

3. ENCOURAGING RESOURCE CONSERVATION, PRESERVATION AND RECOVERY OF COAL COMBUSTION PRODUCTS (CCPs)

BACKGROUND

The U.S. Resource Conservation and Recovery Act of 1976 (RCRA) establishes an objective to conserve valuable material and energy resources by promoting the demonstration, construction and application of solid waste management, resource recovery, and resource conservation systems that preserve and enhance the quality of air, water and land resources.

The utilization of coal for energy production has provided reliable and inexpensive electricity to meet the energy needs of the United States. The burning of coal generates both coal combustion by-products and co-products which have material economic value as minerals to the U.S. economy. The CCPs generated by the energy production industry also contain rare earth elements which are strategic to the U.S. defense and economy. The recovery and use of CCPs as substitutes for mined minerals provide reduced costs for America's transportation infrastructure and commercial, industrial and residential construction industries. The use of CCPs as a substitute for native mined resources reduces energy consumption, preserves natural resources and enhances the quality of the environment. The use of recovered CCPs as a recovered mineral resource assists each state, and the nation as a whole, in reducing and/or controlling the costs of highways, bridges and infrastructure construction while improving the life cycle costs.

However, the future availability and preservation of access to the vast mineral resources in coal ash to meet the mineral and strategic elements needs of the U.S. economy may be jeopardized by current U.S. energy and environmental regulations.

RECOMMENDATIONS

The Southern Legislative Conference of The Council of State Governments urges Congress to propose and adopt legislation which recognizes the importance of CCPs as a strategic mineral resource, encourages the recovery of the resource value, and preserves future access to the CCPs produced or stored in impoundments or landfills for reclamation and recovery consistent with the energy and resource conservation objectives of RCRA.

Furthermore, the Southern Legislative Conference of The Council of State Governments urges state legislatures to ensure that state laws and regulations maintain state authority to regulate and control the disposal and beneficial use of CCPs, and to protect the value of CCP resources by supporting current and future recovery and beneficial use of CCPs in accordance with the policy objectives found within the Resource Conservation and Recovery Act of 1976.

The Southern Legislative Conference of The Council of State Governments requests that a copy of this policy position be forwarded to the administrator of the U.S. Environmental Protection Agency and members of the Southern Congressional delegation.