

TOXIC COAL ASH IN MONTANA

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.

Montana has 23 coal ash dumpsites. 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.

Montana utilities operate **16 federally regulated coal ash ponds and landfills** containing more than 14 million cubic yards of toxic waste at two power plants (Table 1). Coal ash has caused groundwater contamination at all of Montana's regulated dumpsites. Some of these dumps are contaminating water at dozens of times the safe levels of certain pollutants. One of them, the Colstrip Steam Electric Station, is the subject of a

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

state enforcement action over groundwater contamination caused by leaking ponds.³ Despite this widespread environmental harm, no Montana company, to date, has initiated a plant-wide cleanup to restore groundwater, despite the legal requirement to do so.

In addition, Montana hosts at least **seven unregulated inactive coal ash landfills and legacy ponds** 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, 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 Montana communities are protected from coal ash pollution.

FOR ADDITIONAL INFORMATION

Christine Santillana, Legislative Counsel, Earthjustice
csantillana@earthjustice.org

Lisa Evans, Senior Counsel, Earthjustice
levans@earthjustice.org

Table 1: 16 Regulated Coal Ash Disposal Sites in Montana

Coal Plant	City	Owner	Coal Ash Dumps	Groundwater Contamination from Coal Ash
				Magnitude of exceedance above federal health-based guidelines ⁵
Colstrip	Colstrip	Talen Energy	12 unlined ponds, 1 lined pond	Boron (x47), Cobalt (x13), Lithium (x28), Molybdenum (x8), Radium 226+228 (x2), Sulfate (x28), Thallium (x1)
Lewis & Clark	Richland	Montana-Dakota Utilities Co.	2 unlined ponds, 1 landfill	Arsenic (x4), Boron (x13), Cobalt (x1), Lithium (x6), Molybdenum (x3), Selenium (x2), Sulfate (x12)

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

Table 2: Seven Unregulated Coal Ash Legacy Ponds and Inactive Landfills in Montana (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 ⁷
Colstrip	Colstrip	Colstrip Energy LP	0	2	Yes – EPA damage case
J.E. Corette	Billings	PPL Montana LLC	2	1	Unknown
Lewis & Clark	Richland	Montana-Dakota Utilities Co.	0	2	Yes – Industry data ^a

^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://aca-usa.org/wp-content/uploads/2021/12/News-Release-Coal-Ash-Production-and-Use-2020.pdf>.

³ Montana Department of Environmental Quality, "Colstrip Ash Pond Cleanup," <https://deq.mt.gov/cleanupandrec/Programs/colstrip>.

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.

⁷ "EPA damage case" denotes a site where US EPA has found documented groundwater contamination from coal ash. See: <https://www.regulations.gov/document/EPA-HQ-RCRA-2009-0640-12123>.

FOR ADDITIONAL INFORMATION

Christine Santillana, Legislative Counsel, Earthjustice
csantillana@earthjustice.org

Lisa Evans, Senior Counsel, Earthjustice
levans@earthjustice.org