



COAL: Debate continues on federal regs for power plant waste *(Wednesday, June 11, 2008)*

Katherine Boyle, E&E Daily reporter

Scientists, government officials and industry stakeholders wrangled over whether the federal government should be involved in regulating coal combustion waste from power plants during a House Energy and Mineral Resources Subcommittee hearing yesterday.

Growing concerns about the health and environmental effects of byproducts such as bottom ash, boiler slag and fly ash, which contains toxic heavy metals and may increase communities' cancer risks, could lead to increased government regulation.

Mark Squillace, the director of the University of Colorado School of Law's Natural Resources Law Center, called for a federal, rather than state, standard. Allowing states to create their own standards would cause companies to dump their waste in the state with the least stringent restrictions, creating significant problems in certain communities, he said.

But Squillace noted the sheer size of the disposal problem means federal policy should have a strong focus on using coal combustion residue in products such as concrete and asphalt, where they will not leach out and harm the environment or public health, instead of placing it in landfills or abandoned mines.

Power companies produce more than 125 million tons of coal combustion products each year, but 43 percent of the waste is recycled. The total amount of waste produced would fill 1 million railroad cars, according to the National Research Council.

Disposal of those products should be an option of last resort, Squillace noted. The federal government should instead promote using them for secondary beneficial purposes like coal mine reclamation or soil modification and stability. At the same time, there should be disincentives for disposal, particularly because treating contaminated sites is very expensive, he added.

David Goss, executive director of the American Coal Ash Association, an industry group, said giving states the power to regulate coal combustion products independently ensures regulations will be tailored to specific climate and geographic conditions.

"Federal regulations would not be able to cover each of the scenarios," he added. Goss also suggested power companies have grown more aware of problems with their disposal methods over the past several years, saying they are becoming self-policing.

Ranking member Louie Gohmert (R-Texas) agreed that unique environmental challenges could make it difficult for some states to comply with federal regulations. He used air pollution in his East Texas district as an example.

The EPA standard for ground level ozone is 75 parts per billion, he noted.

"In East Texas we have a tremendous amount of pine trees and all kinds of pollen," Gohmert said. "At certain times of year, the air pollution is at 70 parts per billion just from pollen and natural sources."

He said some have suggested East Texas would have to cut down all its trees and pour concrete over all its grass to effectively comply with federal air pollution standards.

Minimum federal standard

Maryland Environment Secretary Shari Wilson advocated a compromise scenario, where the federal government would create a minimum standard and states would develop programs addressing their specific situations.

Gohmert raised questions about her proposal. "What if the federal level puts Maryland in a bind to comply?" he asked. Imposing federal standards seems to imply states are incapable of handling the problem on their own, he added.

However, Wilson said states have a long history of working with EPA to craft standards that meet a minimum federal requirement.

Some states are already leading the way, Costa noted. Wisconsin reuses about 85 percent of its coal waste, the highest rate in the country.

The regulation debate has ignited, in part, due to a 2006 report by the National Research Council that found gaps and inadequacies in state regulatory programs and recommended the creation of enforceable federal standards.

A draft EPA risk assessment published in 2007 drew more attention to the issue when it revealed the presence of toxins such as arsenic, boron, cadmium, chromium, lead, mercury, selenium and thallium in coal combustion waste, which could increase communities' risk of cancer if they leach into groundwater.

The agency has been working on regulations that would levy additional controls on coal combustion waste since 2000 but has not finalized a proposal. Available technology that could reduce cancer risk includes liners for dump sites.

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