



HB 689 exempts existing coal-fired power plants from solid waste laws – FOREVER!

What does it do?

HB 689 (Rep. Alan Olson, R-Roundup) would:

- ◆ Prohibit DEQ from regulating solid waste from coal-fired power plants (coal combustion waste) until the federal government regulates this waste.
- ◆ Prohibit Montana from adopting any regulation more stringent than the federal regulations that are adopted (whenever that might be).
- ◆ Exempt all existing coal-fired power plants from federal regulation
- ◆ Prohibit regulation of on-site disposal of coal combustion waste (as long as a plant calls their disposal of this waste "storage" then DEQ can never regulate the waste).

What is Coal Combustion Waste?

Coal combustion waste is the fly ash, bottom ash or slurry that is left after coal is burned. These wastes contain approximately 5% hazardous substances, including, arsenic, cadmium, chromium, lead, and mercury. These wastes are captured in the air pollution control devices. Coal-fired power plant wastes are typically disposed of either in landfills (for dry wastes) or surface impoundments (for liquid wastes). In 2000 EPA determined that State's must regulate this waste as a solid waste.

Existing Problems

In 2001 coal burning power plants nationwide reported releasing over 250 million pounds of toxic chemicals in the form of ash each year.

EPA identified over 120 sites where power plant waste has or is suspected to have contaminated surface and groundwater beyond the standards. As of 2000, this waste had caused 3 Federal Superfund sites. However, EPA said that because most sites do not monitor groundwater, the number of sites that could be listed is probably higher. That is why EPA decided to require states to regulate this waste as a solid waste.

Other Coal Burning Plants in Montana Must Comply with Solid Waste Laws

Other companies that burn coal and have to dispose of the waste under the solid waste laws include but are not limited to:

- Smurfit/Stone in Missoula,
- Stimpson Lumber in Bonner,
- Plum Creek in Columbia Falls,
- Cement kilns. Cement kiln waste is very similar to ash from coal-fired power plants.

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Solid Waste Laws are Flexible

Under solid waste laws the company submits a plan to DEQ. DEQ works with the company to create a final solid waste plan that prevents the waste from blowing off-site and from entering ground and surface waters.

The design is site specific but takes into account distance to ground and surface water and soil permeability. Generally solid waste laws require a natural or man-made liner, groundwater monitoring, a leachate collection system and some type of financial assurance for future cleanup of the site.

Surface Water Discharge Permit Insufficient

Surface water permits are insufficient to control this waste. Under the federal clean water act, the only limitations for water discharges from this waste are for total suspended solids, oil, and grease, pH, copper, iron, free chlorine and temperature. Unfortunately other, more toxic contaminants known to be in coal combustion waste are rarely monitored.

Major Facility Siting Act Regulation is Insufficient

Colstrip's waste is regulated under the Major Facility Siting Act. Unfortunately, the ponds at Colstrip that are supposed to contain this waste are leaking. DEQ has not filed an enforcement action against Colstrip. Instead, DEQ is "working with" PPL to try and solve the problem. But this waste is contaminating the groundwater of adjacent landowners and DEQ is doing NOTHING to help them resolve contamination of their groundwater. Clearly, this law is not protecting the public.