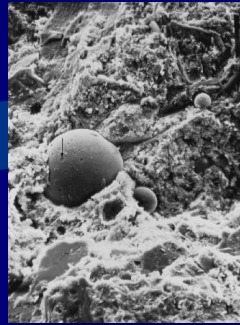
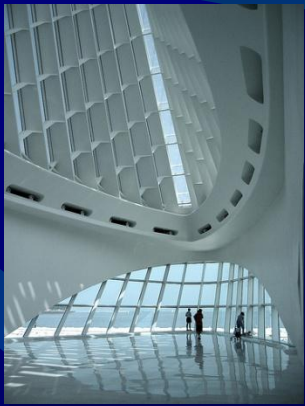


# EPA Has the Ball....



## McIlvaine Company

January 13, 2011

American Coal Ash Association



# Phase I

- The election of a new administration and the Kingston, TN spill created new interest in regulating disposal of coal ash.
- EPA began a rulemaking process in January, 2009 under new administrator Lisa Jackson.
- Two previous determinations by EPA that coal combustion products (CCP) did not need regulation as hazardous wastes for disposal were questioned.
- EPA began with its conclusion and worked backwards.

# Phase II Closed

- A proposal was released for public comment on June 21, 2010
- EPA held public hearings through the fall of 2010 in 8 locations
- EPA closed the public comment period on its proposal on disposal on November 19, 2010
- Estimates on the number of submittals ranged from 200,000 to 400,000



# Phase III Starts

- EPA is considering the comments submitted.
- Formulation of a final rule will take some time.
- Impacts of new leadership in the House and vulnerability of Senators standing for re-election in 2012?
- White House strategy options



# Market Realities

- Stigma is alive and well.
- Generators and marketers face an uncertain path forward.
- Venture capital available?
- Users quandary?



# Timing

- Delay helps \_\_\_\_\_.
- Delay hurts \_\_\_\_\_.
- Political considerations



# ACAA Activity in Phase III

- Continue to inform Capitol Hill
- Work with federal agencies
- Work with stakeholders
- Collect examples of market impacts particularly stigma
- Continue to use the ACAA Production and Use Survey to document trends in beneficial use



# Thank You

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**ACAA**