Shareholder Proposal:

Report on Coal Combustion Waste

Southern Company Symbol: SO

Filed by: Green Century Capital Management

SOUTHERN COMPANY FAILS TO DISCLOSE COAL ASH RISK AND MITIGATION EFFORTS TO INVESTORS

Burning coal has significant environmental externalities that carry financial and regulatory risks. Each year, coal combustion leads to the creation of over 130 million tons of coal ash, which is a byproduct that contains arsenic, mercury, lead, and other toxins. Coal ash management can expose utilities to significant environmental, financial and regulatory risk. Southern Company (Southern) has failed to provide investors with sufficient evidence on how it is addressing or mitigating coal ash-related risks, particularly the potential for water contamination, in its SEC filings, on its website, or in other public documents.

Coal combustion comprised a significant portion (57%) of Southern's generation capacity in 2009.

Southern operates 22 coal combustion waste (CCW) storage facilities but does not disclose whether each of these ponds has liners, caps, groundwater monitoring, or leachate collection systems beyond compliance with current regulations. This information is critical for investors to understand the potential impact of our company's ash ponds on the environment and possible related risks.

Shareholders are being asked to vote FOR a report on the company's efforts, above and beyond current compliance, to reduce environmental and health hazards associated with coal combustion waste contaminating water (including the implementation of caps, liners, groundwater monitoring, and/or leachate collection systems), and how those efforts may reduce legal, reputational and other risks to the company's finances and operations.

Rationale for a "FOR" vote:

1. Southern Company's ash storage practices expose the company to significant financial and regulatory risks due to environmental and health hazards caused by coal ash.

2. Southern Company's public disclosure on this issue is insufficient. While the company provides a report titled "Coal Combustion Byproducts," this report does not sufficiently address the request of the proposal including information on the efforts it is taking to reduce environmental and health hazards related to CCW.

Background on this proposal:
At the 2010 annual meeting of the company, the proponent filed a similar proposal seeking a report on coal combustion waste. In March 2010 (prior to the annual meeting) the company released a report of coal combustion waste that failed to address much of the information investors sought. The proposal went to a vote and received support of over 20 percent of voting shareholders. The company has subsequently updated its Coal Combustion Byproducts report, but continues to fail to provide information central to investor concerns.

In particular, the proponent believes that the company is inadequately reporting on risks related to water pollution and specifics on efforts being taken to prevent such pollution. Based on such concerns, the proponent filed a new proposal, this time clarifying the types of information sought in such a report, namely "efforts, above and beyond current compliance, to reduce environmental and health hazards associated with coal combustion waste contaminating water (including the implementation of caps, liners, groundwater monitoring, and/or leachate collection systems), and how those efforts may reduce legal, reputational and other risks to the company's finances and operations."

In January, Southern requested no action relief from the Securities and Exchange Commission (SEC), arguing the proposal had already been substantially implemented.

In its response to the SEC, the proponent argued that the company's actions had not satisfactorily addressed both the proposal's underlying concerns and its essential objective. Even with the updated report, the proponent contends investors are not being given adequate disclosure as to how significant the risks are regarding Southern's CCW storage practices and how they will be managed. Investors require more information on the company's efforts, above and beyond current compliance, to reduce environmental and health hazards associated with coal combustion waste, particularly its impacts on water, and how those efforts may reduce legal, reputational and other risks to its finances and operations.

The SEC concurred that the company had not substantially implemented the proposal, and as a result, shareholders will have another opportunity to vote on the resolution at this year's annual meeting.

Background on Coal Ash: Burning Coal Results in Toxic Coal Ash

- The toxins in CCW have been linked to cancer, neurological damage, reproductive failure, organ failure, and other serious health problems as well as widespread damage to ecosystems.[1]
- Coal ash is the second largest waste stream in the United States.[2]
- A U.S. Environmental Protection Agency (EPA) study of 85 CCW disposal sites found that approximately 80% either had proven or potential damage.[3] There are over 2,000 CCW storage, management and/or disposal sites in the United States, suggesting that there are approximately 1600 sites across the country that may be causing damage and need be monitored and mitigated.[4]
- According to a recent Union of Concerned Scientist report, "The full extent of leakage from coal ash disposal sites is unknown, however, because many states do not require groundwater monitoring and federal oversight has been inconsistent."[5]
- A new report, by the Environmental Integrity Project, Earthjustice and the Sierra Club, "has identified 39 more coal combustion waste (CCW) disposal sites in 21 states that have contaminated groundwater or surface water with toxic metals and other pollutants. Their analysis … builds on a report released in February of 2010, which documented similar damage at 31 coal combustion waste dumpsites in 14 states. When added to the 67 damage cases that the U.S. Environmental Protection Agency (USEPA) has already acknowledged, the total number of sites polluted by coal ash or scrubber sludge comes to at least 137 in 34 states. This total represents nearly a three-fold increase in the number of damage cases identified in EPA's 2000 Regulatory Determination on the Wastes from the Combustion of Fossil Fuels."[6] Clearly, this demonstrates that CCW has resulted in documented contamination and environmental risks which could pose financial risks to the companies involved.

1. SOUTHERN'S ASH STORAGE PRACTICES EXPOSE THE COMPANY TO SIGNIFICANT FINANCIAL AND REGULATORY RISKS:

FINANCIAL RISKS:

Wet Storage: In its coal ash report, Southern states that it produced 4.9 million tons of ash in 2009 and that 29% of its fly ash and 74% of its bottom ash was stored wet. The proponent contends the company fails to provide adequate information on the protections employed at such facilities.

Recent catastrophic events at CCW storage facilities show that the methods of storage implemented by Southern could be insufficient. Cleanup and mitigation costs for breaches of CCW wet storage dams, leachate from dry storage and environmental and health hazards associated with groundwater contamination have cost its peer companies up to a billion dollars.

A dam breech at a Tennessee Valley Authority (TVA) facility clearly demonstrates the substantial risks related to dam failure at a "wet" storage facility could include:

- FINANCIAL: In December 2008, a dam broke at a large CCW wet storage pond at the TVA coal plant in Kingston, TN and covered more than 300 acres in eastern Tennessee with coal ash sludge.[7] TVA estimated total cleanup costs at up to $1.2 billion.[8] The company has committed to spending $43 million on economic development projects in Roane County, where the spill took place, and has also spent $40.2 million buying out individual homeowners in the area surrounding the plant.
- LITIGATION: TVA is also facing significant litigation costs as a result of the spill. Since December 2008, at least 57 lawsuits representing more than 560 individual plaintiffs have been filed against the utility claiming property damage, health problems, and other damages as a result of the spill.[9]
- OPERATIONAL: The TVA spill could have significantly impacted the company's operations. Though the Kingston plant was able to regain partial functionality by storing its coal ash in its other two ponds, many facilities are faced with having only one storage pond and would therefore be forced to shut down in the event of a spill.
- REPUTATIONAL: According to *Power Magazine*, the spill means "a black eye for TVA's reputation that will take years to heal."[10] In addition to the significant water pollution caused by the spill, respiratory threats can pose significant health risks to surrounding communities. A local Tennessee newspaper reported that the ash "dries easily and blows around," creating an exposure pathway "wherever [the ash] is carried by the wind."[11] Environmental tests have come up positive for heavy metals and locals have experienced increased respiratory problems, forcing many away from their homes to avoid the remnants of the spill.[12]

Southern has at least one pond, Georgia Power Co.'s Plant Branch Power Station Pond E that has been rated as "high hazard" by the National Inventory of Dams.[13] This rating means failure or mis-operation will probably cause loss of human life.[14] TVA's Kingston pond was also a "high hazard" impoundment.

Southern has experienced dam failures in the past, such as when a pond at Georgia Power's Plant Bowen developed a four-acre, 30-foot-deep sinkhole in 2002 that released 2.25 million gallons of ash-contaminated water into a local waterway.[15] The proponent contends Southern should provide investors increased information on how the company is working to prevent another such dam breech.[16]

Due to the above risks, investors urge Southern to provide the following information:

- Portion of its coal ash ponds that are lined and the type of lining used
- If the ponds are not lined, how the company ensures that there is no leaching
- Disclosure of any ponds that have leached and what has been done to remedy the situation
- Type of monitoring conducted at coal ash ponds including frequency and list of parameters monitored
- Presence of leachate collection systems at coal ash ponds
- Efforts or plans to transition impoundments to dry storage
- Any other actions to transition to safer storage

Currently the company has provided only a superficial discussion of its coal combustion waste management processes and very little discussion of the relative risks and risk reduction methods.

Dry Storage: Ash that is not stored "wet" in ponds is often stored "dry" in landfills or in mines. According to its coal combustion report, 71% of its fly ash and 26% of its bottom ash is stored dry but the company does not provide information on the protections it employs at these facilities.

Clay liners, which are often used to line the bottom of ash landfills, have been shown insufficient to prevent leaching of CCW contaminants into groundwater.[17] Experts recommend that landfills must have composite liners and leachate collection and treatment systems to prevent environmental and health hazards. In a letter to the Office of Management and Budget (OMB), five prominent scientists concluded that "based on what science tells us from the tiny fraction that have been studied, the cost of as-yet unrecognized or ignored harm to human health and wildlife [from coal ash] can be reasonably anticipated to exceed all the previously mentioned costs combined."[18]

Risks from leachate of "dry" storage include:

- FINANCIAL: In 2000, the Agency for Toxic Substances and Disease Registry conducted tests on landfills in Pines, Indiana where Northern Indiana Public Service Company (NIPSCO) had been depositing coal ash. The Agency discovered elevated levels of boron, manganese, arsenic, benzene, and other toxic substances in the town's groundwater sources, including drinking wells. As a result, the town of Pines was determined a Superfund site and the Northern Indiana Public Service Company (NIPSCO), along with the landfill operator, was required to spend millions of dollars to fund immediate delivery and continual supply of bottled water to residents along with a study to assess long-term human health and ecological impact risks associated with the Pines site.[19]
- FINANCIAL: Recent cases demonstrate that contaminated site cleanup and mitigation costs may exceed millions of dollars per site, especially considering that at least 75% of existing landfills do not have adequate liners.[20]

Given the risks associated with dry coal ash management which could impact shareholder value, the proponent believes it is necessary for the company to provide more information on the protections it employs to limit the environmental and health hazards associated with CCW. To fulfill the proposal, the proponent requests the company provide information in the following areas:

- Percentage of Southern's coal ash dry landfills that are lined and the type of liner used
- Type and extent of financial assurance maintained for fly ash landfills
- The measures Southern is taking to ensure dry storage does not pose additional public health or environmental threats

- Type of water and soil monitoring conducted at coal ash landfills including frequency and list of parameters monitored
- Presence of leachate collection systems at coal ash landfills
- Plans for post-closure care and monitoring of all coal ash landfill units. If monitoring will occur, describe what type and how long this will occur.
- What direct discharge to surface waters exists from CCW units and do these discharges hold permits that place limits on discharge of pollutants to surface water. If so, what are these limits?

Recycling of Coal Ash: According to the company, about 30 percent of Southern's coal combustion by-products are re-used. Although the company includes a section dedicated to its re-use of CCW, the proponent contends it fails to address the potential hazards associated with recycling options. Furthermore, the company fails to recognize recent studies that have raised risks associated with reuse.

Southern Company states in its Coal Combustion Report that: "EPA has twice – in 1993 and 2000 – determined that beneficial uses of CCBs pose no significant risk and that no additional national regulations for beneficially used CCBs were needed."

In March 2011, The EPA Office of the Inspector General released a report with the following title: "EPA Promoted the Use of Coal Ash Products With Incomplete Risk Information." Such a cautionary title from a government agency gives investors pause and heightens the need for the company to be transparent on the risks associated with this disposal method.

Furthermore, in a recent *60 Minutes* report, EPA Administrator Lisa Jackson commented that she has "no data to say that [coal ash re-use] is safe at this point."[21] There are documented cases of significant environmental and health impacts from the reuse of ash for some purposes.

Risks associated with recycling coal ash include:

- FINANCIAL AND LITIGATION: Dominion Virginia Power supplied 1.5 million tons of coal ash to use as structural fill for a golf course in Chesapeake, Virginia.[22] Once the course was built, toxins from the ash leached into groundwater and contaminated surrounding neighborhoods. Two lawsuits have been filed against Dominion; one brought by 400 local residents seeking more than $1 billion in damages, and another brought by 62 local homeowners asking for $1.25 billion to remove the coal ash, clean and restore the site, and pay for public water and sewer for the local neighborhoods. The second suit also seeks millions more to pay for properties, homes, medical bills and nuisances caused by the golf course development.
- REGULATORY: In November 2009, the Office of the Inspector General (OIG) announced in a report on a potential cover-up of risk assessment information on coal ash that "it identified a potential issue related to the EPA's promotion of beneficial use through its Coal Combustion Product Partnership and have referred the question [of] how EPA established a reasonable determination for these endorsements to the appropriate OIG office for evaluation."[23]

While investors are pleased to see the company provides some information on how its coal ash is re-used, it neither addresses the need for measures to reduce the potential risks that come along with these practices, nor articulates what the array of those risks are, both with regard to water contamination and its impact on the company.

REGULATORY RISK:

Currently, coal ash ponds and dry storage facilities for CCW are subject to less regulation than landfills accepting household trash.[24]

The EPA is considering regulating coal ash as a hazardous waste in light of findings that link coal ash to several public health threats and instances of severe environmental degradation.[25] A hazardous waste designation would require the industry to spend billions of dollars to overhaul current ash storage practices. The new rules have been delayed, and at this time it is unclear when they will be published.

The company does acknowledge that the EPA is currently reviewing its coal ash regulations and that this process could impact its operations. But the company fails to discuss what is requested by the Proposal, which is a description of what kinds of measures it is taking to reduce these potential costs.

For instance, a hazardous waste designation of coal combustion waste would require the industry spend billions of dollars to overhaul current ash storage practices and could—as the company acknowledges—result in significant changes to storage, management, disposal and reuse practices. Southern may face substantially increased costs associated with the material and could even be forced to close down some coal-fired power plants. While the proponent commends the company for the fact that it has provided some disclosure in its most recent 10-K, Southern provides no information on what it is doing to withstand the significant cost increases that could be imposed by new regulations.

If the EPA does not regulate coal ash as hazardous waste and leaves it up to the states, the company still faces risk.[26] The proponent notes that state regulations for storing coal ash are less consistent than those for containing household waste and that such regulation does not provide assurance against groundwater and other contamination. Again, the Proposal seeks disclosure of what measures the company is taking to reduce potential costs and risks associated with the likely problems of consistency and under-regulation of CCWs if the EPA chooses to largely leave these regulatory controls to the states.

There is no further disclosure of how current company efforts may be reducing legal, reputational and other risks to the company's finances and operations. Since its level of disclosure of environmental protection measures is minimal, there is also insufficient disclosure of how those (undisclosed) efforts may reduce risks to the company, which is a significant concern to investors.

2. SOUTHERN'S PUBLIC DISCLOSURE ON THIS ISSUE IS INSUFFICIENT:

In its resolve clause, the Proposal contains specific guidelines regarding the types of information sought regarding strategies for reducing environmental and health hazards associated with potential water contamination. These include "implementation of caps, liners, groundwater monitoring and/or leachate collection systems," and "how those efforts may reduce legal, reputational and other risks to the company's finances and operations." None of this pivotal information is included in the company's reporting.

The methods of water contamination hazard reduction being deployed regarding disposed and stored coal ash, and how those methods reduce risks to the company, are not described in the company report to any degree.

In its letter to the SEC asserting it had substantial implemented the proposal, the company points to its report's disclosures in the sections titled "A Commitment to Safe and Secure Management of CCBs" and "Ensuring Dam Integrity." In those sections, when it comes to coal ash, the company merely states that coal ash is stored either "wet, in ponds, or dry, in landfills." Although the company also reports the portion of waste which is stored wet or dry, or reused, it does not provide sufficient information on the relevant facilities to know what kinds of measures are being taken at wet or dry storage facilities, such as whether the facilities are lined, whether leachate is effectively captured, and the relative impact of any such mechanisms in reducing hazards of water pollution and the resultant financial and operational risks to the company. As such, the core requests of the Proposal remain unfulfilled.

The proponent contends there are very serious risks associated with both management methods, and fulfillment of the Proposal would require more information to ensure the company is adequately reducing the related risks of wet and dry storage systems. For contrast in disclosure, see the example of Duke Energy's itemized disclosure of how waste is handled in each of its facilities, available at: http://www.duke-energy.com/environment/land-quality.asp.

Clay liners, which are often used to line the bottom of ash landfills, have been shown insufficient to prevent leaching of CCW contaminants into groundwater.[27] Experts recommend that landfills must have composite liners and leachate collection and treatment systems to prevent environmental and health hazards. Southern Company does not disclose in any of its public documents, including its coal combustion report, whether or not it utilizes linings, clay-based or synthetic, to prevent leaching and groundwater contamination from its wet ponds or its landfills.

Southern lags behind its peers in reporting on coal ash

Not only has the company not provided investors with sufficient information to enable them to determine whether the company recognizes and is properly managing the risks associated with its CCW storage, management, and disposal practices, but its existing disclosures currently fall short of sector peers.

Leaders in the industry disclose risks related to coal ash in:

- Financial Statements: FirstEnergy November 2009 10-Q, Duke Energy November 2009 10-Q, Progress Energy FY08 10-K
- Public documents and websites: Duke Energy, Progress Energy

Leaders in the industry have agreed to increase disclosure on:

- Coal ash management and disposal practices: Xcel
- Risk mitigation efforts: Xcel

Leaders in the industry have committed to:

- Install synthetic caps and liners at existing and new coal ash landfills: Duke Energy
- Convert from wet to dry storage: Duke Energy

Leaders in the industry have responded to a similar shareholder proposal with comprehensive reports:

- MDU Resources
- CMS Energy

Southern's public documents provide insufficient information on the environmental and health impacts and the financial, regulatory, and reputational risks as described in this memo and how the company is prepared or preparing to address them. **This lack of information leads shareholders to request a report on the efforts the company is taking to mitigate risks associated with CCW.**

CONCLUSION:

An increasing number of studies and reports underscore that current practices for storing, managing, reusing, and disposing of CCW are insufficient to protect human and environmental health, and to protect utilities from financial and regulatory risk. The possibility of regulating CCW as a hazardous waste in the United States, public sentiment across the country, and recent high-profile incidences of environmental and health hazards associated with CCW suggest that the sector as a whole is placing itself at greater risk by not addressing these issues in an aggressive and transparent way.

Southern produces substantial amounts of coal ash and may face serious risks associated with potential spills, groundwater contamination, or other environmental and health hazards resulting from its CCW.

Investors are not being given adequate disclosure as to how the significant risks associated with Southern's CCW storage practices are and will be managed. Southern needs to report to investors on the company's efforts, above and beyond current compliance, to reduce environmental and health hazards associated with coal combustion waste, and how those efforts may reduce legal, reputational and other risks to the company's finances and operations.

NOTES

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[1] U.S. EPA, "Steam Electric Power Generating Point Source Category: Final Detailed Study Report," October 2009. Page 6-2, 6-3.
[2] "39 groups protesting coal ash rule change," *Pittsburgh Post-Gazette,* 12/23/2008. http://www.post-gazette.com/pg/08358/937012-113.stm
[3] Coal Combustion Waste Damage Case Assessments, U.S. EPA Office of Solid Waste, July 9, 2007. http://www.publicintegrity.org/assets/pdf/CoalAsh-Doc1.pdf
[4] Scientists' Letter to the Office of Management and Budget. 8 January 2010. http://tvakingston.blogspot.com/2010/01/regarding-epa-proposed-regulation-of.html
[5] Freese, Barbara, SteveClemmer, Claudio Martinez, Alan Nogee, "A Risky Proposition: The Financial Hazards of New Investments in Coal Plants," Union Of Concerned Scientists, March 2011, p 28.
[6] Jeff Stant, "In Harms Way: Lack of Federal Coal Ash Regulations Endangers Americans and Their Environment," Environmental Integrity Project, Earthjustice and the Sierra Club, August 26, 2010., p vi.
[7] "EPA: Rivers high in arsenic, heavy metals after sludge spill," *CNN.com*, 12/29/2008. http://www.cnn.com/2008/US/12/29/tennessee.sludge/index.html
[8] "T.V.A. to Pay $43 Million on Projects in Spill Area," Sheila Dewan, *New York Times*. 9/15/2009. http://www.nytimes.com/2009/09/15/us/15ash.html?_r=1
[9] "TVA Says it May Need a Year to Prepare for Lawsuits in Coal Ash Spill Case," *Associated Press*, 1/13/2010. http://sg.us.biz.yahoo.com/ap/100113/us_tva_ash_spill_tennessee.html?.v=2
[10] "Best Management Practices for Coal Ash Ponds," *POWER Magazine*, 3/1/2009. http://powermag.com/issues/departments/focus_on_o_and_m/Best-Management-Practices-for-Coal-Ash-Ponds_1762.html
[11] "Ash on the fly," *Chattanooga Times Free Press*, 5/26/2009, http://timesfreepress.com/news/2009/may/26/ash-fly/?local.
[12] For water tests, see APPALACHIAN VOICES ET AL., PRELIMINARY STUDY REPORT FROM WATER, SEDIMENT AND FISH SAMPLES COLLECTED AT THE TVA ASH SPILL (2009), *available at* http://www.appvoices.org/resources/ ; AppVoices_TVA_Ash_Spill_Report_May15.pdf. For air tests, see TVA, Metals Concentration Chart, http://www.tva.gov/kingston/air/TVA%20Onsite%20Air%20Metals%20vs%20Background%20Levelsr1.pdf
[13] http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/ccrs-fs/index.htm
[14] http://www.epa.gov/osw/nonhaz/industrial/special/fossil/surveys/faqs.htm#20
[15] Coal Combustion Waste Damage Case Assessments, U.S. EPA Office of Solid Waste, July 9, 2007. http://www.publicintegrity.org/assets/pdf/CoalAsh-Doc1.pdf

[16] A striking contrast in detail on disclosure of dam related risks and protective actions, demonstrating what an effective dam related risk disclosure could look like, is contained in the Form 10K for 2009 from Progress Energy:

> "In June 2009, the EPA evaluated information about ash impoundment dams nationwide and posted a listing of 44 utility ash impoundment dams that are considered to have "high hazard potential," including two of PEC's ash impoundment dams. A "high hazard potential" rating is not related to the stability of those ash ponds but to the potential for harm should the impoundment dam fail. As noted above, all of the dams at PEC's coal ash ponds have been subject to periodic third-party inspection. In September 2009, the EPA rated the 44 "high hazard potential" impoundments, as well as other impoundments, from "unsatisfactory" to "satisfactory" based on their structural integrity and associated documentation.
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> Only dams rated as "unsatisfactory" would be considered to pose an immediate safety threat, but none of the facilities received an "unsatisfactory" rating. In total, six of PEC's ash pond dams, including one "high hazard potential" impoundment, were rated as "poor" based on the contract inspector's desire to see additional documentation and their evaluations of vegetation management and minor erosion control. Inspectors applied the same criteria to both active and inactive ash ponds, despite the fact that most of the inactive ash impoundments no longer hold water and do not pose a risk of breaching and spilling. PEC has completed several of the recommendations for the active ponds and other recommendations are under way. We are working with the North Carolina Dam Safety program to evaluate the remaining recommendations. We do not expect mitigation of these issues to have a material impact on our results of operations."

[17] Human and Ecological Risk Assessment of Coal Combustion Waste (draft), U.S. EPA, August 2007, http://www.earthjustice.org/library/reports/epa-coal-combustion-waste-risk-assessment.pdf.

[18] Scientists' Letter to the Office of Management and Budget. 8 January 2010. http://tvakingston.blogspot.com/2010/01/regarding-epa-proposed-regulation-of.html

[19] "EPA and Responsible Companies Sign Agreement," US EPA website, November 2004. http://www.epa.gov/region5/sites/pines/pinesfs200404b.htm

[20] Human and Ecological Risk Assessment of Coal Combustion Waste (draft), U.S. EPA, August 2007, http://www.earthjustice.org/library/reports/epa-coal-combustion-waste-risk-assessment.pdf. EPA has documented 24 cases of proven damage to groundwater or surface water from CCW storage facilities, and 43 potential damage cases. These additional examples of groundwater contamination and other environmental harm caused by landfills can be found here: Coal Combustion Waste Damage Case Assessments, U.S. EPA Office of Solid Waste, July 9, 2007. http://www.publicintegrity.org/assets/pdf/CoalAsh-Doc1.pdf. In addition, a recent report identifies 31 new damage cases, including 11 cases from dry ash landfills. http://www.environmentalintegrity.org/pdf/newsreports/Out%20of%20Control%20FINAL%20234am.pdf

[21] "Inspector General to Probe EPA Marketing of Coal Ash," press release from Public Employees for Environmental Responsibility (PEER), 11/4/09. http://www.commondreams.org/newswire/2009/11/04

[22] http://hamptonroads.com/2009/08/lawsuit-claims-dominion-saw-golf-course-coal-ash-dump

[23] "Response to EPA Administrator's Request for Investigation into Allegations of a Cover-up of the Risk Assessment for the Coal Ash Rulemaking," U.S. EPA Office of Inspector General, 11/2/09, pg 7. http://www.epa.gov/oig/reports/2010/20091102-10-N-0019.pdf

Coal ash is currently promoted by an EPA-American Coal Ash Association partnership called "C^2P^2." C^2P^2 also involves the Utility Solid Waste Activities Group (USWAG), Department of Energy (DOE), Federal Highway Administration (FHWA), the Electric Power Research Institute (EPRI), and the United States Department of Agriculture Agricultural Research Service (USDA-ARS). The mission of the partnership is "to promote the beneficial use of coal combustion products and the environmental benefits that result from their use." Some of the benefits of reusing coal ash, according to the C^2P^2 website, include lower greenhouse gas emissions for cement and a reduction of the need to mine new materials.

[24] "Hundreds of coal ash dumps lack regulation," *The New York Times*, 1/6/10. http://www.nytimes.com/2009/01/07/us/07sludge.html?_r=1

[25] "EPA Announces New Action to Prevent Coal Ash Releases," US EPA website, 3/9/2009. http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/b2856087389fb82485257574007409c1!OpenDocument

[26] http://www.southerncompany.com/planetpower/pdfs/ccbrp.pdf

[27] Human and Ecological Risk Assessment of Coal Combustion Waste (draft), U.S. EPA, August 2007, http://www.earthjustice.org/library/reports/epa-coal-combustion-waste-risk-assessment.pdf.