



Attention Docket ID No. EPA-HQ-OW-2009-0819

RE: Proposal to Postpone Compliance Dates for the Effluent Limitations Guidelines (ELG) and Standards for the Steam Electric Power Generating Point Source Category

I'm Nancy Stoner. I am a Senior Attorney at the Environmental Law & Policy Center (ELPC). ELPC works throughout the Midwest on issues related to energy development, environmental and public health protection, and protection of special places under the belief that environmental protection and economic development can be achieved together.

ELPC appreciates the opportunity to testify today in strong opposition to EPA's proposal to delay the deadline for power plants to stop discharging toxic wastes into waterways (called the Steam Electric Effluent Limitations and Guidelines or ELG). EPA's own analysis demonstrates that power plants can meet the deadlines in the current rule, ending toxic discharges that contaminate drinking water supplies, swimming beaches, and aquatic habitat

ELPC urges the EPA to retain the existing and already very generous compliance deadlines of more than five years for most power plants. This steam electric ELG is designed to

protect the American public from power plant discharges of arsenic, selenium, mercury, lead, cadmium, boron, and bromides into our waterways. These toxic pollutants cause cancer, birth defects, and other public health and aquatic risks. EPA has identified feasible and economically achievable technologies that industry could implement today to comply with these ELGs. The proposed rule's main justification for extending this deadline is that energy needs continue to grow in certain sectors. But the proposed rule does not even try to demonstrate that complying with the ELG would reduce energy production from these power plants. To meet those energy demands, the federal government should stop trying to shut down and instead reinstate incentives for renewable energy sources, not allow more water pollution from old, out-of-date energy sources.

There are approximately 52 steam electric generating facilities operating in the nine Midwestern states which ELPC works to protect. This rule would give a green light to these power plants to keep dumping toxic pollutants into our waterways.

According to EPA's own analysis, the rule that EPA is now seeking to delay would prevent over 660 million pounds of pollutants from being dumped into U.S. waterways each year, would reduce the number of receiving waters that exceed levels of pollutants deemed unsafe for human health by 63%; and would reduce the number of receiving waters that are unsafe for fishing by 69%

EPA's proposal would allow power plants to continue to dump toxins into drinking water sources for some 30 million Americans who already drink water from sources likely contaminated by power plant wastewater.

Just to give two examples:

- In Ohio, the Cardinal Power Station discharged more than 500,000 pounds of arsenic into waters that flow into the Ohio River between 2015 and 2024; and
- In Indiana, the Petersburg Generating Station discharged more than 115,000 pounds of arsenic and more than 106,000 pounds of lead into waters that flow into the White River between 2015 and 2024

Fossil fuel fired power plants have been allowed to pollute our drinking water, aquatic life habitats and recreational water sources for too long. They have put the health of downstream communities and economies at risk.

The American people want clean water. In a recent poll by the Robert Wood Johnson Foundation, 96% of respondents indicated that clean, safe tap water was important to them in the kind of place they want to live – more important than any other single factor. Americans want EPA to protect them from pollution, not prolong it. No one voted for EPA to abandon its mission. No one voted for polluted water.

We appreciate EPA's consideration of my testimony today, and we appreciate the work of EPA staff who continue to try

to achieve the Agency's mission of protecting the health and welfare of communities across the country. The shutdown needs to end so that the staff can get back to work.