

TOXIC COAL ASH IN MASSACHUSETTS

Addressing Coal Plants' Hazardous Legacy

For decades, utilities disposed of coal ash – the hazardous substance left after burning coal for energy – by dumping it in unlined ponds and landfills.

A majority of coal ash dumpsites in Massachusetts are exempt from federal regulation. Coal ash

contains hazardous pollutants including arsenic, boron, cobalt, chromium, lead, lithium, mercury, molybdenum, radium, selenium, and other heavy metals, which have been linked to cancer, heart and thyroid disease, reproductive failure, and neurological harm. Industry's own data indicate that across the country 91% of coal plants are currently contaminating groundwater above federal health standards with toxic pollutants.¹

Coal ash remains one of our nation's largest toxic industrial waste streams. U.S. coal plants continue to produce approximately 70 million tons every year.²

Despite EPA's 2015 Coal Ash Rule, which created the first-ever safeguards for coal ash disposal, many coal ash dumps remain unregulated due to sweeping exemptions for legacy coal ash ponds and inactive landfills. The exempted coal ash dumps are sited disproportionately in low-income communities and communities of color. The EPA will issue a proposed rule to address these exemptions in May 2023.

Massachusetts company Brayton Point LLC operates **three federally regulated coal ash ponds** at the retired Brayton Point Power Station, which was once the largest coal-fired power plant in New England (Table 1). When operational, the station generated 300,000 tons of coal ash per year.³ This dump has caused significant groundwater contamination. However, Brayton Point LLC has yet

Coal ash is leaching unsafe levels of toxic pollutants into groundwater at 91% of coal plants in the United States.

to complete a comprehensive cleanup to restore water resources.

In addition, Massachusetts hosts at least **15 unregulated inactive coal ash landfills and legacy ponds** at three facilities that escape federal

regulation (Table 2). The exact number remains unknown because utilities are not required to report these sites. These dumps are almost certainly contaminating water and threatening health and the environment; however, monitoring data are not currently available for most unregulated sites.

As we anticipate EPA's proposed rule on legacy ponds and unregulated landfills in May 2023, a concern remains that the agency will not address coal ash that was dumped off site or used as fill.

Action Needed

The magnitude of harm from recklessly dumped toxic coal ash requires decisive action from federal and state regulators. Utilities must be required to comply with the law and immediately clean up their pollution.⁴ EPA and states must make enforcement a priority and act quickly to ensure that utilities leave communities with sites that benefit rather than harm their health, environment, and economic status. EPA must swiftly strengthen the Coal Ash Rule to address the many legacy ponds and inactive landfills that are unregulated, and to prohibit coal ash used as fill unless protective measures are put in place, to ensure all Massachusetts communities are protected from coal ash pollution.

FOR ADDITIONAL INFORMATION

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Table 1: Three Regulated Coal Ash Disposal Sites in Massachusetts

Coal Plant	City	Owner	Coal Ash Dumps	Groundwater Contamination from Coal Ash
				Magnitude of exceedance above federal health-based guidelines ⁵
Brayton Point	Somerset	Brayton Point LLC	3 unlined ponds	Arsenic (x1), Lithium (x2), Molybdenum (x1)

For more information on regulated coal ash dumpsites in Massachusetts, see earthjustice.org/coalash/map.

Table 2: 15 Unregulated Coal Ash Legacy Ponds and Inactive Landfills in Massachusetts (ash dumps exempted from the 2015 Coal Ash Rule)⁶

Coal Plant or Landfill	City	Probable Owner / Source	# of Unregulated Ponds	# of Unregulated Landfills	Evidence of Site Contamination
Brayton Point	Somerset	Brayton Point LLC	0	5	Yes – industry data ^a
Mount Tom	Holyoke	FirstLight Power Resources Services LLC	5	1	Unknown
Somerset Station	Somerset	Somerset Power LLC	4	0	Unknown

^a All data derived from the utilities' publicly accessible [CCR Compliance Data and Information websites](#), and exceedances were calculated by Environmental Integrity Project

Endnotes

¹ Earthjustice and Environmental Integrity Project, "Poisonous Coverup, The Widespread Failure of the Power Industry to Clean Up Coal Ash Dumps," available at <https://earthjustice.org/document/poisonous-coverup>.

² American Coal Ash Association, 2020 CCP Production and Use Survey Report, <https://acaa-usa.org/wp-content/uploads/2021/12/News-Release-Coal-Ash-Production-and-Use-2020.pdf>.

³ Marc Munroe Dion, "Brayton Point: Reducing Emissions Prompts Mass Construction," Herald News, April 26, 2008.

⁴ See endnote 1, *supra*, for more information re widespread utility non-compliance with the 2015 Coal Ash Rule.

⁵ All data derived from the utilities' publicly accessible [CCR Compliance Data and Information websites](#), and exceedances were calculated by Environmental Integrity Project.

⁶ These data were developed by using EPA datasets relied upon in their 2007 and 2014 CCR risk assessments (Human and Ecological Risk Assessment of Coal Combustion Residuals) and comparing those datasets to the universe of regulated units.

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