

June 12, 2026

Lee Zeldin, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
William Jefferson Clinton Building: EPA East Room 1309
Washington, DC 20004

Via Regulations.gov

Re: Comments on Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy/CCRMU Amendments, 91 Federal Register 18968, Docket ID No. EPA-HQ-OLEM-2020-0107

Dear Administrator Zeldin

The undersigned XXX public interest groups from XX states, Washington, D.C., and Puerto Rico, strongly oppose the Environmental Protection Agency's ("EPA") proposed Legacy/CCRMU Amendments Rule ("Proposed Rule"). Our organizations represent more than a million Americans concerned about hazardous pollution from leaking coal combustion residuals ("CCR" or coal ash) surface impoundments, landfills, and "beneficial use" sites. The Proposed Rule will severely harm water resources and the health of communities across the nation. We urge EPA to immediately withdraw this dangerous and illegal proposal and instead aggressively enforce the federal coal ash rules that are currently protecting the health and environment of Americans. Failure to do so will result in widespread harm from toxic waste, inflicted with full knowledge of the consequences by your EPA.

EPA's current coal ash regulations are the product of decades of research by EPA, the Center for Disease Control and Prevention, and independent scientists. The rules are informed by robust industry data, citizen input, and evidence at scores of sites contaminated by mismanagement of toxic ash. EPA and industry data have confirmed repeatedly that the hazardous constituents in coal ash, including arsenic, boron, chromium, cobalt, lead, lithium molybdenum, and radium, pose serious harm to human health and the environment when they are released to air, water, and soil. EPA acknowledges that releases of toxic chemicals from coal ash have occurred at most U.S. coal plants, resulting in groundwater exceeding federal safe standards at almost every plant. EPA also acknowledges that coal ash is one of the nation's largest industrial waste streams and that more damage cases – contaminated sites—have resulted from coal ash mismanagement *than from any other waste regulated under the Resource Conservation and Recovery Act (RCRA)*.

Despite these incontrovertible facts, EPA ignores the science and heeds the coal industry's demand for the elimination of critical federal protections. EPA began the coal ash rulemaking process in 2010 and established a set of reasonable federal protections under RCRA that have been tested and upheld by the courts. Your EPA does not have the authority to dismantle these protections without a record that guarantees no adverse effects on health and the environment. And such a record simply does not exist.

EPA's broad removal of health and environmental protections in the Proposed Rule will cause irreparable harm. Leaking coal ash dumps are releasing chemicals linked to cancer, heart and thyroid disease, reproductive failure, and neurological harm. In 2024, EPA identified more than a thousand dumpsites in 42 states that it determined must be monitored, closed and remediated, as necessary, to protect health and the environment. The Proposed Rule would exempt the majority of these dumpsites from any federal oversight whatsoever.

The Proposed Rule would reverse much of the 2024 Legacy Rule as well as eliminate core protections established in EPA's landmark 2015 rule.[1] Elimination of these essential standards violates RCRA's requirement to establish minimum criteria that ensure "no reasonable probability of adverse impacts on human health and the environment." [2] In breach of that duty, EPA's Proposed Rule would:

- Exempt more than 700 newly regulated coal ash dumpsites (CCR Management Units) from the rule entirely. These older ash dump sites are found at nearly every coal plant, and [CW1] many show evidence of contributing to groundwater contamination.
- Authorize state and federal permit writers to allow companies to close units with [GK2] coal ash in contact with and contaminating groundwater.
- Grant state agencies and EPA broad discretion to weaken monitoring and cleanup requirements at all coal ash dumps upon the request of utilities. The Proposed Rule creates new exemptions allowing companies to seek permits that may result in no cleanup being required at many sites.
- Allow states and EPA to increase the amount of cobalt, lithium, molybdenum and lead permitted in coal ash-contaminated water above federal safe standards.
- Avoid or delay the monitoring, closure and cleanup of hundreds of legacy coal ash ponds by removing deadlines set by the 2024 Legacy Rule and allowing industry to claim that past, ineffective cleanups obviate the need for any further action.
- Remove all specific safety standards for "piles" of coal ash waste no matter how large they are, or where they are located.
- Eliminate all safeguards on the use of coal ash as a substitute for clean soil both on and off coal plant properties, even in such places as playgrounds, residential areas, and parks.

Clearly, EPA has abandoned the fundamental mandate established by Congress in RCRA – to prevent harm from the mismanagement of dangerous waste. The Proposed Rule demonstrates complete disregard for preserving the present and future use of groundwater, for protecting the health and economic well-being of fenceline communities, and for ensuring the long-term safety and vitality of our rivers, lakes, and streams.

The Proposed Rule, if finalized, will hurt generations of Americans by depriving them of clean water, air and soil. It will facilitate the ongoing spread of hazardous and persistent chemicals that will harm the health of millions and be difficult or impossible to clean up. The Proposed Rule ensures that the mess created over decades by U.S. coal plants will be the responsibility of the American taxpayer in communities least able to shoulder the cost. By any measure, the Proposed Rule is contrary to science, dangerous, unfair, and illegal.

We respectfully request immediate rescission of the proposal.

Sincerely,

LOCALLY-BASED ORGANIZATIONS

NATIONALLY-BASED ORGANIZATIONS

REGIONALLY-BASED ORGANIZATIONS

STATE-BASED ORGANIZATIONS