

Timeline of U.S. Federal Coal Ash and Power Plant Wastewater Regulation

Dec 2008

The largest toxic waste spill in US history occurs on December 22, 2008 when a coal ash pond collapses at the TVA Kingston Fossil Plant in Harriman, Tennessee, releasing over one billion gallons of toxic sludge in the Emory and Clinch Rivers, including 140,000 pounds of arsenic and chromium, lead, manganese, and nickel than was discharged from the entire U.S. power industry in 2007 – in total more than 2.6 million tons of toxic pollutants. The spill swept away houses and covered 300 acres of river and riverfront property.

Nov 2009

Obama administration writes proposal to regulate coal ash as a hazardous waste. A long delay ensues.

Nov 2010

Earthjustice and partners sue the EPA to complete a long-overdue update of the power plant Effluent Limitation Guidelines (ELG) to limit the amounts of toxic metals such as arsenic, mercury, and selenium into adjacent rivers, lakes, and streams from coal plants.

April 2012

Earthjustice and partners sue the EPA to establish first-ever coal ash protections for disposal of coal ash in landfills and surface impoundments. The rule requires monitoring of coal ash dumps, control of fugitive dust, closure of unstable and leaking dumps, and cleanup of toxic releases, among other protections.

Feb 2014

A massive coal ash spill at Duke Energy's Dan River Plant fouls 70 miles of the Dan River in North Carolina and Virginia, threatening drinking water supplies.

April 2015

The Obama administration responds to the 2012 lawsuit with the first-ever coal ash rule.

Nov 2015

The Obama administration publishes revised ELGs that finally require power plants to modernize their wastewater treatment and to completely eliminate discharges from ash pits. In tandem with the 2015 coal ash rule, this would force the industry to finally phase out the dangerous use of unlined pits to manage toxic wastewater.

Sept 2017

The Trump EPA completes a new rulemaking that delays by two years the date by which power plants must comply with the more stringent requirements of the ELG rule. At the same time, the EPA announces that it will reconsider key provisions of both the coal ash and ELG rules in response to industry petitions.

July 2018

Trump's EPA proposes the Phase 1, Part One/Part A rollback, which extends the deadline for closure of coal ash ponds that leak toxic chemicals or are too close to groundwater.

July 2019

The Trump administration announced a proposal to let coal plants off the hook for guaranteeing they can afford cleaning up coal ash disasters they cause. The TVA cleanup cost more than \$1 billion.

August 2019

Trump's EPA announces its proposed Phase 2 rollback, which increases the amount of toxic coal ash that can be used as construction fill in place of soil and removes health safeguards for piles of coal ash waste.

November 2019

Trump's EPA is expected to release a revised version of its Phase 1, Part One/Part A proposal in response to a court victory won by Earthjustice. It is expected to still delay the closures of dangerous coal ash ponds referenced above and include loopholes that exempt many dangerous coal plants.

Trump's EPA is also expected to propose an ELG rule that lets power plants dump hundreds of millions of pounds of toxic pollutants such as arsenic, mercury, and selenium into our waters each year, and permits less effective treatment methods on toxic wastewater from coal plants.