

# **RCRA ASH UPDATE**

**CIBO**

**ENVIRONMENTAL AND ENERGY MEETING**

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# STATUS

- EPA to finalize the rule by December 19, 2014.
- While not finalized, EPA has hinted several times that it would be a Subtitle D Rule. (Let's see it in writing first!)
- The rule, from EPA's point of view, is for EGUs, but the States will play a key role in implementation.
- The ELG for Electric Steam Generating EGUs will have an impact of Coal Ash Residuals Management and will have overlapping permitting issues. This is due September 30, 2015.

# NORTH CAROLINA LAWMAKERS APPROVE LEGISLATION TO REGULATE COAL ASH

- Legislation addresses some contentious issues:
  - Allows “low-risk” ash dumps to be capped with plastic sheeting and dirt!
  - Directs Duke to move low-lying dumps if there is significant risk of ground-water pollution
  - Duke has 15 years to move ash from 4 “dumps” that are considered to be the highest risk.
  - A Commission has been set up to decide what to do with the remaining sites.

On May 22, 2014, EPA signed an enforceable agreement with Duke Energy Carolinas, LLC (Duke) to perform a comprehensive assessment, determine the location of coal ash deposits and to remove deposits along the Dan River as deemed appropriate by EPA in consultation with the US Fish and Wildlife Service as a result of the coal ash spill that occurred at the Dan River Steam Station on February 2, 2014.

Under the Administrative Order and Agreement on Consent (Order), entered into under the **Superfund law**, EPA will oversee the cleanup and Duke will reimburse EPA for its oversight costs.

# THE NEXT BATTLE ON THE CCR RULE

## Cleanup Of 'Legacy' Coal Ash Sites Remains As Unresolved Issue For EPA

A national power industry group is rejecting environmentalists' suggestions that EPA embrace a novel theory that would allow regulation of "legacy" coal ash sites under its upcoming Resource Conservation Recovery Act (RCRA) disposal rule, framing what may be one of the last major battles over the pending measure.

# ADDRESSING LEGACY COAL ASH SITES

- This could have major impacts on the EGUs!
- What the States do, could impact Non-EGU Industrial Facilities
- Stay tuned!!!!

# RADIATION PROTECTION

Look at the following home page:

<http://www.epa.gov/radiation/tenorm/coalandcoalash.html>

Website discusses Tenorm for Coal Fly Ash, Bottom Ash and Boiler Slag

- Burning coal in boilers to create steam for power generation and ***industrial applications*** produces a number of combustion residuals.
- Naturally radioactive materials that were in the coal mostly end up in fly ash, bottom ash and boiler slag
- These residuals are called TENORM--Technologically Enhanced Naturally Occurring Radioactive Materials--because burning removes the coal's organic constituents, concentrating the trace amounts of naturally occurring radionuclides

# RARE EARTH ELEMENTS

- DOE-NETL is having studies conducted on materials that may contain rare earths and processes to obtain these elements.
- One potential source might be your ash!