

**Call to Action to Mitigate and Eliminate Risks to our Nation’s Water Resources,
Aquatic Ecosystems, Human Health, Wildlife Resources, and Outdoor Economies
from Impoundments Containing Coal Combustion Wastes**

1 WHEREAS, Coal Combustion Wastes (CCWs) [*variously identified as Coal*
2 *Combustion Residues or Residuals*] consist of fly ash, bottom ash, coal slag, and flue gas
3 desulfurization residuals, derived as a result of the combustion of coal by our nation’s
4 electric power generating industry; and

5 WHEREAS, the U.S. Environmental Protection Agency (EPA) has identified at
6 least 676 land disposal units (landfills or surface impoundments) located at 240 facilities
7 where wet or slurried CCWs are managed by utilities; and

8 WHEREAS, CCWs contain a broad range of constituents of concern (COPCs),
9 including but not limited to the metals aluminum, antimony, arsenic, barium, boron,
10 cadmium, chromium, cobalt, copper, lead, mercury, molybdenum, selenium, thallium,
11 and zinc, among others, all of which, individually, or in combinations, pose a risk to
12 human health, the environment, and wildlife, as well as to cause specific environmental
13 and natural resources damage; and

14 WHEREAS, the toxicity hazards of CCWs from various coal sources and various
15 combustion facilities vary substantially due to a many factors related to coal source and
16 specifications of combustion facilities, leachates from CCWs have been documented to
17 exceed both human health and ecological toxicity levels, as well as Maximum
18 Contaminant Levels for most of the aforementioned metals; and

19 WHEREAS, the U.S. Fish and Wildlife Service (USFWS) has established
20 environmental effects of toxins associated with CCWs upon biota ranging from
21 amphibians, fish and mammals, to birds and reptiles, and causing impacts from
22 physiological, developmental, and behavioral toxicity to major population and
23 community-level changes; and

24 WHEREAS, EPA estimates that approximately 126 million tons of CCWs are
25 produced in the U.S. annually and approximately 60 percent of these materials are
26 disposed in landfills or surface impoundments, while the remainder are utilized in a
27 variety of construction materials; and

28 WHEREAS, EPA has identified at least 45 of these units at 27 different locations,
29 which have a high hazard potential rating, using the criteria developed by the National
30 Dam Safety Program; and

31 WHEREAS, nearly all of these CCW management facilities are situated in close
32 proximity to sensitive rivers, wetlands, and related waters of the U.S., resulting in
33 extraordinary risks to these public waters, public water supplies, public recreational
34 resources, and wildlife and sensitive wildlife habitats; and

35 WHEREAS, the risks associated with many of these CCW impoundments is
36 exacerbated by the facts that many of the dams were built five or more decades ago, long-
37 before current landfill technologies and standards existed, and before the Clean Water
38 Act, and that some of the utilities which benefitted from disposal of their CCWs in these
39 facilities are already defunct or in bankruptcy, leaving no responsible financial entity
40 accountable to maintain these impoundments; and

41 WHEREAS, EPA has identified accidental and permitted releases of toxic COPCs
42 from over 200 CCW containment units throughout the US, that have resulted in
43 exceedances of environmental standards in surface waters, wetlands, and groundwater,
44 and impacting waters of the US, as well as privately owned natural resources; and

45 WHEREAS, numerous catastrophic failures of CCW containment dams have
46 been documented by USFWS to have resulted in extensive pollution to public water
47 resources as well as devastating damage to wildlife resources, including for example, the
48 1967 Clinch River, VA spill killing over 200,000 fish and poisoning benthic invertebrates
49 for over 120 km downstream, the 2008 impoundment failure of the Tennessee Valley
50 Authority's Kingston (TN) Fossil Plant impoundment, resulting in the release of 4.1
51 million cubic meters of ash into the Emory River, and most recently, the Feb 2014 failure
52 of the Duke Energy Dan River Steam Plant's (NC) CCW impoundment, resulting in
53 release of over 127,000 metric tons of coal ash and contaminated water to the Dan River
54 *[Note: Other sources provide different numbers, to include an estimate 82,000 US tons of*
55 *ash and 27 million gallons of contaminated water]*, impacting over 112 km of the Dan
56 River downstream, in both NC and VA, to within 15 km of Kerr Reservoir, a vast Corps
57 of Engineers lake providing extensive wildlife habitat and recreational resources to the
58 two state region, as well as water supply to over one-million Virginians; and

59 WHEREAS, the USFWS has documented from just twenty-two specific cases of
60 fish and wildlife damages from disposal of CCWs, resulting in monetized direct cost of
61 poisoned fish and wildlife and related costs exceeding \$US 2.3 billion; and

62 WHEREAS, the Electric Power Research Institute (EPRI), the scientific arm of
63 the coal power industry, has long acknowledged the inherent environmental hazards from
64 surface disposal of CCWs for decades and has encouraged utilities to switch from wet to
65 dry storage in order to protect shareholders from significant financial risks; and

66 WHEREAS, in its Regulatory Impact Analysis undertaken as a part of its
67 rulemaking allowing the ongoing use of unlined wet impoundments for the management
68 of CCWs under Subtitle D of the Resource Conservation and Recovery Act (RCRA),
69 EPA and the Office of Management and Budget (OMB) have failed to take into account
70 the monetized value of impacts to fish and wildlife and related costs of this antiquated
71 and technically flawed approach to managing CCWs; and

72 WHEREAS, EPA's proposed revisions to RCRA Subtitle D do not address safe
73 closure and cleanup of CCW impoundments that do not receive ash after the proposed
74 date of the rule, and do not require corporate financial responsibility to assure cleanup of
75 existing facilities; and

76 WHEREAS, recent settlement agreements between the Catawba Riverkeeper
77 Foundation and South Carolina Electric and Gas Company, have established a precedent
78 for action by utilities to remove CCWs from unlined wet impoundments situated
79 proximal to vulnerable rivers and sensitive wildlife habitats; and

80 WHEREAS, the wet-disposal of CCWs in unlined impoundments proximal to
81 public waterways and vulnerable wildlife habitats is now recognized by the utility
82 industry, regulatory agencies, environmental interest groups, and wildlife advocates alike
83 as an archaic, wholly inappropriate and imprudent practice constituting a real and present

84 danger to public health, wildlife resources, and outdoor economies, as demonstrated by
85 recent failures of these type facilities;

86 NOW, THEREFORE, BE IT RESOLVED that the National Wildlife Federation,
87 at its annual meeting assembled May 1-3, 2014 in Baltimore, Maryland, hereby calls
88 upon responsible federal and state agencies, and the regulated community to take action,
89 and urges the EPA and the OMB to expedite promulgation, implementation and
90 enforcement of federal rules and regulations that provide definitive standards for the
91 federal and state regulation of CCW impoundments across the United States; and

92 BE IT FURTHER RESOLVED that the National Wildlife Federation strongly
93 encourages the utilities responsible for CCW wet impoundments to voluntarily act to
94 expedite moving these toxic CCW residuals to lined dry landfill facilities employing best
95 available technologies including leak resistant liner systems, and located in environments
96 distant from public water resources and sensitive wildlife habitats, and commends those
97 utilities already doing so; and

98 BE IT FURTHER RESOLVED that the National Wildlife Federation supports
99 ongoing efforts by federal and state agencies, and the nation's utilities, to continue their
100 work towards energy conservation, and conversion of our power production facilities to
101 non-fossil sources; and

102 BE IT FURTHER RESOLVED that the National Wildlife Federation supports
103 close coordination and cooperation between federal environmental, energy, and wildlife
104 management programs and those of responsible state agencies, to effectively mitigate, or

105 wherever possible eliminate the potential effects of CCWs upon water resources and
106 wildlife.

