

1Sky * Advocates for Environmental Human Rights * Alabama Environmental Council
Alabama First * Alabama Rivers Alliance * Alaska Community Action on Toxics *
Altamaha Riverkeeper * American Bottom Conservancy * American Rivers *
Appalachia - Science in the Public Interest * Appalachian Center For the Economy and
the Environment * Appalachian Voices * Arkansas Public Policy Center * Assateague
Coastal Trust * B.E. Cause Group * Black Warrior Riverkeeper * Blackwater Nottoway
Riverkeeper Program * Bristlecone Alliance * Cahaba Riverkeeper * Carbon Action
Alliance * Carrie Dickerson Foundation * Catawba Riverkeeper Foundation, Inc. *
Center for Biological Diversity * Center for Coalfield Justice * Center for Energy
Efficiency and Renewable Technologies * Center for Energy Matters * Center for
Healthy Environments and Communities * Chattooga Conservancy * Chesapeake
Climate Action Network * Citizens Against Longwall Mining * Citizens Against Ruining
the Environment * Citizens' Environmental Coalition * Citizens for Clean Power *
Citizens for Dixie's Future * Citizen Power * Citizen Advocates United to Safeguard the
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Clean Water Action * Clean Water for North Carolina * Clean Wisconsin * Coal River
Mountain Watch * Coastal Conservation League * Coastal Women for Change *
Concerned Citizens of Giles County * Congaree Riverkeeper * Connecticut Coalition for
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Action * Defenders of Wildlife * Defend Our Desert * Delaware Audubon * Delaware
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MEA Ratepayers Alliance * Meigs Citizens Action Now! * Merrimack River Watershed Council, Inc. * Michigan Energy Alternatives Project * Michigan Land Use Institute * MidlandCares * Milwaukee Riverkeeper * Minnesota Center for Environmental Advocacy * Missouri Coalition for the Environment * Montana Environmental Information Center * Mon Valley Clean Air Coalition * Mountain Voices Alliance * Mountain Watershed Association, Inc * National Parks Conservation Association * National Wildlife Federation * Native Forest Council * Natural Resources Defense Council * Nebraska Wildlife Federation * North Carolina Interfaith Power and Light * Neighbors for Neighbors * Neponset River Watershed Association * Nevada Conservation League and Education Fund * New Energy Economy * New Hampshire Green Coalition * New Jersey Environmental Federation * New Jersey Clean Water Action * New Mexico Environmental Law Center * New Mexico Interfaith Power and Light * New York Public Interest Research Group * Northern Plains Resource Council * North Sound Baykeeper RE Sources for Sustainable Communities * Northwest Atlantic Marine Alliance * Northwest Environmental Defense Center * New York-New Jersey Baykeeper * Ohio Citizen Action * Ohio Environmental Council * Ohio River Foundation * Ohio Valley Environmental Coalition * Oklahoma Chapter Sierra Club * OMB Watch * One Horizon Foundation * Oregon Toxics Alliance * Oregon Wild * Our Children's Earth Foundation * Physicians for Social Responsibility * Plains Justice * PODER * Potomac Riverkeeper * Powder River Basin Resource Council * Prairie Rivers Network * Progressive Leadership Alliance of Nevada * Public Citizen * Rebecca English and Associates LLC * RENEW Wisconsin * Residents Against the Power Plant * Resurrection Bay Conservation Alliance * Rhode Island Interfaith Power and Light * Rivers Unlimited * San Juan Citizens Alliance * Santee Riverkeeper Alliance * Save Bristol Harbor * Save It Now, Glades! * Save Our Land and Environment * Save Our Rivers * Scenic Nevada * Sierra Club * Sierra Club Calusa Group * Sierra Club Hoosier Chapter * Snake River Alliance * Solar Valley Coalition * South Dakota Peace and Justice Center * Southern Appalachian Stewards * Southern Energy Network * Southern Environmental Law Center * SouthWings * Spokane Riverkeeper * Statewide Organizing for Community eMpowerment * Save Us From Future Environmental Risks * Sustainable Energy and Economic Development Coalition * Sustainable Earth * Tennessee Clean Water Network * Tennessee Environmental Council * Tennessee Interfaith Power and Light * The Bokoshe Environmental Cause Group * theCLEAN.org * The Colorado Fourteeners * The Green Environmental Coalition * The Lone Tree Council * Toxics Action Center * Turtle Island Restoration Network * Union of Concerned Scientists * United Congregations of Metro-East * United Mountain Defense * Urban Green Growth Collaborative * Utah Physicians for a Healthy Environment * Valley Watch * Vermont Interfaith Power and Light * Vermont Natural Resources Council * Vermont Public Interest Research Group * Waterkeeper Alliance * Wenham Lake Watershed Association * Western Environmental Law Center * Western North Carolina Alliance * Western Organization of Resource Councils * West Virginia Highlands Conservancy * West Virginia Rivers Coalition * Wheeling Creek Watershed Conservancy * White Oak-New Riverkeeper Alliance * WildEarth Guardians * Winyah Rivers Foundation * Women Making a Difference * Women's Voices for the Earth * Wyoming Conservation Voters

April 15, 2010

President Barack Obama
The White House
1600 Pennsylvania Ave NW
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Dear Mr. President:

The undersigned groups represent 239 public interest organizations in all 50 states plus the District of Columbia. On behalf of our millions of members and supporters, we urge you to protect communities across this nation from the widespread mismanagement of coal combustion waste that endangers public health and the environment – and for which there are no current federal regulations.

Following the disastrous spill of more than 1 billion gallons of coal ash from the Tennessee Valley Authority's Kingston Fossil Plant in December 2008, 109 directors of environmental groups called upon EPA Administrator Lisa Jackson to develop federally enforceable standards for regulating coal combustion waste. Shortly thereafter, Administrator Jackson pledged to publish a regulatory proposal by December 2009. In keeping with her commitment, Administrator Jackson submitted a draft coal ash rule to the White House Office of Management and Budget (OMB) in October 2009 – but six months later, this rule remains under review at OMB. The undersigned 239 public interest groups ask you to side with the public and sound science to ensure a rule that protects people and the environment is released in April.

Continued delay in the issuance of federal regulations for the disposal of the 136 million tons of toxic coal combustion waste generated annually is dangerous and unacceptable. Unmitigated harm, often to poor and minority communities, continues to threaten the lives and environment of millions of Americans. Communities near America's thousands of coal ash dumps are threatened with poisoned drinking water, polluted waterways, and life-threatening failures of decades-old dams. The failure to act makes another catastrophic failure, like the disaster in Kingston, ever more likely, and it makes the poisoning of additional water sources a near certainty.

Releasing the draft rule would trigger the public process of rulemaking, thereby ensuring a fair and open process in which all stakeholders have an equal opportunity to address the complexities of the proposed rule. Until the draft rule is released for public comment, the debate occurs almost entirely behind closed doors. Industry groups that oppose mandatory federal standards have had nearly 30 meetings with OMB on this rule – more than ever before on any single topic. These groups continue to present unfounded claims of power plant closures and exaggerated cost estimates as “fact,” thereby fomenting widespread but unwarranted fear of EPA regulations.

One of the issues industry is using to slow down the rulemaking process is the argument that the regulation of coal combustion waste will place a stigma on the recycling of fly ash. We believe this argument is overstated. We do not expect the reuse of fly ash to decrease if the disposal of ash is regulated as hazardous waste. On the contrary, the

hazardous waste requirements will provide companies with an incentive to find alternative uses for fly ash. However, if the coal ash is not going to be safely reused or recycled, then it needs to be disposed of following tailored hazardous waste rules.

The EPA's latest scientific findings lend urgency to the promulgation of federally enforceable standards. New EPA leach tests, specifically designed for coal ash, reveal that toxic chemicals such as arsenic, chromium and selenium, can leak from coal combustion waste in concentrations far exceeding the threshold that the EPA uses to identify hazardous waste. The EPA also found that the cancer risk for children exposed to arsenic in drinking water from unlined ash ponds is as high as 1 in 50, which is 2,000 times the EPA's goal of reducing cancer risk to 1 in 100,000 individuals.

Further, leading coal combustion waste (CCW) scientists, with more than 100 years of combined research experience on the environmental fate and toxic impacts of coal ash, recommend federally enforceable standards. E. Dennis Lemly, Ph.D, Wake Forest University, and Christopher Rowe, Ph.D, University of Maryland, among others, recently submitted a letter to OMB stating "Make no mistake about it, CCW is a deadly poison to fish and wildlife, and a threat to human health when improperly managed." They conclude:

Some of the most destructive and pressing environmental problems with CCW are not 'in the distant past' but are taking place NOW using 'state approved' disposal practices. Threats and impacts are not being addressed by the coal power industry and they will not go away. They will be a recurring, escalating problem unless adequate regulatory controls are put in place. State efforts are inadequate federal regulatory oversight is necessary. Experience shows that CCW's will need to carry a hazardous waste 'C' designation if they are to be regulated and disposed in a manner that will afford adequate protection to fish and wildlife, as well as humankind.

We urge you to consider the EPA's latest scientific findings and the recommendations of scientific experts and put an end to further delay.

Thus the undersigned 239 public interest organizations, representing several million citizens, respectfully ask the Administration to release the proposed coal ash rule for public comment this month and to ensure that the rule proposes federally enforceable standards that will protect all United States citizens and their environment from a truly toxic substance.

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