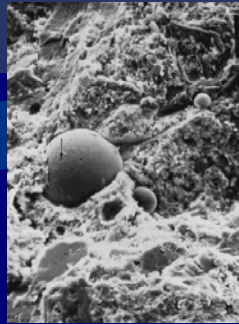


EPA Update



Anna Maria Workshop XI

Holmes Beach, Florida

November, 2010

American Coal Ash Association



ACAA

- Founded in 1968
- Headquartered in Aurora, CO
- 150 members – utilities, marketers, contractors, equipment suppliers, consultants, academics
- Active with similar organizations around the world



American Coal Ash Association

ACAA

ACAA Mission

The mission of the American Coal Ash Association is to encourage beneficial use of CCP in ways that are *environmentally safe, technically appropriate, commercially competitive and supportive of a more sustainable society.*



American Coal Ash Association

ACAA

Status of Proposal for Coal Combustion Products (CCP)

- Proposal formally published June, 21, 2010
- Public hearings concluded
- Comment period closes November 19, 2010
- Final rule published ?



American Coal Ash Association

Main Features

- RCRA Subtitle C hazardous waste rule
- RCRA Subtitle D non-hazardous waste rule
- Wet disposal phased out
- Disposal requirements virtually identical under either a C or D rule



American Coal Ash Association

ACA

Generator Position

- Subtitle D regulations are sufficient
- Performance standards are critical
- Time for implementation of C rule not practical
- Subtitle C rules unacceptable



Beneficial Use Position

- Subtitle D rules are sufficient
- Any form of Subtitle C rules is unacceptable
- Hazardous waste rules will stigmatize coal combustion products
- Stigma is real and alive in markets now



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ACAA

EPA: “Beneficial Use to be Preserved”

- Under either rule the beneficial use of CCP will not be regulated
- “Encapsulated” vs. “Unencapsulated” uses
- EPA **supports** beneficial use (?)
- A “C” rule will increase beneficial use



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Realities

- Environmental NGOs see an opportunity to attack coal-fueled generation
- Greenhouse gas benefits will be sacrificed if necessary
- Liability issues will be clarified only after a final rule is promulgated, not before
- EPA prefers Subtitle C



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Impacts

- Action by standards organizations
- Liability insurance coverage
- Competitive products will attack
- Consumer reaction
- Contract issues
- **Disposal** may be the answer

Going Forward

- Submit ACAA comments by 11/19
- Continue work on Capitol Hill
- Continue communication with stakeholders
- Increase work with other federal agencies



American Coal Ash Association

Thank You

AMERICAN COAL ASH ASSOCIATION

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American Coal Ash Association