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[Secret EPA coal ash report increases fear of contamination in Iowa](#)

State won't take action until federal officials redraft rules

By [Jason Hancock](#) 5/13/09 10:52 AM

The failure of federal regulators to act and their refusal to divulge health risks associated with coal ash disposal has created a needless risk to public health, one of the state's leading environmental groups said.



A 2002 report by the Environmental Protection Agency released for the first time last week after [being kept secret by the Bush administration](#) shows much higher health risks to those living near sites used to store ash or sludge from coal-fired power plants than previously thought.

Advocates for tougher disposal rules are outraged by the new report. They say federal inaction has led to an expansion of unmonitored disposal sites in Iowa. Since 2000, the year the EPA last considered tougher regulations, the Hawkeye state has [added three of these sites](#) — former quarries and mine complexes

environmentalists argue pose a big public health threat since they were built without a liner to contain toxins and have been left without groundwater monitoring equipment.

Coal ash contains high concentrations of elements such as mercury, zinc, lead, arsenic and selenium. Environmentalists fear these toxins could leach into groundwater supplies, damage ecosystems and jeopardize human health at the four sites that received a waiver from the Iowa Department of Natural Resources allowing them to accept coal ash without following landfill standards.

Carrie La Seur, president and founder of the Plains Justice, a Cedar Rapids-based public interest environmental law center, said that because federal environmental officials didn't disclose health risks associated with coal ash disposal, opponents of tougher rules in Iowa were able to take a public position in opposition to increased public health protections for these sites on the grounds that it would cost too much and there was no proven risk.

The state DNR worked for more than a year on draft rules to better regulate these disposal sites. But opposition from site owners and coal-burning businesses, along with uncertainty about what regulations the federal government may eventually impose, caused the effort to stall. Opponents pointed out that there is no evidence of toxins leaching into groundwater supplies in Iowa.

But the EPA report released last week found the cancer risk to be 1 in 2,000 from exposure to arsenic in drinking water for residents living near unlined landfills containing coal ash and coal refuse, which is 500 times the level usually regarded as safe by current federal regulations.

The government's secrecy gave opponents of tougher rules a leg to stand on for many years, Le Seur said, and it has put many people's health at risk.



“These days, most people's capacity for outrage is just about exhausted, but yes, this is outrageous,” she said. “We deserve much better from our government.”

When contacted by the Iowa Independent for comment on the 2002 report, an EPA spokeswoman, Adora Andy, issued a statement saying only that new rules would be ready for public comment by the end of the year.

Chad Stobbe, the DNR's lead staffer on coal ash issues, said he could not comment on the report until he has seen it, saying he has only had the chance to read summaries of the report issued by the two environmental groups that released it.

Failure to act

The EPA indicated it was interested in more stringent federal controls of coal ash disposal in 2000. According to the Center for Public Integrity, [federal regulations would have for the first time covered the dumping of coal](#)

[ash in ponds, landfills, quarries and mine pits](#). But strong resistance from disposal site owners, utilities and even some states slowed the process, and when the Bush administration's EPA took over, focus shifted from disposal of coal ash to promotion of its beneficial reuse.

In Iowa, former quarries and mines that have received beneficial use waivers from the state to store coal ash as part of the effort to reclaim or re-purpose the abandoned industrial sites are of great concern to environmentalists. These sites are not subject to many environmental regulations, do not have state-of-the-art liners and they're owners are not required to monitor possible groundwater contamination.

Since the push for federal regulations stalled in 2000, three disposal sites in Iowa received beneficial use waivers and began accepting coal ash — Wendling Quarries in Goose Lake, Waterloo South Quarry in Waterloo and the Violet M. Meier Gravel Pit in Boone. The Boone site had its waiver revoked by the DNR in 2004 due to dust issues.

Now, environmentalists hope the EPA follows through with its current promise to institute federal regulations on coal ash disposal before more sites pop up. President Obama's EPA administrator, Lisa Jackson, recently said her agency would begin drafting new regulations for coal ash, likely to be released by the end of 2009.

But [some are worried that the new rules](#) will focus on surface impoundments and coal ash ponds like the one in Kingston, Tenn., that failed late last year, spilling nearly a billion gallons of coal ash sludge. It garnered headlines and sparked the recent calls for tougher regulations. The design of the faulty disposal site in Tennessee is very different from those used in Iowa, but both types of disposal sites could pose a danger to public health.

Stobbe said the DNR's bureau chief has been active in the federal rule-making process, and he is confident the new rules will address the issue here in Iowa.

“Nothing is final, but they are still on target from my understanding to have proposed rules ready for public comment by the end of the year,” he said. “The EPA has been indicating to us that new regulations would address sites like quarries that received beneficial use waivers. But until we receive what they propose, we have no way of really knowing for sure.”

Until the new federal guidelines are issued, the state will not move on any new regulations of its own, Stobbe said.

If the EPA's timeline is met and rules are ready for public comment by the end of the year, Stobbe said it would likely still take two years before sites are mandated to be in compliance.

“If they come out in January, there could be a six-month comment period and allow some time for the states to adopt new standards, which could take up to two years,” he said.

If it turns out federal guidelines don't address Iowa's issues, the DNR's rulemaking process could take more than a year, with a three-year time frame to be in compliance, Stobbe said.

More disposal sites?

With the long process of drafting new rules and the uncertainty of what will eventually emerge from the EPA, many fear that more unlined, unmonitored coal ash disposal sites could crop up before new regulations are in place. Kelly Fuller, communications director for Plains Justice, pointed out that even after unlined sites are forced to install liners, unless extensive cleanups takes place “there could still be contamination problems.”

The EPA report suggests that environmental contamination from these types of storage sites could last for a century or longer.

Stobbe said there are no sites currently requesting beneficial use waivers, and to the best of his knowledge, there are no site owners contemplating making a request.

The process for obtaining a beneficial use waiver is relatively simple. A site owner submits a request indicating location and detailing geological information of the site. The DNR would then look into the potential waste stream in order to test the ash to help avoid any toxins leaching out of the site.

“Not just anyone can pull up with a truck full of [coal] ash and dump it in the quarry,” Stobbe said. “Each individual waste stream has to be analyzed and approved.”

However, the process requires no public notice or public hearing for the site owners. In fact, there is no public input whatsoever. While all the requests and information is public record, rules governing beneficial use waivers do not dictate any sort of public awareness or consultation requirement.

Stobbe said the DNR has begun requesting approval from a local entity when granting waivers. While not mandated by law, the state will ask a local planning and zoning board or a board of supervisors to sign off on the project. To date, that has only occurred once. The Wendling Quarries in Goose Lake began accepting coal ash in December 2008 after receiving approval from Clinton County Zoning Administrator Paul Ketelsen in January of 2008.

In a letter to Wendling Quarries Inc. and the Iowa DNR, Ketelsen said since coal ash meets all state requirements for beneficial use it is not required to be disposed of in a sanitary landfill. Therefore local zoning ordinances would not apply.



“It appears that this proposal to dispose of fly ash at quarry sites in Clinton County can proceed,” the letter said.

The Iowa Independent contacted Ketelsen and all three of the members of the Clinton County Board of Supervisors for comment. Only one board member, John Staszewski, responded, and said he has only been in office five months and was not able to comment on the situation.

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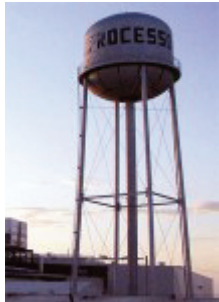
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