

Excerpt from
Compilation of State Comments received by ASTSWMO
regarding EPA Proposed Regulation of CCB

This compilation incorporates responses received by ASTSWMO as of March 31, 2009, from:

Colorado, Florida, Hawaii, Iowa, Kansas, Michigan, Missouri, Ohio, South Dakota, Tennessee, Virginia, West Virginia and Wisconsin.

The compilation includes copies of letters sent by some of these States directly to EPA.

South Dakota

I am sending you this email to express our thoughts on regulating coal ash in surface impoundments. We in SD do not have "surface impoundments" like the TVA's or others. Our one ash disposal site is a dry tomb landfill rather than a surface impoundment with all of the issues dealing with the force of moisture and dam structures. One proposed expansion and one proposed new power plant generating coal ash will also use dry tomb landfills rather than surface impoundments. However, if regulations are going to be promulgated by EPA my fear is these regulations will not only address surface impoundments but also coal ash in general especially if EPA determines coal ash is a hazardous waste. We currently issue our state solid waste rules to permit disposal of coal ash. We use rules and standards governing our municipal solid waste facilities - better known as Subtitle D facilities- for coal ash disposal facilities. We may need standards for surface impoundments such as the TVA like facilities but to identify coal ash as a hazardous waste would be a mistake. Managing coal ash according to applicable Subtitle D standards are adequate to managing coal ash in a dry tomb landfill situation.