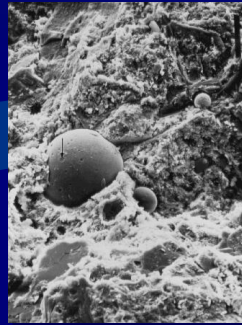
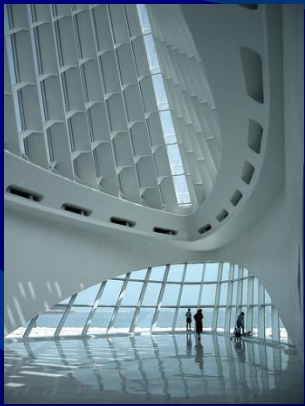


Regulatory Uncertainty Stalls CCP Recycling Progress in the USA



National Coal Ash Board Workshop

Tel Aviv, Israel

December 11, 2012

American Coal Ash Association



American Coal Ash Association

- Founded in 1968 as the National Ash Association
- Headquartered near Detroit, Michigan
- 160 members including utilities, marketers, equipment suppliers, contractors, and academics



ACAA Mission

- *To encourage the beneficial use of coal combustion products in ways that are protective of the environment, technically appropriate, commercially competitive, and supportive of a more sustainable society*



US EPA Regulatory Status

- The United States has no federal regulation of coal combustion product (CCP) disposal or beneficial use.
- Many states have their own regulations.
- There are some states with no regulations.
- The US Environmental Protection Agency (EPA) has undertaken development of regulations for disposal of CCP.



A little history

- Disposal is covered under the Resource Conservation and Recovery Act of 1976
- The Bevill Amendment passed in 1980 to correct errors in RCRA
- 1993 – The EPA rules that ash is not hazardous
- 2000 – The EPA makes the ruling final



Final is not final

- December 2008 – a major ash spill
- New administration in January 2009
- EPA decides to revisit disposal regulations
- Anti-coal ENGOs attack
- June 2010 EPA issues a proposal
- 455,000 comments received on the proposal

EPA Preference

- RCRA gives enforcement authority of hazardous waste disposal to EPA
- Non-hazardous waste rules enforced by the individual states
- EPA does not trust the states to create and enforce meaningful rules



Haz Waste Rules Create a Stigma for CCP

- If CCP is regulated as a hazardous waste for any reason, beneficial use will be seriously threatened.
- Consumers do not want products containing hazardous wastes
- Liability concerns cause generators and users to reject beneficial use



Beneficial Use Has Stalled Due to Regulatory Uncertainty

- Some owners suspend use pending a regulatory determination
- Generators allow current uses/sources but will not allow new uses/sources
- Survey of production and use shows the same rate of use for the last 3 years after a decade of progress.



Recent Survey History

- During the 1990s beneficial use in the US fluctuated between 20% and 30%
- When the Final Determination was issued by the EPA in 2000 the recycling rate was 29.7%



2000 to 2008

- With regulatory certainty from the EPA investors began to enter the CCP market
- In 2002 the EPA joined with other federal agencies and industry groups to form the Coal Combustion Products Partnership (C2P2)



Recycling grows rapidly

- The recycling rate of 29.7% in 2000 grew to 44.5% in 2008 – an increase of almost 50% in less than a decade.
- EPA had projected the recycling rate to grow to 50% by 2012.



The Spill and the Stall

- Since 2008 the recycling rate has decreased to 42% to 43%. Tonnage produced has decreased as well.
- Economic factors have been roughly constant since the last half of 2008



Potential Resolutions

- EPA regulation – 2014
- Court ordered regulatory deadline – late 2013
- Congressional action to direct EPA to regulate CCP disposal as non-hazardous



Future Recycling Challenges

- Clean Air regulations require plants to add emission control technologies
- Low cost natural gas
- GHG regulations which prevent upgrades and new constructions
- Disposal regulations



Future Opportunities

- Coal burn predictions are positive
- Beneficiation technologies continue to evolve
- Millions of tons of CCP in landfills could be mined
- Markets are pursuing increased use of CCP for more sustainable projects



How good can it get?

- The state of Wisconsin recycles over 90% of the CCP generated in that state every year.
- We Energies recycles 99% to 100% of their CCP every year.



Questions?



American Coal Ash Association

ACAA

Thank You

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