



#### **4. COAL: Rahall pulls coal ash waste bill following EPA announcement**

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**Eric Bontrager, E&E reporter**

House Natural Resources Chairman Nick Rahall (D-W.Va.) dropped his proposal to mandate new standards for coal ash impoundment ponds yesterday following U.S. EPA's announcement that it would soon begin regulating the coal combustion waste.

The committee was set to vote tomorrow on **H.R. 493**, which would impose mandatory design and performance standards on retaining ponds like the one at the Tennessee Valley Authority's Kingston Fossil Plant. The pond burst in December, spilling 1.1 billion gallons of ash and sludge over Roane County, Tenn.

EPA Administrator Lisa Jackson said yesterday the agency will propose regulations by the end of the year for the management of coal ash.

Rahall said he was pulling his bill from the markup because he believes EPA will finish the regulations without congressional prodding. "I am pleased that the Obama administration has acted so quickly to overcome 29 years of bureaucratic inertia at the EPA," Rahall said in a statement.

The legislation would have aligned the standards for coal ash impoundments with rules used for similar enclosures for coal mining's slurry waste. Coal slurry storage is regulated under the Surface Mining Control and Reclamation Act of 1977.

EPA plans to collect information on coal ash impoundments from electrical utilities to determine, among other things, the structural integrity for the approximately 300 coal ash impoundments across the country.

Rahall's bill was the first piece of legislation introduced in response to last year's spill that flooded more than 300 acres of land, destroying several homes while spilling waste into the Emory and Clinch rivers. TVA estimates it will cost as much as \$825 million to clean up the waste, not including any long-term costs.

Earthjustice attorney Lisa Evans said Rahall's decision to pull the bill demonstrates the faith that lawmakers have in the agency to produce the regulations. "He understands that his bill was a catalyst for EPA to take quick action," she said. "His bill is no longer necessary."

In 2000, EPA produced a draft regulatory determination that said certain fossil fuel combustion wastes like coal ash should be regulated as a hazardous waste, but no regulations were promulgated.

Last week, two senior members from the Senate Environment and Public Works Committee introduced a resolution pushing the agency to conduct immediate reviews and inspections of all of the country's coal ash impoundments and to regulate coal combustion waste under the Resource Conservation and Recovery Act (*E&E Daily*, March 6).

EPA's plans "are an important first step toward making sure our families and communities will be protected from toxic coal ash waste in the future," said committee Chairwoman Barbara Boxer (D-Calif.), who cosponsored the resolution with Sen. Tom Carper (D-Del.).

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