

DID YOU KNOW...

...the EPA is proposing a rollback of 2015 Federal Coal Ash Rule?ⁱ

The EPA is currently proposing a rollback of the 2015 Federal Coal Ash Rule. By weakening CCR (coal combustion residuals/coal ash) regulations, the health of American citizens is put at great risk.

Establishment of first-ever coal ash disposal regulations was in 2015

In 2015, the first national regulations for the disposal of coal ash were established. Before this ruling, billions of tons of CCRs had been dumped into unlined pits next to rivers or lakes and into landfills without safe siting requirements or proper liners. Catastrophic spills happened in Tennessee and North Carolina, and dangerous chemicals had polluted groundwater and drinking water wells all over the U.S.

Because of this widespread threat, **the EPA established safety requirements**, which included:

- regular inspections of coal ash ponds
- groundwater monitoring
- closure of dumps with serious leaks
- clean up of contamination
- safe closure with follow-up monitoring 30 years out
- public posting of monitoring and inspection results

Currently, the EPA is considering eliminating or watering down many of the safeguards it provided in the 2015 rule.

Changes to the Federal Coal Ash Rule include:

1. Weakening groundwater protection standards

Under the 2015 rule, ash pond closure or cleanup is triggered when CCR pollutants are found in the groundwater above protection standards.

- ✓ The new proposal would allow states to set different, less protective standards for several of the dangerous heavy metals.
- ✓ EPA is also suggesting that owners and operators of coal ash dumps write their own standards for these contaminants without direct government approval.

Such changes allow companies to easily delay or avoid cleanup of contamination.

2. Removing children’s health protections

In the proposed rollback of regulations, the EPA:

- ✓ excludes its requirement that states consider risks to sensitive subgroups, including children, when setting less protective standards. (In 2014 EPA determined that non-cancer risks from coal ash were highest for young children)

These new changes would tell states they could ignore those risks for children.

3. Making cleanups discretionary

- ✓ EPA proposes that mandatory cleanup of groundwater contamination could no longer be required.

The companies responsible for contamination will be able to decide if cleanup is necessary.

4. Eliminating the requirement that sources of coal ash pollution be controlled

Currently, unlined coal ash ponds that leak toxic chemicals above groundwater protection standards must install liners or close. This rollback would:

- ✓ allow state agencies, or the polluting companies themselves, to determine such action is not necessary, even though the leak may be impossible to stop.

Polluters would not be required to stop the release of toxic contaminants from a pond or landfill if groundwater standards are exceeded.

5. Removing requirements for immediate response to coal ash spills

Changes in the rule would:

- ✓ Eliminate the requirement for companies to take immediate action to try to contain damage upon discovery of a spill.

Even clean up of massive disasters like those in Tennessee and North Carolina may be postponed.

6. Eliminating the requirement to close coal ash ponds that fail safety standards

- ✓ Currently, coal ash ponds that do not meet minimum safety standards must close. Proposed changes would no longer demand compliance.

State agencies, or the polluting companies themselves, would determine if closure of an unsafe pond is necessary.

7. Allowing CCR dumps to continue to operate in dangerous locations

- ✓ The 2015 rule has location restrictions for coal ash disposal units. **If the base of the dump is within five feet** of an aquifer or in floodplains, wetlands, unstable areas, fault zones, or seismic areas, CCR disposal is not allowed without required demonstrations of safety **by October 2018.**

EPA proposed changes can extend the deadline or weaken location restrictions.

8. Allowing political appointees to decide if cleanup is sufficient, or even required

- ✓ Changes would allow political appointees, rather than scientists or engineers, *to make at least 40 technical determinations* that would affect cleanup.

Non-scientific determinations can permit a business to deviate from requirements related to cleanup as well as post-closure care.

9. Shortening the Post-Closure Care Period

- ✓ Post-closure care, currently required for 30 years because threats to groundwater persist long after a coal ash dump stops receiving waste, includes maintenance of the cover and leachate collection system, groundwater monitoring, and cleanup of any contamination.
- ✓ Proposed changes would allow states, or the dump owners themselves, to shorten that period.

Since leaked contaminants often move slowly, a short post-closure period could mean that dangerous contamination goes undetected and no cleanup occurs.

10. Removing requirement to post compliance data, leaving citizens unaware of threats

- ✓ Currently internet posting is required for cleanup and closure plans, fugitive dust control plans, inspection reports, and groundwater monitoring results.

EPA changes could eliminate these posting requirements and leave the public uninformed about threats in their community.

Because the hazardous chemicals in coal are concentrated in the ash when coal is burned, CCRs contain a dangerous mixture of carcinogens, neurotoxins, and other poisons. These poisons increase the risk of cancer, heart disease, and stroke, and can inflict permanent brain damage on children. Over 1.5 million children live near coal ash storage sites, and 70% of all coal ash impoundments disproportionately impact low-income communities.

The 2015 CCR rule has already resulted in groundwater monitoring that detected widespread contamination with coal ash pollutants across the U.S. Data indicates that nearly every coal ash dump is leaking harmful chemicals to groundwater.

DID YOU KNOW...THERE IS SOMETHING YOU CAN DO?

Should our government favor big business over the health and welfare of our citizens?

If you believe the 2015 CCR rules should be continued or even strengthened, please email your comments to

CCRPhase1@epa.gov

ⁱ This information has been drawn primarily from "Factsheet on EPA's Proposed Rollback of the Coal Ash Rule," by Sierra Club, Earthjustice and Environmental Integrity Project.