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RT Environmental Services, Inc. Announcement

EPA PROPOSES NATIONWIDE REGULATION OF COAL ASH DISPOSAL

By Gary Brown

Following national attention from a failed coal ash disposal facility in Kingston, TN, EPA is proposing nationwide regulations for coal ash disposal. A relic of the past, industries burning coal still sometimes use wet disposal methods without following appropriate and proper engineering and environmental standards. One part of the proposed regulations would phase out wet disposal facilities.

The Resource Conservation and Recovery Act allows EPA to directly regulate hazardous waste under Subtitle C. Solid Wastes are covered under Subtitle D, but the states run their own solid and non-hazardous waste regulatory programs. EPA can, however, set Subtitle D performance standards, and, EPA proposes to do so in this rulemaking.

Most non coal non-hazardous industrial and municipal non-hazardous wastes have not been managed "wet" since the 1970's because of the high environmental risk of doing so. States have various levels of environmental regulations for Coal Combustion Residue (CCR). Pennsylvania has a comprehensive CCR regulatory program, which is now being updated and revised.

Some states have no need for a new program because little or no CCR is generated there. EPA has proposed two options for CCR regulation:

- Under Subtitle C, with phase out of wet disposal.
- Under Subtitle D, with performance standards and state regulatory programs.

Beneficial uses of coal ash would generally not be further regulated under either of EPA's rulemaking proposals.

Key Issues:

- Structural stability concerns associated with coal ash impoundments came to national attention in 2008 when an improperly designed combination landfill/ impoundment holding wet disposed ash waste generated by the Tennessee Valley Authority broke open, creating a massive spill in Kingston, TN, that covered millions of square yards of land and river, displacing residents, requiring hundreds of millions of dollars in cleanup costs and damaging the environment.

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- EPA believes that additional coal ash specific federal regulations are necessary to protect human health and the environment. This is the first time national rules have been issued specifically to manage coal ash disposal.

- EPA has a chart summarizing the key differences between the Subtitle C and Subtitle D options. Go to: <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/ccr-rule/ccr-table.htm> to view this chart.

As a result of this rulemaking, the cost of coal combustion will rise, but the individual plant burden of new regulatory costs will be uneven. Some facilities phased out wet methods years ago, while others still rely on risky antiquated wet pond storage methods, never properly designed for disposal. Such facilities will face substantial upgrading costs, particularly where state or federal agencies insist on full and proper closure of all noncomplying surface impoundments and/or uncapped landfills at individual facilities.

For more information on the EPA rulemaking package go to: <http://www.epa.gov/osw/nonhaz/industrial/special/fossil/ccr-rule/index.htm>

For more information on PA DEP's proposed revisions to its Coal Ash Regulations:

<http://www.dep.state.pa.us/dep/deputate/minres/bmr/programs/beneficial.htm>

For more information, **call Gary Brown at 800-725-0593 Ext. 234 or by email at gbrown@rtenv.com.**

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