

US: White House seeks to block new environmental regulations on coal ash

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The Obama administration is attempting to block new regulations proposed by the Environmental Protection Agency (EPA) that would designate coal ash as toxic waste. The EPA presented their proposals to the Office of Management and Budget (OMB)—an office within the executive branch of the government—for review in September, with plans to release a report by the end of 2009. The EPA proposal has been stalled by the OMB, however, and no report has yet been issued.

Up to 130 million tons of coal ash, the waste product created during coal combustion, are produced each year in the US, with approximately 40 percent of it going for use in other products such as asphalt or concrete. Sixty percent of the ash is stored in landfills or ash “ponds” throughout the country.

Exposure to coal ash through contaminated water supplies presents a significant health risk. The waste product contains toxic contaminants such as arsenic, mercury, lead and barium, which can lead to cancer, birth defects or disorders of the nervous system. There are currently no uniform, federal standards in place governing the building or maintenance of coal ash containment facilities.

In addition to treating coal ash as toxic waste in its proposal, the EPA has also named three industries—chemical manufacturing; petroleum and coal products manufacturing; and the electric power generation, transmission, and distribution industry—that could potentially face financial responsibility requirements under the Comprehensive Environmental Response, Compensation and Liability Act. Should CERCLA be amended to include these industries, it would force the companies involved to be financially responsible for the cleanup of any environmental contamination they may have caused.

The industries potentially affected by the new EPA proposals have protested, saying a ruling by the federal government on coal ash would present them with a logistical nightmare and billions of dollars in new costs to provide sound management of their waste.

The role of the Obama administration has been to prevent the EPA proposal from moving forward, acting on behalf of the coal and energy companies. Should the proposal be allowed to go through, it will only be after the administration has worked with the energy conglomerates to revise it in such a way as to arrange the most favorable financial conditions possible for the companies.

A number of commentators have pointed to the unusual and suspicious nature of the OMB’s aggressive involvement, particularly at this early stage in the EPA’s push for new regulations. Cass Sunstein, administrator of the White House Office of Information and Regulatory Affairs, located within the OMB, has held some 20 meetings since October 2009 with coal industry representatives to discuss their concerns.

The Electric Power Research Institute of Palo Alto, California, has warned the OMB during these talks that new regulations placed on coal ash could cost utility companies up to \$10 billion in revenue per year and that the costs of providing new means of storing the ash could lead to higher prices for customers. Energy companies are all the more eager to protect themselves from the new regulations because the publication of an EPA report on the matter would open up the practices of the energy industries to public review and congressional hearings.

The negligence of these companies in the management of their toxic waste has produced significant consequences for the environment and the US population.

Among the more publicized disasters involving coal ash pollution was a major containment failure that occurred in Kingston, Tennessee, in December 2008. One billion gallons of wet coal ash were released into the environment when the wall of a containment pond owned by the Kingston Fossil Plant was breached. Some 5.4 million cubic yards of land were covered in the toxic sludge and dozens of homes were damaged. The nearby Emory River was contaminated. Tests of the river subsequently showed an elevated presence of lead and thallium. Clean-up of the disaster is expected to last through 2013.

The Tennessee Valley Authority, which controls the Kingston Fossil Plant and is also leading the clean-up efforts, currently faces several lawsuits by residents affected by the spill. The health problems described by victims in the spill's aftermath have included nosebleeds, complications with asthma, headaches, shortness of breath and chest pains.

A June 2009 report by the EPA found 49 coal combustion residue management facilities that currently have a "high hazard potential" rating. These include 11 facilities owned by American Electric Power in Ohio, West Virginia, Indiana and Kentucky; 10 facilities in North Carolina owned by Duke Energy; and 5 facilities in Kentucky owned by Kentucky Utilities.

There are 548 coal ash "ponds" in the US in all. Indiana contains the most, with 53, and Kentucky is second with 44.

The Obama administration's efforts to block the new EPA regulations are in line with its general economic policies. No measures can be put in place that would in any way diminish corporate profits.



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