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**FOR IMMEDIATE RELEASE**

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## **EPA Announces Plans to Regulate Coal Ash**

*Agency proposals would address risks of unsafe coal ash disposal, while supporting safe forms of beneficial use*

**WASHINGTON** – The U.S. Environmental Protection Agency today is proposing the first-ever national rules to ensure the safe disposal and management of coal ash from coal-fired power plants.

Coal combustion residuals, commonly known as coal ash, are byproducts of the combustion of coal at power plants and are disposed of in liquid form at large surface impoundments and in solid form at landfills. The residuals contain contaminants like mercury, cadmium and arsenic, which are associated with cancer and various other serious health effects. EPA's risk assessment and damage cases demonstrate that, without proper protections, these contaminants can leach into groundwater and can migrate to drinking water sources, posing significant health public concerns.

Today's action will ensure for the first time that protective controls, such as liners and groundwater monitoring, are in place at new landfills to protect groundwater and human health. Existing surface impoundments will also require liners, with strong incentives to close the impoundments and transition to safer landfills, which store coal ash in dry form. The proposed regulations will ensure stronger oversight of the structural integrity of impoundments in order to prevent accidents like the one at Kingston, Tennessee. Today's action also will promote environmentally safe and desirable forms of recycling coal ash, known as beneficial uses.

The dangers associated with structurally unsafe coal ash impoundments came to national attention in 2008 when an impoundment holding disposed waste ash generated by the Tennessee Valley Authority broke open, creating a massive spill in Kingston that covered millions of cubic yards of land and river. The spill displaced residents, required hundreds of millions of dollars in cleanup costs and caused widespread environmental damage. Shortly afterwards, EPA began overseeing the cleanup, as well as investigating the structural integrity of impoundments where ash waste is stored.

"The time has come for common-sense national protections to ensure the safe disposal of coal ash," said EPA Administrator Lisa P. Jackson. "We're proposing strong steps to address the serious risk of groundwater contamination and threats to drinking water and we're also putting in place stronger safeguards against structural failures of coal ash impoundments. The health and the environment of all communities must be protected."

The proposal opens a national dialogue by calling for public comment on two approaches for addressing the risks of coal ash management under the nation's primary law for regulating solid waste, the Resource Recovery and Conservation Act (RCRA). One option is drawn from authorities available under Subtitle C, which creates a comprehensive program of federally enforceable requirements for waste management and disposal. The other option includes remedies under Subtitle D, which gives EPA authority to set performance standards for waste management facilities and would be enforced primarily through citizen suits. A chart comparing and contrasting the two approaches is available on EPA's Web site.

Under both approaches proposed by EPA, the agency would leave in place the Bevill exemption for beneficial uses of coal ash in which coal combustion residuals are recycled as components of products instead of placed in impoundments or landfills. Large quantities of coal ash are used today in concrete, cement, wallboard and other contained applications that should not involve any exposure by the public to unsafe contaminants. These uses would not be impacted by today's proposal.

“EPA supports the legitimate beneficial use of coal combustion residuals,” said Mathy Stanislaus, assistant administrator for EPA’s Office of Solid Waste and Emergency Response, the agency office that will be responsible for implementing the proposals. “Environmentally sound beneficial uses of ash conserve resources, reduce greenhouse gas emissions, lessen the need for waste disposal units, and provide significant domestic economic benefits. This proposal will clearly differentiate these uses from coal ash disposal and assure that safe beneficial uses are not restricted and in fact are encouraged.”

EPA is seeking public comment on how to frame the continued exemption of beneficial uses from regulation and is focusing in particular on whether that exemption should exclude certain non-contained applications where contaminants in coal ash could pose risks to human health. The public comment period is 90 days from the date the rule is published in the Federal Register.

Coal combustion residual impoundments can be found in almost all states across America, most often on the properties of power plants. There are almost 900 landfills and surface impoundments nationwide. Since the spill at Kingston, EPA has been evaluating hundreds of coal ash impoundments throughout the country to ensure their structural integrity and to require improvements where necessary. The results of the assessments are on EPA’s Web site.

More information about the proposed regulation: <http://www.epa.gov/coalashrule>

To view the chart comparing the two approaches: <http://www.epa.gov/coalashrule/ccr-table.htm>

To view results of the impoundment assessments:  
<http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys2/index.htm>

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