

# TOXIC COAL ASH IN NEW JERSEY

## 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.

**New Jersey has eight 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.<sup>1</sup>

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.<sup>2</sup>

Despite EPA's 2015 Coal Ash Rule, which created the first-ever safeguards for coal ash disposal, most 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.

New Jersey utilities operate **six federally regulated coal ash ponds and landfills** at three retired coal plants (Table 1). While New Jersey no longer has any coal-fired generating stations still in operation, several of these facilities have caused significant groundwater contamination. However, their operators have yet to complete a comprehensive cleanup to restore water resources despite the legal requirement to do so.

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

In addition, New Jersey hosts at least **two unregulated inactive coal ash landfills** that escape federal regulation (Table 2). The exact number is unknown because utilities are not required to publicly report these unregulated dumps. At both of these sites, evidence

shows that coal ash has contaminated groundwater, but there are no federal monitoring or cleanup requirements.

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.<sup>3</sup> 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 New Jersey communities are protected from coal ash pollution.

#### FOR ADDITIONAL INFORMATION

**Christine Santillana**, Legislative Counsel, Earthjustice  
[csantillana@earthjustice.org](mailto:csantillana@earthjustice.org)

**Lisa Evans**, Senior Counsel, Earthjustice  
[levans@earthjustice.org](mailto:levans@earthjustice.org)

**Table 1: Six Regulated Coal Ash Disposal Sites in New Jersey**

| Coal Plant                             | City              | Owner                          | Coal Ash Dumps  | Groundwater Contamination from Coal Ash  |
|--|-------------------|--------------------------------|-----------------|--|
|  |                   |                                |                 | Magnitude of exceedance above federal health-based guidelines <sup>4</sup>               |
| <b>B.L. England Generating Station</b> | Beesley's Point   | RCCM                           | 1 unlined pond  | Not evaluated  |
| <b>Hudson Generating Station</b>       | Jersey City       | HRP Hudson LLC (formerly PSEG) | 3 unlined ponds | Barium (x1), Cobalt (x1), Lithium (x2), Radium 226+228 (x4), Sulfate (x1), Thallium (x6) |
| <b>Mercer Generation Station</b>       | Hamilton Township | HRP Mercer LLC (formerly PSEG) | 2 unlined ponds | Cobalt (x1)  |

For more information on regulated coal ash dumpsites in New Jersey, see [earthjustice.org/coalash/map](https://earthjustice.org/coalash/map).

**Table 2: Two Unregulated Coal Ash Legacy Ponds and Inactive Landfills in New Jersey (ash dumps exempted from the 2015 Coal Ash Rule)<sup>5</sup>**

| Coal Plant or Landfill           | City              | Probable Owner / Source        | # of Unregulated Ponds | # of Unregulated Landfills | Evidence of Site Contamination   |
|----------------------------------|-------------------|--------------------------------|------------------------|----------------------------|----------------------------------|
| <b>Hudson Generating Station</b> | Jersey City       | HRP Hudson LLC (formerly PSEG) | 0                      | 1                          | Yes – Industry data <sup>a</sup> |
| <b>Mercer Generation Station</b> | Hamilton Township | HRP Hudson LLC (formerly PSEG) | 0                      | 1                          | Yes – Industry data <sup>a</sup> |

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

## Endnotes

<sup>1</sup> 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>.

<sup>2</sup> 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>.

<sup>3</sup> See endnote 1, *supra*, for more information re widespread utility non-compliance with the 2015 Coal Ash Rule.

<sup>4</sup> All data derived from the utilities' publicly accessible [CCR Compliance Data and Information websites](#), and exceedances were calculated by Environmental Integrity Project.

<sup>5</sup> 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.

## FOR ADDITIONAL INFORMATION

**Christine Santillana**, Legislative Counsel, Earthjustice  
[csantillana@earthjustice.org](mailto:csantillana@earthjustice.org)

**Lisa Evans**, Senior Counsel, Earthjustice  
[levans@earthjustice.org](mailto:levans@earthjustice.org)