Texas and Coal Ash Disposal in Ponds and Landfills

Summary:[1]

Oklaunion Power Station	Public Service Co. of Oklahoma	3 Ponds	Wilbarger
Pirkey Power Station	Southwestern Electric Power Co.	6 Ponds/landfill*	Harrison
Welsh Plant	Southwestern Electric Power Co	3 Ponds/landfill*	Titus
Coleto Creek Power Station	ANP	2 Ponds	Goliad
Fayette Power Project Power Station	Lower Colorado River Authority	1 Ponds	Fayette
Limestone Electric Generating Station	NRG Energy	3 Ponds/landfill*	Limestone
W. A. Parish Electric Generating Station	NRG Energy	8 Ponds/landfill*	Fort Bend
Martin lake	TXU Generation Co. LP	landfill*	Rusk
Monticello (TXUGEN)	TXU Generation Co. LP	landfill*	Titus
San Miguel (SMIG)	San Miguel Co-op Inc.	data indeterminate	Atascosa
Sandow 4 & 5	TXU Generation Co. LP	landfill*	Milam
Big Brown	TXU Generation Co. LP	landfill*	Freestone
Twin Oaks Power One	PNM Altura	landfill*	Robertson
Tolk	Southwestern Public Service Co.	data indeterminate	Lamb
Harrington	Southwestern Public Service Co.	data indeterminate	Potter
J. T. Deely	CPS Energy	landfill*	Bexar
Sandow Station	Alcoa U.S.	landfill*	Milam
J. K. Spruce	CPS Energy	landfill*	Bexar
Gibbons Creek	Texas Municipal Power Agency	landfill*	Grimes
AES Deepwater	AES NUGs	data indeterminate	Harris
Odessa Ector Generating Station	PSEG Global	data indeterminate	Ector
Guadalupe Generating Station	PSEG Global	data indeterminate	Guadalupe

*indicates one or more coal ash landfills.[2]

Amount of coal ash generated per year: 13.1 million tons. TX ranks 2nd in the country for coal ash generation.[3]

The U.S. EPA has not yet gathered information on coal ash disposal in landfills, so a detailed breakdown is not yet available. However, according to EPA's 2010 Regulatory Impact Analysis, at least seven landfills are unlined and none of the listed ponds have a composite liner.[4]

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[1] United States Environmental Protection Agency (U.S. EPA). Database of coal combustion waste surface impoundments (2009). Information collected by EPA from industry responses to Information Collection Request letters issued to the companies on March 9, 2009.

[2] U.S. EPA, Regulatory Impact Analysis for EPA's Proposed RCRA Regulation of Coal Combustion Residues (CCR) Generated by the Electric Utility Industry, citing 2007 US Department of Energy, Energy Information Agency (EIA) database for electricity power plants from the Form EIA-860 "Annual Electric Generator Report."

[3] U.S. EPA and United States Department of Energy (U.S. DOE). *Coal Combustion Waste Management at Landfills and Surface Impoundments, 1994-2004* (August 2006).

[4] Fn 2, *supra.*

Information on Texas Coal Ash Ponds

Number of Coal Ash Ponds: 31 ponds.[5]

Age of Ponds: 24 ponds are over 20 years old, and 9 of those are over 30 years old.[6]

Capacity and releases: According to the EPA surface impoundment database, Texas coal ash ponds have a combined storage capacity of over 9,196 acre feet, or approximately 401 million cubic feet.[7] This is enough coal ash to fill just over four Dallas Cowboys stadiums.

Results of EPA Inspections of Ponds: Three ponds were found in "poor" condition at the Coleto Crek Power Station in Fannin, TX and the Lower Colorado River Authority in La Grange, TX . [8] Among the problems observed were erosion, seeps and the absence of engineering studies that indicate the structural stability of the ponds. EPA also noted that the absence of documented inspections and emergency action plans.

Cases of Coal Ash Contamination in Texas (Damage Cases)*:* According to the U.S. EPA damage case assessment, proven damage cases in Texas include:[9]

- Bandy Branch reservoir. "The Brandy Branch Reservoir is a power plant cooling reservoir built in 1983 for Southwestern Electric Power Company's Pirkey Power Plant. The cooling reservoir received discharges from ash ponds containing elevated levels of selenium, resulting in increased selenium concentrations in fish from the reservoir. From 1986 to 1989, the Texas Parks and Wildlife Department reported that average selenium concentrations in fish from the Brandy Branch Reservoir increased from 0.81 to 2.29ppm. In 1992, the Texas Department of Health (TDH) issued a fish consumption advisory for the reservoir."
- Southwestern Electric Power Co., Welsh Reservoir. "This Lake was constructed in 1976 to serve as a cooling reservoir for a power plant and receives discharges from an open ash settling pond system. The Texas Parks and Wildlife Department's (TPWDs) monitoring program documents elevated levels of selenium and other metals in fish."
- Texas Utilities Electric Martin lake Reservoir. "This Lake was constructed in 1974 to serve as a cooling reservoir for a power plant and was the site of a series of major fish kills in 1978 and 1979. Investigations determined that unpermitted discharges from ash settling ponds resulted in elevated levels of selenium in the water and fish."
- Lower Colorado River Authority Fayette Power Project, La Grange: coal ash is polluting groundwater with arsenic, molybdenum and selenium exceeding state standards-- which has required the Texas Commission on Environmental Quality to warn neighboring landowners.[10]

Deficiencies of Texas Laws and Regulations: The laws in Texas governing the disposal of ash are among the worst. Texas excludes from regulation all coal ash that is disposed of "on-site," which is defined in Texas as anywhere within 50 miles of the power plant.[11] Texas also excludes from regulation all coal ash that is destined for "beneficial" reuse.[12] In Texas "beneficial" reuse includes minefilling—the dumping of industrial waste in active and abandoned coal mines. This type of dumping often occurs directly into aquifers and has resulted in significant contamination in several states.

For more information, contact Lisa Evans, Senior Administrative Counsel, Earthjustice, 781-631-4119, levans@earthjustice.org.

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[5] U.S. EPA. Database of coal combustion waste surface impoundments (2011),http://www.epa.gov/osw/nonhaz/industrial/special/fossil/surveys/index.htm.

[6] *Id.*

[7] *Id.*

[8] *See* U.S. Environmental Protection Agency, Coal Combustion Residuals Impoundment Assessment Reports available at http://www.epa.gov/osw/nonhaz/industrial/special/fossil/surveys2/index.htm#F.

[9] U.S. EPA, Office of Solid Waste. *Coal Combustion Waste Damage Case Assessments* (July 9, 2007).

[10] Environmental Integrity Project, Earthjustice and Sierra Club, In Harm's Way: Lack of Federal Coal Ash Regulations Endangers Americans and Their Environment, August 2010, at pp. 243-247, available at http://earthjustice.org/sites/default/files/files/report-in-harms-way.pdf.

[11] 30 Tex. Admin. Code §§ 335.2(d): 335.1(138)(H)(2010).

[12] *Id*