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**Utility Industry Calls for Federal, Non-Hazardous Waste Regulation
Of Coal Combustion Byproducts Implemented by the States**

Washington, DC (Thursday, April 30, 2009) - Calling last December's coal ash spill in Kingston, Tennessee "unacceptable," a senior electric utility environmental official today recommended that the U.S. Environmental Protection Agency (EPA) adopt new federal non-hazardous waste regulations under Subtitle D of the Resource Conservation and Recovery Act for waste management facilities where coal combustion byproducts (CCBs), including ash, are managed.

"As an industry, we need to do a better job of managing CCBs," said John M. McManus, Vice President of Environmental Services for American Electric Power, testifying on behalf of his company, Edison Electric Institute (EEI) and the Utility Solid Waste Activities Group (USWAG) before the House Transportation and Infrastructure Subcommittee on Water Resources and Environment.

"We welcome this additional level of scrutiny to provide assurance that our facilities are being operated in a safe manner," McManus said. "We support the development of federal, non-hazardous waste regulation under Subtitle D of the Resource Conservation and Recovery Act, implemented by the states. Such regulations would ensure that CCBs are managed in a manner that is protective of groundwater."

McManus added that such regulations would be consistent with EPA's 2000 Regulatory Determination that coal ash does not warrant regulation as a hazardous waste.

McManus said the industry agrees with the states that they are in the best position to regulate CCB disposal, citing a 2006 report by EPA and the U.S. Department of Energy that confirms the improving trend in state regulatory programs as well as a trend toward managing the wastes in landfills (dry handling) and away from surface impoundments (wet handling). "In short, state CCB controls have become more robust," McManus said.

"The states have consistently gone on record as opposing federal regulation of CCBs as hazardous waste, explaining that it is unnecessary and would effectively end the beneficial use of coal ash in many states," McManus added. Coal ash is used as a raw material in Portland cement, as well as for mine reclamation, as replacement for cement in concrete and grout, as mineral filler in asphaltic concrete, as aggregate for highway subgrades and road base material and as a component in flowable fill.

EPA recently praised the beneficial uses of coal ash in hearings before the Senate Environment and Public Works Committee, noting that by recycling 13.7 million tons of fly ash in 2007, in place of Portland cement, the United States saved nearly 73 trillion Btus of energy, enough to provide the energy needs of more than 676,000 households. This also reduced carbon dioxide emissions by 12.4 million metric tons, which is equivalent to the annual greenhouse gas emissions of 2.3 million cars. Regulating coal ash as a hazardous waste would have a "devastating impact" on these beneficial uses, McManus said.

The utility industry is also committed to protecting the aquatic environment near power plants, McManus continued, and is working with EPA on a detailed study of the industry's wastewater discharges.

McManus' full written statement is available at www.eei.org.

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The Edison Electric Institute (EEI) is the association of U.S. shareholder-owned electric companies. Our members serve 95 percent of the ultimate customers in the shareholder-owned segment of the industry, and represent approximately 70 percent of the U.S. electric power industry. We also have more than 65 International electric companies as Affiliate members, and more than 170 industry suppliers and related organizations as Associate members.

The Utilities Solid Waste Activities Group (USWAG), formed in 1978, is an association primarily dedicated to assisting members in the management of wastes and the beneficial use of materials associated with the generation, transmission, and sale of electricity and natural gas. USWAG is comprised of approximately 80 individual utilities, energy companies, and energy trade associations. Together, USWAG members represent more than 85 percent of the total electric generating capacity of the U.S., and service more than 95 percent of the nation's consumers of electricity and over 93 percent of the nation's consumers of natural gas.

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