



218 D Street SE, 1<sup>st</sup> Floor - Washington, DC 20003

October 16, 2014

The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: EPA's Coal Ash and Water Toxics Rules Must Ensure Public Safety

Dear Administrator McCarthy:

The undersigned 155 state representatives respectfully urge the EPA to finalize strong coal ash and toxic water pollution standards for coal-burning power plants swiftly. Strong standards are essential to protect our communities, drinking water, and wildlife.

America's waterways and sources of drinking water are threatened by toxic pollution from coal-burning power plants. EPA has determined that coal fired power plants are responsible for at least 50 - 60% of the toxic water pollutants discharged into U.S. waters. These power plants are responsible for more toxins entering our rivers and streams than any other industry in the United States, including the chemical, plastic, and paint-manufacturing industries. The wastewater from coal plants has been found to contain a number of toxins including arsenic, mercury and selenium – toxins that build up in ecosystems and that are dangerous even in very small amounts. At present, 4 out of 5 coal plants in the United States have no limits on the amount of toxics they are allowed to dump into our water.

At the same time that coal-burning power plants are emitting toxic pollutants directly into our waterways, they are producing roughly 140 million tons of coal ash waste per year, the toxic by-product of coal combustion. Some of this ash is recycled, but the rest is stored in open-air pits and precarious surface waste impoundments, often directly adjacent to streams, lakes and other water bodies. Many of these sites lack adequate safeguards, placing nearby communities at risk of both impoundment collapse and seeps and leaks into groundwater and surface waters.

On February 2, 2014, the third largest coal ash spill in US history occurred from a "retired" coal ash lagoon at the Dan River Power Station in Eden, NC into the Dan River. The spill has coated the river with coal ash for 70 miles, and dangerous levels of arsenic and other hazardous contaminants have been detected in the water. Although the Dan River plant closed in 2012, about a million gallons of toxic sludge remain in the unlined pond, posing a continuing threat to the underlying groundwater, the river, and communities downstream in North Carolina and Virginia.

## State Legislators Coal Ash Comments

The impoundment at the Dan River plant is only one of 1,070 outdated coal ash impoundments across the country that pose a risk of contaminating surface water and groundwater. To date, EPA and public interest groups have identified over 200 coal ash disposal sites in 37 states that have contaminated water with toxic chemicals, including arsenic, cadmium, chromium, lead and mercury. The location of most coal ash impoundments near lakes, streams and rivers endangers waterways and drinking water sources. Across the nation, coal-burning power plants with decades-old impoundments are retiring in states that do not require safe closure and cleanup.

The disaster in North Carolina is a powerful reminder of the harm caused by dangerous and outdated toxic waste dumps, but this is not the first coal ash spill or toxic water contamination and it will not be the last such disaster if EPA fails to address the clear causes of the problem.

We urge the EPA to protect our waterways from toxic coal pollution by adopting strong, federally enforceable safeguards for coal ash disposal and reuse under the Resource Conservation and Recovery Act (RCRA) and for water pollution discharges from coal plants under the Clean Water Act quickly. Without strong federal standards to safeguard our waterways, coal-burning power plants will keep sending toxic sludge into rivers and streams, which provide recreation, habitat to fish and wildlife, and drinking water sources.

Sincerely,

Representative Bruce Wheeler, Arizona

Senator Irene Aguilar, Colorado  
Assistant Majority Leader

Senator Bob Duff, Connecticut

Representative Susan Johnson, Connecticut

Representative Mary Mushinsky, Connecticut

Representative Roberta Willis, Connecticut

Representative John Kowalko, Delaware

Representative Ken Ito, Idaho

Senator Elliot Werk, Idaho  
Assistant Minority Leader

The Honorable Rica Stone, Illinois

Senator Daniel Biss, Illinois

## State Legislators Coal Ash Comments

Senator Heather Steans, Illinois  
Vice-Chair, Environment Committee

Representative Jamie Andrade, Illinois

Representative Kelly Cassidy, Illinois

Representative Laura Fine, Illinois

Representative Barbara Flynn-Currie, Illinois  
Chair, Rules Committee

Representative Robyn Gabel, Illinois

Representative Jehan Gordon-Booth, Illinois

Representative Naomi Jakobsson, Illinois

Representative Elaine Nekritz, Illinois

Representative Ann Williams, Illinois

Representative Sam Yingling, Illinois

Representative Charles Isenhardt, Iowa  
Ranking Member, Environmental Protection Committee

Representative Kelly Flood, Kentucky

Representative Joni Jenkins, Kentucky

Representative Mary Lou Marzian, Kentucky

Representative Reginald Meeks, Kentucky

Representative Tom Riner, Kentucky

Representative Herbert Dixon, Louisiana

Senator Christopher Johnson, Maine

Representative Roberta Beavers, Maine

Representative Janice Cooper, Maine

Representative Mick Devin, Maine

Senator Richard Madaleno, Maryland

## State Legislators Coal Ash Comments

Delegate Elizabeth Bobo, Maryland

Delegate Bonnie Cullison, Maryland

Delegate Kathleen Dumais, Maryland

Delegate Guy Gazzone, Maryland

Delegate David Fraser-Hidalgo, Maryland

Delegate James Hubbard, Maryland  
Deputy Majority Leader  
NCEL Board Chairman, Emeritus

Delegate Tom Hucker, Maryland

Delegate Dan Morhaim, Maryland  
Deputy Majority Leader

Delegate Dana Stein, Maryland

Delegate Jeff Waldstreicher, Maryland

Senator Jason Lewis, Massachusetts

Representative Lori Ehrlich, Massachusetts

Representative Ken Gordon, Massachusetts

Representative Denise Provost, Massachusetts

Representative Dave Rogers, Massachusetts

Representative Frank Smizik, Massachusetts

Senator Glenn Anderson, Michigan

Senator Rebekah Warren, Michigan

Representative Vicki Barnett, Michigan

Representative Andrew Dillon, Michigan

Representative Brandon Dillon, Michigan

Representative Gretchen Driskell, Michigan

## State Legislators Coal Ash Comments

Representative Stacy Erwin-Oakes, Michigan

Representative Pam Faris, Michigan

Representative Doug Geiss, Michigan

Representative Rudy Hobbs, Michigan

Representative Jeff Irwin, Michigan

Representative Sarah Roberts, Michigan

Representative Sam Singh, Michigan

Representative Charles Smiley, Michigan

Representative Jon Switalski, Michigan

Representative Rashida Tlaib, Michigan

Representative Jim Townsend, Michigan

Representative Richard Zemke, Michigan

Senator John Marty, Minnesota  
Chair, Environment and Energy Committee

Representative Raymond Dehn, Minnesota

Representative Peter Fischer, Minnesota  
Vice Chair, Environment and Natural Resources Policy Committee

Representative Rick Hansen, Minnesota

Representative Alice Hausman, Minnesota

Representative Frank Hornstein, Minnesota

Representative Tina Liebling, Minnesota

Representative Joseph Mullery, Minnesota

Senator Scott Sifton, Missouri

Representative Mike Frame, Missouri

Representative Jeanne Kirkton, Missouri

## State Legislators Coal Ash Comments

Representative Jeremy LaFaveur, Missouri

Representative Tom McDonald, Missouri

Representative Margo McNeill, Missouri

Representative Judy Morgan, Missouri

Representative Stacey Newman, Missouri

Representative Charlie Norr, Missouri

Representative Bill Otto, Missouri

Representative Clem Smith, Missouri

Senator David Wanzenreid, Montana

Senator Christine Kaufman, Montana

Representative Doug Coffin, Montana

Representative Margie MacDonald, Montana

Representative Sue Malek, Montana

Representative Tom Steenberg, Montana

Representative Franke Wilmer, Montana

The Honorable Doug Priester, Nebraska

The Honorable Richard Russman, Nebraska

Representative Naida Kaen, New Hampshire

Representative Mario Ratzki, New Hampshire

Representative David Woodbury, New Hampshire

Assemblyman Daniel Benson, New Jersey

Representative Gail Chasey, New Mexico

Representative Nate Cote, New Mexico

Senator Brad Hoylman, New York

## State Legislators Coal Ash Comments

Assemblymember Steven Englebright, New York  
Chair, Government Operations Committee

Assemblymember Brad Hoylman, New York

Assemblymember Brian Kavanagh, New York  
Co-Chair, NY State Caucus of Environmental Legislators

Assemblymember Barbara Lifton, New York

Assemblymember Donna Lupardo, New York

Assemblymember Michelle Schimel, New York  
Representative Susan Fisher, North Carolina

Representative Rick Glazier, North Carolina

Representative Pricey Harrison, North Carolina  
NCEL Board Chair

Representative Verla Insko, North Carolina

Representative Charles McGrady, North Carolina

Representative Joe Sam Queen, North Carolina

Representative Bobbie Richardson, North Carolina

Senator Tim Mathern, North Dakota

Representative Nickie Antonio, Ohio

Representative Mike Foley, Ohio

Representative Robert Hagan, Ohio

Senator Michael Dembrow, Oregon  
Chair, Environment and Natural Resources Committee

Senator Floyd Prozanski, Oregon

Senator Diane Rosenbaum, Oregon  
Senate Majority Leader

Senator Chip Shields, Oregon

Senator Elizabeth Steiner-Hayward, Oregon

## State Legislators Coal Ash Comments

Senator Jim Ferlo, Pennsylvania

Senator Daylin Leach, Pennsylvania

Representative Kevin Boyle, Pennsylvania

Representative Mark Cohen, Pennsylvania

Representative James Roebuck, Pennsylvania

Representative Michael Sturla, Pennsylvania

Representative David Deen, Vermont

Representative Rebecca Ellis, Vermont

The Honorable Mary Margaret Whipple, Virginia

Senator Adam Ebbin, Virginia

Senator Mamie Locke, Virginia

Senator A. Donald McEachin, Virginia  
Chair, Senate Democratic Caucus

Delegate Patrick Hope, Virginia

Delegate Kaye Kory, Virginia

Delegate Alfonso Lopez, Virginia

Delegate Sam Rasoul, Virginia

Delegate Rip Sullivan, Virginia

Senator Maralyn Chase, Washington

Senator John McCoy, Washington

Senator Kevin Ranker, Washington

Representative Eileen Cody, Washington

Representative Jessyn Farrell, Washington

Representative Joe Fitzgibbon, Washington  
Deputy Majority Whip



## State Legislators Coal Ash Comments

Representative Ross Hunter, Washington  
Chair, Appropriations Committee

Representative Gerry Pollet, Washington

Representative Larry Seaquist, Washington

Delegate Mike Manypenny, West Virginia

Senator Mark Miller, Wisconsin

Representative Terese Berceau, Wisconsin

Representative Janet Bewley, Wisconsin

Representative Gary Hebl, Wisconsin