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July 7, 2011

RE: Letter of Opposition to the Recycling Coal Combustion Residuals Accessibility Act of 2011 (H.R. 2273)

Dear Representative:

On behalf of our millions of members and supporters nationwide, we are writing to express our opposition to the Recycling Coal Combustion Residuals Accessibility Act of 2011 introduced by Congressman David McKinley (WV-R). Passage of this bill would endanger the health and safety of thousands of communities, fail to stimulate coal ash recycling, and disrupt the U.S. Environmental Protection Agency's (EPA) public rulemaking process that has been underway for over two years and has engaged nearly half a million citizens.

A strong federal rule will not hurt jobs or the economy. Following guidance from the Office of Management and Budget used by administrations of both political parties since 1995, EPA conducted an economic analysis and found that a rule requiring safe coal ash disposal will have *no measurable adverse impact on jobs, energy*

prices or the economy. The strict disposal standards EPA has proposed will increase recycling by eliminating cheap and dangerous dumping as an option.

Restricting EPA's ability to set safe standards for disposal sites has nothing to do with promoting coal ash recycling; H.R. 2273 has everything to do with shielding coal companies and utilities from their responsibility to clean up sites they have contaminated. This assault on public health is particularly unconscionable, because it is sneaking in under the pretext that letting arsenic accumulate in the groundwater under these sites will somehow create more markets for recycling coal ash. In the name of "recycling," H.R. 2273 would:

- 1) Allow indefinite operation of dangerous ash ponds like the one that dumped more than a billion gallons of coal ash sludge in Tennessee in December of 2008;
- 2) Deny citizens who live near coal ash dump sites any federal right to notice, comment, and a public hearing when new sites are proposed for construction or old ones are expanded;
- 3) Provide no deadline or meaningful cleanup standard for the more than 100 disposal sites that have already loaded groundwater with arsenic, chromium, lead, and other pollutants above "maximum contaminant levels" in drinking water. Many of these sites are "open dumps" that should have been closed under federal law many years ago;
- 4) Deny EPA the right to enforce disposal standards, even at contaminated sites, without first instituting a clumsy, time-consuming proceeding to withdraw an entire state's program.

Don't be fooled; allowing arsenic and other toxic pollutants to accumulate in groundwater underneath coal ash dumps does not promote recycling.

Coal ash is toxic and harms public health. In tests of coal ash conducted by EPA, coal ash leached toxic chemicals, such as arsenic, chromium and selenium, at levels far exceeding federal thresholds established for hazardous waste. The health and environmental risks from coal ash dumping include cancer, neurological disorders, birth defects, reproductive failure, asthma and other sicknesses.

H.R. 2273 will ensure that the health of Americans remains at risk. Despite the demonstrated health impacts, little is being done to ensure that the billions of tons of coal ash stored in unlined or poorly lined ponds, landfills and mines do not harm American citizens. The majority of coal ash disposal sites today lack adequate safeguards leaving nearby communities at risk from potential large-scale disasters, like the coal ash spill in Tennessee, and from gradual yet equally dangerous contamination of drinking water as toxins, like arsenic, lead and mercury, seep from ash into water supplies.

H.R. 2273 silences the voices of nearly half a million Americans. The American public clearly wants protection from this dangerous waste. EPA received more than 450,000 comments during eight public hearings and an extended comment period on its proposed coal ash rule last year. This monumental level of public participation is clear evidence that this issue is of great importance to Americans nationwide, especially the hundreds of thousands already harmed or threatened by unsafe disposal of the metal-laden, toxic waste.

In sum, the bill before the committee ignores neutral economic assessments and the best available science, compromises public health, and undermines the public rulemaking process that engaged nearly half a million Americans. The voices of these citizens, as well as the findings from scientific and economic studies done by the government, must guide this rulemaking.

Sincerely,

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