



Hundreds speak out at EPA's coal ash hearing in North Carolina Facing South

By Sue Sturgis

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There was a big turnout for the Environmental Protection Agency's public hearing yesterday in Charlotte, N.C. on proposed coal ash regulations, with about 250 people delivering testimony in proceedings that lasted from 10 a.m. until 11 p.m. Held at a Holiday Inn, it was one of eight coal ash hearings planned nationwide, with others having already taken place in Arlington, Va., Denver and Dallas, and more planned for Chicago, Pittsburgh, Louisville, Ky., and Knoxville, Tenn.

The EPA is considering two basic alternatives for regulating coal ash, the toxic-laden material left over after coal is burned to produce electricity. The stricter approach would treat coal ash as a special hazardous waste under the federal Resource Conservation and Recovery Act's Subtitle C with federally enforced regulations, while the other approach under RCRA Subtitle D governing nonhazardous wastes would simply set federal guidelines for how the material should be handled, leaving enforcement up to lawsuits by citizens and states. The EPA is also weighing what's being called a "Subtitle D Prime" approach, which would additionally exempt utilities from having to install protective liners at existing surface impoundments.

Appropriately enough, the hearing opened with testimony from a resident of Roane County, Tenn., where the catastrophic collapse of a coal ash impoundment at the Tennessee Valley Authority's Kingston plant in December 2008 brought the issue of coal ash regulation to national attention and spurred EPA to take action. Steve Scarborough, who owns investment property along the ash-laden Emory River that he's now unable to sell, talked about how utilities' short-sighted efforts to cut costs by relying on risky ash impoundments have hurt him and his neighbors.

"There are no cost savings in inadequately protecting people's lives," he said. "The Subtitle C option is the only moral choice. To do less would simply cost too much."

During the workday hours, testimony was roughly split between those advocating for option C and those pressing for option D. The former group included environmental advocates, faith leaders, scientists, and citizens who've suffered damages from poorly regulated coal ash, while the latter group was comprised largely of businesspeople representing industries that produce or use coal ash. As the evening stretched on, though, the testimony was increasingly dominated by private citizens and environmental advocates urging stricter regulations.

The utility industry was well-represented in the day's proceedings, with comments offered by employees of Duke Energy, Progress Energy, Georgia Power, Tampa Electric Co., Santee Cooper, SCANA and the Utility Solid Waste Activities Group (USWAG), an association of more than 110 electric utilities and trade associations. Other industry groups that testified included the American Coal Council, along with numerous individual businesses that deal in coal ash. Their basic message was that regulating coal ash as hazardous waste would be too costly.

"Unlike the Subtitle C approach, D Prime will enable EPA to establish an environmentally protective program without crippling coal ash beneficial use and imposing unnecessary costs on power plants, threatening jobs and increasing electricity costs," said Caroline Choi, executive director of environmental services and strategy at Progress Energy who spoke on behalf of USWAG.

A theme raised repeatedly by industry representatives was that regulating coal ash as a hazardous waste would create a "stigma" that would set back recycling efforts -- even though EPA proposed the "special" hazardous waste designation specifically to avoid that. The industry's stigma claim has been challenged by environmental advocates, who argue that imposing strict regulations on impoundments like the one that failed at the Kingston plant would actually encourage safe recycling. But John Ward, chair of the coal ash industry group Citizens for Recycling First, doesn't buy that reasoning and in his testimony criticized those he called "stigma deniers."

Donna Lisenby, the Upper Watauga Riverkeeper with the North Carolina group Appalachian Voices, blasted the "stigma" theme in her remarks, calling it "ridiculous" given that coal ash is currently poisoning water supplies.

"The stigma argument is the same one the tobacco industry made when the Surgeon General wanted to put warning labels on cigarettes," Lisenby said. "Hell, yeah, we need to stigmatize coal ash so future generations are protected."

The proceedings were generally respectful, with only a handful of instances of environmentalists hissing at the remarks of industry advocates and industry people mocking environmentalists. But there were some dramatic moments, with a woman from South Carolina holding up a vial of her coal ash-contaminated well water and offering to pour it into the EPA officials' drinking water pitcher, and another woman bringing a bag of coal ash she collected from her yard and setting it on the EPA's table.

At another point the entire Hamic family -- parents Jimmy and Jamie and their five daughters ages 1 to 11 (photo above) -- took the podium to testify about their experience as the closest neighbors to the ash impoundments at Duke Energy's Riverbend plant in Gaston County, N.C. The ash from the Riverbend impoundments -- which have been designated high-hazard by the EPA since their failure would likely kill people -- occasionally blows onto their property. North Carolina has more high-hazard coal ash impoundments than any other state.

"I'm imploring the EPA to get rid of the toxic coal ash ponds behind our home," Jimmy Hamic said. "We don't want our children to become a statistic."

In what was probably the day's most theatrical moment, Rev. Nancy Ellett Allison from the Holy Covenant United Church of Christ in Charlotte delivered her testimony while church elder Debbie Davis placed ashes in the sign of the cross on the foreheads of a half-dozen volunteers -- a ceremony resembling the one held in many Christian churches on Ash Wednesday (photo left). Allison explained to the gathered officials that Ash Wednesday is a day of repentance, with the ashes serving as a public statement of sorrow.

"Your work as an Environmental Protection Agency is to be faithful to the land you serve and protect," Allison said, "not to the industries and their deceptions."