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EPA settlement raises questions about coal ash in Missouri

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May 31, 2013 4:00 am • By JEFFREY TOMICH jtomich@post-dispatch.com > 314-340-8320

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The owner of a Jefferson County business reached a settlement with regulators requiring the repair of environmental damage at a site where 140,000 tons of Ameren Missouri coal ash was dumped.

The Environmental Protection Agency claims unauthorized disposal of ash, which contains harmful metal such as arsenic, chromium and selenium, fouled wetlands, a tributary to Platin Creek and part of Willers Lake in Jefferson County. All of the ash came from Ameren's Rush Island plant just a couple of miles away.

The settlement announced Thursday requires the owner of the site, Rotary Drilling Supply Inc., to place a protective cap over still-existing ash piles to prevent runoff; take other short- and long-term measures to prevent further migration of pollutants; and restore impacted wetlands. The company must submit plans within a month of the settlement being finalized.

Environmental advocates believe the site in Jefferson County is just one of many spots across Missouri where the placement of coal ash, the waste produced when coal is burned to produce electricity, has fouled ground and surface waters.

The Sierra Club and other groups also say lax regulations in the Show-Me state, which give utilities wide latitude to reuse coal waste, are to blame.

"It's a loophole that needs to be fixed," said John Hickey, director of the Missouri Chapter of the Sierra Club, which last week urged the state to require groundwater monitoring around existing ash ponds at utility power plants.

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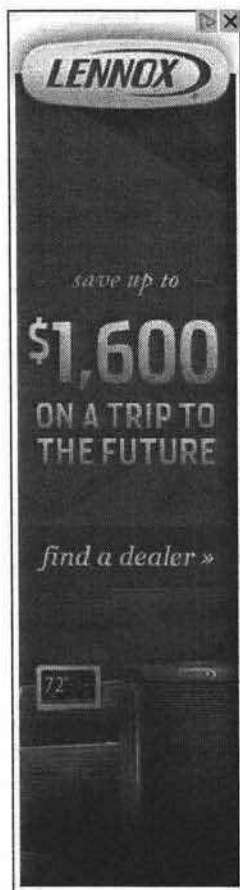


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Ameren recycles tens of thousands of tons of ash from its Labadie plant each year to make concrete mix sold at local home improvement stores. But the utility and other companies in Missouri also have been granted broad exemptions to use ash for other purposes that are lightly regulated, if at all.

Those include the trial use of coal ash as mine fill at Mississippi Lime Co. near Ste. Genevieve earlier this year.

The Missouri Department of Natural Resources granted Ameren an exemption from solid waste laws in 1998 and again in 2001 to use coal waste from any of its power plants across the state as structural fill, for road base construction and soil stabilization.

According to records obtained through a Sunshine Law request from the Post-Dispatch, the DNR suspended Ameren's "beneficial use" exemption last summer in connection with an alleged violation in the Rotary Drilling case.

A DNR spokeswoman didn't respond to questions about the exemption Thursday afternoon, and Ameren didn't answer when asked if the suspension was still in effect.

The Jefferson County ash disposal case was referred to the EPA by the Army Corps of Engineers in 2010 for investigation.

According to the EPA, Rotary Drilling and another company, Mineral Resource Technologies Inc., contracted with Kleinschmidt Trucking Inc. to dispose of 95,000 tons of coal ash at the Jefferson County site between 2004 and 2009.

Separately, Ameren contracted with Mineral Resource Technologies to find locations for coal ash disposal. The utility also worked directly with the trucking company in 2007 to haul and dispose of 45,000 tons of coal ash at Rotary Drilling, the EPA said.

Sampling of the coal ash piles at the site and the Platin Creek tributary in 2011 indicated high levels of pollutants were migrating into the creek and 10 acres of nearby wetlands.

An ecological risk screening concluded that "direct physical impact to the wetland environment results in a total loss of ecological habitat."

Rotary Drilling, Ameren and the other companies got notices of violation from the EPA and the Missouri Department of Natural Resources, according to EPA spokesman David Bryan and DNR records obtained through a Sunshine Law request.

The settlement announced Thursday names only Rotary Drilling. But there is a separate agreement between the company and the other three parties to share responsibility for the site cleanup, Bryan said. Terms of that agreement aren't publicly available.

In a statement, Ameren Missouri said it "has no part" in the remediation project and has "no obligations" under the settlement. The utility also said Rotary Drilling "was responsible for applying for all necessary permits and authorizations relating to the project, including the use of coal ash as fill material."

Adam Breeze, an attorney for Rotary Drilling, declined to elaborate on the settlement, which is subject to a 30-day comment period. But he said his client was using the ash to level the property for possible future development.



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Jeffrey Tamich covers energy and the environment for the Post-Dispatch. Follow him on Twitter at @jefftamich.

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