Coal Ash Association Welcomes EPA Final Rule Regulating Ash as ‘Non-Hazardous’ Material

December 19, 2014, Farmington Hills, MI — The American Coal Ash Association (“ACAA”) today welcomed the publication of a U.S. Environmental Protection Agency Final Rule regulating coal ash disposal as a “non-hazardous” material.

“The regulatory uncertainty that has impeded the beneficial use of coal ash for half a decade has finally come to an end,” said Thomas H. Adams, ACAA Executive Director. “EPA’s final decision to regulate coal ash as a ‘non-hazardous’ material puts science ahead of politics and clears the way for beneficial use of ash to begin growing again – thereby keeping ash out of landfills and disposal ponds in the first place.”

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,” coal ash utilization remained below 2008 levels for the fifth consecutive year in 2013. If the past five years had simply remained equal with 2008’s utilization, 26.4 million tons less coal ash would have been disposed in landfills and impoundments.

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.”
Adams noted that coal ash has never qualified as a “hazardous waste” based on its toxicity. The trace levels of metals present in coal ash are comparable to the levels of metals in materials coal ash replaces when it is used. “EPA’s proposed landfill engineering standards were the same ‘non-hazardous’ standards under all of the agency’s proposals,” said Adams. “This protracted debate was never about engineering; it was mainly an argument over who gets to enforce the rules.”

Adams said he is also encouraged by EPA recently resuming positive statements about the beneficial use of coal ash, which remains exempt from regulation. In February 2014, EPA published an exhaustive evaluation of the use of fly ash in concrete and synthetic gypsum in wallboard, concluding that both applications are safe and should be encouraged.

“We appreciate EPA’s effort in conducting a thorough evaluation of the safety of coal ash use,” said Adams. “The study reconfirmed what we have learned through decades of successful beneficial use. Coal ash use is safe and should be encouraged.”

Adams added, “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 materials 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.

About the American Coal Ash Association

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