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**One-page Summary of Electric Power Generation Association Comments on Proposed Coal Ash Regulations –
25 PA Code CHS 287 and 290**

EPGA is a trade association of 14 electric generating companies with headquarters in Harrisburg, Pa. Our members own and operate more than 145,000 megawatts of electric generating capacity in the US and have decades of experience managing millions of tons of coal combustion products annually, including coal ash, in an environmentally responsible manner.

Act 168 of 1986 established the clear intent of the PA General Assembly – to encourage the beneficial use of coal ash rather than consume increasingly scarce “greenfield space” to dispose of this material.

As recently as 2004, the PA General Assembly concluded that the use of coal ash for mine reclamation has environmental and economic benefits for the Commonwealth.

With proper regulation and oversight by DEP, beneficial use of coal ash at abandoned mines is a sound environmental solution to the hundreds of thousands of acres of mine lands that need to be reclaimed.

The proposed regulations, particularly those relating to coal ash qualification/certification, must reflect the diversity of the actual beneficial use. Ash to be incorporated into a product, such as concrete, should not be assessed in the same manner as ash being placed directly on the ground – as in large structural fills and mine reclamation projects.

The definition of coal ash must reflect this range of management options (disposal AND beneficial use) and the current definition of coal should remain unchanged.

EPGA supports those proposed regulations in Chapter 290 that are designed to address the NAS recommendations. However, this must be done in a manner that recognizes the specific characteristics of the ash to be beneficially used, how the ash is intended to be used, the specific characteristics of the site where the material is to be placed, and the overall environmental and public safety improvements that will result from the beneficial use of coal ash.

We also support regulations that reflect the relative risk of a constituent or a particular beneficial use application. For example, a constituent for which neither a Statewide Health Standard nor Maximum Contaminant Level has been established should not be regulated in the same manner as one for which such limits exist - whether associated with ash characteristics or water quality.

Discrete or isolated changes in the chemical characteristics of coal ash or water quality cannot serve as the basis for making operational or regulatory decisions - such as triggering the need to complete an assessment or corrective action; or the revocation of ash qualification. Such decisions must be based on statistically significant changes that are supported by clear trends.

The proposed regulations do not consider the need to address or transition the many sites throughout the Commonwealth where coal ash has already been placed or where beneficial use projects have already begun – prior to the adoption of these regulations. There is also no indication as to the date on which all of the new requirements of the proposed regulations will become effective.