



POTOMAC RIVERKEEPER, INC.

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Potomac Riverkeeper Responds to EPA Regulations for the Disposal of Coal Ash

Rule ignores plain facts and misses opportunity to put real protections in place for waters and communities.

Washington DC -- December 19, 2014 – To comply with a court-ordered deadline, the U.S. Environmental Protection Agency (EPA) today has issued its first-ever national rule on the disposal of coal ash. This toxic byproduct of coal-fired power plants, which contains arsenic, chromium, lead, mercury and other known toxins and heavy metals, is the second-largest waste stream in the United States. But the vast majority of it is improperly stored in unlined and uncovered coal ash lagoons, often adjacent to our nation's rivers and streams.

Until today, coal ash has been exempt from federal regulation, leaving it to the states to control—and most states have chosen to subject coal ash to less regulation than regular solid waste. This has left our rivers and streams subject to catastrophic coal ash spills, contaminated drinking water sources, tainted waterways and deformed fish from the irresponsible disposal of this toxic waste.

In the Potomac Watershed alone, we have identified at least 29 coal ash storage sites, about half of which contain open coal ash ponds, or lagoons—often multiple ponds at each site. All of these sites are likely leaching toxic waste into the ground and surface water; many of these are immediately adjacent to the Potomac or its tributaries, leaving the Potomac vulnerable to the types of toxic coal ash spills that devastated the Dan River in Virginia earlier this year and the Emory River in Tennessee in 2008.

With today's rule, EPA had the opportunity to finally address this troubling legacy. While we are encouraged that EPA has put together guidelines for the states to put basic safety measures that apply to normal solid waste in place—such as ensuring minimum structural integrity of coal ash ponds, and remediating coal ash sites that are contaminating groundwater at levels that violate local groundwater standards—Potomac Riverkeeper is disappointed to learn that EPA did not classify coal ash as hazardous waste, which would have invoked much tougher federal hazardous waste management rules with stricter federal oversight. Potomac Riverkeeper is disappointed to see that, despite a record of failure on the part of states to properly control this problem, EPA opted for a rule that puts the lion's share of responsibility for oversight on the states. The following is a statement from Sarah Rispin, Potomac Riverkeeper, and General Counsel of Potomac Riverkeeper.

"By regulating coal ash as non-hazardous waste, EPA is trying to sweep a very real, and very toxic problem, under the rug. But calling coal ash 'non-hazardous' doesn't make it so. It is indisputable that coal ash contains dangerous heavy metals including arsenic, chromium, lead, mercury and thallium, and that these toxins contaminate the land and water around hundreds of coal ash dumps across the country—including over two dozen in the Potomac Watershed. We are saddened to see EPA cave to

industry pressure and pretend that this toxic waste is 'non-hazardous' to avoid imposing the expense of proper disposal on an industry that has been getting away with negligent practices for years."

Potomac Riverkeeper is working to evaluate this complex rule, and to determine what, if any, practical protections it adds for our region against the threat of leaks and collapse from the multiple coal ash storage sites in our watershed, and will release a further statement in the coming weeks.