

# United States Senate

WASHINGTON, DC 20510

June 18, 2026

The Honorable Lee Zeldin  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, D.C. 20460

Dear Administrator Zeldin,

We write in strong opposition to the U.S. Environmental Protection Agency's (EPA) proposed revisions to existing federal regulations that protect our communities from toxic coal combustion residuals (CCR), or coal ash, in landfills and surface impoundments. We oppose EPA's relaxing of restrictions on groundwater protections and monitoring requirements, "CCR Management Units" (CCRMU), beneficial use of coal ash, and in permitting facilities and states to determine compliance.

Coal ash is a mix of dangerous pollutants, metals, carcinogens, radioactive substances, and neurotoxins, including heavy metals generated through the burning of coal at coal-fired power plants. The pollutants can remain in the environment for years and are linked to cancer, heart damage, lung disease, kidney disease, birth defects, and even death. Each year, nearly 70 million tons of coal ash are produced and more than two billion metric tons of coal ash are stored nationwide at more than 1,000 sites, including hundreds of impoundments and landfills that risk structural failure and contamination of drinking water. In 2024, EPA concluded that legacy impoundments, inactive landfills, and CCRMU posed significant risks to human health and the environment and therefore required federal oversight. EPA has failed to identify new evidence or changed circumstances that justify abandoning or weakening these protections just two years later.

Between the first coal-fired power plant coming online in the United States in the late 1800's and 2015, the disposal of coal ash was unregulated by the federal government. In 2015, EPA used its authority under the *Resource Conservation and Recovery Act of 1976* (P.L. 94-580) to promulgate its first regulation of coal ash at active coal-fired power plants. Subsequently, Congress acted to allow states to implement federal CCR regulations and ensure EPA could enforce its standards. In 2024, under the Biden Administration, EPA issued a final rule requiring legacy CCR impoundments comply with EPA's coal ash rules for closure and groundwater remediation. EPA also addressed previously unregulated disposal areas including inactive landfills, dry coal ash ponds at operating and retired coal plants, and other deposits of ash placed outside regulated units, collectively known as CCR management units—or CCRMUs. Last year, EPA extended certain compliance deadlines and waived groundwater monitoring requirements.

Despite EPA's 2015 standards, the coal industry's own data has demonstrated that coal ash is severely contaminating water at nearly all active and inactive coal-fired power plant sites. According to a 2022 report, at least 372 unlined coal ash impoundments are within five feet of groundwater, if not making direct contact. Further, coal ash storage sites are often found within

three miles of wells used for drinking water or irrigation. About 70 percent of impoundments are located near low-income areas and communities of color communities, which are often disproportionately burdened by environmental contamination and have fewer resources to address its impacts.

EPA's proposed rule would allow coal ash-contaminated groundwater to migrate as far as 150 meters—or even to property boundaries—before remediation is required. It also would allow for coal ash to be left in contact with groundwater, leaching toxic substances that could go undetected. Coal ash impoundments and CCRMUs can degrade over time, and without the 2024 monitoring requirements, there would not be enough time to prevent and alert communities of serious contamination. EPA's own data shows this is not just a possibility, but that this is happening and it will get worse if the source of the contamination is not tightly monitored and addressed.

EPA's proposed rule would further deregulate coal ash by eliminating regulations on hundreds of leaking CCRMUs. The 2024 rule required CCRMUs to be treated similarly to CCR impoundments and landfills. In an EPA report released in April 2024, EPA concluded that not only is there a “reasonable probability of adverse effects on health and the environment” due to leaking CCRMUs, but that the risk posed to human health met the standards that require regulation. Leaving CCRMUs unregulated will have a compounding effect—as toxins leach from these sites, it can combine with leaks from other CCRMUs, CCR units, or impoundments and risk extending contaminants far beyond the units, threatening public health and natural resources.

Despite the known risks of coal ash, each year, tens of millions of tons of coal ash are used for “beneficial use” applications, such as fill material in backyards, parks, playgrounds, and school grounds. However, “beneficial use” does not mean that coal ash is a harmless product. For CCR to be considered “beneficial use,” the 2015 rule requires that the CCR must provide a functional benefit, be a substitute for material that would require extraction, meet certain product specifications, and require environmental demonstrations of safety for more than 12,400 tons of non-roadway applications. Currently, to satisfy the fourth criterion, users must demonstrate that the releases to groundwater, surface water, soil, and air do not exceed those from comparable non-CCR materials. Users also must demonstrate the unencapsulated CCR “will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use.” EPA's proposed rule would eliminate this fourth criterion, which would put our communities, drinking water sources, and fragile ecosystems at risk of avoidable exposure. Eliminating this criterion would remove this basic safety check that protects our communities and natural resources.

EPA continues this effort to deregulate one of the largest toxic industrial waste streams by providing states and, alarmingly, the facilities producing the toxic industrial waste, discretion over which CCR impoundments are subject to regulations. Instead of relying on information provided by independent experts, advocates, and impacted communities, EPA's proposed rule relies heavily on information provided by the regulated community. In reality, many of these facilities have engaged in deception to appear as though their coal ash dumps are not the sources of contamination, and several have failed to meet closure standards, conduct groundwater

monitoring and analysis, and apply corrective action. Further, according to a 2022 report based on industry data from more than 300 coal plants across 43 states, 91 percent of U.S. coal plants are contaminating groundwater above federal safety standards. EPA already recognized widespread industry noncompliance, designating coal ash enforcement as a National Enforcement Compliance Initiative for 2024-2027. EPA's proposed rule provides states and facilities with greater discretion to ignore established, effective release prevention, monitoring, and cleanup requirements that protect human health and the environment, and leave communities to suffer the consequences.

Coal ash poses a serious threat to human health and the environment, which Congress has required EPA to protect under RCRA before contamination occurs. We strongly urge you to abandon this proposal and maintain the 2015 and 2024 coal ash management and disposal rules. Refusing to do so skirts congressional intent and clearly violates the law. Thank you for your attention to this important matter.

Sincerely,



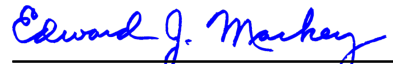
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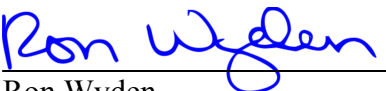
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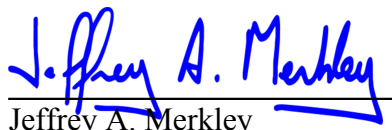
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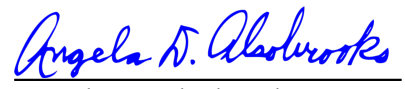


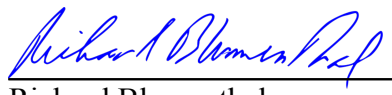
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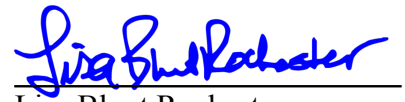



Sheldon Whitehouse  
United States Senator

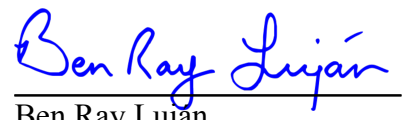
  
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