

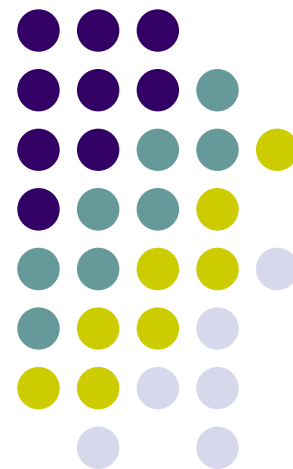
# EPA's Proposed Regulations for Coal Combustion Residuals (CCRs)

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Jim Roewer, USWAG

ISMR

December 7, 2010

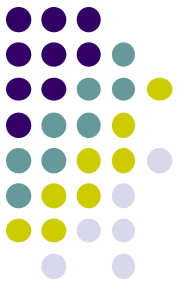


Aerial Image of Kingston Ash Slide Pre-Event 2008

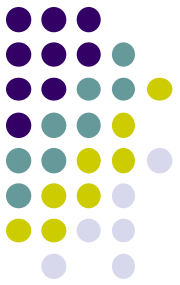




# Proposed Rule (75 FR 35128): Regulatory Options

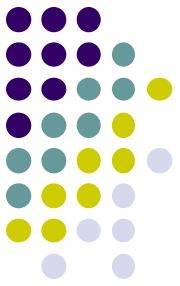


- Regulation of CCRs destined for disposal as a listed hazardous waste under Subtitle C
- Subtitle D controls for CCRs destined for disposal
- CCRs destined for beneficial use excluded from regulation (EPA reserves the right to revisit, especially with regard to unencapsulated uses)



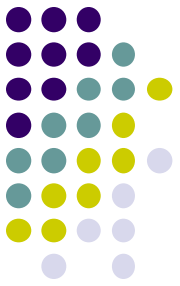
# USWAG Comments

- Legal Arguments
  - EPA Cannot Promulgate Subtitle C Regulations for CCRs
  - Subtitle C Proposal is Legally Flawed
- Policy Arguments
  - Rationale for Not Regulating CCRs as Hazardous



# USWAG Comments

- Oppose Subtitle C Option
- Support Regulation as Non-hazardous Waste; Subtitle D Prime Option with Adjustments
- Support Dam Safety Regulations



# USWAG Comments

- Beneficial Uses Should Be Excluded from These Regulations
  - Environmentally Protective Beneficial Use Projects Should Not Be Subject to Regulation as Disposal Units
  - CCR Regulations Should Not Apply to Mine Placement



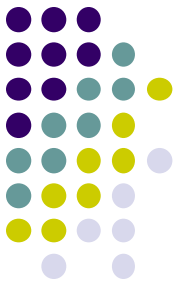
# Third Party Support

- Congress
- States
  - ECOS, ASTSWMO, NGA, WGA
  - Environmental Agencies
  - DOTs
  - PUCs
- Labor
- Ash Users
- Chambers of Commerce, Industry

USWAG



# Third Party Support



Last Revised: 10/27/2010

## Coal Combustion Byproducts Comments & Letters

Please note: The following letters and comments are separated into two categories: communications during the pre-proposal stage, and communications made following publication of EPA's proposed CCR Regulations.

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### **TAKE ACTION NOW!**

#### **Act Now. EPA's Coal Ash Comment Deadline Is Approaching Quickly!**

Your help is needed to send a message to EPA Administrator Jackson that the electric utility industry supports the implementation of federally enforceable, non-hazardous waste regulations for coal ash that address both environmental protection and impoundment safety. Regulating coal ash right will protect the environment, jobs, and electricity consumers. Visit [www.RegulateCoalAshRight.org](http://www.RegulateCoalAshRight.org) for more information and to send your message today.

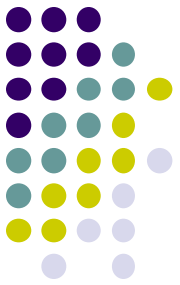
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## Comments/Letters on EPA's Proposed Regulations

### Congressional Letters

- [Senator Casey letter to EPA \(July 27, 2010\)](#)
- [Senators Conrad & Brownback Letter to EPA \(July 29, 2010\)](#)
- [Senators Rockefeller and Goodwin \(July 29, 2010\)](#)
  
- [Representatives Boucher & Upton \(House Energy & Commerce Committee\) Letter to EPA \(July 29, 2010\)](#)
- [Press Release from Reps Boucher and Upton](#)
- [Representative Holden letter to EPA \(July 29, 2010\)](#)
- [Representative Ellsworth Letter to AEPA \(July 27, 2010\)](#)

# Third Party Support



[www.uswag.org/ccbletters.htm](http://www.uswag.org/ccbletters.htm)

Last Revised: 10/27/2010

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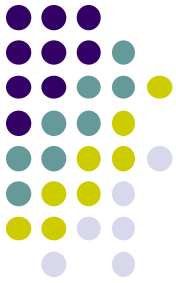
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# Utility Industry's Grassroots



## Learn More

- [The Facts About Coal Ash Regulation](#)
- [What Others Are Saying There Is Strong Support for Regulating Coal Ash As Non-Hazardous Waste](#)
- [EPA's Proposed Rule Hazardous and Solid Waste Management System: Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals from Electric Utilities](#)

## Additional Resources

- [American Coal Ash Association](#)
- [Citizens for Recycling First](#)
- [Coal Ash Facts](#)
- [Utility Solid Waste Activities Group](#)

**Send Your Comments Now!**

## Take Action Now! ▶

On June 21, 2010, the U.S. Environmental Protection Agency (EPA) proposed federal rules for the management of coal ash and other coal combustion residuals ("CCRs") produced by coal-based power plants across the country. EPA included a range of regulatory options in its proposal and is asking for public comment by September 20, 2010.

The electric utility industry and a majority of other stakeholders—including Governors, state regulatory agencies, state and local policymakers, and labor unions—support EPA's option of regulating coal ash and other CCRs as non-hazardous waste under Subtitle D of the Resource Conservation and Recovery Act (RCRA). And following decades of study, EPA concluded in 2000 that "Subtitle D regulations are the most appropriate mechanism for ensuring that these wastes disposed in landfills and surface impoundments are managed safely."

Non-hazardous waste regulation will ensure that coal ash is managed safely, while also protecting human health and the environment, jobs, and electricity consumers. EPA's other option—to regulate coal ash as a hazardous waste under RCRA Subtitle C—would impose staggering costs on power plant operations, causing electricity costs to increase and threatening electric reliability.

Regulating coal ash right—as non-hazardous waste—also will ensure the continued beneficial use of coal combustion byproducts, which today are used in a variety of applications including sustainable construction practices. In fact, coal ash has been used for more than 80 years as a substitute for cement in concrete.

You can help send a message to EPA that coal ash does not warrant hazardous waste regulation. Use this site to send your comments now.



Regulating coal ash as a non-hazardous waste **will** protect the environment.



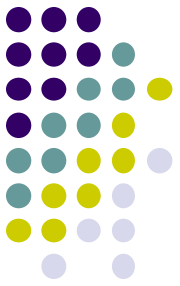
Since 2000, 435 million tons of coal ash have been recycled.




The beneficial use of coal ash has an annual impact of approximately \$9 billion on the U.S. economy.



Regulating coal ash as a hazardous waste **will** increase electricity costs and threaten thousands of American jobs.



# Utility Industry's Grassroots



## Regulate Coal Ash Right To Protect the Environment, Jobs, and Electricity Consumers

### Take Action Now!

**Act Now. EPA's Comment Deadline is Approaching Quickly!**

Your help is needed to send a message to EPA Administrator Jackson that the electric utility industry supports the implementation of federally enforceable, non-hazardous waste regulations for coal ash that address both environmental protection and impoundment safety. Regulating coal ash right will protect the environment, jobs, and electricity consumers.

Simply fill out the privacy-protected registration form at right. Then click register to review your letter and submit it to let EPA know that you support federal non-hazardous waste regulation of coal ash. Please note EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided.

### Act Now!

Fill out the form below to get started.

Phone:

First Name:

Last Name:

Address 1:

Address 2:

City:

State:

Zip Code:

Email:

I Am A:

\* Denotes a required field.

[Contact Us](#) | [Privacy Policy](#) | [Return to Home](#)

**Register**

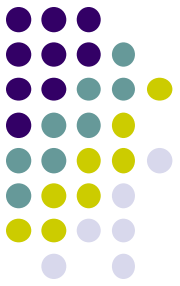
POWERED BY IDCA Alliance

# Next Steps – Round 3



- EPA Review of Comments
- Build and Leverage Third-party Support
- Development of Federal Subtitle D Regulations

# Questions?



Jim Roewer

202/508-5645

[jim.roewer@uswag.org](mailto:jim.roewer@uswag.org)

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