

**For Immediate Release**



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## **Coal Ash Association Applauds EPA Deadline for Finalizing Regulations**

**January 29, 2014, Farmington Hills, MI** — The American Coal Ash Association (“ACAA”) today hailed a federal court action establishing a deadline for the U.S. Environmental Protection Agency to finalize a longstanding rulemaking that has created uncertainty over the regulatory status for coal ash.

“The regulatory uncertainty that has impeded the beneficial use of coal ash for half a decade is finally coming to an end,” said Thomas H. Adams, ACAA Executive Director. “It now appears that 2014 is the year for EPA to finally establish federal coal ash disposal guidelines under the ‘non-hazardous’ section of the law.”

In a Consent Decree signed by all of the parties to a federal lawsuit that sought to compel a deadline for EPA, the Agency agreed to a December 19, 2014, deadline and continued to signal that its final regulation would be promulgated under the “non-hazardous” Subtitle D of the Resource Conservation and Recovery Act (“RCRA.”)

“The EPA Administrator shall, by December 19, 2014, sign for publication in the Federal Register a notice taking final action regarding EPA’s proposed revision of RCRA subtitle D regulations pertaining to coal combustion residuals,” the Consent Decree said. EPA has indicated in a related rulemaking on Effluent Limitation Guidelines that the Agency’s “current thinking” is that a Subtitle D regulation will be appropriate.

“Finalizing coal ash disposal regulations this year will help us to regain momentum for keeping ash out of landfills in the first place,” said Adams. “Ash users have been waiting for EPA to confirm that it will not reverse more than 30 years of federal policy that ash is a non-hazardous material with numerous beneficial uses. That confirmation is now imminent.”

The beneficial use of coal ash has been harmed by regulatory uncertainty surrounding the rulemaking EPA commenced in the wake of a December 2008 failure of a coal ash disposal facility in Tennessee. According to ACAA’s most recent “Production and Use Survey,” 51.9 million tons of Coal Combustion Products (“CCPs”) were beneficially used in 2012 – down from 56.6 million tons in 2011 and well below the 2008 peak of 60.6 million tons. In the closely watched category of fly ash used in concrete, utilization remained level at 11.8 million tons, up by only 44,000 tons over 2011 and still below 12.6 million tons in 2008.

The decline in use volumes stands in stark contrast to the previous decade’s trend. “In 2000, when the use volume was 32.1 million tons, the EPA issued its Final Regulatory Determination that regulation of ash as a ‘hazardous waste’ was not warranted. Over the next eight years, EPA also began actively promoting the beneficial use of coal ash and the use volume soared to 60.6 million tons,” said Adams.

“As an organization devoted to using coal ash in environmentally responsible and technically sound ways, we look forward to finally being able to focus all of our attention back on growing these uses,” said Adams. “Millions of tons of coal ash will continue to be generated in the U.S. every year. With disposal regulations finally settled, we can refocus energy on productively using those large volumes of material rather than throwing them away.”

### **About Coal Ash Beneficial Use**

Coal remains the largest fuel source for generating electricity in America and produces large volumes of coal ash — the generic term for several solid materials left over from the combustion process.

There are many good reasons to view coal ash as a resource, rather than a waste. Using it conserves natural resources, saves energy and significantly reduces greenhouse gas emissions from the manufacturing of products that are replaced. In many cases, products made with coal ash perform better than products made without it. For instance, coal ash makes concrete stronger and more durable. The American Road and Transportation Builders Association estimates use of coal fly ash in concrete roads and bridges saves highway builders more than \$5 billion per year.

Major uses of coal ash include concrete, gypsum wallboard, blasting grit, roofing granules, and a variety of geotechnical and agricultural applications.

***The American Coal Ash Association was established in 1968 as a trade organization devoted to recycling the materials created when we burn coal to generate electricity. Our members comprise the world's foremost experts on coal ash (fly ash and bottom ash), and boiler slag, flue gas desulfurization gypsum or "synthetic" gypsum, and other "FGD" materials captured by emissions controls. While other organizations focus on disposal issues, ACAA's mission is to advance the management and use of coal combustion products in ways that are: environmentally responsible; technically sound; commercially competitive; and supportive of a sustainable global community. [www.acaa-usa.org](http://www.acaa-usa.org)***