EARTHJUSTICE

NEW JERSEY COAL ASH GENERATION, CONTAMINATION AND REGULATORY GAPS

Summary of Coal Ash Generating Facilities in NJ[i]

FACILITY	OPERATOR	ASH GENERATED IN 2005[ii] (in thousand short tons)	COUNTY
Chambers Cogeneration LP	Atlantic Power Corporation	162	Salem
PSEG Hudson Generating Station	PSEG Fossil LLC	165.1	Hudson
Logan Generating Plant	Keystone Urban Renewal LP	122	Gloucester
PSEG Mercer Generating Station	PSEG Fossil LLC	102.3	Mercer
B L England	RC Cape May Holdings LLC	84.1	Cape May
Deepwater	Conectiv Atlantic Generating Inc.	6.8	Salem

Amount of Coal Ash Generated Per Year

New Jersey electric utilities generate 642,300 tons of coal ash annually. New Jersey ranks 37th nationally for coal ash generation.[iii]

Coal Ash Contamination and Threats

- New Jersey coal ash contains 488 tons of toxic metals, according to the EPA's Toxic Release Inventory.[iv]
- Most of the coal ash generated in New Jersey is transported out of state for disposal.[v]
- Coal ash dumps in neighboring states threaten the health and water of New Jersey residents.
    - ***Pennsylvania***. New Jersey citizens are adversely affected by the poor waste management practices of Pennsylvania, the second largest coal ash-producing state in the U.S., which produces over 11 million tons of coal ash a year containing over 5600 tons of toxic metals.[vi] Two Pennsylvania coal plants are sited on the Delaware River, which forms a border between PA and NJ. Coal ash dumping at these plants threatens NJ drinking water and the water quality of the river for recreation and fishing:
        - *Martin Creek Spill:* In 2005, a major coal ash spill into the Delaware River at the PPL Martins Creek Plant in Martins Creek, PA flooded the river with 100 million gallons of coal ash, fouling the water and banks for miles.[vii] The Delaware River provides drinking water for approximately one third of New Jersey's municipalities. The coal ash spill occurred because of a storage basin blowout at PPL's Martins Creek Plant.[viii] This leak contaminated drinking water with arsenic,[ix] impacting the many towns along the Delaware that depend on the river to drive their economies through tourism, fishing, and recreation.
        - *Reliant Energy 's Portland Generating Station* is also located on the Delaware River and has contaminated groundwater at the site with arsenic, aluminum, fluoride, boron, iron, manganese, sulfate, and TDS.[x]
    - ***New York.*** The Hudson River also carries coal ash contamination to New Jersey from New York power plants. The Danskammer Generating Station is located on

the Hudson River in Newburgh, NY. U.S. EPA found that coal ash at the plant contaminated groundwater with iron, TDS, selenium, sodium, manganese, aluminum, arsenic, sulfate, sulfide, total dissolved solids, turbidity, iron, magnesium, boron.[xi].

New Jersey Regulatory Gaps Leave Communities Unprotected

New Jersey's regulations governing coal ash disposal lack critical safeguards for protecting public health. Specifically, state regulations do not require groundwater monitoring at all coal ash ponds and landfills, nor do they require that all dumps sites be constructed with a composite liner to prevent the release of pollutants.

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[i] U.S. Dept. of Energy's Energy Information Administration, Form EIA-767, Annual Steam-Electric Plant Operation and Design Data. 2005.

[ii] *Id.*

[iii] *Id.*

[iv] U.S. EPA, TRI Explorer, Release Reports, http://iaspub.epa.gov/triexplorer/tri_release.chemical (last visited May 17, 2012).

[v] U.S. Dept. of Energy's Energy Information Administration, Form EIA-767, Annual Steam-Electric Plant Operation.

[vi] *Id.*

[vii] Marc Carmon, PA Dept. of Envtl. Protection, Press Release: PA DEP Sues PPL for Martins Creek Ash Spill (Nov. 18, 2005), *available at* http://www.redorbit.com/news/science/308685/pa_dep_sues_ppl_for_martins_creek_ash_spill/.

[viii] *Id.*

[ix] 75 Fed. Reg. 35,128, 35,232

[x] Environmental Integrity Project and Earthjustice. Out of Control: Mounting Damages From Coal Ash Waste Sites (Feb. 2010).

[xi] U.S. EPA. Coal Combustion Waste Damage Case Assessments (July 9, 2007).