

Coal Combustion Residual Rules Update


Annual Fall Joint Conference
Waste Breakout Session
Harold D. Register, Jr.

November 2, 2023

Quick Recap of Regulatory Timeline



Status of Rulemaking

- Legacy CCR Surface Impoundment (Proposed Rule)
 - Federal CCR Permit Program
 - Holistic Approaches to Closure, Part B, Part 2
- 

Legacy CCR Surface Impoundment

- **Inactive facility/electric utility/independent power producer**

- Any facility with a legacy CCR surface impoundment*

- **Legacy CCR surface impoundment**

- A CCR surface impoundment;
- No longer receives CCR;
- Contained both CCR and liquids on or after October 19, 2015; and
- Located at an inactive electric utility

- **Timeline for implementing standards**

- **Implementation challenges**

For additional details, see USWAG's full comments in Regulations.gov,
Doc ID: EPA-HQ-OLEM-2020-0107-0242

https://downloads.regulations.gov/EPA-HQ-OLEM-2020-0107-0242/attachment_1.pdf

Coal Combustion Residual Management Unit

- **Coal Combustion Residual Management Unit (CCRMU)**
 - ANY area of land
 - ANY noncontainerized accumulation of CCR
 - Managed at ANY time
 - ***Is NOT a CCR unit***
 - Includes inactive CCR landfills or CCR units closed prior to Oct. 17, 2015
 - “Legacy” locations only if a Legacy CCR Impoundment is present
- **Proposed timeline**
 - Facility evaluation
 - Initiation of closure

Who is Impacted

- Owners/Operators
 - Qualified Professional Engineers
 - State Regulatory Agencies
 - United State Environmental Protection Agency
 - Public
- 

Putting it All Together

- **Final Legacy Impoundment Rule** (April 2024)

- Notice of Data Availability (NODA) received by OMB (October 2023)

- **Draft Compliance Timeline**

- Facility Evaluations
- Initiation of Closure
- Certified* Groundwater Monitoring Systems

- **Final Federal CCR Permit Program**

- Individual Permits
- State Authorizations

For additional details of most recent activity, see Alabama Dept of Environment Management (ADEM) full comments in Regulations.gov, Doc ID: EPA-HQ-OLEM-2022-0903-0261

<https://www.regulations.gov/comment/EPA-HQ-OLEM-2022-0903-0261>

“Looking ahead, the only certainty in the regulation of Coal Combustion Residuals is continued uncertainty” - Anonymous

Harold D. Register, Jr., P.E.

Email: Harold.Registerjr@cmsenergy.com

O: 517-788-2982 | C: 517-740-0655

