

**EPA Coal Ash Testimony**  
**Cheryl Nenn, Milwaukee Riverkeeper**  
**May 28, 2026**

On behalf of Milwaukee Riverkeeper in southeast Wisconsin, we oppose the proposed rollbacks of EPA's coal ash rules and urge you to retain strong coal ash protections. Coal ash is toxic waste that poisons our water, air, and communities. Coal ash contains many heavy metals like arsenic and mercury and other contaminants that are linked to many forms of cancer, heart disease, and brain damage, among other diseases. After decades of science, advocacy, public hearings, and litigation, EPA set strong federal protections in 2015 and 2024. Now the EPA wants to roll back these life-saving standards under the current administration. This is unacceptable.

In March 2025, the EPA announced it would cease enforcement of the federal coal ash rules. EPA also threatened to re-write the 2015 and 2024 coal ash rules to reduce their scale, delay safeguards, and weaken closure requirements. These coal ash standards represent years of work to protect communities from toxic pollution, and this rollback reverses progress and endangers public health. We cannot go backward. Utilities subject to the 2015 Coal Ash Rule have had over a decade to plan and comply. Weakening the rule now rewards their delay and non-compliance, and benefits polluters at the expense of our health, our environment, and our most vulnerable communities.

These rollbacks would exempt hundreds of dangerous coal ash dumps from all regulations and eliminate a very large category of leaking ash dumps, called Coal Combustion Residuals Management Units (CCRMU), which were newly regulated by the 2024 Legacy Coal Ash Rule. These include old landfills, dry coal ash ponds, structural fill sites and other old ash disposal sites on coal plant properties. There are hundreds of these dump sites and they are found at nearly every coal plant. We have many of these legacy sites in the Milwaukee River Basin and nearshore Lake Michigan. These old, unlined ash dumps are leaking hazardous chemicals to groundwater, rivers, lakes and stream. These rollbacks would allow utilities to walk away from cleaning up these leaking ash dump sites, and leave many who can't afford to move away or buy bottled water in perpetuity at a high health risk. In 2011, a construction project of a stormwater pond adjacent to an old ash dump at the Oak Creek Power Plant in SE Wisconsin caused a bluff failure that sent a massive amount of coal ash into Lake Michigan, which threatened our drinking water supply and aquatic life. This coal plant was slated for closure at the end of this year but will now stay online to power a local data center.

These rollbacks allow state agencies and EPA regional offices broad discretion to deviate from established, effective monitoring and cleanup requirements at the request of the coal industry. Affected landowners will not have a seat at the table and may not even be aware of permit changes. The proposed rule creates permit exemptions and variances with weak standards that will likely result in no cleanup being required at many sites. For example, the proposed rule would allow companies to assess groundwater contamination 150 or more meters from a coal ash dump rather than at the dump's edge, effectively permitting a zone of contamination.

The rollbacks would allow states and EPA to increase the amount of cobalt, lithium, molybdenum and lead permitted in coal ash-contaminated water above federal safety standards. Homeowners adjacent to the Oak Creek Power Plant have been dealing with molybdenum contaminated wells for decades now. We Energies has refused to accept any responsibility even while they paid for bottled water for affected

well owners for many years, and have bought nearly 30 homes in the last few decades. Degrading safety standards could put many more homeowners at risk, and could force them to continue to drink unsafe water because contaminant levels would be under new thresholds.

Rollbacks would also permit companies to leave coal ash in dumps even when it is known to be in contact with groundwater and leaking from the site. The current rules forbid leaving coal ash stored in contact with groundwater, because of the threat to nearby waterways, wells, and communities. This is the case with the Cedar-Sauk landfill in Ozaukee County, which has sent pollutants to groundwater and tributaries of the Milwaukee River for decades now with no end in sight.

Rollbacks remove all safety standards for “piles” of coal ash waste no matter how large they are or where they are located, and eliminates restrictions on the use of coal ash as a substitute for clean soil (called “beneficial use”) in any location, even in places such as parks, playgrounds, and residential developments. Developers would be able to use large amounts of toxic ash as structural fill with no requirement to demonstrate its safety or to report or monitor its use, even though heavy metals and radioactive materials in coal ash can pose serious health and environmental harm. This opens the door to the use of toxic waste near homes, drinking water wells, and recreational areas in the guise of “beneficial use.”

**EPA must ensure that ALL coal ash is cleaned up and reject this dangerous proposal**