

**National Hispanic Environmental Council**



**PUBLIC COMMENTS**  
**BY THE**  
**NATIONAL HISPANIC ENVIRONMENTAL COUNCIL**  
**ON THE PROPOSED U.S. EPA RULE ON**  
**“STEAM ELECTRIC POWER GENERATING CATEGORY AND EFFULENT**  
**LIMITATIONS GUIDELINES**

July 9, 2013, Washington, D.C.

Good afternoon. My name is Roger Rivera and I am the President of the National Hispanic Environmental Council. Founded in 1997, NHEC is the leading national Latino environmental and natural resource organization in the country. We are an advocacy, policy, and programmatic group, and work to represent Hispanic Americans before federal, state, and green group decision-makers. We seek to ensure our community has a seat at the national environmental decision-making table, and to engage Latinos on a range of environmental and conservation issues.

For over three decades, Americans have been waiting with growing impatience for the U.S. Environmental Protection Agency (EPA) to propose a new rule under

the federal Clean Water Act to effectively, thoroughly, and safely treat toxic water pollution from coal-fired power plants. Thus, NHEC is very pleased to be able to provide public comments on these long-overdue actions regarding the so-called “pretreatment” standards of this coal waste.

Today, coal fired power plants are the largest water polluters in the U.S. These facilities generate nearly three quarters of all toxic water pollution, and coal waste contains harmful quantities of arsenic, mercury, cadmium and selenium. All these metals have proven and damaging health impacts on people and our public health, as well as aquatic life and ecosystems.

Wastewater rules for power plants under the Clean Water Act have not been revised or improved for more than 30 years. Under current regulations, millions of pounds of these heavy metals pollute our water annually. A significant amount of this pollution comes from effluent from coal ash ponds as well as sludge from air pollution control scrubbers. Today, nearly 80% of the outflow from coal-fired power plants is responsible for virtually unlimited discharges of these toxic metals and other chemicals. Further, as air pollution control technologies improve, these discharges will only increase. Without effective rules on power plant water pollution, the generation of this toxic waste will continue, with on-going harmful, disproportionate, and environmental justice effects on nearby communities—many of whom are Latino.

NHEC is here today to speak on behalf of our 7,000 members nation-wide, and the well-being of the over 50 million Latinos who are directly impacted by how responsibly – and soon -- EPA carries out its duties to protect our environment.

NHEC members fully recognize and strongly support the effective regulation of power plants, since many of these facilities are sited in low income and communities of color. With 60 percent of all toxic pollutants in surface water originating from power plant discharges, it is now imperative that EPA take strong, swift action to safeguard public and environmental health.

Regarding the pretreatment standard for coal waste going to public water treatment facilities, as well as the proposed rule in general, NHEC has some specific concerns and recommendations. First, **we strongly urge EPA to adopt the most stringent possible rule on effluent limitations.** By doing so our nation will see a 2.62 billion pound annual reduction of toxic pollutants. Second, we urge the adoption of a “zero discharge” requirement from coal ash impoundments, by implementing zero liquid discharge technology and conversion to safer coal ash handling systems that will eliminate discharges of the most contaminated wastewaters entirely. Third, we urge EPA to fully protect Latino communities living near coal-fired power plants by completing, as soon as possible, final rulemaking to safely dispose of toxic coal ash. Fourth, we urge EPA to exercise its undisputed authority under both the Clean Water Act and the Resource Conservation and Recovery Act to ensure that the deadly toxins in coal ash do not pollute our air and water and by so doing, meet the legitimate environmental justice concerns of Latino and all communities. Thank you for the opportunity to provide these public comments.

Roger Rivera, President, NHEC