



EPA ORDERED TO SET DEADLINE FOR COAL ASH REGULATIONS

A federal judge issued a memorandum in a lawsuit challenging the EPA's failure to finalize federal coal ash regulations. The Court gave the EPA 60 days to "file a written submission with this Court setting forth a proposed deadline for compliance with [EPA's] obligation to review and revise if necessary its Subtitle D regulations concerning coal ash along with its legal justification for its proposed deadline."

The court agreed with the environmental and public health groups that the EPA has a mandatory duty to review and revise, if necessary, its waste regulations under the Resource Conservation and Recovery Act every three years, including its solid waste regulations as they relate to coal ash disposal. The EPA is now required to provide a schedule for finalizing pending federal coal ash regulations, which were proposed in 2010 and have since languished.

Earthjustice represented Appalachian Voices (NC); Chesapeake Climate Action Network (MD); Environmental Integrity Project (D.C., PA); Kentuckians for the Commonwealth (KY); Moapa Band of Paiutes (NV); Montana Environmental Information Center (MT); Physicians for Social Responsibility (DC); Prairie Rivers Network (IL); Sierra Club (DC); Southern Alliance for Clean Energy (eight southeast states); and Western North Carolina Alliance (NC) in the lawsuit.

The groups issued the following statement:

"Coal ash has contaminated more than 200 rivers, lakes, streams and aquifers across the country. Hundreds of additional unlined and unmonitored coal ash dumpsites exist, as well as hundreds of potentially dangerous coal ash dams. The decision by this federal court to put the EPA on a schedule for finalizing federal coal ash regulations is a victory for the communities and neighborhoods living next to these toxic sites. Federal protection is long overdue. This December marks the 5th anniversary of the tragic coal ash spill in Kingston, TN, where a billion gallons of coal ash sludge destroyed 300 acres and dozens of homes. Our communities have waited long enough for protection from coal ash and we don't want to see another Kingston disaster happen before federal protections are in place. We're pleased to see that within the next two months, the EPA must set a deadline for finalizing these critical public health safeguards."

(Environmental Resource Center - 11/4/13)

Gary Brown, RT's President, testified in Federal Court in the TVA Kingston, TN case on behalf of Plaintiff. The cost of cleanup of the TVA site is now up to \$3 Billion.



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