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Chairwoman Anne M. Gobi
Joint Committee on Environment, Natural Resources and Agriculture
State House, Room 473F
Boston, MA 02133

Chairman Marc R. Pacheco
Joint Committee on Environment, Natural Resources and Agriculture
State House, Room 312-B
Boston, MA 02133

Re: Testimony in Support of H1991, Regulating Coal Ash as Solid Waste

Dear Chairwoman Gobi, Chairman Pacheco, and Members of the Committee,

Thank you for the opportunity to present our comments on House Bill 1991, which would simply classify coal ash as solid waste, for which we would like to offer strong support.

The Sierra Club is the oldest and largest non-profit, non-partisan organization environmental organization in the country. With over a forty year history in this chapter, the Massachusetts Sierra Club represents about 22,000 members and supporters throughout the state and 1.4 million nationwide. We fight for clean air, clean water, the preservation of the Commonwealth's most precious natural spaces, and healthy, vibrant communities.

This proposed legislation would be the first step in enabling the Commonwealth to manage a very serious problem, one that is also facing the entire country. Coal ash is an abundant and dangerous by-product of burning coal for electricity. For many decades and until 2000, hundreds of tons of this waste have been dumped into unlined landfills and ponds and used to fill in old stone and gravel quarries. Coal ash is highly toxic and disposal sites release dangerous chemicals and heavy metals such as mercury, dioxin, arsenic, lead, cadmium, boron, thallium, chromium and other pollutants at levels that pose risks to human health and the environment.¹ Cancer, birth defects, and damage to the central nervous system are the most commonly seen problems. Mercury that has leached from coal plant waste sites into our surface water and ocean turns into methylmercury, which is a potent neurotoxin. This substance is absorbed by fish and shellfish and can cause neurological and developmental damage when consumed by humans, particularly affecting children.²

The chemicals and metals from the coal ash dumps find their way into the ground and surface water that we drink. In the city of Beverley, Wenham Lake, a source of drinking water for around 80,000 people, was badly polluted by a nearby coal ash dump containing waste from the sixty-year-old Salem Harbor Power Station. The city has just completed a multi-million dollar cleanup of their reservoir.

In Massachusetts, we generate over 600,000 tons of coal ash waste every year in our four coal-burning power plants. There are no federal regulations monitoring our coal ash disposal and Massachusetts Law specifically exempts coal ash from solid waste monitoring regulations.

Although most states do not have regulations and they store their coal ash in unlined landfills or wet ponds, we are the only New England state failing to impose boundaries on the safe disposal and recycling of coal ash.³ Many of us in the commonwealth are skeptical of the coal industry's voluntary self-policing power.

Passing this bill would allow us to use the term "solid waste" for coal ash waste. This classification would allow the citizens of Massachusetts to turn over the regulation and monitoring of the waste to the Massachusetts Department of Environmental Protection (DEP). This would help protect the lives and health of over 6 million citizens who live within a 30-mile radius of the four coal burning plants (2001 statistics).⁴

The "solid waste" classification and regulation by the MassDEP would protect us in the following ways:

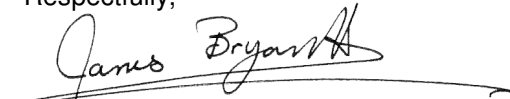
- by establishing permit requirements for building environmentally sound waste facilities;
- by establishing stringent standards for proper design, operation, and monitoring of facilities;
- by requiring that owners provide financial assurance that funds will be available for proper closure at the end of the facility's life;
- by requiring plans for managing emissions of air pollutants in the case of burning;
- by providing financial assistance to cities and towns for closing and cleaning up old, unlined, potentially dangerous landfills.⁵

There are many beneficial uses for coal ash waste. This bill wholeheartedly supports the use of coal ash in the construction, building, transportation, and aerospace industries. Nationwide, about 43-51% of coal ash is used in making materials like concrete blocks and conventional cement, gypsum board, road bases, and heat shielding to name a few.⁶ Unfortunately, far more coal ash waste is generated than can be used and it must ultimately be disposed of responsibly. Much of the coal ash waste that is recycled is also used in hazardous ways such as residential construction fill or in agricultural to enhance the soil's ability to hold water.⁷

It is critical that we understand the seriousness of the problem of unregulated coal ash and the consequences we are facing if we do not protect our people and our environment by managing this waste responsibly. Federal laws will be forthcoming from the EPA but, in the meantime, this waste is piling up in our children's backyards.

The Sierra Club fully endorses this proposed legislation, H1991, and hopes that this bill is reported favorably by the committee and is supported by all the members of the Senate and the House of Representatives. We strongly believe that this bill would have a significant positive impact of the preservation of clean water and environmental well being in the commonwealth.

Respectfully,



James McCaffrey
Director
Massachusetts Sierra Club

¹ Earth Justice Institute, "Coal Ash Pollution Contaminates Groundwater, Increases Cancer Risks", Sept. 4, 2007. www.earthjustice.org

² McClatchy Newspapers-McClatchy Washington Bureau "Coal ash is damaging water, health in 34 states, groups say", Renee Schoof, May 7, 2009. www.mcclatchydc.com/homepage

³ Rep. Lori Ehrlich, "Fact Sheet" (May 2009).

⁴ U.S. Census Population Estimates, American Lung Association, 2001. www.epa.gov

⁵ Massachusetts Department of Environmental Protection, Office of Enforcement. Retrieved 5/09 from www.mass.gov/dep/about

⁶ "Lightweight Material Provides New Use for Coal Ash", Retrieved 5/09 from www.innovations-report.com/html/reports

⁷ The New York Times, "Hundreds of Coal Ash Dumps Lack Regulation". Jan. 7, 2009, www.nytimes.com