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March 23, 2022

U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

via Regulations.gov

Attention Dockets ID EPA-HQ-OLEM-2021-0587, -0588, -0590, -0593, and -0595

Dear Sir or Madam:

The Solid Waste Disposal and Conversion (SWDC) Task Force within the Materials Management Subcommittee of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) appreciates the opportunity to provide comment regarding the U.S. Environmental Protection Agency's (EPA) Public Notice for EPA's Proposed Decisions regarding Coal Combustion Residuals (CCR) Part A Determinations. The comment period for these proposed decisions opened on January 25, 2022 and has been extended to March 25, 2022 for five of the proposed determinations. These comments have not been reviewed or adopted by the ASTSWMO Board of Directors. In addition, individual State or Territorial solid waste programs may also provide comments based on their own perspectives and experiences.

ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). Our membership includes State waste program experts in the management and regulation of solid and hazardous waste as well as CCR.

The Task Force is not commenting on specific proposed decisions. Instead, our comment is in regard to an overarching issue. We note that these proposed decisions seek to clarify several interpretive issues involving the CCR Closure Performance Standards. These clarifications are a significant shift in policy from long standing regulations, guidance, and interpretations of closure requirements including those pertaining to the Comprehensive Environmental Response, Compensation, and Liability Act remedial actions, Resource Conservation and Recovery Act (RCRA) Subtitle C closure actions, RCRA Subtitle D closure actions for sanitary landfills and open dumps, and more recently for RCRA Subtitle D CCR unit closures. As such, if EPA finalizes these determinations and thus makes a substantial shift in the interpretation and policies for closure requirements for CCR or other units, the Task Force urges EPA to employ a more formal approach (i.e., rulemaking, policy memo, guidance document) to establish such interpretations.

If you have any questions about these comments, please contact me at (334) 271-7755 or sss@adem.alabama.gov.

Thank you for your consideration of this input.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Scott Story". The signature is written in a cursive style with a long horizontal flourish extending to the right.

S. Scott Story (AL), Chair
SWDC Task Force
ASTSWMO Materials Management Subcommittee