

PUBLIC COMMENTS REGARDING THE ENVIRONMENTAL

PROTECTION AGENCY'S PROPOSED COAL COMBUSTION RESIDUALS RULE
CHARLOTTE, NORTH CAROLINA
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Good afternoon. My name is Ulla Reeves and I am the Regional Program Director for the Southern Alliance for Clean Energy. We are a regional organization, representing citizens across the heavily coal dependent states of the Southeast, and support the listing of coal combustion residuals as a Special Waste under Subtitle C of the Resource Conservation and Recovery Act.

We've arrived at this position through our understanding of the serious impacts that even trace amounts of hazardous chemicals can have on our bodies and the environment. Of particular concern are the dozen high-hazard coal ash ponds here in North Carolina. It is unacceptable that we have so many unregulated, dangerous toxic waste dumps looming over us – threatening our lives and ways of life. We know from firsthand experience the devastation that coal ash spills have on local communities and firmly believe we need stronger standards for managing and ensuring this waste does not devastate more communities, homes, lives, and waterways, like those so affected by TVA's Kingston disaster in 2008.

Subtitle C is by far the best option for handling coal ash waste because the alternative, Subtitle D, merely establishes unenforceable and optional suggestions for regulation. Given the high levels of arsenic, mercury, aluminum and other hazardous constituents that leach from coal ash into the environment, comprehensive, enforceable regulation from cradle to grave is the most responsible means of handling this waste.

Industry's loudest argument to-date in this discussion has not been a legal argument about enforceability or a scientific argument about toxicity, but rather, a vague social argument, contending that classification of coal ash under Subtitle C would stigmatize it for beneficial uses. We believe that stigma ought not outweigh real threats to human health and the environment. If we are considering stigma, we should equally consider the stigma coal ash carries on public health, our water, and our land.

EPA already anticipated industry concerns over public perception and decided that if listed under Subtitle C, coal ash will be designated a "Special Waste," NOT a "Hazardous waste" -- a designation, which has no history of use nor associated stigma. Moreover, the coal ash destined for beneficial reuse would not be subject to hazardous waste rules under Subtitle C.

EPA's own analysis suggests that Special Waste designation will actually increase beneficial uses because the costs of ash disposal under Subtitle C will increase, thereby incentivizing recycling as opposed to dumping. Ultimately, we ought to base these regulation decisions on the huge benefits to society, improved public health, and increased beneficial use, which add up to over \$81 Billion dollars.¹ For these reasons and more, we urge EPA to select Subtitle C for comprehensive governance of coal ash, which is long overdue for this industry.

Finally I'd like to thank EPA for announcing a public hearing in East TN to hear the voices of those who have firsthand experience with the worst coal ash waste disaster in U.S. history. In the days before the announcement, in an effort to provide a forum for the people most affected by TVA's coal ash disaster, we held a citizens' hearing in Roane County and today I'd like to submit the official transcript of this hearing into the record for EPA's consideration. Thank you.

¹ *Id.* at 35216.