

April 12, 2021



## Fact Sheet:

# Coal Ash Regulation and “Unencapsulated” Beneficial Use

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*Section 622 of H.R. 1512, the “CLEAN Future Act,” and H.R. 2396, the “Ensuring Safe Disposal of Coal Ash Act,” each contain a provision that would “**prohibit, as open dumping, the use of coal combustion residuals in unencapsulated uses.**” This provision is unjustified and works against the CLEAN Future Act’s policy objectives.*

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## Coal Ash Beneficial Use Supports the Goals of the CLEAN Future Act

There are many good reasons to view coal ash as a resource, rather than a waste. Recycling coal ash conserves natural resources and saves energy. In many cases, products made with CCPs perform better than products made without it. (For instance, coal fly ash makes concrete stronger and more durable. It also **supports climate change policy goals** by reducing the need to manufacture cement, resulting in significant reductions in greenhouse gas emissions – about 12 million tons in 2019 alone.) Major uses of coal ash include concrete, gypsum wallboard, blasting grit, roofing granules, and a variety of geotechnical and agricultural applications.

Beneficial use of coal ash **supports environmental justice policy goals** by significantly reducing the volume of material placed in disposal facilities located in environmental justice communities. Materials are productively utilized in applications defined by consensus-based performance standards and decades of practical experience that ensure the safety of human health and the environment.

## A Lengthy Regulatory History Supports Coal Ash Beneficial Use

The 1980 Bevill Amendment to the Resource Conservation and Recovery Act (RCRA) instructed the U.S. Environmental Protection Agency (EPA) to “conduct a detailed and comprehensive study and submit a report” to Congress on the “adverse effects on human health and the environment, if any, of the disposal and utilization” of coal ash. Since 1988, under both Republican and Democratic administrations, EPA has issued two Reports to Congress (1988 and 1999) and two Regulatory Determinations (1993 and 2000) finding that “hazardous waste” regulation of coal ash is not warranted and encouraging the beneficial use of coal ash. EPA’s 2015 Final Rule regulating the disposal of coal ash **preserved its “non-hazardous” regulatory status and the regulatory exemption for beneficial use.**

The distinction between “encapsulated” and “unencapsulated” beneficial use did not exist prior to EPA’s 2015 Final Rule. EPA is currently conducting rulemaking activities to refine its definition of beneficial use, as well as the application of that definition to the regulatory treatment of unencapsulated uses. **Blanket legislation banning a large portion of beneficial uses would short-circuit EPA’s science-based rulemaking activities.**

## “Unencapsulated” Beneficial Uses are Governed by Engineering Standards

Unencapsulated coal ash beneficial use applications have been widespread since the 1970s and are conducted in compliance with numerous engineering and consensus-based standards. For example, consider the engineering guidance developed for the unencapsulated use known as “structural fill”:

- In 1979, the Electric Power Research Institute (EPRI) issued a “Fly Ash Structural Fill Handbook” (Report EA-1281).
- In 1988, EPRI published “High Volume Fly Ash Utilization Projects in the United States and Canada” (Report CS-4446, Second Edition) and “Fly Ash Construction Manual for Road and Site Applications” (CS-5981, Volumes 1 and 2).
- In 1995, ASTM International issued “Provisional Standard Guide for the Use of Coal Combustion Fly Ash in Structural Fills” (PS23-95).
- In 1997, ASTM adopted E1861-97 “Standard Guide for Use of Coal Combustion By-Products in Structural Fills.”
- ASTM E1861 was superseded in 2003 with the publication of ASTM E2277-03. Since 2003, ASTM E2277 has been continually updated through a consensus process in order to address improved methods of engineering and placement of coal ash materials.

### **Environmental Benefits from Significant Volumes of Material are at Stake**

The American Coal Ash Association (ACAA) has conducted a survey quantifying the production and use of coal ash in the United States each year since 1966. Data is compiled by directly surveying electric utilities and utilizing additional data produced by the U.S. Energy Information Administration. The survey’s results have been widely utilized by federal agencies including EPA and U.S. Geological Survey.

Since 2000, the survey shows beneficial use of coal fly ash in concrete mixtures has accounted for more than **250 million tons of avoided greenhouse gas emissions** from cement manufacturing. During the same period, an additional **596.7 million tons of coal ash was kept out of landfills and impoundments** through use in unencapsulated applications with track records of decades of responsible use.

A ban on unencapsulated coal ash beneficial use would dramatically increase both the volume of coal ash that must be disposed and the volume of virgin materials that must be mined or manufactured to replace it. A ban would also destroy environmentally beneficial practices such as mitigating acid mine drainage, reclaiming mine sites for commercial and recreational use, improving agricultural soil conditions while reducing damage from eutrophication, and more.

### **About the American Coal Ash Association**

The American Coal Ash Association, established in 1968, is a nonprofit trade association devoted to recycling the materials created when we burn coal to generate electricity. Our members comprise the world’s foremost experts on coal ash (fly ash and bottom ash), and boiler slag, flue gas desulfurization gypsum (FGD or “synthetic” gypsum), and other flue gas materials captured by emissions controls. The Mission of the American Coal Ash Association is to advance the management and use of coal combustion products in ways that are environmentally responsible, technically sound, commercially competitive, and supportive of a sustainable global community. For more information visit [www.acaa-usa.org](http://www.acaa-usa.org).

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