



ASTSWMO, Providing Pathways to Our
Nation's Environmental Stewardship Since 1974

ASTSWMO Position Paper Federal Regulation of Coal Combustion Residuals October 2016

Background

On April 17, 2015, the U.S. Environmental Protection Agency (EPA) published the final rule, Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals From Electric Utilities (80 FR 21301). This Position Paper is a brief update from ASTSWMO to comment on current developments in the regulation of coal combustion residuals (CCR).

Positions

Regulatory Options and Implementation Mechanisms:

ASTSWMO supports the issuance of the final rule under Subtitle D of the Resource Conservation and Recovery Act (RCRA). The Association also supports efforts to establish a permit program or other system of prior approval and conditions (hereafter referred to as permit program) that may be administered by States for the management of CCR in landfills or surface impoundments. States have been successfully implementing and enforcing requirements for the management of CCR under non-hazardous waste regulatory programs for many years. ASTSWMO believes that EPA should establish a mechanism by which the agency acknowledges that a State permit program meets, is equivalent to or exceeds the federal minimum CCR standards and gives States the primary authority to directly administer the federal rule. We believe that EPA should only implement its own permit program for CCR management in the absence of an EPA approved State CCR permit program. A State that chooses to adopt a CCR permit program should be given sole enforcement authority with the exception of the federal enforcement provisions allowed under RCRA Subtitle C section 7003 and RCRA subtitle D section 4005.

Financial Assurance:

Financial assurance is an important component in State waste programs. ASTSWMO supports the inclusion of financial assurance as a key program element in any comprehensive revision of the federal CCR criteria in the future.

Beneficial Use:

ASTSWMO prefers beneficial use guidance to a regulatory approach because guidance provides States the flexibility needed to implement regulatory procedures that work within a State's existing regulatory framework and the flexibility needed to make site-specific technical decisions.

ASTSWMO agrees that the use of large quantities of CCR without a functional benefit and which may cause environmental harm should not be viewed as a beneficial use. However, a one-size-fits-all regulatory approach is not effective.

Approved by the ASTSWMO Board of Directors on October 25, 2016, in Washington, D.C.