

# TOXIC COAL ASH IN NEW MEXICO

## 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 Mexico 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, 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.

New Mexico utilities operate **six federally regulated coal ash ponds and landfills** containing more than 20 million cubic yards of toxic waste at two coal plants (Table 1). Four Corners Power Plant, on Navajo Nation land, is the 19<sup>th</sup> most contaminated coal ash site in the U.S., and at all New Mexico plants where data are available, groundwater is contaminated above federal health standards.<sup>3</sup> Despite the serious and widespread water

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

contamination, no New Mexico plant, to date, has selected a final plan to adequately clean up groundwater, despite the legal requirement to do so.

In addition, New Mexico hosts at least **two 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, 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>4</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 Mexico communities are protected from coal ash pollution.

#### FOR ADDITIONAL INFORMATION

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

Coal Plant	City	Owner	Coal Ash Dumps	Groundwater Contamination from Coal Ash
				Magnitude of exceedance above federal health-based guidelines <sup>5</sup>
Escalante	Prewitt	Tri-State Generation and Transmission Association, Inc.	1 landfill	Arsenic (x3), Lithium (x15)
Four Corners	Fruitland	Arizona Public Service Co.	4 unlined ponds, 1 landfill	Boron (x74), Chromium (x1), Cobalt (x45), Fluoride (x6), Lead (x2), Lithium (x23), Molybdenum (x4), Radium 226+228 (x5), Selenium (x2), Sulfate (x22)

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

**Table 2: Two Unregulated Coal Ash Legacy Ponds and Inactive Landfills in New Mexico (ash dumps exempted from the 2015 Coal Ash Rule)<sup>6</sup>**

Coal Plant or Landfill	City	Probable Owner / Source	# of Unregulated Ponds	# of Unregulated Landfills	Evidence of Site Contamination
Four Corners	Fruitland	Arizona Public Service Co.	0	1	Yes – Industry data <sup>a</sup>
San Juan	Waterflow	Public Service Co. of NM	1	0	Unknown

<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> Endnote 1, *supra*, at Table A4, Summary of Contamination by Site.

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

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

<sup>6</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.

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