



COAL COMBUSTION RESIDUALS, OR COAL ASH, POSITION

Background

The Environmental Protection Agency (EPA) has sought public comment about whether ash, a byproduct of coal-fueled electricity generation, should be regulated under Subtitle C (hazardous waste) or Subtitle D (non-hazardous waste) of the Resource Conservation and Recovery Act (RCRA). EPA has expressed its preference to classify coal combustion residuals (CCR) that are not destined for the beneficial use as hazardous waste, which would require them to be disposed of in a landfill that meets rigorous hazardous waste management requirements.

How it Affects Great River Energy

Great River Energy has made significant progress in reducing its environmental impact by making use of waste products. One example is marketing the fly ash created at its power plants. This fine ash has numerous industrial applications, such as soil stabilization and as a replacement for Portland cement in concrete production. For every ton of Portland cement that is replaced with fly ash, up to one ton of greenhouse gas emissions is avoided.

A final rule that imposes hazardous waste requirements could harm the progress that has been made in making ash from Great River Energy facilities a respected commodity in the marketplace. Although the EPA still supports the beneficial use of CCRs, consumers may be less likely to use coal ash in their homes, schools and neighborhoods if it is considered hazardous. In addition, Minnesota regulation prohibits using a hazardous byproduct in such a way.

Great River Energy's Position

Great River Energy believes that any future regulation of CCRs should not hamper efforts to find beneficial uses for those byproducts. It is our concern that the regulatory stigma of a Subtitle C label, even with specific exemptions, could place unnecessary barriers to the future beneficial use of coal ash. In the event that the EPA acts on this issue, Great River Energy would prefer that the agency regulate CCRs in a manner similar to typical solid wastes under Subtitle D of RCRA, which are subject to fewer and less severe requirements. Specifically, Great River Energy supports the EPA's "D-Prime" option which allows for the continued use of existing landfills to the end of their useful lives.

If all CCRs were designated as hazardous waste, they would have to be stored in hazardous waste landfills. Great River Energy's coal-fired power plants would produce about 1.24 million tons of coal combustion wastes. The total cost to Great River Energy would be tens of millions of dollars annually.

Minnesota and North Dakota have a strong record of environmental and public health protection relating to the handling, beneficial reuse of coal combustion byproducts and disposal of CCRs. States are clearly in the best position to address the unique geographic and climatic circumstances surrounding the regulation of coal combustion wastes. Over two dozen state environmental protection agencies have weighed in unanimously opposing regulating coal combustion wastes as hazardous waste.

January 1, 2012