

Congress of the United States
Washington, DC 20515

November 20, 2009

Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
441 G Street, NW
Washington, DC 20314

Dear Administrator Jackson:

On December 22, 2008, an impoundment pond at the Tennessee Valley Authority's Kingston plant was breached, spilling more than 5.4 million cubic yards of coal ash from an on-site holding pond and covering more than 300 acres of surrounding land and water with coal combustion waste (CCW). This disaster has created a new sense of awareness among the American public regarding the need for stronger safeguards for containing and disposing of wastes created during coal combustion. As such, we believe it is necessary to implement thoughtful federal measures that will help prevent future disasters, as well as the leaching of harmful contaminants from CCW.

The Environmental Protection Agency (EPA) has documented dozens of incidents in which contaminants like arsenic, lead, boron, and cadmium have leaked from CCW landfills and surface impoundments into groundwater and surface water, creating a threat to public health and the environment. EPA has also documented that the use of composite liners at CCW disposal sites can effectively prevent this chemical leaching and protect the surrounding environment.

While the use of these composite liners, also referred to as geosynthetic liners, is already mandated by EPA at all solid and hazardous waste landfill sites, CCW disposal sites are currently exempt from these federal requirements. Given their ability to prevent contamination and to add structural support to CCW containment facilities, we would like the EPA to consider mandating the use of these geosynthetic liners at all CCW landfills and surface impoundments. Additionally, we ask that a full inventory of CCW disposal facilities be taken in order to identify sites that are currently lined and those that would require corrective action.

We thank you for your consideration of this request. Should you have any questions, please contact Ryan Fitzpatrick in the Office of Congressman Heath Shuler at (202) 225-6401.

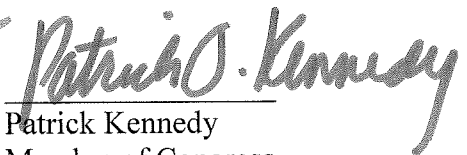
Sincerely,



Heath Shuler
Member of Congress



Henry Brown
Member of Congress



Patrick Kennedy
Member of Congress