

GERALD E. CONNOLLY

11TH DISTRICT, VIRGINIA
2238 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-1492

FAIRFAX OFFICE:

4115 ANNANDALE ROAD
SUITE 103
ANNANDALE, VA 22003
(703) 256-3071

PRINCE WILLIAM OFFICE:

2241-D TACKETT'S MILL DRIVE
WOODBIDGE, VA 22192
(571) 408-4407

Congress of the United States
House of Representatives
Washington, DC 20515-4611

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COMMITTEE ON
OVERSIGHT AND GOVERNMENT REFORM

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ASIA AND THE PACIFIC

Water Control Board
c/o Cindy M. Berndt, Director
Office of Regulatory Affairs
Department of Environmental Quality
P.O. Box 1105
Richmond, VA 23218

Honorable Members of the State Water Control Board,

I write to share my concerns with the draft Virginia Pollutant Discharge Elimination System (VPDES) Permit No. VA 0002071, the Possum Point Power Station.

The United States Environmental Protection Agency (EPA) recently finalized the Disposal of Coal Combustion Residuals (CCR) from Electric Utilities final rule. This regulation is the product of nearly seven years of review and consideration, including more than 450,000 public comments. I believe the final rule implements commonsense safeguards, especially regarding groundwater monitoring standards, which will leave our communities safer.

For example, the final rule will require an owner or operator of a CCR unit to install a system of monitoring wells and specify procedures for sampling these wells, in addition to methods for analyzing and reporting the groundwater data collected, to detect the presence of any hazardous constituents and other elements that may be released from the units. In addition, once a monitoring system has been established, the owner or operator must conduct groundwater monitoring and, if necessary, take corrective action throughout the active life and post-closure care period of the CCR unit.

As you know, inactive units have three years, with a possibility for a limited extension, to complete closure and avoid falling under the new federal rule. I see this as a shortcoming in the regulation and offered an amendment to H.R. 1734, the Improving Coal Combustion Residuals Regulation Act of 2015, to bring all facilities under the same more robust groundwater monitoring requirements. It seems arbitrary and potentially risky that a site that closes under the

rule's guidelines must monitor groundwater for 30 years, but one that is rushed to meet the 3-year deadline only has to monitor for a fraction of that time.

There is nearly unanimous support for these rigorous post-closure monitoring activities. In fact, with respect to the final rule, the EPA notes that it "Received few public comments on the proposed activities to conduct during the post-closure care. These commenters were supportive of the activities and specifically urged the rule to require the monitoring of groundwater throughout the post-closure care period. The Agency received no comments opposing the proposed post-closure care activities."

One of the basic protections our constituents should expect is that we maintain rigorous groundwater monitoring, and I hope the Commonwealth will adopt similar protections immediately as these legacy ponds and inactive surface impoundments move towards post-closure status.

Unfortunately, I believe the proposed closure process at Possum Point substantiates many of my concerns in allowing CCR sites to rush towards closure. It has come to my attention that requests from the Prince William Board of County Supervisors and the EPA for a delay in the permit process have been denied by the Virginia Department of Environmental Quality (DEQ). According to EPA, it believes more time is needed to evaluate similar operations at other facilities, particularly the development of technology-based effluent limitations, to fully inform EPA's ongoing review of the Possum Point draft modification. I have also heard from many constituents and local stakeholders who were notified only recently on the permit process, and believe their comments were not afforded full consideration. I would respectfully request that the Water Control Board defer a decision on this permit and allow all stakeholders more time to fully study and understand the consequences of this proposal. I find it inexplicable and disturbing that DEQ would deny EPA's simple request for an extension of time to accommodate public comment.

I appreciate your effort to protect our water quality throughout the Commonwealth of Virginia, and I urge you to respect EPA's request and grant an extension to allow full public comment on this important decision that will affect the safety and health of our community.

Sincerely,



Gerald E. Connolly
Member of Congress