ash spill that occurred in Kingston, Tennessee in 2008. Second, the bill shields utilities from their responsibility to control fugitive dust and to timely upgrade unsafe ash dumps, clean up the sites they have contaminated, and close leaking and unstable ponds and landfills. Under S. 3512, there are no deadlines for states to implement a permit program, even though there are over 1,300 aging coal ash dumps, most of which currently lack adequate safeguards (such as liners and leachate collection systems) to prevent toxic chemicals from escaping and contaminating water. The bill fails to protect low-income and minority communities that are disproportionately exposed to toxic pollution —70% of ash ponds are in areas where household income is lower than the national median.

Even though the sponsors of S.3512 claim this bill will help the recycling of coal ash, it will actually do the opposite by encouraging the continued operation of hundreds of coal ash ponds. Once ash is dumped in water, it cannot easily be recycled. Thus S.3512 encourages dumping that ruins billions of pounds of ash annually for reuse.

Lastly S.3512 nullifies the EPA's proposed coal ash rulemaking that has received 450,000 public comments, essentially silencing the voices of nearly half a million Americans who supported

protective regulations. In addition, the bill prohibits all future EPA rulemakings to control pollution from coal ash. The complete and permanent removal of EPA's regulatory authority to respond to the health and environmental threats from the nation's second largest industrial waste is unprecedented and extremely dangerous, particularly in light of the certain increase in the volume and toxicity of coal ash due to more stringent Clean Air Act requirements.

We urge you to protect American communities and oppose S.3512. This flawed bill fails to mitigate the risk of another human health and environmental disaster and leaves our water sources open to contamination with dangerous heavy metals. While claiming to be a solution to our coal pollution problem, this bill is merely a giveaway to industry that will hurt the health and well being of millions of Americans.

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