

Additional Proposed Revisions to the Coal Combustion Residuals (CCR) Rule

Background

In April 2015, the U.S. Environmental Protection Agency (EPA) promulgated a comprehensive set of requirements for the management of coal combustion residuals (CCR) in landfills and impoundments. CCR include a variety of waste streams, specifically, fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from coal-fired electricity utilities; commonly known as coal ash. The 2015 rule established corrective action, closure and post closure, technical standards, and inspection, monitoring, recordkeeping and reporting requirements.

In *Utility Solid Waste Activities Group (USWAG et al. v. EPA)* (Aug. 21, 2018), the D.C. Circuit of Appeals overturned certain provisions of EPA's 2015 rule and remanded some provisions back to the agency. However, the rules in place since 2015 to detect and assess, and as needed to remediate, impacts on groundwater from CCR in surface impoundments and landfills are being implemented on their original schedule and are not being changed.

What Would the February 2020 Proposal Require?

While the major protections and requirements of the 2015 rules remain in

place, EPA is working on several regulatory proposals to carry out new requirements under the Water Infrastructure Improvements for the Nation ([WIIN](#)) Act, respond to petitions, address litigation, and ensure smoother implementation by applying lessons learned. EPA is proposing four main changes with this action:

- Procedures to allow a limited number of facilities to continue using alternate liners at existing coal ash surface impoundments if they can demonstrate to EPA or a participating state director that the unit would not adversely affect groundwater, human health, or the environment. This change will allow facilities to use groundwater monitoring data from their site to show that the design of a particular surface impoundment is equivalent to the composite liner system required in the current regulations.
- Conditions under which coal ash can be used in the closure of landfills and surface impoundments.
- An additional closure provision for units from which coal ash is being removed that cannot complete groundwater corrective action by the time all other closure by removal activities have been completed. Under this new provision, groundwater remediation must continue

until groundwater protection standards are achieved during a post-closure period.

- An amendment to the notification of intent to close requirement to include the date the facility commenced closure and annual closure progress reports. This provision is intended to close a time gap in reported information and increase transparency.

EPA will be accepting public comment on the proposed revisions for 45 days once the rule is published in the *Federal Register* via [Regulations.gov](https://www.regulations.gov).

EPA will also conduct a public hearing about the proposed rule.

Additional Background Information

As a result of the application of the standards in the 2015 rule, the majority of existing impoundments are on the path to stopping the receipt of coal ash and conducting closure. The main protections provided in the

2015 rule are in place and will remain unchanged to ensure the minimization of risk of release of contaminants into groundwater, blowing of contaminants into the air as dust, and catastrophic failure of coal ash surface impoundments.

The 2015 requirements for facility inspection, monitoring, recordkeeping and reporting will also remain unchanged. Facilities managing coal ash are required to monitor groundwater, publicly report the data, and take corrective action to address exceedances of the groundwater protection standards, among other requirements. There have been no extensions for any of these obligations or their implementation.

Where Can I Find More Information on This Proposal?

- Information about the proposed rule is available at: www.epa.gov/coalash/coal-ash-rule
- Information on coal ash is available at: www.epa.gov/coalash
- EPA will also conduct a virtual public hearing about the proposed rule. Further details on the public hearing will be announced on EPA's CCR website: www.epa.gov/coalash
- For information regarding how to submit comments, contact Jesse Miller at: miller.jesse@epa.gov or by telephone at (703) 308-1180.
- For Press Inquiries, please contact: press@epa.gov.