

December 21, 2012

Gwendolyn Keyes Fleming
Regional Administrator for EPA Region 4
Environmental Protection Agency
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Dear Administrator Fleming,

On behalf of all of our organizations and the other advocates working to protect Southeastern waters and residents from toxic coal ash, we would like to thank you and your staff for taking time to meet and listen to our concerns on December 18th. We very much appreciated the opportunity to discuss some of the critical issues and problems surrounding proper disposal and management of coal ash waste in the Southeast, and for your commitment to further investigate what EPA Region 4 can do to protect environmental and human health from coal ash pollution. We understand that as long as there continues to be a lack of comprehensive federal regulatory framework on coal ash, the Southeast's communities and ecosystems will remain vulnerable to this serious threat.

Per our discussion, specifically, we request that EPA Region 4:

- Become a champion for the Southeast in advocating on our behalf for strong, comprehensive, and swift federal regulatory framework to adequately regulate coal ash as toxic waste.
- Issue a memo directing state agencies to renew and issue coal-fired steam plant NPDES permits with appropriate monitoring requirements and limitations for pollutants of concern, including heavy metals, toxins, and radionuclides (keeping in mind additional loading from new scrubbers), and follow protocols set forth in EPA's own Hanlon memo.
- Object to state issued NPDES permits, which do not follow the Hanlon Memo or establish limits and monitoring requirements consistent with those established by EPA Region 1 in the Merrimack Station Permit (<http://www.epa.gov/region1/npdes/merrimackstation/pdfs/MerrimackStationDraftPermit.pdf>).
- Require groundwater monitoring at coal ash sites as a condition in the NPDES permits.
- Direct states to use powers under subtitle D of RCRA to require cleanup of groundwater contamination until new coal ash regulations are finalized.
- Lend your support to lawsuits and 60-Day Notices of Violations brought against utilities whose coal ash impoundments violate the Clean Water Act.
- Coordinate with regional Waterkeepers and other organizations to visit coal ash impoundments with strong indication of surface water, groundwater and/or air pollution.

- Address coal ash impoundment concerns, the lack of adequate state oversight, and overdue/inadequate NPDES permit issues with State Commissioners at the regular bi-annual meetings this year.

We would also like to request that we schedule a second meeting with you and the appropriate EPA staff the week of April 22, one week after new NPDES rules are proposed and open to public comment, to follow up on these requests, get answers to some of our questions and further discuss regional and national developments on coal ash, the commitment of EPA Region 4 to address this issue, and the ways that our group of advocates can continue to effectively engage with your office to advance regulation of coal ash. Again, thank you for your time, and please let us know if there is any information or assistance that we can offer.

Sincerely,



Ulla Reeves, Regional Program Director, Southern Alliance for Clean Energy
Joan Walker, High Risk Energy Coordinator, Southern Alliance for Clean Energy

Julie Mayfield, Executive Director, Western North Carolina Alliance

Deborah Payne, Energy and & Health Coordinator, Kentucky Environmental Foundation

Sandra Diaz, Campaign Coordinator, Appalachian Voices

Barry Sulkin, Coal Ash Expert, Environmental Science Consultant to NGOs

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Nelson Brooke, Black Warrior Riverkeeper
Eva Dillard, Staff Attorney, Black Warrior Riverkeeper

Rick Gaskins, Executive Director, Catawba Riverkeeper Foundation

Juliette Cohen, General Counsel, Chattahoochee Riverkeeper

Kathy Little, W. Louisville, KY, Community Member Impacted by Cane Run Coal Ash Landfill

Seth Gunning, Beyond Coal Campaign Organizer, Sierra Club
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