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Environmental Protection Agency
1200 Pennsylvania Avenue,
N.W. Washington, DC 20460

RE: EPA 2026 Proposed Amendments to the Coal Combustion Residuals Regulations

The Iowa Environmental Council submits the following comments on the Environmental Protection Agency’s proposal to amend the Coal Combustion Residuals (CCR) regulations, Docket ID EPA-HQ-OLEM-2020-0107. The Iowa Environmental Council (“IEC”) is an alliance of more than 100 organizations, over 500 individual members, and an at-large board of farmers, business owners, and conservationists. IEC works to build a safe, healthy environment and sustainable future for Iowa. Our members care about air and water quality across the state, and they hike, recreate, and enjoy the outdoors in Iowa and beyond.

IEC has significant interests in ensuring that there are regulations and enforcement in place to protect human health and the environment and appreciates the opportunity to comment on behalf of Iowa’s residents and environment. The 2015 CCR Rule and 2024 Legacy CCR Rule are critical for protecting public health and water quality, and any reduced oversight and accountability for coal ash disposal sites would prolong and heighten the risk of contamination in communities in Iowa and across the nation. The proposal would weaken critical safeguards for coal ash disposal by expanding site-specific compliance pathways, providing closure flexibility for legacy coal ash disposal sites, and loosening oversight of beneficial use practices.

Iowa Communities are at Risk of Coal Ash Contamination

The need for stronger — not weaker — coal ash regulation is particularly evident in Iowa. Recent analysis of Iowa coal ash disposal sites demonstrates that contamination remains widespread and ongoing. In 2024, nine of twelve coal power plants with regulated disposal sites have groundwater contamination exceeding federal health standards.¹ Contaminants documented at Iowa facilities include arsenic, selenium, cobalt, lithium, molybdenum, cadmium, and radium 226/228.

These are not isolated incidents. Iowa currently stores nearly 19 million cubic yards of coal ash in federally regulated disposal sites, and the actual volume may be substantially larger because some sites lack complete reporting data.

Greater Flexibility in Compliance Delays Accountability



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The proposal's expanded site-specific compliance mechanisms raise additional concerns, as past occurrences demonstrate how such pathways can be misused. The current CCR Rule includes a process called Alternate Source Demonstrations (ASDs), which allows entities to attribute groundwater contamination to other sources rather than coal ash facilities.

Yet EPA previously found that 43 of 44 reviewed sites failed to substantiate such claims.² This 98% failure rate suggests that mechanisms intended for exceptional circumstances may instead function as loopholes that delay accountability and cleanup.

Iowa already illustrates the consequences of delayed corrective action. At the Lansing facility, arsenic concentrations reached up to 64 µg/L — six times the federal drinking water standard of 10 µg/L. Yet facility assessments concluded that the exceedances are not attributable to the Lansing CCR unit and therefore determined that no further action is needed to address arsenic contamination.³

At the Ottumwa Generating Station, cobalt exceedances have continued since 2019, with concentrations reaching 17 µg/L, nearly three times the groundwater protection standard of 6 µg/L. Although a remedy was finally selected in 2025, exceedances continue and treatment measures are ongoing.⁴ However, if approved, the proposed amendment could discourage necessary action, reduce oversight of remediation and undermine cleanup efforts.

Additionally, the proposal would allow groundwater monitoring to occur at alternative locations farther from coal ash disposal units rather than at standard compliance points near the waste boundary. Because groundwater and the contaminants it carries can migrate over time, monitoring locations close to coal ash disposal units are important for early detection of pollution.

Allowing alternative monitoring locations farther from disposal areas may increase the risk that contamination is identified later, delaying corrective action and increasing risks to nearby drinking water resources.

This is particularly important in Iowa, where more than 75% of residents rely on groundwater for drinking water, including hundreds of thousands who depend on private wells that often lack routine testing and treatment protections.⁵ Given Iowa's documented groundwater contamination exceedances at coal ash sites, maintaining strong and consistent monitoring requirements is critical to protecting public health and water resources for surrounding communities.

Long-Term Water Quality Risks at Legacy CCR Sites



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EPA's proposal to provide additional closure flexibility for legacy surface impoundments and weaken criteria regulating older sites is concerning. Closure of coal ash ponds should not mean closure of responsibility. Iowa has approximately 25 sites that fall under legacy CCR oversight, many of which are older, inactive, or unlined.

Based on EPA's own assessment, older disposal areas can continue releasing contaminants long after closure and peak pollution risks from coal ash can occur up to 105 years after initial waste placement.⁶ This means that contamination does not disappear simply because a site is inactive or considered closed. Weakening requirements for these sites would increase the risk that contamination persists without adequate monitoring or remediation.

Reduced Safeguards for Coal Ash Reuse Heighten Exposure Risk

EPA should also reconsider its proposal to weaken requirements related to beneficial use of coal ash. Coal ash contains toxic constituents including arsenic, lead, mercury, and chromium. In Iowa alone, approximately 200,000 tons of coal ash were reportedly repurposed for construction use in 2024, including for soil stabilization and cement and concrete production.⁷

Eliminating environmental demonstration requirements for large-scale uses of unencapsulated coal ash risks introducing these contaminants into communities with less oversight and fewer protections. Reduced scrutiny could increase the possibility of contamination of soils, groundwater, and nearby populations.

Conclusion

Coal ash contamination represents a long-term public health and environmental challenge. Existing evidence from Iowa demonstrates that contamination persists despite current regulatory requirements and that cleanup efforts already lag significantly behind documented groundwater impacts. Weakening standards at this stage would reduce utility accountability and increase risks for communities rather than protect them.

EPA should withdraw these proposed amendments and instead strengthen implementation and enforcement of existing CCR regulations, maintain comprehensive oversight of legacy sites, preserve robust groundwater monitoring requirements, and ensure meaningful review of beneficial reuse activities.

Thank you for the opportunity to provide comments on this proposal.

Sincerely,

The Iowa Environmental Council