Texas and Coal Ash Disposal in Ponds and Landfills

Plant	Operator	Disposal Units	County
Oklaunion Power Station	Public Service Co. of OK	3 unlined ponds, 1 unlined landfill	Wilbarger
Pirkey Power Station	Southwestern Electric Power	3 unlined ponds,1landfill	Harrison
Welsh Plant	Southwestern Electric Power	3 ponds (1 lined), 1 unlined landfill	Titus
Coleto Creek Power Station	ANP	2 ponds (clay liners)	Goliad
Fayette Power Project Power	Lower CO River Authority	2 ponds (clay-lined), 1 landfill (no composite liner)	Fayette
Limestone Electric Gen. Station	NRG Energy	2 unlined ponds, 1 landfill (no composite liner	Limestone
W. A. Parish Electric Gen. Station	NRG Energy	5 unlined ponds, 1 landfill (no composite liner)	Fort Bend
Martin lake	TXU Generation Co. LP	4 ponds, clay-lined, 1 landfill (no composite liner)	Rusk
Monticello (TXUGEN)	TXU Generation Co. LP	1 clay-lined pond, 1 landfill (no composite liner)	Titus
San Miguel (SMIG)	San Miguel Co-op Inc.	2 clay-lined ponds, 1 landfill (no composite liner)	Atascosa
Sandow 4 & 5	TXU Generation Co. LP	1 clay-lined pond, 4 unlined landfills	Milam
Big Brown	TXU Generation Co. LP	2 ponds (1 unlined, 1 clay-lined), 1 landfill (no composite liner)	Freestone
Twin Oaks Power One	PNM Altura	1 landfill (no composite liner)	Robertson
Tolk	Southwestern Public Service	1 unlined landfill	Lamb
Harrington	Southwestern Public Service C	1 landfill (no composite liner)	Potter
J. T. Deely	CPS Energy	2 unlined ponds, 2 landfills (1 unlined)	Bexar
J. K. Spruce	CPS Energy	2 lined ponds, 1 unlined landfill	Bexar
Gibbons Creek	Texas Municipal Power Agency	4 ponds (one unlined, 3 clay-lined), 2 landfills (no composite liner)	Grimes

Amount of coal ash generated per year: 12.2 million tons. TX ranks 2nd in the country for coal ash generation, constituting over 10% of coal ash generation nationally.[i]
According to EPA's 2014 Regulatory Impact Analysis, none of Texas' coal ash landfills and ponds has a groundwater monitoring system, and most dumps are not adequately lined to prevent groundwater contamination.

Information on Texas Coal Ash Ponds
***Number of Coal Ash Ponds*:** Approximately 38 ponds.[ii]
***Age of Ponds*:** 24 ponds are over 24 years old, and 9 of those are over 34 years old.[iii]
Capacity and releases: Texas coal ash ponds have a combined storage capacity of over 9,196 acre- feet, or approximately 401 million cubic feet—enough ash to fill four Dallas Cowboy stadiums.[iv].

Results of EPA Inspections of Dams Impounding Coal Ash: Three dams were found in "poor" condition at the Coleto Crek Power Station in Fannin and the Lower Colorado River Authority in La Grange. [v] Among the problems observed were erosion, seeps and the absence of engineering studies assessing the structural stability of the dams. EPA also noted the absence of inspections and emergency action plans.

Cases of Coal Ash Contamination in Texas (Damage Cases)*:* According to the US EPA damage case assessment, proven damage cases in Texas include three reservoirs contaminated with selenium (requiring fish advisories) and polluted groundwater:[vi]

- ***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."
- ***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."
- ***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.[vii]

Deficiencies of Texas Laws and Regulations: The laws in Texas governing the disposal of ash are among the worst in the nation. 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.[viii] Texas also excludes from regulation all coal ash that is destined for "beneficial" reuse.[ix] 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. Texas requires none of the basic safeguards at all ash ponds and landfills, including groundwater monitoring, composite liners, separation from the water table, and financial assurance. The harmful release of pollutants to water and air from landfills in Texas is highly likely, because at least seven Texas coal plants employ no liners or dust controls at their landfills

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[i] US EPA, Regulatory Impact Analysis, RCRA Final Rule Regulating Coal Combustion Residual (CCR) Landfills and Surface Impoundments At Coal-Fired Electric Utility Power Plants (Dec 2014), (2012 figures).
[ii] *Id.*
[iii] U.S. EPA. Database of coal combustion waste surface impoundments (2011), http://www.epa.gov/osw/nonhaz/industrial/special/fossil/surveys/index.htm.
[iv] *Id.*
[v] *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.
[vi] U.S. EPA, Office of Solid Waste. *Coal Combustion Waste Damage Case Assessments* (July 9, 2007).
[vii] 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.
[viii] 30 Tex. Admin. Code §§ 335.2(d): 335.1(138)(H)(2010).
[ix] *Id*