



# Committee on Natural Resources

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## “Coal Ash Reclamation, Environment, and Safety Act of 2009”

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Burning coal to generate electricity results in waste that is commonly called “coal ash.” According to the Energy Information Agency, the U.S. produces about 129 million tons of coal ash each year, and that amount is expected to grow. Some coal ash is recycled into products like concrete. The rest is deposited in impoundments, landfills, and mines. The Environmental Protection Agency estimates that by 2015, U.S. coal ash generation is projected to reach 170 million tons.

Coal ash generated when coal is burned is different than the coal waste generated during mining.

- The coal waste produced at mines typically includes rock, fine coal, and clay suspended in water. One of the main mine waste streams is “coal slurry” which is typically generated at mines when the waste is pumped with water into impoundments.
- Coal ash (also known as coal combustion waste or coal combustion residues) is what is left over after coal is burned, typically at a power plant, for electricity. Coal ash includes the residues from various air pollution control technologies, and thus can include high concentrations of heavy metals; it often consists of fine grained particles or is similar to coarse sand. Coal ash can be stored in a dry form, or in a wet form (mixed with water) similar to coal slurry.
- Coal mining wastes, unlike coal ash, are regulated under uniform federal standards.

The coal ash spill in Tennessee last December brings into sharp focus the fact that there are still no uniform federal design, engineering and performance standards for regulation of coal ash disposal.

Coal ash impoundments are constructed and maintained under a patchwork of State requirements. For example, some States require a solid waste permit for impoundments that receive coal ash, while others regulate the impoundments as water pollution control facilities. Similarly, requirements for liners for coal ash ponds vary State by State. For example, Alabama and Florida do not require liners for surface impoundments for coal ash, while Wisconsin does. Requirements for adequate monitoring and safety inspections of these sites also vary. In light of these gaps, the public can have no confidence in the structural stability of these impoundments.

The “Coal Ash Reclamation, Environment, and Safety Act of 2009” addresses the urgent need to ensure safe storage of coal ash at impoundments like the one in Tennessee. This bill:

- Imposes uniform federal design, engineering, and performance standards on new coal ash impoundments. These standards are to be developed in accordance with the requirements for impoundments in the Surface Mining Control and Reclamation Act of 1977 (SMCRA). SMCRA provides direction for the stable storage of the coal mining wastes, including coal slurry, which are generated at mines—a similar challenge to the storage of coal ash at utilities.
- Provides one year for completion of a detailed inventory of the hundreds of existing coal ash impoundments and the risks each poses to groundwater and human and environmental health. The Secretary of the Interior is given the authority to order improvements of impoundments based on the inventory.
- Requires adequate monitoring and inspection regimes for both existing and new coal ash impoundments.
- Allows States with adequate or superior standards to administer the program similar to the authority provided by SMCRA.