



NEW YORK COAL ASH DISPOSAL IN PONDS AND LANDFILLS

Summary of Coal Ash Generating Facilities in NYⁱ

FACILITY	OPERATOR	ONSITE DISPOSAL	COUNTY
Dunkirk Generating Station	NRG Energy	3 ponds, landfill(s)	Chautauqua
C.R. Huntley Generating Station	NRG Energy	3 ponds, landfill(s)	Erie
AES Somerset LLC	AES NUGs	landfill(s)	Niagara
AES Cayuga	AES NUGs	landfill(s)	Tompkins
Danskammer Generating Station	Dynergy Inc	landfill(s)	Orange
AES Greenridge LLC	AES NUGs	landfill(s)	Yates
Rochester 7	Rochester Gas & Electric Corp	landfill(s)	Monroe
Oswego Harbor Power	NRG Energy	landfill(s)	Oswego
AES Westover	AES NUGs		Broome
Astoria Generating Station	US Power Generating Company		Queens
Roseton Generating Station	Dynergy Inc.		Orange
PSEG Albany Generating Station	PSEG Fossil		Albany
Lovett	Mirant Corporation		Rockland

Amount of coal ash generated per year: 2.8 million tons. New York ranks 15th nationally for coal ash generation.ⁱⁱ

Coal Ash Ponds in New York

Number of Coal Ash Ponds: Six ponds at two plants.

Age of Ponds: The ponds in New York are over 25 years old.ⁱⁱⁱ The age of these ponds makes it unlikely that they have critical safeguards like liners and leachate collection systems.

Coal Ash Landfills in New York

Most coal-fired power plants in New York dispose of their waste in onsite and offsite landfills. Approximately 1.5 million tons of coal ash is disposed in landfills each year.

Damage from Coal Ash in New York

Coal ash has contaminated water at the following five sites in New York:

- **Don Frame Trucking, Inc. Fly Ash Landfill:** Coal ash landfill accepting waste from the Dunkirk Generating Station contaminated a private drinking water wells with lead, sulfate, and manganese . NYS DEC required remediation and the provision of public drinking water to the affected well users.^{iv}
- **AES Creative Resources Weber Ash Disposal Site:** A offsite fly ash landfill contaminated groundwater with aluminum, manganese, sulfate and high pH.^v
- **Central Hudson Gas and Electric Corporation Danskammer Waste Facility:** A coal ash landfill contaminated groundwater with high levels of sulfate, iron, magnesium, manganese, boron, iron, turbidity, and high pH.^{vi}

- **C.R. Huntley Flyash Landfill, New York:** Coal ash landfill contaminated groundwater with high levels of arsenic, iron, manganese, sulfate and total dissolved solids in onsite wells.^{vii}
- **AES Cayuga Coal Ash Disposal Landfill.** Contaminated leachate and runoff from an onsite coal combustion waste landfill discharged directly from a pond into Cayuga Lake. The contaminated discharge contained grossly elevated levels of arsenic, cadmium and selenium. In addition, a partially unlined landfill contaminated groundwater and residential wells with elevated levels of lead.^{viii}

State Law Deficiencies

New York Law provides NYS DEC with the discretion to exempt coal ash monofills (landfills that contain only one type of waste, such as coal ash) from some landfill permitting requirements. Because coal ash is usually disposed in monofills, this exemption may have adverse public health impacts: Section 360-2.14(a) states:

Industrial/commercial waste monofills. Monofills used solely for the disposal of solid waste resulting from industrial or commercial operations are subject to all requirements of this Subpart, unless the applicant demonstrates that specific landfill requirements in this Subpart are not necessary for the solid waste to be disposed of at the subject facility. The requirements in this Subpart may be modified on a case-specific basis. The department may impose additional or less stringent requirements on these monofills, based on the pollution potential of the waste. Pollution potential shall be based upon the volume and the physical, chemical, and biological properties of the solid waste, and, its variability. Changes in the monofill's design may include, but not be limited to, modifications to the leachate collection system, low permeability liners, and low permeability cover system designs. For those facilities where the applicant can demonstrate to the department that a specific regulatory requirement contained in either sections 360-2.13, 360- 2.15 or 360-2.17 of this Subpart are not applicable as discussed in this subdivision, the need for a formal variance is waived."

In addition, New York regulations do not require all landfills and surface impoundments to install groundwater monitoring systems and composite liners or to maintain financial assurance. State regulations also do not prohibit coal ash landfills and ponds from being constructed in the water table.

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ⁱ U.S. EPA. Database of coal combustion waste surface impoundments (2009). Information collected by EPA from industry responses to Information Collection Request letters issued to the companies 2009-11; U.S. Dept. of Energy's Energy Information Administration, Form EIA-767, Annual Steam-Electric Plant Operation and Design Data. 2005.

ⁱⁱ U.S. Dept. of Energy's Energy Information Administration, Form EIA-767, Annual Steam-Electric Plant Operation and Design Data. 2005.

ⁱⁱⁱ Information Request Responses from Electric Utilities, U.S. ENVT'L PROT. AGENCY (Jan. 13, 2012), <http://www.epa.gov/osw/nonhaz/industrial/special/fossil/surveys/> (follow link to Database Results (XLS))

^{iv} U.S. EPA. Coal Combustion Waste Damage Case Assessments (July 9, 2007).

^v *Id.*

^{vi} *Id.*

^{vii} *Id.*

^{viii} Environmental Integrity Project, Earthjustice, et al. In Harm's Way: Lack of Federal Coal Ash Regulations Endangers Americans and Their Environment, August 2010 at pp. 112-118.