

Biden EPA pushes for federal regulation of toxic coal ash dumps threatening drinking water in multiple states

May 22 2023, by Michael Hawthorne



Credit: Pixabay/CC0 Public Domain

As energy companies shift away from burning coal to generate electricity, many are leaving behind toxic waste that could endanger

public health and the environment for years to come.

New regulations proposed by the Biden administration would expand the number of [coal](#) ash dumps subject to federal oversight, a change intended to prevent spills that during the past decade wreaked havoc near power plants in North Carolina and Tennessee.

One of the sites that would come under federal oversight is the Waukegan Generating Station on Lake Michigan, a former ComEd coal plant ringed by two unlined ash ponds and an unlicensed landfill. Another is a Joliet quarry where ComEd and other companies dumped coal ash until NRG Energy overhauled a nearby coal plant in 2016 to burn natural gas.

Ten Illinois ash dumps pose a danger to the drinking water supplies of nearby communities, including the Joliet site and ash pits surrounding another NRG coal plant along the Des Plaines River in Romeoville. Another site that threatens Lake Michigan is a coal plant in Michigan City, Indiana, owned by the Northern Indiana Public Service Co., which has planned to excavate and safely dispose of only half of its waste.

EPA Administrator Michael Regan noted that many of the leaking ash dumps are in or near low-income, predominantly Black or Latino communities.

"We are hopeful this rule will hold these industries accountable and send a message that community members and taxpayers will no longer be responsible to clean up their mess," said Dulce Ortiz, co-chair of the Waukegan-based group Clean Power Lake County. "We all deserve healthy communities and environments that our families and future generations can enjoy."

The Biden proposal, unveiled this week by the U.S. Environmental

Protection Agency, would replace Obama-era rules thrown out by a [federal court](#) and even weaker standards adopted during the Trump administration.

If the latest version survives political and [legal challenges](#), it would require more protective measures from companies in Republican-controlled states such as Indiana, Kentucky, Ohio and West Virginia. It also would add the prospect of federal enforcement in Illinois and other states that in recent years adopted regulations intended to force the clean up of largely unlined dumps leaching pollution into lakes and rivers.

Despite well-documented dangers, dumps surrounding about 250 coal plants are regulated far more loosely than household garbage landfills. Environmental groups that sued the EPA demanding tougher rules welcomed the Biden administration's proposal as a major step forward but noted it would still exempt some coal ash dumps from federal oversight.

"The EPA is taking significant steps to address a massive loophole that let many coal plant owners off the hook from cleaning up the toxic mess they created," said Lisa Evans, senior counsel at the nonprofit Earthjustice legal organization. "Power plants will finally lose their hall pass to leave coal ash wherever they dumped it."

It took a federal court order to nudge the EPA to submit a new version of the regulations. Under the proposal, [energy companies](#) would be required to monitor their ash dumps and, in many cases, clean them up.

Most of the waste in Illinois has been mixed with water and pumped into unlined pits, where testing shows harmful levels of arsenic, chromium, lead and other heavy metals are steadily oozing through the ground toward lakes and rivers, including the Middle Fork of the Vermilion River, the state's only national scenic river.

After decades of scant oversight, Illinois in 2021 adopted its own regulations that require coal ash dumps to be sealed or excavated.

"It appears our rules are just as strong, if not stronger" than the Biden EPA's proposal, said Andrew Rehn, senior water resources engineer at the Champaign-based Prairie Rivers Network, one of the nonprofit groups that has been pushing for years to clean up the pollution.

Clout-heavy utilities and coal companies blocked several attempts during the 1990s and 2000s to classify coal ash as hazardous waste. Energy companies further delayed action by challenging regulations adopted by the Obama administration in 2015 and persuading the Trump administration to propose a weaker alternative in 2020.

Regan, who led North Carolina's environmental agency before joining the Biden administration, helped broker a multibillion-dollar settlement with Duke Energy after major spills of coal ash from two of the company's [power plants](#).

Earthen berms are the only thing holding back coal ash at many of the sites nationwide. In 2008, 5.4 million cubic yards of waste poured into rivers near the Tennessee Valley Authority's Kingston Fossil Plant after a dike failed. The disaster prompted Earthjustice and other groups to call for the removal of coal ash from every other site, something that could finally start happening if the new federal regulations are adopted.

2023 Chicago Tribune.

Distributed by Tribune Content Agency, LLC.

Citation: Biden EPA pushes for federal regulation of toxic coal ash dumps threatening drinking water in multiple states (2023, May 22) retrieved 25 April 2024 from <https://phys.org/news/2023-05-biden-epa-federal-toxic-coal.html>

This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.