

## House Resolution 1298

By: Representatives Williams of the 37<sup>th</sup>, Oliver of the 82<sup>nd</sup>, Buckner of the 137<sup>th</sup>, Evans of the 89<sup>th</sup>, Smith of the 41<sup>st</sup>, and others

## A RESOLUTION

1 Urging the Georgia Environmental Protection Division to protect Georgia's groundwater and  
2 the health of its citizens by denying Georgia Power Company's waste handling permit  
3 applications regarding the disposal of coal ash under the state's coal combustion residuals  
4 rule; and for other purposes.

5 WHEREAS, the United States Environmental Protection Agency (EPA) adopted rules in  
6 2015 regarding the disposal of coal combustion residuals (also known as CCR or coal ash)  
7 from electric utilities; and

8 WHEREAS, one purpose of the EPA's rules is to address the risk of groundwater  
9 contamination from coal ash stored in unlined landfills and surface impoundments, which  
10 are open pits containing coal ash and water; and

11 WHEREAS, coal ash waste contains toxic pollutants such as arsenic, lead, mercury, and  
12 chromium, and the EPA has confirmed that unlined coal ash pits have caused or contributed  
13 to groundwater contamination across the nation; and

14 WHEREAS, Georgia adopted a state CCR permit program in 2016, imposing requirements  
15 that largely incorporated the federal CCR standards and that requires owners and operators

16 of coal ash disposal sites to obtain solid waste handling permits from Georgia's  
17 Environmental Protection Division (EPD) that comply with the federal CCR rules as well as  
18 Georgia's solid waste laws generally; and

19 WHEREAS, the EPA approved Georgia's application for federal delegation of its state-run  
20 CCR permit program in December 2019; and

21 WHEREAS, the EPA has determined that coal ash pits or landfills with coal ash in contact  
22 with groundwater violates federal law; and

23 WHEREAS, Georgia Power Company submitted waste handling permit applications to EPD  
24 in November 2018 for nearly all of the company's coal ash pits, and disclosures contained  
25 within the applications revealed the extent to which coal ash is submerged in Georgia's  
26 groundwater at its largest sites; and

27 WHEREAS, Georgia Power Company's applications propose to leave coal ash waste in place  
28 in unlined pits and submerged in groundwater at plants Hammond, Wansley, McDonough,  
29 Scherer, and Yates; and

30 WHEREAS, the EPA has denied permits in other states for the disposal of coal ash in  
31 unlined pits and where the coal ash remains in contact with groundwater, such as in Ohio,  
32 where coal ash from Plant Gavin was disposed of in unlined pits in contact with  
33 groundwater; and

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35 WHEREAS, the EPA has proposed the denial of Alabama's CCR permit program application  
36 as inconsistent with the federal CCR rule due to Alabama's approval of permits allowing  
37 disposal of coal ash in groundwater; and

38 WHEREAS, the EPA has also proposed the denial of permits to plants with similar coal ash  
39 disposal plans in Michigan, North Dakota, Pennsylvania, Arizona, and Texas; and

40 WHEREAS, federal laws which prohibit coal ash to be stored such that it is in contact with  
41 or submerged in groundwater are being enforced in every state outside of Georgia; and

42 WHEREAS, Duke Energy Progress LLC performed a detailed cost analysis of ash pond  
43 closures at five sites and concluded that closure by removal was less expensive at every site  
44 in comparison with close in place. The most expensive ash pond closure of the five was  
45 estimated to cost twice as much to close in place than to close by excavation, and the actual  
46 costs to close another site by close in place would have been a quarter of a billion dollars  
47 more expensive than to close by excavation, which would have been 25 percent less  
48 expensive; and

49 WHEREAS, groundwater belongs to the public, and Georgia Power Company does not  
50 solely own any portion of Georgia's groundwater; and

51 WHEREAS, Georgia Power Company is infringing on the property rights of the public by  
52 storing coal ash in Georgia's groundwater and seeking to continue to store coal ash in public  
53 property; and

54 WHEREAS, Georgia ratepayers are paying for Georgia Power Company's disposal of coal  
55 ash in publicly owned groundwater; and

56 WHEREAS, Georgia ratepayers will bear additional costs when Georgia Power Company  
57 ultimately has to remediate groundwater contamination from leaking coal ash pits; and

58 WHEREAS, the disposal of coal ash in unlined pits such that it is in contact with or  
59 submerged in groundwater harms the citizens of this state and its environment.

60 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
61 the members of this body urge the Georgia Environmental Protection Division to protect  
62 Georgia's groundwater and the health of its citizens by denying Georgia Power Company's  
63 permit applications to close coal ash pits in place where coal ash will remain submerged in  
64 groundwater.

65 BE IT FURTHER RESOLVED that the members of this body urge the EPA to revoke its  
66 approval of Georgia's CCR permit program if the EPD continues to issue permits that allow  
67 coal ash to remain in contact with groundwater.

68 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized  
69 and directed to make an appropriate copy of this resolution available for distribution to the  
70 Georgia Environmental Protection Division.