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J. Randy Forbes
United States Congress

4th District, Virginia

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The Honorable Edward J. Markey
Chairman
Subcommittee on Energy and the Environment
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Fred Upton
Ranking Member
Subcommittee on Energy and the Environment
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Markey and Ranking Member Upton,

I would like to invite you to hold a field hearing in Chesapeake, Virginia for the purpose of evaluating the hazardous properties, adverse effects, and proper use and disposal of coal combustion waste, specifically fly ash.

As you know, fly ash is a product of burning finely ground coal in a boiler to produce electricity. While fly ash has numerous environmental, economic, and performance benefits when applied properly, there has been widespread concern for years that the improper application of fly ash may pose a significant threat to human health and the environment. The 2008 fly ash spill at the Kingston Fossil Plant in Harriman, Tennessee and the contamination of water wells near the Battlefield Golf Club (BGC) in Chesapeake, Virginia, have confounded these concerns.

In 2002, Dominion Virginia Power distributed 1.5 million tons of fly ash for the structural foundation of BGC. After learning in 2008 that well tests conducted at the BGC site revealed elevated levels of harmful contaminants such as arsenic and lead, the City of Chesapeake requested that the Environmental Protection Agency (EPA) conduct a preliminary site assessment (PA) to determine whether the site had been contaminated. An abbreviated PA in August 2008 determined that the site may pose a threat to human health and the environment.

While the EPA has continued to issue information on the adverse effects of coal combustion waste, it has so far not required any consistent Federal regulatory protections for coal combustion waste disposal practices. Recently, the Administrator of the Environmental Protection Agency, Lisa Jackson, pledged to make a decision regarding the designation of fly ash as a hazardous waste material by December 2009. Given this pending decision by the Administration, I would like to propose that a congressional field hearing be held at the Subcommittee's earliest convenience in the City of Chesapeake with witnesses representing the EPA, the Tennessee Valley Authority and the affected citizens at the various sites.

Should you have any questions regarding the foregoing, please feel free to contact me or my Legislative Assistant, Andrew Donahue, at andrew.donahue@mail.house.gov / (202) 226-6365. I look forward to working with you to bring this request to fruition. Thank you for your consideration. With kind personal regards, I am

Yours truly,



J. RANDY FORBES
Member of Congress