



# NCEL

National Caucus of  
Environmental Legislators

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Re: Proposed Revised Effluent Limitations Guidelines and Standards for the Steam Electric Power Source Category (Docket ID No. EPA-HQ-OW-2009-0819) and Proposed Changes - A Holistic Approach to Closure Part A: Deadline to Initiate Closure (Docket ID No. EPA-HQ-OLEM-0172)

Dear Administrator Wheeler:

On behalf of the 165 undersigned state legislators, we urge you to abandon two recent Environmental Protection Agency's (EPA) proposals that would weaken water pollution limits for coal plants and rollback critical human health and safety standards needed to protect communities from toxic coal ash. Instead EPA should commit to strengthening these safeguards, which were both finalized by your agency in 2015.

As representatives of residents in 35 states, we understand the vital need to protect our constituents from coal plants, which are responsible for dumping more arsenic, lead, mercury, selenium, and other heavy metals into our rivers and lakes than any other industry. These same plants store their toxic coal ash waste in unsafe dump sites next to rivers and near communities. Recent monitoring data found that 92 percent of U.S. coal plants are currently contaminating groundwater with toxic substances above federal health standards. Pollution from coal plants has also made it unsafe to eat fish from many rivers and lakes, tainted the places where people swim, and contaminated drinking water sources. In 2015 your agency took significant steps toward addressing this pollution by requiring coal plants to safely close and clean-up contaminated coal ash sites and by prohibiting the dumping of coal ash transport water and imposing stringent limits on toxic pollutants in scrubber sludge discharged to precious water resources. Yet now your agency is putting communities in our states at risk by proposing to rollback these commonsense requirements.

We are concerned that your proposal to rollback water pollution limits for coal plants would allow millions of gallons of toxic wastewater to be dumped into our waters daily, even though technology to eliminate this pollution is widely used and affordable. It would

also allow higher levels of arsenic and selenium in scrubber sludge to be discharged to lakes, rivers and streams, and give plants up to five years to come into compliance with these weak limits. Finally, the proposal would exempt certain coal plants from even these lax standards.

We are also concerned that your proposal to weaken coal ash safeguards would extend the operating life of unstable and dangerously-sited coal ash dumps that are contaminating groundwater. This proposal would also allow leaking ash dumps to continue to accept toxic waste. The 2015 coal ash safeguards, in contrast, required site operators to begin closing unlined ash dumps contaminating groundwater and dumps in unsafe locations nine months ago, or by April 2019.

The EPA's proposal to weaken existing coal ash safeguards and to rollback water pollution limits for coal plants are big concessions to the power plant industry at the expense of the health of communities in our states. We urge your agency to withdraw these dangerous proposals, and instead commit to adequately protecting human health and the environment from coal plant water pollution and toxic coal ash waste by strengthening the underlying 2015 rules.

Thank you for consideration of our concerns.

Sincerely,

Representative Pricey Harrison  
*North Carolina*

Senator Lela Alston  
*Arizona*

Representative Isela Blanc  
*Arizona*

Representative Andres Cano  
*Arizona*

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*Arizona*

Representative Rosanna Gabaldon  
*Arizona*

Senator Juan Mendez  
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Senator Tony Navarrete  
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Senator Martin Quezada  
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*Colorado*

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Representative Michael Weissman  
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*Delaware*

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*Georgia*

Senator Elena Parent  
*Georgia*

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*Hawaii*

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*Hawaii*

Representative Tina Wildberger  
*Hawaii*

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*Maine*

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*Washington, DC*

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Senator Les Ihara Jr.  
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*South Carolina*

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*Utah*

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*Utah*

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*Vermont*

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*Washington*

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*Washington*

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*Wisconsin*

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*Wisconsin*

Representative Katrina Shankland  
*Wisconsin*