

## Environmental groups sue EPA over lack of coal ash regulation

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Environmental groups [sued](#) the Environmental Protection Agency in federal court Thursday over the EPA's failure to regulate disposal of toxic coal ash.

“Politics and pressure from corporate lobbyists are delaying much needed health protections from coal ash,” Lisa Evans, a lawyer with Earthjustice, a nonprofit environmental law firm, said in a [statement](#). “As we clean up the smokestacks of power plants, we can’t just shift the pollution from air to water and think the problem is solved. The EPA must set strong, federally enforceable safeguards against this toxic menace.”

Coal ash is the collective term for the solid remnants left over from the burning of coal at more than 500 power plants nationwide. It contains compounds such as arsenic, chromium, lead and mercury, which have been linked to cancer, birth defects, gastrointestinal illnesses and reproductive problems.

A [2009 investigation by the Center for Public Integrity](#) revealed the havoc that coal ash has wreaked near ponds, landfills, and pits where it is dumped. Even the EPA has identified 63 “proven or potential damage cases” in 23 states where coal ash has tainted groundwater or otherwise harmed the environment. But critics say no meaningful federal regulations have been put in place.

The issue gained renewed attention after a dam holding billions of gallons of coal ash collapsed in eastern Tennessee in December 2008, destroying houses and water supplies and dirtying a river. Following the spill, EPA Administrator Lisa Jackson pledged to set federal standards.

The EPA [unveiled a proposal](#) in May 2010 with two options. Under the tougher of the two, the agency would classify coal ash as “hazardous,” triggering a series of strict controls for its dumping. Under the second option, the EPA would deem coal ash “non-hazardous” and merely set guidelines for the states.

Hundreds of people showed up at public hearings and sent in hundreds of thousands of comments on the proposal. But the EPA has yet to announce a final rule.

Thursday's lawsuit seeks to speed up the process by forcing the EPA to take action under the Resource Conservation and Recovery Act, which requires that hazardous waste disposal regulations be routinely updated.

An EPA spokesperson said in a statement that the agency is still reviewing the lawsuit but "is aware of the concerns around coal ash" and "is committed to protecting people's health and the environment in a responsible manner."

The EPA has already proposed a "historic" regulation of coal ash and "will finalize the rule pending a full evaluation of all the information and comments the Agency received on the proposal," the statement said.

By [Emma Schwartz](#)

A view of the Little Blue Run pond in Pennsylvania, where millions of tons of coal ash waste has been dumped over its 35-year existence. Sierra Club

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