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Jennifer_Tang@boxer.senate.gov[Jennifer_Tang@boxer.senate.gov];
Joshua_Quigley@boxer.senate.gov[Joshua_Quigley@boxer.senate.gov];
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lisa.buescher@mail.house.gov[lisa.buescher@mail.house.gov]; Stephanie White
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ben.miller@mail.house.gov[ben.miller@mail.house.gov]; Heather Gurewitz
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vince.fong@mail.house.gov[vince.fong@mail.house.gov]; Aaron Shapiro
(aaron.shapiro@mail.house.gov)[aaron.shapiro@mail.house.gov]; Adriane Casalotti
(adriane.casalotti@mail.house.gov)[adriane.casalotti@mail.house.gov]; Blanca Figueroa
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greg.haas@mail.house.gov[greg.haas@mail.house.gov]; Mollie Culver

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(greg.rodriguez@mail.house.gov)[greg.rodriguez@mail.house.gov];
kyle.layman@mail.house.gov[kyle.layman@mail.house.gov]; Rebekah Rodriguez-Lynn
(rebekah.rodriguez-lynn@mail.house.gov)[rebekah.rodriguez-lynn@mail.house.gov]; Chris Hillesheim
(Chris.Hillesheim@mail.house.gov)[Chris.Hillesheim@mail.house.gov];
solomon.rivera@mail.house.gov[solomon.rivera@mail.house.gov]; Melissa Kiedrowicz
(melissa.kiedrowicz@mail.house.gov)[melissa.kiedrowicz@mail.house.gov]; Yvette Shahinian
(yvette.shahinian@mail.house.gov)[yvette.shahinian@mail.house.gov];
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jackie.lansing@mail.house.gov[jackie.lansing@mail.house.gov];
jolyn.murphy@mail.house.gov[jolyn.murphy@mail.house.gov]; Rebecca Keightley
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greg.facchiano@mail.house.gov[greg.facchiano@mail.house.gov];

keith.hughes@mail.house.gov[keith.hughes@mail.house.gov]; Stephen Paredes (stephen.paredes@mail.house.gov)[stephen.paredes@mail.house.gov]; Detrick Sanford (detrick.sanford@mail.house.gov)[detrick.sanford@mail.house.gov]; Don Andres (don.andres@mail.house.gov)[don.andres@mail.house.gov]; John Brodtke (john.brodtke@mail.house.gov)[john.brodtke@mail.house.gov]; tim.hogan@mail.house.gov[tim.hogan@mail.house.gov]
Cc: Hood, Timonie[Hood.Timonie@epa.gov]; Stollman, Scott[Stollman.Scott@epa.gov]; Keener, Bill[Keener.Bill@epa.gov]; Zito, Kelly[ZITO.KELLY@EPA.GOV]; Skadowski, Suzanne[Skadowski.Suzanne@epa.gov]; Mogharabi, Nahal[MOGHARABI.NAHAL@EPA.GOV]; PerezSullivan, Margot[PerezSullivan.Margot@epa.gov]; Higuchi, Dean[Higuchi.Dean@epa.gov]
Bcc: Maier, Brent[Maier.Brent@epa.gov]
From: Maier, Brent
Sent: Fri 12/19/2014 8:57:13 PM
Subject: U.S. EPA HQ Press Release: EPA Announces First National Regulations to Safeguard Disposal of Coal Ash

Dear Colleagues:

The following press release was issued today the EPA Headquarters' Press Office. It was shared with many offices on Capitol Hill by EPA Headquarters' Office of Congressional and Intergovernmental Relations earlier today so my apologies if you have received this more than once. If you have questions or need any additional information, please give me a call.

Regards,

Brent Maier

Congressional Liaison
Telephone: 415.947.4256

Release Date: 12/19/2014

CONTACT:
press@epa.gov

EPA Announces First National Regulations to Safeguard Disposal of Coal Ash

Common sense, pragmatic rules to protect against structural failure, water and air pollution

WASHINGTON – The U.S. Environmental Protection Agency (EPA) today announced the first national regulations to provide for the safe disposal of coal combustion residuals (coal ash) from coal-fired power plants. The final rule establishes safeguards to protect communities from coal ash impoundment failures, like the catastrophic Kingston, Tenn., spill in 2008, and establishes safeguards to prevent groundwater contamination and air emissions from coal ash disposal.

"EPA is taking action to protect our communities from the risk of mismanaged coal ash disposal units, and putting in place safeguards to help prevent the next catastrophic coal ash impoundment failure, which can cost millions for local businesses, communities and states," said EPA Administrator Gina McCarthy. "These strong safeguards will protect drinking water from contamination, air from coal ash dust, and our communities from structural failures, while providing facilities a practical approach for implementation."

EPA has been studying the effects of coal ash disposal on the environment and public health for many years. In the wake of the failure of the TVA coal ash pond in Kingston, TN, EPA began a multi-year effort to help ensure the safety of the nation's coal ash disposal facilities, including assessing more than 500 facilities across the country. Improperly constructed or managed coal ash disposal units have been linked to nearly 160 cases of harm to surface or ground water or to the air. EPA carefully evaluated more than 450,000 comments on the proposed rule, testimony from eight public hearings, and information gathered from three notices soliciting comment on new data and analyses.

Improperly constructed or managed coal ash disposal units have resulted in the catastrophic failure of surface impoundments, damages to surface water, groundwater and the air. The first federal requirements for impoundments and landfills to address these risks include:

- The closure of surface impoundments and landfills that fail to meet engineering and structural standards and will no longer receive coal ash;
- Reducing the risk of catastrophic failure by requiring regular inspections of the structural safety of surface impoundments;
- Restrictions on the location of new surface impoundments and landfills so that they cannot be built in sensitive areas such as wetlands and earthquake zones;
- Protecting groundwater by requiring monitoring, immediate cleanup of contamination, and closure of unlined surface impoundments that are polluting groundwater;
- Protecting communities from fugitive dust controls to reduce windblown coal ash dust; and
- Requiring liner barriers for new units and proper closure of surface impoundments and landfills that will no longer receive CCRs.

In response to comments received on the proposal, the final rule makes a number of changes by providing greater clarity on technical requirements for coal ash landfills and surface impoundments under Subtitle D of the Resource Conservation and Recovery Act (RCRA), the nation's primary law for regulating solid waste.

Implementation of these technical requirements will be reported through comprehensive and regular disclosure to states, and communities to enable them to monitor and oversee these requirements. The rule requires that power plant owners and operators provide detailed information to citizens and states to fully understand how their communities may be impacted. The rule sets out new transparency requirements, including recordkeeping and reporting requirements, as well as the requirement for each facility to post specific information to a publicly-accessible website. This will provide the public with information such as annual groundwater monitoring results, and corrective action reports, coal ash fugitive dust control plans, and closure completion notifications.

This final rule also supports the responsible recycling of coal ash by distinguishing safe, beneficial use from disposal. In 2012, almost 40 percent of all coal ash produced was recycled (beneficially used), rather than disposed. Beneficial use of coal ash can produce positive environmental, economic and performance benefits such as reduced use of virgin resources, lower greenhouse gas emissions, reduced cost of coal ash disposal, and improved strength and durability of materials.

EPA is committed to working closely with our state partners on implementation of this rule. To ease implementation and harmonize the regulatory requirements for coal ash landfills and surface impoundments, EPA encourages states to adopt the federal minimum criteria, revise their Solid Waste Management Plans (SWMPs) and submit these revisions to EPA for approval. A revised and approved SMWP will signal EPA's opinion that the state SWMP meets the federal criteria.

For more information:

http://www2.epa.gov/coalash

http://www2.epa.gov/coalash/coal-ash-rule

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256