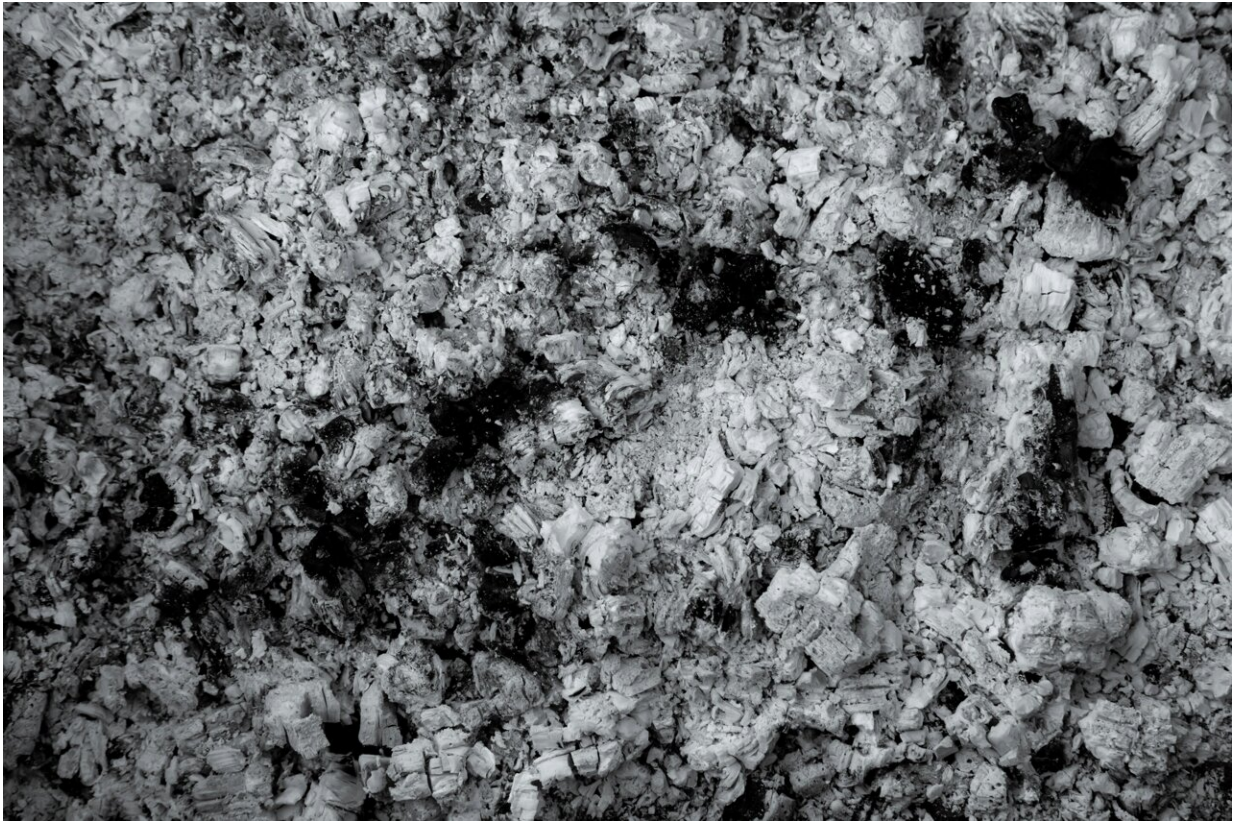


Environmental groups ask feds to take over Georgia's coal ash program

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A handful of environmental groups filed a petition July 18 asking the U.S. Environmental Protection Agency (EPA) to claw back oversight of the disposal of Georgia's toxic coal ash from state regulators, citing

concerns over groundwater contamination.

Coal ash is a byproduct of burning coal and contains heavy metals like arsenic and mercury. For decades, utilities dumped this waste into unlined ponds where toxic substances leached into groundwater or spilled into waterways during storms. One such disaster on the Dan River in North Carolina in 2014 prompted a series of reforms aimed at limiting coal ash pollution.

Since then, Georgia was one of very few states granted permission to oversee its own coal ash disposal program, but it must comply with the minimum federal protections. On multiple occasions since 2022, the EPA has warned Georgia both publicly and privately that it was in danger of running afoul of federal coal ash rules by allowing utilities to cap unlined coal ash ponds with the waste in contact with groundwater.

Federal regulations say coal ash ponds must be closed in a manner that controls, minimizes or eliminates contamination of groundwater to the "maximum extent feasible." In many cases, that is done by digging out the waste and moving it to a lined landfill.

There are 30 known coal ash ponds in Georgia, 29 of which are owned by Georgia Power at 11 sites across the state. The company plans to close nine of those ponds in place without removing the waste to a lined landfill, according to a recent public filing.

Despite the EPA's warnings, the Georgia Environmental Protection Division (EPD) issued Georgia Power a permit to cap and close an unlined pond at Plant Hammond in Floyd County near Rome. The pond contains more than 1 million tons of coal ash, which is sitting in up to 10 feet of groundwater near the bank of the Coosa River, the conservation groups' petition says.

"[...] Georgia Power completed closure before it had even applied for the permit, and the final cover had been installed while the bottom of the waste pit remained submerged in groundwater," the petition says. "EPD had simply rubber stamped that closure."

The petition says state regulators are "blatantly" ignoring coal ash disposal standards and calls on the federal government to step in. The appeal was sent by the Southern Environmental Law Center on behalf of itself and Earthjustice, Altamaha Riverkeeper, Chattahoochee Riverkeeper, Coosa River Basin Initiative, Georgia Interfaith Power & Light, and Sierra Club.

"Years have passed while EPA has attempted to convince Georgia EPD to follow the law and protect Georgia's water resources and communities," the petition says. "The time for cooperative inter-agency talks is at an end."

Fletcher Sams, executive director of the Altamaha Riverkeeper, one of the petitioners, said people living near coal ash ponds deserved more than "lip service" from the federal government.

"Does EPA and this administration have the political will to enforce the law and protect Georgians?" he said.

The EPA is reviewing the petition, a spokesperson said in an email.

A spokesperson for Georgia EPD said in an email that state regulators and EPA are "continuing to have discussions about EPD's federally delegated [coal ash disposal] program."

"EPD is reviewing the recent legal developments relating to [the program] and is committed to ensuring that Georgia's [coal ash disposal] permits are consistent with federal and state regulations and are

protective of public health and the environment," the Georgia EPD spokesperson said.

Georgia Power issued a statement with similar language, saying state and federal regulators are "continuing discussions on our permit applications, industry developments, and interpretations of the most recent rule."

"We will continue to work with EPD to ensure closure plans across our facilities remain in compliance with state and federal rules," the utility said.

The petition follows two recent developments that could spell trouble for [state regulators](#) and Georgia Power.

Earlier this year, the EPA denied a request by Alabama to start a similar program to Georgia's, citing concerns that Alabama has allowed utilities to leave their coal ash sitting in groundwater. Then, in June, a D.C. appeals court dismissed a [legal challenge](#) from utilities to the EPA's crackdown on [coal ash](#) in groundwater, siding with federal regulators.

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