

# Coal ash spill reveals risks, lapses in waste regulation

January 8 2009, By Renee Schoof

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The coal ash spill in Tennessee last month is putting a spotlight on whether the ash from 450 other power plants around the country could be contaminating the nation's drinking water supplies.

Some coal ash is recycled into products such as cement or placed in secure landfills, but much of it ends up in gravel pits, abandoned mines and unlined landfills - or in ponds like the one that burst in Kingston, Tenn., on Dec. 22. In the Tennessee incident, 5.4 million cubic yards of sludge laced with arsenic and other toxic materials poured over 300 acres - making it one of the nation's worst environmental spills.

The EPA in 2000 decided that coal ash wasn't hazardous waste and left regulation up to the states. Now, however, environmental activists say the Tennessee spill shows the need for federal standards for how coal waste is handled at the coal-fired power plants around the nation.

"It's an insanely dangerous scenario that's been allowed to develop, but it's all under the radar screen," said Jeffrey Stant of the Environmental Integrity Project, a group formed by former EPA enforcement attorneys that's compiling data on coal ash disposal sites.

Stant said most states have lax regulations and that much of the monitoring is done on a voluntary basis by the utilities that own the plants that burn the coal.

He and other activists want the EPA to start with banning the common

practice of sluicing coal waste into ponds and storing it there.

"When you put it along a river in an unlined lagoon, you threaten to contaminate the shallow alluvial aquifer that's right under the river," which provides drinking water, Stant said. He said he had no faith in the scientific evidence produced by the utility companies.

The Tennessee Valley Authority says tests show Kingston's drinking water is safe.

"We're not doing anything different than other utilities that have coal plants," said TVA spokesman Gil Francis. About half of the TVA coal waste is put in wet ponds like the one at Kingston, and the rest is compacted in dry ponds. TVA inspects the ponds annually, the state checks them quarterly, and TVA employees look at them daily, he said.

TVA, a corporation owned by the federal government, operates the plant at Kingston where spill occurred. The Kingston Fossil Plant was the largest coal-burning power plant in the world when it began operating in 1955. The plant normally consumes about 14,000 tons of coal a day.

TVA is the largest U.S. public power company, providing electricity to 9 million people in Tennessee, Kentucky, Mississippi, North Carolina, Georgia, Alabama and Virginia. It produces 60 percent of that electricity from coal at 11 plants completed mostly in the 1950s. The newest came online in the mid-1960s.

The House Committee on Natural Resources this week started considering whether to propose a law that would impose federal regulations on coal ash waste stored in ponds such as the one in Tennessee, said committee chief of staff Jim Zoia.

Steve Smith of the Southern Alliance for Clean Energy, said that states

have tended to defer to utility companies to take care of the waste, and the EPA has depended on industry to fill out voluntary surveys.

"It's clearly been neglected for the past eight or nine years but it's a problem that's only going to get worse as we do a better job of controlling air pollution," he said. "As you clean coal up, you can't just make the dirty stuff disappear. It's got to go somewhere."

Smith said he wants "some federal leadership to properly characterize this problem and get aggressive in setting up regulatory standards that people have some confidence in."

EPA spokeswoman Tisha Petteway said the American Coal Ash Association, which is made up of coal-fired power utilities and others that produce coal combustion waste, is the source of information about how much coal ash is generated in the country each year. EPA also measures toxic releases from individual plants.

Petteway said the latest data, an EPA and Energy Department survey from 1993, estimated there are about 300 surface ponds at electric power plants like the one in Tennessee.

"The majority of states" require controls on the site, liners in landfills and groundwater monitoring, Petteway said. The effectiveness of the protection, however, depends on whether states use the authority they have, she said in a written response to questions.

States are regulating coal ash more as new plants are added, she said.

Jim Roewer of the Utility Solid Waste Activities Group, a lobby group devoted to keeping the non-hazardous status of coal combustion waste, said he expects the Tennessee spill will be used in a new discussion of what national standards might be imposed, but his group believes they're

not needed because state regulation works.

"Utilities are working to manage the ash responsibly," he said.

Roewer said there are about 600 coal ash disposal sites - about 45 percent of them surface ponds, and the rest landfills.

Lisa Evans, an attorney with Earthjustice, a law firm, said it's easier to say which state does a good job of regulation - Wisconsin - than to list the many who handle it poorly.

Nationally, coal combustion waste is estimated at more than 129 million tons a year, she said. The problem, she said, is that because of a lack of federal oversight, "we don't know where it goes."

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