CCP Regs: Today and Tomorrow

ACI Spring Convention

Minneapolis, MN  April 14, 2013

American Coal Ash Association
Coal Combustion Products

- **Fly ash** – cement, concrete, carpet backing
- **Bottom ash** – structural fills, lightweight aggregate for masonry units
- **Boiler slag** – shingles, blasting grit
- **FGS gypsum** – wallboard, agriculture, cement manufacture
Scope of Production and Use

- 5% to 10% of each ton of coal combusted stays behind
- 130 million tons per year
- Second largest waste stream in US
- Disposal in ponds and landfills
Recent Recycling History

- 2000: 29.5% of ash recycled
- 2000: EPA “Final Determination”
- $$$$$$ comes to recycling
- 2002 C2P2 created
- 2008: Recycling hits 44%
- Recycling stuck since 2008 at 43% due to regulatory uncertainty
Today

- No federal regulations exist for beneficial use or disposal of coal combustion products
- Many states have their own regs
- Regulations come in the form of statutes, regulations issued by agencies, and use restrictions
Why Federal Regs?

- Regulations first introduced in 1976 in the Resource Conservation and Recovery Act
- Bevill Amendment in 1980
- Reports to Congress 1988 and 1999
- EPA Determinations
Why Federal Regs?

• 1993: EPA issues its first determination “Management as hazardous waste NOT warranted”

• 2000: EPA’s “final determination” affirms 1993 determination

• Rulings under President Clinton and EPA Administrator Carol Browner
The Planets Align

- December 22, 2008: TVA Kingston, TN spill releases 5.5 million cyds. of ash
- January, 2009: New administration
- January, 2009: New administrator
- Anti-coal activists demand CCP regulation
EPA, Congress and Courts

- EPA has been working to develop regulations for disposal
- **Hazardous waste** is preferred by EPA
- Collateral damage to recycling
- Stakeholders push back
- How to regulate without crippling disposal???
Congress

• US House of Representatives has passed a bill 5 times (soon to be 6) with bipartisan support
  • David McKinley, R-WV is primary sponsor
  • Under McKinley plan EPA is directed to create a management program much like that used for MSW
Congress

- Bipartisan group of senators offer S 3512 in 112th Congress
- 12 Democrats, 12 Republicans
- New coalition under development
- Stand-alone bill not feasible in Senate
Congress

- Close in June 2012: Transportation conference considers bill
- Close in December 2012: Defense authorization considers bill
- Future opportunities?
Federal District Court

• Anti-coal activists sue EPA
• Sue and settle in play?
• Marketers join in
• Interveners join in
• Conference on April 26
Next Regulatory Challenges

• Closure of ash ponds
• Clean air regulations – NOX, SOX, Mercury
• Clean water regulations – water discharged from plants
What Comes Next? - Markets

- Continued pressure on coal fired generation
- Plants continue to add controls to meet regulations
- Natural gas use grows rapidly
- Renewable-mania continues
- All affect ash quality/quantity
Potential Solutions

• Beneficiation technologies – processing to off-set impacts of controls

• **Disposed ash?** – millions of tons in disposal already

• **Imports?** – coal burn world-wide increasing rapidly
Thank you......

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