

RCRA Ash

**From Subtitle D to Subtitle C
From
EPA's failure to promulgate
Regulations to
EPA promulgating Regulations**

Sniping

- The Environmental Community for the past 8 years kept taking shots as CCB management
- Was happy that EPA back burner proposing regulations
- Industry went from hyperactive Subtitle D to complacency and no regulations
- Industry had to restart the engine but it may be to little to late

TVA – An Accident Waiting to Happen

- Without the Dam Breaks at EPA, the case for regulating ash under Subtitle C was not there
- With the Dam Break, the Case Grew
- Timing was everything

The Key Principal Driving EPA

- FEDERALLY ENFORCEABLE PERMIT
- THE NAS STUDY RECOMMENDED FEDERALLY ENFORCEABLE PERMIT FOR CCB PLACEMENT IN MINES
- EPA staff, administration, environmental supporters and members of Congress has been pushing the issue

CCB Coalition Group

- Formed to push for Subtitle D Regulations
- Go to the following website for background on their effort:

<http://www.uswag.org/ccbc.htm>

CCB Regulations Status

- Reportedly, EPA will be proposing a Subtitle C Classification for CCBs
- Not sure what the language will look at, but probably something similar to how they treated cement kiln residuals
- Impacts recycling because of the CERCLA Exposures
- Will Impact beneficial uses

CCB Regualtions

- If promulgated under Subtitle C, there may be a problem with siting CCB disposal sites.
- Reason: Hazardous Waste Siting Criteria

Warning Shot

- The Environmental Integrity Project has given EPA 60-day notice of its intent to sue over failure to review and update effluent guidelines for the Electric Power Generating Units
- One of the drivers is the TVA dam failure

CITIZENS COAL COUNCIL

- Notified OSMRE of their intent to file suit under the federal Surface Mining Control and Reclamation Act (SMCRA) against Interior's Office of Surface Mining Reclamation and Enforcement (OSMRE) for failure to enforce SMCRA in its oversight of Pennsylvania's federally-delegated responsibilities

CCC

- CCC's legal notice cites Pennsylvania's Department of Environmental Protection (PA DEP) for chronic and deliberate violations of SMCRA through PA DEP's pattern and practice of disposing millions of tons of coal ash - also known as coal combustion waste, or CCW - into coal mines. Coal ash contains many hazardous chemicals and poisonous metals, such as arsenic and lead, in highly concentrated quantities.

Two Prong Attack

- Another law suit on ash management
- Attack on Joseph Pizarchic's Nomination as Director of OSM

Pennsylvania Program UPDATE

- Pennsylvania's proposed rules for beneficial use of ash in coal mines will be shortly be published for public comment
- The monitoring requirements are significant and in some case problematic
- The "triggers" for determining future actions is under review and could be problematic.

TDS discharges

- TDS levels in discharges is becoming a problem.
- Pa and WV have put effluent limits (end of pipe) in permits and proposed regulations of 500 mg/l for TDS, 250 mg/l for sulfates and chlorides.