

EPA Ruling on Coal Ash

The massive coal ash spill at a Tennessee power plant two years ago may have lasting consequences for consumers and businesses nationwide. The spill at the Kingston plant owned by the Tennessee Valley Authority has prompted the Environmental Protection Agency to propose designating coal waste as hazardous and requiring greater care and increased costs for its storage.

In addition, an environmental group is pushing to ban the use of ash and other coal combustion waste in cement, dry wall and other commercial products. Many other groups don't think such waste should be used as fill for embankments or abandoned mines unless it's encapsulated to prevent it from leeching into groundwater. Even if using recycled coal waste remains legal, designating it as hazardous would stigmatize it and cripple businesses that use it, officials from some of those businesses told members of a House committee. Additionally, if the coal waste is banned altogether, utilities would lose revenue from selling it and would have to pay to store it. Nationally, that would mean finding a home for about 60 million tons of coal combustion waste each year - about 44 percent of the total generated in 2008, according to a study by the American Coal Ash Association. Presumably, those costs would have to be passed along to consumers.

TVA has 11 coal-fired plants. Mike Sutton, manager of the TVA division that uses and markets coal waste, said the authority nets about \$2 million each year selling coal combustion waste, but that's not the real issue. "It's not the money we make, it's the money we save for not having to dispose it," Sutton said. In announcing the proposed new rules, the EPA initially said it wasn't seeking to make major changes in rules for reusing coal combustion waste. But it did ask for comments on "potential refinements." Plus the agency has already shut down part of its website that promoted reusing the waste.

Agency officials issued a written statement saying they still support "legitimate beneficial use of coal combustion residuals." The statement said the EPA decided to shut down the Coal Combustion Products Partnerships program site while it solicits comments as part of the rulemaking process. The Public Employees for Environmental Responsibility proposed barring the federal government from purchasing anything containing coal combustion products. The proposal came as federal officials study how to implement an executive order that President Barack Obama issued last year to reduce the government's emission of greenhouse gases tied to climate change.

"If the federal government is truly going to reduce its carbon footprint, banning coal ash is an unavoidable step," said Jeff Ruch, the environmental group's executive director. Thomas Adams, executive director of the American Coal Ash Association, told members of a House Small Business subcommittee last month that a study by the American Coal Council concluded the reuse of coal ash is worth \$9 - to -\$10 billion to the U.S. economy each year.

Adams said that if the use of coal waste is banned, even exemptions for products such as cement might not prevent legal action. Competitors also could use the hazardous designation in negative marketing campaigns. "The public will always opt for materials that do not have the taint of some sort of hazardous status," he said.