

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of**

Subcommittee on Environment Ranking Member Paul D. Tonko

Hearing on “A Decade Later: A Review of Congressional Action, Environmental Protection Agency Rules, and Beneficial Use Opportunities for Coal Ash”

June 26, 2025

Thank you, Mr. Chair. Yesterday, the Committee marked up more than a dozen energy bills, several of which had the goal of continuing the operation of uncompetitive coal-fired power plants. But one issue that was seriously overlooked in yesterday’s debate was the public health and environmental threats posed by these generators. We should not lose sight of the serious downsides to burning coal.

Air pollution is often the first thing discussed, including emissions of particulate matter, mercury, and other hazardous air pollutants, as well as tremendous amounts of climate pollution. But we cannot forget that these power plants also create waste, known as coal combustion residuals or coal ash, and for far too long this waste has not been disposed of safely, leading to groundwater contamination and other environmental damage.

These contaminations are not only dangerous, but they are also costly and difficult to remediate. In 2008, a major Tennessee Valley Authority coal ash impoundment failed, resulting in over a billion gallons of slurry polluting the environment, which took years and more than a billion dollars to clean up. And while high profile incidents like TVA’s grab headlines, lower levels of contamination near these sites are unfortunately extremely common.

Analysis from the Environmental Integrity Project and Earthjustice found that 91 percent of U.S. coal plants are causing unsafe levels of groundwater contamination. EPA acknowledged these risks and finalized a rule in 2015 to support the safe disposal of coal combustion residuals.

This rule sought to prevent the disposal of coal ash in unlined ponds and require monitoring of groundwater and cleanup of contamination. But unfortunately, the 2015 rule did not apply to landfills that had ceased receiving coal ash or generating facilities that had ceased operating prior to the rule’s finalization.

In 2024, EPA finalized another rule to cover these so-called legacy sites excluded from the 2015 rule. And I am very concerned that several industry groups have already begun a lobbying campaign to roll back this rule.

Like so many of EPA’s previously announced deregulatory efforts, a weakening of either the 2015 or 2024 rule would represent an effort to shield polluters from costs associated with reasonable steps to protect public health and the environment. In this case, ensuring the safe disposal and management of coal ash waste.

At yesterday's markup, we heard a lot of talk about subsidizing electricity producers; about whether renewables should receive subsidies, and whether or not fossil fuel generators currently receive subsidies at all. And I want to make it clear: They absolutely do!

When we socialize the costs of the environmental and public health harms caused by coal-fired power plants onto everyday Americans, especially those living near these sites, we are providing coal plant operators with a massive subsidy. When coal ash leaches into people's water supplies, they pay a price, including the health care costs and health outcomes associated with failing to address the safe disposal of this waste.

But I understand that there may be different approaches as to how to effectively manage this waste. So, in addition to EPA's regulatory actions, in 2016, Congress passed the Water Infrastructure Improvements for the Nation Act, or WIIN Act.

The WIIN Act allows states, with EPA's approval, to manage disposal of coal ash through a permitting program, provided the state's standards are as protective as Federal standards. Cooperative federalism is a hallmark of our nation's successful environmental laws, and I believe states can play an important role in addressing coal ash waste.

However, I am incredibly concerned by the President's Fiscal Year 2026 Budget Request, which included a \$1 billion proposed cut to EPA categorical grants that states rely upon to implement and enforce environmental laws. This is part of a troubling trend from the Administration, which is also apparent in the majority's budget bill, that pushes more costs onto states, which will make the successful implementation of state-led environmental programs more difficult.

If we want states to be effective partners in environmental protection, we must ensure they have the resources and capacity necessary to do the job. Finally, I understand that much of today's hearing will focus on the beneficial uses of coal ash.

I want to be clear that I am by no means opposed to beneficial uses, provided that these uses are proven to not harm public health and the environment. Finding effective methods to use coal ash is worth continuing to pursue; however, careful consideration of these potential uses must be a priority.

Unfortunately, the Trump Administration's efforts to undermine EPA's scientific capacity by significantly shrinking the Office of Research and Development and attacking the agency's Scientific Integrity policy is a serious cause for concern. I worry that this could undermine EPA's ability to conduct independent scientific assessments of the risks of potential beneficial uses.

I want to encourage members on both sides of the aisle who want to see more safe, beneficial uses of coal ash to oppose the mass layoffs and reorganization of EPA.

Mr. Chair, I look forward to today's discussion, and with that I yield back.