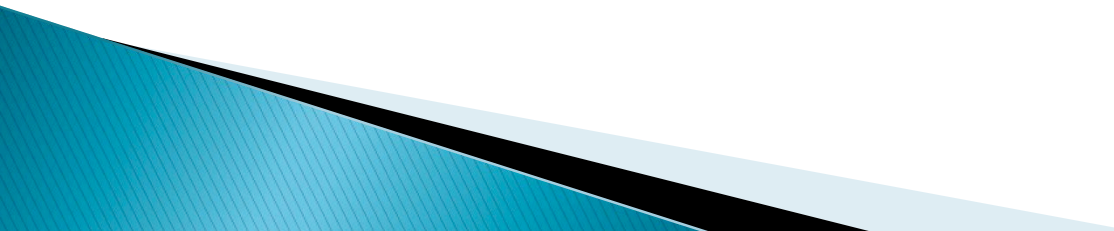


CIBO
Technical Focus Group
Environment–Energy Committee
Meeting
Sept. 10–11, 2013
Arlington, Va

RCRA Ash



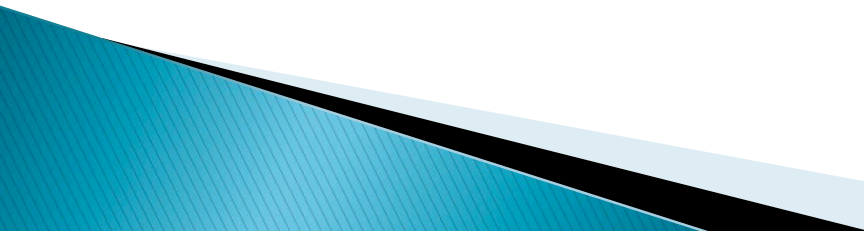
Updates

- ▶ Legislation
 - ▶ Effluent Limitation Guidelines (ELG) for Steam Electric Generating Facilities
 - ▶ RCRA Ash Notice of Data Availability (NODA)
 - ▶ State of North Carolina Actions
 - ▶ Another Environmentalist Action–Not Ash but Coal
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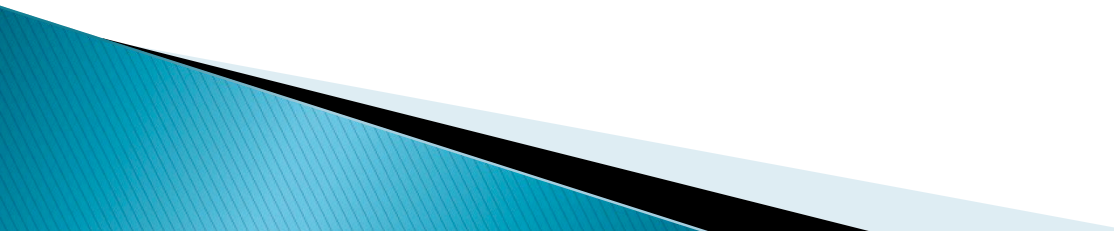
Legislation

- ▶ The Coal Residuals Reuse and Management Act of 2013 passed with bipartisan support, 265–155. (Rep. McKinley, WV, Primary Sponsor)
- ▶ The bill passed by the US House of Representatives would limit the Environmental Protection Agency's authority over coal ash.
- ▶ The Bill moves to the Senate.
- ▶ A Group of US Senators are working to introduce a similar bill in the Senate.
- ▶ Senator Boxer has indicated no bill will be moved through her Committee.

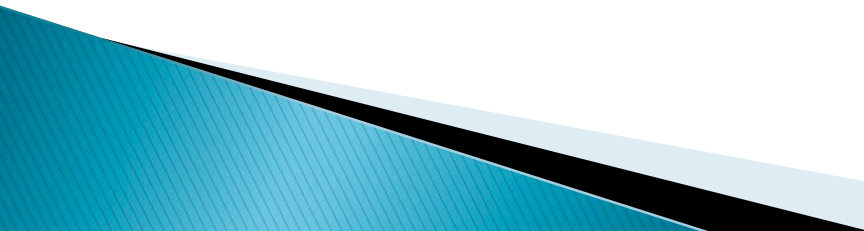
Effluent Limitation Guidelines

- ▶ EPA Proposed new rules for discharges from steam electric generating facilities, including discharges from coal ash disposal sites
 - ▶ Comments are due by Sept. 20, 2013
 - ▶ While the ELG is directed at EGUs, the potential impact, like the proposed rule to regulate Coal Combustion Residuals, is not directed at the non-EGU Industrial Units will most likely impact these Units at the State Level.
 - ▶ CIBO is preparing comments.
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RCRA NODA

- ▶ EPA followed up on the proposed rule for ELGs by Notice of Data Availability seeking comments.
 - ▶ Part of the NODA dealt with the ELG rule and some additional information.
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State of North Carolina Action

- ▶ North Carolina's environment department filed two law suits which seek injunctions against 12 Duke Energy coal-fired power plants where ash has polluted water. (New Damage Cases)
 - ▶ The Suits cite groundwater pollution at all 12 of the plants and illegal seepage from ash ponds at most of them.
 - ▶ Ash contains metals that can be toxic in high doses. The lawsuits cite a number of elements – including arsenic, boron, selenium and thallium – that occur naturally but whose presence at the plants indicate a link to ash.
 - ▶ Note Duke has retired 7 of these facilities.
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Another But Different Action

- ▶ On June 5, 2013, Columbia Riverkeeper and allies filed a Clean Water Act lawsuit to stop toxic coal discharges from trains into Northwest waterways.
- ▶ The action claims Big Coal and the rail company Burlington Northern Santa Fe are accountable for the illegal discharge of coal from trains traveling through the Columbia River Gorge and beyond.
- ▶ **Coal is toxic.** It contains heavy metals that pollute our water and harm aquatic life. Coal trains can lose 500 pounds of coal from each car, according to Burlington Northern's own calculations. Riverkeeper and allies documented significant amounts of coal pollution along the the tracks and in the water.