

The Board of Health, of the City of Haverhill, in accordance with, and under the authority granted by Section 31, of Chapter III of the Massachusetts General Laws, promulgated and adopted the following regulation on February 17, 2004:

### **Section I – Purpose:**

The Board of Health, has determined that:

-Solid Waste Act, Chapter 111, s.150A, specifically exempts coal ash from solid waste regulations. The use of coal ash as fill or for any commercial or industrial purpose (or when stored for such use) does not need approval from the local board of health and is not regulated by the Department of Environmental Protection.

-Chapter 111, s. 150A also currently exempts the disposal of coal ash from solid waste regulations including the requirement to obtain approval from local boards of health.

-Coal ash, which contains toxic substances such as arsenic, mercury, cadmium and chromium, has been dumped in unlined pits in communities; where it has contaminated groundwater and threatened drinking water supplies.

-Massachusetts stands alone in New England in its failure to regulate the disposal and safe reuse of coal ash.

-Over 600,000 tons of coal ash is generated annually by Massachusetts's coal-fired power plants.

-The EPA has determined that “..... coal combustion wastes could pose risks to human health and the environment if not properly managed,” and has identified dozens of cases where coal ash has contaminated water supplies and threatened human health and the environment. Regulatory Determination on Wastes from the Combustion of Fossil Fuels; May 22, 2000.

### **Section II – Definitions:**

**Coal ash:** Waste produced from the combustion of coal, including but not limited to fly ash, bottom ash, and slag, and including wastes associated with the combustion of coal when added to fly ash, bottom ash or slag.

**Fill:** A material used to fill a cavity, passage or hole in the ground, or to raise the level of the ground or to alter the grades of the ground.

### **Section III Prohibited:**

The deposit of coal ash, as structural fill, is prohibited within the City Of Haverhill on any site other than one that is lined and has a valid site assignment in accordance with 310 CMR 16.00 – 16.99. Coal ash is prohibited from being stored, stockpiled, disposed of, or used as fill material for any and all purposes, within the City of Haverhill.