

Congress of the United States
Washington, DC 20515

November 19, 2010

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code: 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We understand that the Agency will soon be setting standards for the safe disposal of fly ash, scrubber sludge, and other coal combustion wastes (CCW). We write to ask that the EPA's final decision be based on the best available science and guided first and foremost by concern for public health and the environment.

Your agency has already documented dozens of cases where coal ash dumpsites have contaminated groundwater and surface water (and sometimes both) throughout the United States. Sadly, the EPA estimates that as many as one in fifty residents at the most contaminated sites may get cancer, because their water has been poisoned by arsenic. Moreover EPA's risk assessment doesn't even begin to address the hazards to human health from exposure to other pollutants found in coal ash, or the damage that is being done to aquatic life as these contaminants seep into wetlands and creeks. If not remedied, these problems will only get worse, increasing health costs, degrading our waterways, and creating additional Superfund sites that may eventually require billions of dollars to clean up.

Providing states with "guidance" or relying on outdated landfill standards that are designed for much less hazardous material will not solve this problem. EPA's final rule should establish federal standards that prevent ash dumps from being located in places where they are likely to leak into drinking water or surface water; phase out wet ash ponds that threaten the lives of entire communities and ecosystems; require liners, groundwater monitoring systems and leachate collection to trap and remove contaminants before they move offsite; and make power companies fully responsible for cleaning up their own pollution. These new standards should be enforceable not only by the EPA but also by states and affected citizens as a matter of federal law. Your rule should also ensure that as a matter of federal law, local communities have the right to participate in permit decisions involving the location or expansion of these huge disposal operations.

We also strongly encourage environmentally sound reuse of coal ash. Your approach of federally regulating coal ash destined for disposal, but not ash beneficially used, should create even greater incentives for appropriate reuse. Establishing in the proposed rule, as you have done, that the current legal status of coal combustion residuals beneficially reused remains entirely unchanged,

puts an end to questions about potential liability issues and should help promote greater use of ash in concrete and other beneficial uses.

We greatly respect your earlier commitment to establish protective and effective standards based on the law, the best science, and the public interest, and we encourage you to follow through on that commitment.

Respectfully,



Mike Quigley
U.S. Representative



Gary L. Ackerman
U.S. Representative



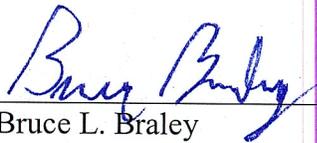
Howard L. Berman
U.S. Representative



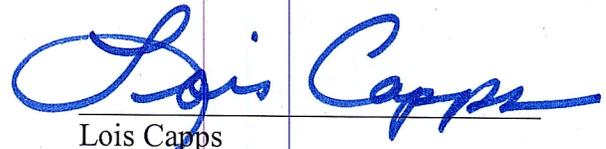
Earl Blumenauer
U.S. Representative



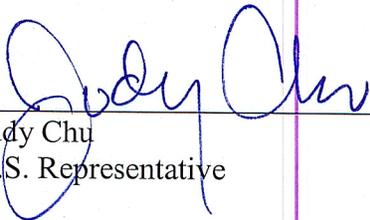
Madeleine Z. Bordallo
U.S. Representative



Bruce L. Braley
U.S. Representative



Lois Capps
U.S. Representative



Judy Chu
U.S. Representative



Emanuel Cleaver
U.S. Representative



Steve Cohen
U.S. Representative



Danny K. Davis
U.S. Representative



Diana DeGette
U.S. Representative



Bill Delahunt
U.S. Representative



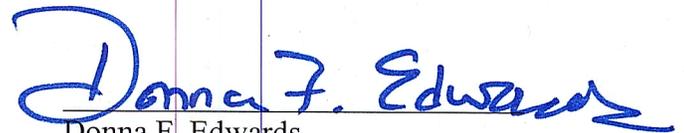
Rosa L. DeLauro
U.S. Representative



Theodore E. Deutch
U.S. Representative



Lloyd Doggett
U.S. Representative



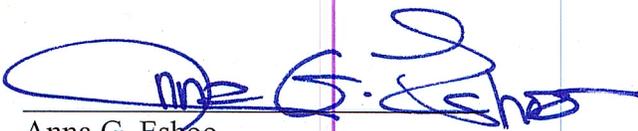
Donna F. Edwards
U.S. Representative



Keith Ellison
U.S. Representative



Eliot L. Engel
U.S. Representative



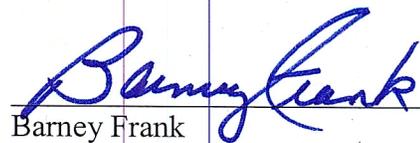
Anna G. Eshoo
U.S. Representative



Sam Farr
U.S. Representative



Chaka Fattah
U.S. Representative



Barney Frank
U.S. Representative


Raul M. Grijalva
U.S. Representative


Luis V. Gutierrez
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Jane Harman
U.S. Representative


Alcee L. Hastings
U.S. Representative


Maurice D. Hinchey
U.S. Representative


Michael M. Honda
U.S. Representative

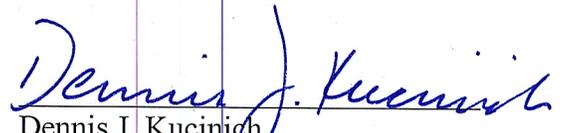

Jesse L. Jackson, Jr.
U.S. Representative


Eddie Bernice Johnson
U.S. Representative

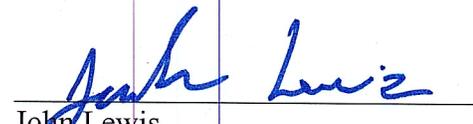

Henry C. "Hank" Johnson, Jr.
U.S. Representative

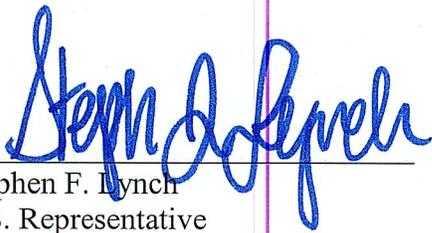

Dale E. Kildee
U.S. Representative


Mary Jo Kilroy
U.S. Representative


Dennis J. Kucinich
U.S. Representative


Barbara Lee
U.S. Representative


John Lewis
U.S. Representative



Stephen F. Lynch
U.S. Representative



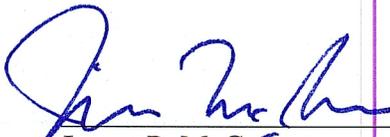
Carolyn B. Maloney
U.S. Representative



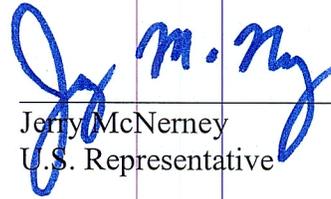
Doris O. Matsui
U.S. Representative



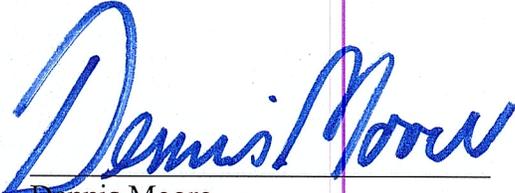
Jim McDermott
U.S. Representative



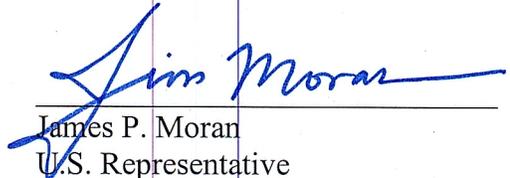
James P. McGovern
U.S. Representative



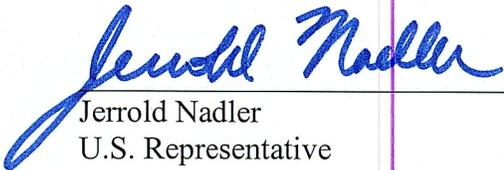
Jerry McNerney
U.S. Representative



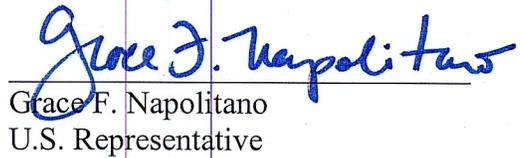
Dennis Moore
U.S. Representative



James P. Moran
U.S. Representative



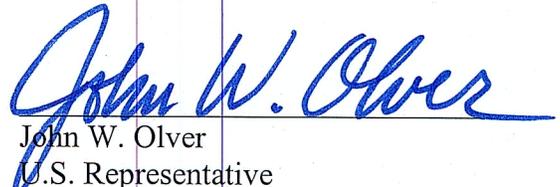
Jerrold Nadler
U.S. Representative



Grace F. Napolitano
U.S. Representative



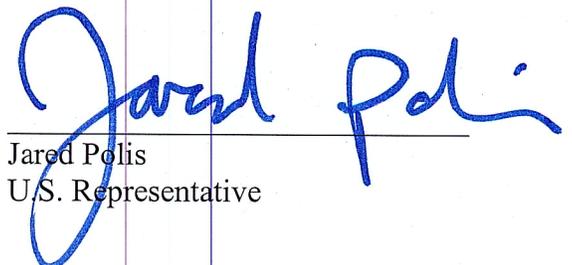
Eleanor Holmes Norton
U.S. Representative



John W. Olver
U.S. Representative



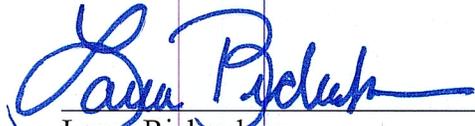
Chellie Pingree
U.S. Representative



Jared Polis
U.S. Representative



David E. Price
U.S. Representative



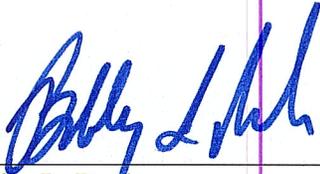
Laura Richardson
U.S. Representative



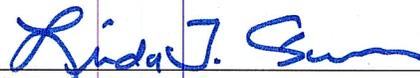
Steven R. Rothman
U.S. Representative



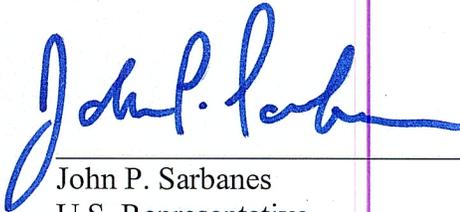
Lucille Roybal-Allard
U.S. Representative



Bobby L. Rush
U.S. Representative



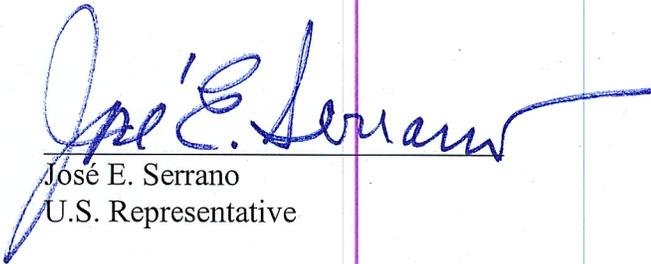
Linda T. Sánchez
U.S. Representative



John P. Sarbanes
U.S. Representative



Janice D. Schakowsky
U.S. Representative



José E. Serrano
U.S. Representative



Louise McIntosh Slaughter
U.S. Representative



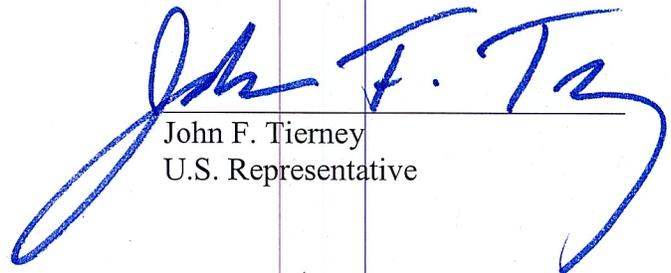
Jackie Speier
U.S. Representative



Fortney Pete Stark
U.S. Representative



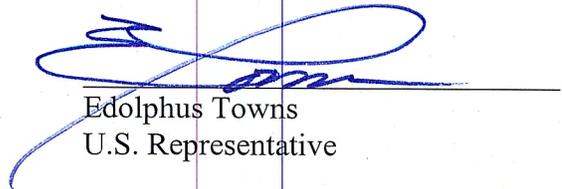
Mike Thompson
U.S. Representative



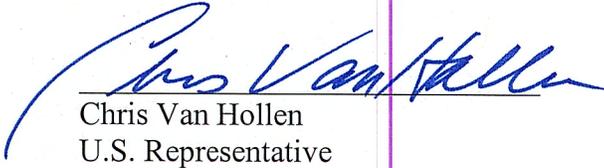
John F. Tierney
U.S. Representative



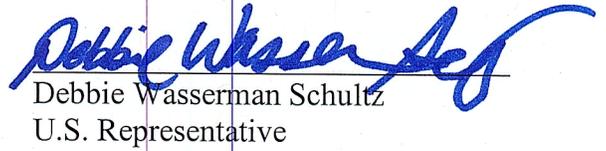
Paul Tonko
U.S. Representative



Edolphus Towns
U.S. Representative



Chris Van Hollen
U.S. Representative



Debbie Wasserman Schultz
U.S. Representative



Maxine Waters
U.S. Representative



Diane E. Watson
U.S. Representative



Lynn C. Woolsey
U.S. Representative



David Wu
U.S. Representative



John Garamendi
U.S. Representative