

# Legacy Issues

Our Past is being Used Against Us  
To Describe Today's Operations

# Today's Paradigm-A

## Quote from a B&V Pathfinder Report

- Kuhn argued that most of the existing intellectual establishment could not grasp the new paradigm, having been trained within the framework of the old paradigm. As a result, the new paradigm took hold not when the incumbents finally saw the light, but rather when they died or retired, making way for the new crew that believed in the new idea.
- Did physical phenomena change from paradigm to paradigm? Not really. The sun still rose and set. Scientists simply came up with a new way of explaining the phenomena, often helped by new discoveries (new facts).



# Perception is Reality

- A lesson that we need to understand!
- There is a changing of the guard.
- The people who are now making decisions regarding the environment have been presented with the industry's past discretions and the legacy issues are being used to frame the issues going forward.

# Changing of the Guard

- Industry –Lost experience engineers and operators
- Environmental Regulatory Agencies have lost the old time engineers trained by engineers, not lawyers or inspectors. The Non-Engineers Non-Scientist Policy Makers relying on each other and not the people trained in these areas.
- Today, the facts are being interpreted to be something that fits a perception. A water monitoring samples shows one parameter not consistent with and higher than any past sample is pollution; rather than a high value that may not be represented of what is happening.



# TODAY's Facts are presented

- To imply a problem
- To indicate that health related issues are needed using extremely low projections that to argue against is difficult
- Impacts are described in a manner to suggest that it is a minimal cost to the individual

# What is not presented?

- What the **CUMULATIVE IMPACT** of the regulation(s) will have on
  - Cost of energy
  - Cost of products produced
  - Competiveness of manufacturing sector
  - Employment
  - Cost of education
  - Cost of health care
  - Cost of Government and to Government
  - Taxes needed to cover the cost to the public sector impacts



# What did we hear

- The framework is in place to address GHG.
- The EPA regulatory programs will push the shift from fossil fuels unless fossil fuel facilities are tied to Carbon Capture and Sequestration or to alternative energy sources.
- While the Air Program has led the charge, the RCRA and Water Programs will become a major driver.

# What else did we hear!

- You need to be more aware of the multi-media impacts and regulations in areas that you presently do not follow closely
  - Examples
  - Changing Drinking Water Standards
    - Impacts Water Discharges and residual waste management, including the potential
  - Water Quality -TDS Water, Nutrients, PPCPs
  - Waste Management –Waste Fuels-Ash Management-RCRA





# Legacy Example



V20376—Boys Picking Slate in a Great Coal Breaker,  
Anthracite Mines, Pennsylvania.



7069—Dumping Culm, Slate Pile, Anthracite Coal Minin  
Scranton, Pa., U. S. A.







# The Mining Legacy

The Legacy Problem is used by Anti-Coal Groups to describe today's mining practice and is used to argue against the use of coal.



CCBs

# Earthjustice Presentations

## Navajo Mine, Fruitland, NM



## Piles of FBC Ash Eastern PA







# Issues

What is being presented is “ash is soup”, dumped, toxic waste, and other images are being presented?

Even we may inadvertently describe a situation as a “toxic soup”, or “we are dumping” or other descriptions which later are used against us

Presentations being made show legacy problems, including from power plants, steel mills, refineries, etc.

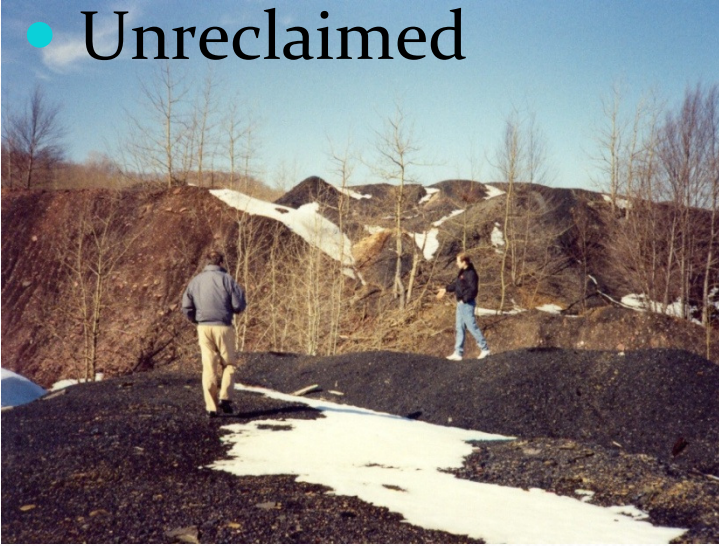
What we are not doing is presenting our successes to overcome our legacy?



# Reclamation –Before/After

# Before

- Unreclaimed



# After

- Reclaimed

