

COAL ASH DISPOSAL AND REUSE IN MONTANA

Summary of Coal Ash Generating Facilities in MTⁱ

Plant	Operator	Waste Management	County
Colstrip	PPL Montana LLC	9 ponds	Rosebud
Lewis & Clark	Montana-Dakota Utilities Co	Temporary storage in impoundments, long-term storage in dry landfills ⁱⁱ	Richland
Hardin Generator Project	Rocky Mountain Power Inc	Landfill ⁱⁱⁱ	Big Horn
J E Corette Plant	PPL Montana LLC	Temporary storage in pond, then sent offsite where the majority is beneficially reused ^{iv}	Yellowstone

Amount of coal ash generated per year: 1.8 million tons. Montana ranks 22nd in the nation for coal ash generation.^v

Number of Coal Ash Ponds: Nine ponds at the Colstrip plant.^{vi} One pond is “high hazard;” two ponds are “significant hazard.”

Aging Fleet of Ponds: The Colstrip ash ponds date from the mid-1970s to 1992, and they have been leaking almost since their inception.^{vii} In fact, a 2010 EPA risk assessment shows that there is at least one unlined ash storage unit at Colstrip.^{viii} One of the ponds is rated “high” hazard. If the high hazard pond failed it could cause a loss of human life.^{ix} Two of the ponds are rated “significant” hazard, meaning that pond failure could cause environmental damage and/or economic losses. The four ponds that have been inspected by EPA are in “fair” condition.^x The two largest ponds at Colstrip are 88 feet and 138 feet tall and together cover nearly 550 acres and hold over 21,000 acre feet. Since 2000, PPL Montana has reported six spills from its coal ash ponds, resulting in the release of thousands of gallons of contaminated water.



Colstrip Steam Electric Station

Coal ash contamination in Montana: The Colstrip plant operated by PPL Montana in Colstrip polluted drinking water wells at levels above health advisories for boron, sulfate, and total dissolved solids. Contamination from the Colstrip site sickened people, forced the closure of the drinking water well at a nearby Moose Lodge, and triggered a \$25 million settlement with 57 affected residents.^{xi} The leaking ponds at Colstrip continue to contaminate groundwater in a plume that is spreading farther and farther from the facility. Despite efforts by PPL to contain the contamination by pumping 423 gallons per minute of tainted groundwater, the pollution is still not under control. Lastly, there is also evidence

that polluted groundwater is adversely impacting surface water near the plant.

Montana State Regulatory Program:

Montana has always maintained one of the weakest regulatory programs in the U.S., and today it is almost non-existent. In 1991, Montana exempted coal ash entirely from Montana's solid waste statutes.^{xii} For several years, coal ash was regulated through weak standards in Montana's Major Facility Siting Act (MFSA). In 2003, however, even these weak standards were removed, because Montana exempted coal-fired power plants from the MFSA. Attempts to close these loopholes in the state legislature have been unsuccessful.^{xiii}

Even the Montana State Department of Environmental Quality has admitted that the absence in Montana of regulations governing coal ash "is no longer appropriate."^{xiv} The Department wrote:

It is the Department of Environmental Quality (Department) mandate to properly regulate all non-hazardous solid wastes under the Solid Waste Management Act (SWMA). This is not currently the case with some of the industrial wastes including coal combustion wastes (CCW) being generated in the state. The Major Facility Siting Act (MFSA) was recently modified and no longer provides regulatory authority over electric generating units which are the primary producer of CCW in the state. Therefore, the Department concluded that the exemption from the SWMA for the disposal of CCW produced by electric generating units found in Montana Code Annotated (MCA) 75-10-214 is no longer appropriate.^{xv}

Despite Montana's admission of this oversight vacuum, coal ash disposal remains nearly unregulated in the state. Consequently, Montana has no requirements for liners, groundwater monitoring, leachate collection systems, dust controls, financial assurance or cleanup standards at its coal ash ponds and landfills.

For more information, contact Lisa Evans, Earthjustice, 781-631-4119, levans@earthjustice.org or Anne Hedges, Montana Environmental Information Center, 406-443-2520.

ⁱ 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.

ⁱⁱ MDU Resources Group, Inc., *Production and Safe Management of Coal Combustion Residuals* 11 (2010) available at http://www.mdu.com/Special%20Reports/2010_CoalAshRpt.pdf.

ⁱⁱⁱ Northern Plains Resource Counsel, *A Hidden Cost of Coal* (2010) available at <http://www.northernplains.org/wp-content/uploads/2010/11/NP-coal-ash-factsheet-FINAL10.19.10.pdf>.

^{iv} Montana Dept. of Env'tl Quality, Air Quality Permit #2953-00 9 (Apr. 9, 2009)

^v U.S. EPA, *Regulatory Impact Analysis for EPA's Proposed RCRA Regulation of Coal Combustion Residues (CCR) Generated by the Electric Utility Industry*, Exhibit 3D (August 2010).

^{vi} U.S. EPA. Database of coal combustion waste surface impoundments (2009).

^{vii} *Id.*

^{viii} US EPA, Human and Ecological Risk Assessment of Coal Combustion Wastes, Draft, April 2010.

^{ix} U.S. EPA. Database of coal combustion waste surface impoundments (2009).

^x U.S. EPA, Coal Combustion Residuals Impoundment Assessment Reports, Aug. 2011, available at <http://www.epa.gov/osw/nonhaz/industrial/special/fossil/surveys2/>.

^{xi} Earthjustice, *Out of Control* v, xiii (Feb. 2010), available at http://www.environmentalintegrity.org/news_reports/documents/OutofControl-MountingDamagesFromCoalAshWasteSites.pdf.

^{xii} Montana Code Annotated 75-10-214

^{xiii} In 2005, HB 48 was introduced and failed to pass the House of Representatives. See:

[http://laws.leg.mt.gov/pls/laws05/LAW0203W\\$BSRV.ActionQuery?P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=48&P_BILL_DFT_NO=&Z_ACTION=Find&P_SBJ_DESCR=&P_SBIT_SBJ_CD=&P_LST_NM1=&P_ENTY_ID_SEQ=](http://laws.leg.mt.gov/pls/laws05/LAW0203W$BSRV.ActionQuery?P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=48&P_BILL_DFT_NO=&Z_ACTION=Find&P_SBJ_DESCR=&P_SBIT_SBJ_CD=&P_LST_NM1=&P_ENTY_ID_SEQ=) In 2007, HB 88 was introduced and again failed to pass the House of Representatives. See:

[http://laws.leg.mt.gov/pls/laws07/LAW0203W\\$BSRV.ActionQuery?P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=88&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_SBJ_DESCR=&P_SBIT_SBJ_CD=&P_LST_NM1=&P_ENTY_ID_SEQ=](http://laws.leg.mt.gov/pls/laws07/LAW0203W$BSRV.ActionQuery?P_BLTP_BILL_TYP_CD=HB&P_BILL_NO=88&P_BILL_DFT_NO=&P_CHPT_NO=&Z_ACTION=Find&P_SBJ_DESCR=&P_SBIT_SBJ_CD=&P_LST_NM1=&P_ENTY_ID_SEQ=)

^{xiv} MDEQ letter to interested parties, 10/06/2006.

^{xv} *Id.*