

# Press Release: Environmental Groups Sound Alarm on Unregulated Coal Ash Waste

**January 27, 2009 Birmingham, AL—**On the heels of a massive spill of toxic coal ash waste in Tennessee and another similar incident in Alabama, 31 local and regional environmental organizations and other concerned public interest groups have called on leaders to take immediate action to ensure that our citizens, wildlife, and natural resources are better protected from these unregulated coal combustion waste (CCW) storage facilities.



*Photo of coal ash by Hurricane Creekeeper John Wathen.*

**FOR IMMEDIATE RELEASE: January 29, 2009**

## **Environmental Groups Sound Alarm on Unregulated Coal Ash Waste**

CONTACT:

Michael Churchman, Executive Director, Alabama Environmental Council 205-322-3126  
Cindy Lowry, Executive Director, Alabama Rivers Alliance, 205-322-6395

**January 27, 2009 Birmingham, AL—**On the heels of a massive spill of toxic coal ash waste in Tennessee and another similar incident in Alabama, 31 local and regional environmental organizations and other concerned public interest groups have called on leaders to take immediate action to ensure that our citizens, wildlife, and natural resources are better protected from these unregulated coal combustion waste (CCW) storage facilities.

In a letter to leaders, they stated, “It is not acceptable to expose our citizens and important ecosystems to these hazards. These potential threats are no longer hidden from the public eye. The recent spills could be the proverbial canary in the coal mine for more spills across Alabama as well as for other environmental hazards related to coal-fired power production.” Their letter further states, “The negative impacts of coal run far and deep across our state. While there are many important solutions to consider long-term, creating a more protective and effective regulatory system for CCW storage facilities is an essential first step.”

“There is a major threat of water impacts since all of Alabama’s coal-fired power plants are located on or near a waterway,” commented Cindy Lowry, Executive Director of the Alabama Rivers Alliance. “The hazardous materials contained in these collection ponds are detrimental to aquatic life as well as human health when they leak out into our waterways.”

Neither the Environmental Protection Agency nor Alabama Department of Environmental Management has increased regulations on toxic materials going into landfills at coal-fired power plants even after an EPA recommendation in 2000. At a minimum, these agencies should require these toxic collections be regulated to the standards of other hazardous waste facilities.

“One of many ironies surrounding this situation is that these CCW storage facilities have less regulation than our landfills that collect household garbage,” said Michael Churchman, Executive Director of the Alabama Environmental Council. He went on to say, “these industrial sources of pollution should be held accountable for the potentially dangerous chemicals they are collecting and meet stricter regulations.”

The letter was sent to Alabama state and federal elected officials as well as the Alabama Department of Environmental Management and the Environmental Protection Agency.

The organizations signed on to this press statement will continue to monitor these situations carefully and will release findings associated with these eco-disasters as soon as the information becomes available. In the meantime, the organizations call on state and federal elected officials and regulatory agencies to take serious action to prevent potentially similar events in the very near future.

\*\*\*

Sent via Email on Wednesday, January 28, 2009

Dear State Leader,

On the heels of a massive spill of toxic coal ash waste in Tennessee and another separate incident in Alabama, the Alabama Environmental Council and the Alabama Rivers Alliance along with the organizations signed on to this letter, are calling for you, the leaders of our state, to take immediate action to ensure that our citizens, wildlife, and natural resources are better protected from these unregulated coal combustion waste (CCW) storage facilities.

According to a report from the Environmental Integrity Project, the site of the most recent spill (Friday, January 9), TVA Widows Creek Fossil Plant, near Stephenson, AL, is reported to be one of five toxic coal pollution storage sites that showed up on all six worst-site lists for toxic metals. Nine coal-fired power plants currently operate in Alabama with similar material retention ponds.

Despite decades of problems, TVA has not upgraded to more protective dry storage technologies due to the perceived expense. They are now faced with spending hundreds of millions of dollars in cleanup, when a proposed option for technology upgrades in 2003 would have cost only \$25 million. Alabama Power Company and PowerSouth Cooperative also operate coal-fired power plants across the state, which require CCW storage facilities.

On April 24, 2000, the EPA acknowledged in its Regulatory Determination that “coal combustion wastes could pose risks to human health and the environment if not properly managed” and “national regulations under subtitle D of the Resource Conservation Recovery Act are warranted for coal combustion wastes when they are disposed in landfills or surface impoundments.”

Furthermore, a report submitted to the EPA by multiple environmental organizations in January of 2007 titled *Proposal for Federal Regulation of Coal Combustion Waste* notes the following:

DOE and the Energy Information Administration (EIA)’s *2007 Annual Energy Outlook* indicate that electricity production by coal is projected to increase almost 25 percent by 2020 and 64% by 2030.<sup>[1]</sup> The increase in the production of coal ash is roughly proportional to the increase in the use of coal for electric power. CCW generation will increase, therefore, *at least* 25 percent by 2020. Moreover, the increase in CCW volume is likely to be substantially greater, because both the increased use of scrubbers on coal-fired power plants and the building of numerous fluidized bed combustion plants (that produce up to 10 times more CCW than conventional pulverized coal plants) will significantly boost the waste volume. According to EPA, 129 million tons of CCW was produced in 2004. A sharp growth in the volume of this immense waste stream, as well as its projected increase in toxicity, is a clear basis for immediate regulatory action.

It is not acceptable to expose our citizens and important ecosystems to these hazards. These potential threats are no longer hidden from the public eye. The recent spills could be the proverbial canary in the

coal mine for more spills across Alabama as well as for other environmental hazards related to coal-fired power production.

The negative impacts of coal run far and deep across our state. While there are many important solutions to consider long-term, creating a more protective and effective regulatory system for coal ash and other CCW storage facilities is an essential first step.

Initial suggestions for ensuring that CCW is stored properly and that citizens and waterways are not endangered might include the following:

- Every impoundment needs to be certified to be free from defects and weaknesses by a structural engineer licensed in Alabama.
- An impact assessment should be performed that assumes complete impoundment failure so that regulators and the public may know which impoundments present the highest potential for harm.
- The volume/quantity of fluid in the impoundments must be reported and the chemical content of the fluids in the impoundments needs to be characterized.
- Each facility should be required to examine how it might convert to dry storage.
- Each facility should have an emergency response plan in place, along with the financial assurance to implement an emergency response plan in the event of disasters such as the recent TVA spills in Tennessee and Alabama.

The citizens of Alabama, represented by the Alabama Environmental Council, the Alabama Rivers Alliance, and the organizations signed on to this letter, are dedicated to ensuring that the state takes action on this matter. We are happy to provide state agencies and/or elected officials with any materials, ideas, or expertise that we referenced in this letter or might otherwise have available to help find swift and effective solutions to this problem.

Please contact Michael Churchman of the Alabama Environmental Council or Cindy Lowry of the Alabama Rivers Alliance if you have any questions or would like more information.

Thank you for your time and consideration of this matter.

Alabama Environmental Council

Alabama Rivers Alliance

Michael Churchman, Executive Director

Cindy Lowry, Executive Director

[michael@aeconline.org](mailto:michael@aeconline.org)

(205)322-3126

[clowry@alabamarivers.org](mailto:clowry@alabamarivers.org)

(205)322-6395 ext. 106

Organizations signed on to this letter:

Alabama Arise

Alabama Environmental Council

Alabama Rivers Alliance

Alabama Sierra Club

Alabama Water Watch

Black Warrior Riverkeeper

Cahaba River Society

Cahaba Riverkeeper

Choctawhatchee Riverkeeper

Empower Alabama

Friends of Chewacla and Uphapee Creek

Friends of Hurricane Creek/Hurricane Creekkeeper

Friends of the Locust Fork River

Food Not Bombs(GA)

Foundation for Global Community

Greater Birmingham Ministries

Gulf Restoration Network

Hulsey Little River Trust

Kentucky Resources Council(KY)

Lake Watch of Lake Martin

Kimble Forrister

Michael Churchman

Cindy Lowry

John Ackerman

Jayne Oates

Nelson Brooke

Beth Stewart

Myra Crawford

Mike Mullen

Bradley Davidson

Zack Sprayberry

John Wathen

Sam Howell

Bob Darby

Tom Ferguson

Scott Douglas

Cynthia Sarthou

Billy Sue Hulsey

Tom FitzGerald

Dick Bronson

Lookout Mountain Heritage Alliance	Slate McDorman
Mobile Baykeeper	Casi Calloway
Nuclear Watch South(GA)	Glenn Carrol
Our Children's Earth	Tiffany Schauer
Save Our Saugahatchee	Wendy Seesock
Save Our Unique River, Communities, and Environment	Pat Feemster
Shoals Environmental Alliance	Charles Rose
Southern Alliance for Clean Energy(TN)	Stephen Smith
Terra Foundation(CA)	Linda Seeley
University of Alabama Environmental Council	Daniel Marbury
Wild South	Vince Meleski

---

[1] *Annual Energy Outlook, 2007 with Projections to 2030 (Early Release)- Overview*. Report No. DOE/EIA-0383/2007, December 2006.