

## Working Together to Protect Our Waters: EPA’s Water Pollution (ELG) and Coal Ash Rules

EPA’s proposed water pollution rule for coal-burning power plants is only part of the solution. In order to protect public health and the environment from water and waste pollution from coal-burning power plants, **EPA must finalize both the water and coal ash rules.**

HEALTH & SAFETY STANDARDS	PROPOSED WATER POLLUTION RULE (ELG)	PROPOSED COAL ASH RULE
Limits on toxic wastewater discharge to surface waters	YES	NO
Cessation of disposal of fly ash in impoundments (ponds)	YES	NO
Cessation of disposal of Hg control wastewater in coal ash impoundments	YES	NO
Safe closure of unlined coal ash impoundments	NO	YES
Engineering standards for siting, construction and maintenance of landfills	NO	YES
Limits on toxic discharges to groundwater from coal ash impoundments and landfills	NO	YES
Clean up of contaminated groundwater	NO	YES
Control of toxic dust	NO	YES
Structural stability standards for coal ash impoundments	POSSIBLY	YES

Even if EPA finalizes a water rule that eliminates or significantly reduces water pollution (i.e., Option 4 or 5), a coal ash rule is still necessary to protect the public because the water rule will not address:

**(1) Siting, design, operating and monitoring requirements for landfills to reduce the risk of groundwater pollution and toxic air pollution.** At best, the water rule will require plants to switch from wet to dry handling of coal ash and scrubber sludge, which will increase the need for disposal in “dry” engineered landfills. Existing unlined and inadequately lined “dry” landfills have contaminated ground and surface waters across the country and pollute the air of nearby communities with toxic dust. Safeguards in a strong coal ash rule are urgently needed to protect the water supply and communities from risks posed by these landfills, including underground aquifer and toxic air pollution.

**(2) Safe closure of leaking and potentially unstable coal ash impoundments.** If EPA finalizes the most stringent option in the proposed water rule, plants will no longer be able to dump wet coal ash and scrubber sludge into existing or new impoundments. However, the water rule will not require safe closure, post-closure monitoring and cleanup of the 1,070 existing impoundments. Without a coal ash rule, coal plants would be free to keep leaking and potentially unstable impoundments open indefinitely.

**(3) Monitoring and cleanup of contaminated groundwater.** The coal ash rule would provide for groundwater monitoring around impoundments and landfills to provide early warning to communities

about risks to their drinking water supply and require cleanup of any pollution. The water rule provides none of these critical safeguards.

**EPA must issue both the water and coal ash rule as soon as possible.** EPA's failure to timely issue common sense safeguards for water and waste pollution from coal-burning power plants has allowed industry to dump billions of tons of coal ash into leaking dumps that drain into our groundwater and turn our wetlands, creeks, and rivers into their private sewer systems. Further delay on either rule puts the public and our watersheds in harm's way.

**EPA's proposed Subtitle D regulation does not protect the public.** EPA must designate coal combustion waste as a hazardous waste, and regulate disposal under Subtitle C. Only subtitle C requires closure of all unlined impoundments, prohibits new impoundments, requires permits for all coal ash dumps, and allows EPA to enforce the rules as opposed to leaving enforcement to states. If EPA does finalize an ash rule under Subtitle D, its 2010 Subtitle D proposal must be strengthened to address all unlined coal ash dumps to ensure safe closure and increase enforceability, transparency, and public access to data.

**Politics has no place in public health decisions about coal ash and power plant water pollution.** The White House's Office of Management and Budget weakened both the coal ash and water rule in an effort to appease a utility industry that doesn't want to clean up its act. The economists at OMB have no business weakening rules that EPA scientists and engineers have determined are necessary to protect public health.

**Public health decisions cannot be made using cost-benefit analysis.** Cost-benefit analysis is fundamentally flawed because it will always be easier to estimate (and overestimate) costs, while most benefits like improved public health and flourishing ecosystems are hard to quantify in dollars. In fact, Congress prohibited the use of cost-benefit analysis when setting standards for toxic discharges under the Clean Water Act. Yet OMB forced EPA to re-write the coal ash and water pollution rules based on their concerns about cost-benefit ratios.

**Congress should leave coal ash and water pollution regulation to the scientists and engineers at EPA.** Both the Clean Water Act and RCRA delegate responsibility to EPA to develop safeguards that protect public health and the environment because EPA has the scientific and technical expertise to determine what protections are necessary and required by law. If passed by Congress, legislation to strip EPA of its authority to issue commonsense safeguards for coal ash and power plant water pollution take decision-making out of the hands of EPA scientists and engineers and gives it instead to politicians.

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