

House Concurrent Resolution No. 28

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KIRKTON (Sponsor), MCNEIL, NORR, MCDONALD,
MORGAN, SMITH, ANDERS AND NEWMAN (Co-sponsors).

5644L.011

2 **WHEREAS**, the United States Environmental Protection Agency (EPA) has repeatedly
3 delayed issuing regulations on coal combustion waste; and

4 **WHEREAS**, coal combustion waste, or coal ash, contains carcinogenic and neurotoxic
5 chemicals such as mercury, arsenic, cadmium, lead, hexavalent chromium, and other heavy
6 metals that have been proven to harm human health; and

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8 **WHEREAS**, ponds containing coal ash often leak these pollutants into the groundwater,
9 as evidenced by documentation of contamination in other states, including Illinois; and

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11 **WHEREAS**, coal waste ponds at the Labadie Power Plant in Franklin County were
12 known by the Missouri Department of Natural Resources to be leaking 50,000 gallons per day
13 since 1992. Ameren has only recently claimed to address those known leaks, and no
14 groundwater monitoring has occurred or is occurring even though everyone for miles around the
15 site in Franklin County relies on groundwater for drinking water; and

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17 **WHEREAS**, the State of Missouri currently does not require any groundwater testing
18 at these coal ash ponds, so that the extent of any danger to the public health cannot be
19 determined; and

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21 **WHEREAS**, there are at least 32 coal ash ponds scattered across the State of Missouri,
22 including in Jasper, Jackson, Platte, Franklin, Buchanan, St. Louis, New Madrid, Henry,
23 Jefferson, Scott, St. Charles, and Randolph Counties; and

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25 **WHEREAS**, utilities generate 2.6 million tons of coal ash in Missouri every year; and

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27 **WHEREAS**, in 2011, utility shareholders across the nation voted in high percentages to
28 ask companies for stricter controls and monitoring of coal combustion waste; and

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30 **WHEREAS**, concern by utility shareholders reflects the general concern of the nation
31 after the 2008 TVA coal ash spill and the 2011 Wisconsin spill, both of which resulted in
32 property damage and expensive cleanup; and

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34 **WHEREAS**, a report released by Earthjustice in August 2011 listed Missouri as one of
35 the weakest states in the country for regulating coal combustion waste:

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37 **NOW, THEREFORE, BE IT RESOLVED** that the members of the House of
38 Representatives of the Ninety-seventh General Assembly, Second Regular Session, the Senate
39 concurring therein, hereby urge the Missouri Department of Natural Resources, in issuing water
40 pollution discharge permits for conventional coal-fueled electric generating units and consistent
41 with otherwise applicable laws, to fully consider:

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43 (1) The need to require groundwater monitoring immediately at all new and existing coal
44 ash ponds in the State of Missouri;

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46 (2) The need to require cleanup at all coal ash ponds that are found to be leaking
47 dangerous chemicals; and

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49 **BE IT FURTHER RESOLVED** that this resolution does not amend any state law to
50 which the Missouri Department of Natural Resources is subject, and shall be interpreted to be
51 consistent with any requirements of such state or federal laws; and

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53 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
54 Representatives be instructed to prepare properly inscribed copies of this resolution for Governor
55 Jay Nixon and Sara Parker Pauley, the Director of the Missouri Department of Natural
56 Resources.

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