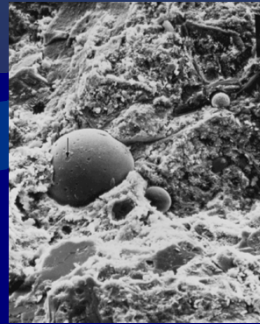


CCP Regs: Today and Tomorrow



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.....

American Coal Ash Association

38800 Country Club Drive

Farmington Hills, MI 48331

Website: www.acaa-usa.org

Email: info@aca-usa.org

Telephone: (720)870-7897



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