

Oral Statement of Nancy Stoner, Senior Attorney at the Environmental Law & Policy Center, September 12, 2025 (final)

Good morning. I'm Nancy Stoner, a Senior Attorney at the Environmental Law & Policy Center, a nonprofit that works to protect the resources of nine states in the Midwest. ELPC's members benefit from a robust use of federal, state, and local authorities to protect surface and groundwater from toxic contamination by leaking coal ash pits. Clean, safe water supports public health, recreation, and a strong economy.

Coal ash pollution is one of our nation's largest toxic waste streams. Coal ash contains hazardous pollutants that leach into our lakes, rivers, and drinking water supplies. The hazardous pollutants in coal ash have been linked to cancer, heart and thyroid disease, reproductive failure, and neurological harm.

Illinois, Indiana, and Ohio are among the states with the most coal ash sites. There are 88 coal ash dumpsites within two miles of a Great Lake, according to a report by Earthjustice from 2023. Almost all coal ash pits are unlined and leak pollution into waterways either directly or through groundwater. We don't have to speculate as to whether these coal ash pits leak. 91% of power plants that have coal ash pits are contaminating groundwater with toxic substances at levels exceeding safe standards according to the power plants' own groundwater monitoring data. (<https://earthjustice.org/feature/coal-ash-contaminated-sites-map>). Many power plants want to allow this to continue, which they call "natural attenuation" – or just allowing unlined pits to continue to leak.

Fortunately, there are better solutions. Coal ash pits can be lined and leachate from them can be taken to confined, safe disposal sites. Coal ash can also be reused to make cement. Using coal ash in cement reduces greenhouse gases and encapsulates potentially harmful elements, largely preventing their release into the environment. The technical options are there, but this proposal would delay their use for many of the coal ash pits that are now threatening drinking water supplies for millions of Americans.

Communities across the U.S. are working to enforce coal ash rules already in place that would require plant-wide clean ups to stop further contamination of water resources. This rulemaking would undermine those community efforts. Two of them in which ELPC is directly involved are the NRG Waukegan Generating Station in IL and Alliant Energy's Ottumwa Generating Station in IA.

The Ottumwa Generating Station supplied information to the community pursuant to the 2015 coal combustion residuals rule that enabled the community to identify a public health threat – a discharge of polluted groundwater from an Ottumwa coal ash landfill that is upstream of the City's drinking water source. The utility's own monitoring showed that the discharge, which had been ongoing for decades, contained arsenic, cobalt, manganese, and molybdenum at levels above public health standards. After ELPC notified Ottumwa of its intention to bring suit to stop the discharge, Ottumwa agreed to discontinue it while it identifies a permanent solution.

Without the requirements of the 2015 coal combustion residuals rule, the community would not have been aware of the threat to its health.

As ELPC identified in a 2022 report, Rising Waters, coal ash sites along the Great Lakes face enhanced risks from rising lake levels and climate change. This predicament is what makes Waukegan, Illinois, on the banks of Lake Michigan, of special concern. Key concerns with the Waukegan power plant site include coal ash, slag, and fly ash pits leaching into groundwater. Discharges include antimony, arsenic, boron, cadmium, chromium, selenium, sulfate, and total dissolved solids. ELPC and its allies successfully stopped Waukegan from obtaining a variance from the requirements for disposal of coal combustion residuals in surface impoundments. ELPC is now seeking to get a cleanup of the 10-acre site to stop the continued leaching of heavy metals and toxins pursuant to the 2024 federal coal ash requirements. The health of the community is in the balance.

Thank you for the opportunity to present ELPC's views on this dangerous proposed extension of the requirements for cleaning up of leaking coal ash sites. Coal ash cleanup should not be further delayed. People's lives and health are at stake.

I want to thank EPA for its work to protect the American public. We are counting on you.