

One Waste-to-Energy Industry Reaction to EPA's Most Recent Memorandum on Ash - September 18, 1992.

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The waste-to-energy industry has long heard political concerns expressed about the landfilling of ashes. Opinion polls show that the public has progressed farther than the politicians; the large majority is not worried about ash.

Nevertheless, the politicians have been all over the map on the issue. The EPA since 1980, and Congress since 1985, have explicitly exempted ash from hazardous waste regulation. For unexplained reasons, the U.S. Environmental Protection Agency (EPA) publicly questioned the exemption in 1985.

During 1987, EPA sampled and tested ashes and leachate from six different landfills where waste-to-energy ashes were co-disposed with ordinary trash for long periods of time.¹ The analyses revealed no groundwater pollution of concern, and in December, 1987, EPA reversed itself and supported the 1985 exemption.

Bills in Congress and lawsuits in court followed during 1988, 1989 and 1990, culminating in general confusion but no action. To this day, both Congress and the Supreme Court are still trying to decide whether and how to regulate ash. Neither is expected to do anything until 1994, if then.

On September 18, 1992, EPA Administrator William Reilly sent a memorandum to all EPA Regional Administrators, reiterating EPA's 1980 and 1987 support of the exemption for resource recovery ash.² In his memo, ex-Administrator Reilly reiterated RCRA's statutory construction and EPA's authority to regulate ash as non-hazardous. This portion of the memo is identical to the pronouncements of 1980, 1985 and 1987

and comes as no surprise. Reilly also cited two new reasons as "impetus" for reiterating the exemption -- EPA's new landfill standards and the economics of resource recovery.

Whereas landfill design and economics are important considerations, they pale beside the fact that ash leachate has been proven safe. We all have scientific proof that we need not have worried about ash in the first place. Crucial good news came in March 1990 with the publication of EPA's own definitive ashfill study, prepared by the Solid Waste Association of North America.³ Ash from five waste-to-energy facilities and their associated landfills was exhaustively examined for more than a year. Twenty-four of the twenty-five leachate samples tested at better than "Safe Drinking Water Quality," more than 100 times cleaner than the lowest possible level of health concern. The one sample less than Safe Drinking Water Quality just barely missed.

Meanwhile, SWANA had also been studying the Woodburn, Oregon ash monofill to make certain that drinking water safe leachate is not a characteristic only of combined landfills. In all, EPA and then SWANA have studied the Woodburn monofill since 1987. In September, 1990, USEPA released its third study on ash, concluding that leachate from the Woodburn monofill is even cleaner than that from the eleven combined landfills previously studied.⁴

In March, 1992, SWANA released the fourth and latest study, which showed that monofill leachate is just as clean after five years as it was when the ash was first deposited at Woodburn.⁵ EPA has also funded another study, a report of which is expected soon, to make certain no long-term changes are occurring during the sixth year.

Note that no one has questioned either the accuracy or the conclusions of any of these studies, although in the past EPA suppressed their publication, and assisted special interest groups in misrepresenting the findings in press releases. Why did EPA do that?

Based on EPA's own publications, which I urge you to read, there is certainly no need for restrictions on ash disposal. Ash directly from waste-to-energy facilities is stable, inert, and needs no further treatment. Ash poses no threat to groundwater, whether the landfill is lined or unlined, combined codisposal, monofill or any combination thereof.

The other major finding of EPA's studies is that both the "Extraction Procedure Toxicity" and Toxic Characteristic Leaching Procedure" tests customarily used, even though not mandatory, are wildly inaccurate in predicting actual conditions. New York DEC agreed, in its March, 1992 Report titled "Ash Residue Characterization Project", that EP Tox and TCLP both "significantly overestimate" lead and cadmium in real-world landfill leachate.⁶ Why anyone still uses EP Tox or TCLP is difficult to understand.

The most significant lesson which should have been learned is that the time and money now devoted to ash tests and elaborate ash treatment systems should be redirected toward informing regulators, solid waste management professionals and the public they both serve that waste-to-energy ash has always been environmentally benign.

The message to Congress and the Supreme Court should be: Ash disposal ain't broke; there's no need to fix it!

NEW YORK STATE

FOOTNOTES AND BIBLIOGRAPHY

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2. USEPA, "Exemption for Municipal Waste Combustion Ash From Hazardous Waste Regulation Under RCRA Section 3001 (i)", September 18, 1992.
3. USEPA, "Characterization of Municipal Waste Combustion Ash, Ash Extracts, and Leachates", Document No. 530-SW-90-029A, March, 1990 (prepared by the Coalition on Resource Recovery and the Environment and NUS Corporation under contract to USEPA).*
4. USEPA, "Characterization of Municipal Waste Combustion Ash, Ash Extracts and Leachates from Monofills", September, 1990 (prepared by the Coalition on Resource Recovery and the Environment and NUS Corporation under contract to USEPA).*
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6. NYDEC, "Ash Residue Characterization Project," March, 1992.

* Available in full text by writing to Walter Shaub, Ph.D., Solid Waste Association of North America, P.O. Box 7219, Silver Spring, MD 20907-7219