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**U S W A G**

**STATEMENT OF JIM ROEWER, EXECUTIVE DIRECTOR  
UTILITY SOLID WASTE ACTIVITIES GROUP  
AT EPA LISTENING SESSION ON COAL COMBUSTION PRODUCTS,  
HARRISBURG, PENNSYLVANIA**

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Good evening, my name is Jim Roewer, and I am the Executive Director of the Utility Solid Waste Activities Group, or USWAG. USWAG consists of approximately 80 utilities, power generators, energy companies and trade associations and is responsible for addressing solid and hazardous waste issues on behalf of the utility industry. USWAG's mission is to assist its members in the production and delivery of energy in an environmentally sound and economic manner. I am pleased to offer these comments on behalf of USWAG members. I thank EPA for the opportunity to speak here this evening and commend the Agency for going to communities like this where coal ash is currently being managed to listen to the community's concerns.

Four times in the nearly 24 years of EPA's study of coal combustion products ("CCPs"), EPA came to the conclusion that these materials ***do not*** warrant hazardous waste regulation –in 1988, 1993, 1999, and most recently in May 2000. These were bipartisan decisions: In 1988, President Reagan was in the White House; in 1993, 1999 and 2000, Bill Clinton was President. The purpose of these Listening Sessions is *not* for EPA to revisit its nonhazardous determination, but rather, to inform EPA's on-going review of appropriate non-hazardous waste management standards for CCPs.

I am now attending my fourth Listening Session and I want to make the same pledge to the citizens who have come to this session as I have to those who attended

the previous Listening Sessions. I will listen to your concerns with an open mind. I expect to hear some criticism of my industry. I promise to listen closely to what you have to say. In return, I ask you to be fair in your criticism: to make sure that you are pointing to concerns that EPA and industry can resolve in the Agency's on-going regulatory process— concerns or criticisms that truly relate to coal ash and not to something else.

All too often, I hear criticisms directed at coal ash that really have nothing to do with coal ash management. Many points that are simply not relevant to EPA's review process are continually raised by groups whose goal is to shut down coal mining or to ban the combustion of coal to generate electric power. Neither of these actions will happen any time soon, and pursuing such a goal in a forum like this is counter-productive.

If, however, your goal is to ensure that coal ash disposal facilities are managed properly and do not adversely effect your drinking water, you will find support for that goal not only among the government regulators present at this Listening Session, but also from my industry. At each of the previous Listening Sessions, I was struck by suggestions from ordinary citizens that seem quite reasonable and would involve management practices that in general my industry supports.

Several of the speakers at previous Listening Sessions were critical that coal ash appears to be subject to less stringent regulatory standards than municipal solid waste. In fact, USWAG has supported the development by EPA and the States of a guidance document for industrial solid waste management that adopts a risk-based performance

standards approach similar to EPA's program for municipal solid waste. These measures include groundwater protection standards, implemented at the state level, to ensure that primary federal drinking water standards are achieved, regular groundwater monitoring, and remedial measures if problems are detected at a particular site. USWAG has been an advocate, for the past 13 years, before Congress and the EPA of performance-based groundwater protection measures, implemented at the state level, to ensure that primary federal drinking water standards are achieved – the same type of management standards required of non-hazardous, municipal solid waste. Tonight, I reaffirm my industry's support for that approach.

Second, in its 2000 regulatory determination, EPA criticized my industry because a few utilities were disposing of coal ash in unengineered sand and gravel pits in direct contact with groundwater. We believe that such disposal, without proper engineering controls, can no longer be regarded as a sound management practice, and we are prepared to come to agreement with EPA to halt this practice.

Third, EPA noted in its 2000 determination the trend in the industry away from wet handling of coal ash in surface impoundments in favor of dry handling in landfills. EPA has suggested to the industry that we accelerate that trend with respect to coal fly ash whenever new fly ash storage or disposal capacity is needed. Existing regulatory standards generally will require dry handling of fly ash at new power plants. In addition to complying with these standards, USWAG is supportive of the idea of undertaking feasibility studies of dry handling of fly ash for any new storage or disposal capacity.

USWAG is committed to implementing these measures in a manner that is transparent and open to public review and to the scrutiny of regulators. We sincerely believe that instead of being mired in disagreement and debate and extending the regulatory process for a period of years, we can move forward on an expedited basis to address legitimate concerns regarding coal ash management.

After considering the comments at each of the Listening Sessions, I believe there is more common ground among us than there are differences. We have an important opportunity to reach a consensus with those of you whose true aim is to ensure the proper and safe management of coal ash. If this is your concern, and you are prepared to objectively consider my industry's efforts and ideas to strengthen management practices at coal ash facilities, we would invite a dialog with you.