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Date: June 12, 2026

To: Environmental Protection Agency
Submitted via online portal.

From: Haley Schulz, Public Citizen, hschulz@citizen.org, 512-477-1155

Re: Docket (EPA-HQ-OLEM-2020-0107)

On behalf of 30,000 members and supporters in Texas, Public Citizen appreciates the opportunity to provide comments to the U.S. Environmental Protection Agency relating to Docket #EPA-HQ-OLEM-2020-0107 and the proposal entitled *Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy/CCRMU Amendments*.¹

We oppose the proposed amendments to the Coal Ash Rule, as they attempt to weaken existing protections, allow continued contamination of drinking water sources, permit companies to avoid cleanup responsibilities, and reverse progress made to protect environmental justice communities. Comparing the existing Coal Ash Rule to the proposed amendments appears the Rule will almost entirely be gutted, resulting in tremendous harmful impacts to the public.

The EPA designated coal ash as a national enforcement priority in 2023 due to the widespread violations by coal-fired power plant owners and the significant threat to human health and the environment.² While the 2024 Legacy Coal Ash Rule closed known gaps from the 2015 Coal Ash Rule, enforcement and additional protections were still needed. Instead, the EPA has recently finalized compliance deadline extensions for Coal Combustion Residual Management Units (CCRMUs) and proposed extensions for closure deadlines of unlined coal ash ponds at 11 coal plants. To go further, this proposed amendment will further expose the public to health consequences, contamination, and

¹ Federal Register. (April 13, 2026). Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy/CCRMU Amendments.

<https://www.federalregister.gov/documents/2026/04/13/2026-07061/hazardous-and-solid-waste-management-system-disposal-of-coal-combustion-residuals-from-electric>

² US EPA. (2013, September 5). *National Enforcement and Compliance Initiatives*. www.epa.gov.
<https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiatives>



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economic distress while shielding industry. While Public Citizen takes issue with the proposed amendments for many reasons, I will specifically name a few with local context.

As a community member who lives near Texas' largest coal plant, W.A. Parish, I can share a personal perspective on the harm and impacts coal ash has on our water, land, and communities. In Fort Bend County, where W.A. Parish is located, our county is essentially an exurb of the greater Houston area, full of residential and light industrial spaces. The EPA's Toxic Release Inventory report named W.A. Parish as having the highest toxic releases and the largest potential harm in the county, with a RSEI Hazard Value of 2,490,786,529,060 and a RSEI Score of 117,618.³ When you review the RSEI Score while viewing cancer-causing chemicals, arsenic alone accounts for three-fourths of the risk at W.A. Parish, with chromium attributing to another 21%. While this proposal seeks to increase allowable levels of arsenic, chromium, and other chemicals, Fort Bend communities fall victim to their impacts.

The proposed amendments also seek to remove restrictions on the use of coal ash as a substitute for clean soil in any location. As a mother, this proposal hurts almost more than the others. Between removing protections for communities from coal ash harm and removing regulations or compliance, putting coal ash knowingly in contact with our youth is outright negligent. It's already bad enough for the millions of Americans who live next to coal plants or millions more who are downstream from the soil and water pollution. But allowing the toxic byproduct into our playgrounds, parks, or even development of homes and hospitals is evil. Radium increases cancer risk through long-term exposure. Arsenic causes bladder, skin, kidney, and lung cancer, and is linked to heart disease, diabetes, and neurological damage. In Fort Bend County, the home of W.A. Parish, the top two causes of death are heart disease and cancer (lung cancer being the most morbid).⁴ As a lifelong resident of one of the fastest growing counties in the country, our city councils and commissioners are beckoning new families to live here. But in good conscience, we cannot expect families to live here if we are not willing to protect them from known carcinogens and harms in green spaces and places of recreation.

³ EPA. (2022). *TRI Toxics Tracker*. edap.epa.gov.

<https://edap.epa.gov/public/extensions/TRIToxicsTracker/TRIToxicsTracker.html#continue>

⁴ *Fort Bend County Health & Human Services 2022 COMMUNITY HEALTH ASSESSMENT*. (n.d.).

https://www.fortbendcountytx.gov/sites/default/files/document-central/document-central/health-human-services-documents/2022-FBCHHS-CHA_2.pdf



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To exempt hundreds of coal ash dumps (CCRMUs) from all regulations will not only turn a blind eye to a known groundwater contaminator, but also make it legal. And for the alternative sources, this proposal would make it nearly impossible to understand the identified source for effective clean-up. W.A. Parish has submitted many Alternative Source Demonstrations (ASDs) in the past decade. In 2025, the owner of W.A. Parish, NRG Energy, pointed to subsurface samples collected in 2024 showing high levels of calcium, sulfate, and boron, but did not compare to average soil levels in Texas or in the local region.⁵ NRG also does not explain why there would be statistically significant increases in contamination downgradient of the coal ash, or if this was simply due to high natural levels. While it is highly unlikely that the elevated levels of contamination are from natural, non-CCR sources, without the oversight from the EPA, W.A. Parish and facilities like it will continue to pollute the soil and groundwater without taking accountability.

When reviewing the current groundwater monitoring at W.A. Parish, there are 66 groundwater monitoring wells on-site. All wells have shown exceedances in federally allowable levels of many chemicals, even as recently as 2024. One of the EPA's proposals is to allow coal ash owners to move their monitoring wells farther away from the source of contamination. Not only would this amendment make ASDs more rampant, but identifying true contamination sources becomes far more difficult. When playing the Milton Bradley game "Battleship" and you get a hit, do you start looking in an opposite corner? Or do you find the other pegs next to the hit? With this proposed rollback, the EPA is making current monitoring far less effective and loosening accountability for the contaminant source's owner.

The cost of compliance is far less than the price tag for clean-up. Kicking the can down the road benefits only polluters, so they can wait out the next deadline and request another extension. We need the EPA to uphold and strengthen protections from coal ash, not loosen and remove them. We heard from many community members at the hearing on May 28th, including those who lived through the Kingston coal ash disaster. We have been here before and should choose to learn from our missteps, rather than repeat them. As a born-and-raised, lifelong Texan who lives close to the coast, I can share my experience living through Hurricane Harvey, Winter Storm Uri, and even the flooding that doesn't make the news. W.A. Parish flooded during Harvey, and the coal ash spread. We are one

⁵ TRC Environmental Corporation. (2026). *2025 Annual Groundwater Monitoring and Corrective Action Report*. http://3659839d00eefa48ab17-3929cea8f28e01ec3cb6bbf40cac69f0.r20.cf1.rackcdn.com/WAP_SWU1_GMI26.pdf



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environmental disaster away from harming hundreds of thousands of local residents. And yet these proposed rollbacks will legally allow this harm on an everyday basis.

Choose to protect the people, rescind the proposed amendments, and strengthen safeguards and enforcement of coal ash pollution. Thank you for your time and consideration.