

**In Support of Beneficial Use of Coal Combustion Residuals**

1 Coal combustion residuals (CCR) are a byproduct of burning coal at power plants. CCR is disposed of in  
2 landfills and surface impoundments and is subject to regulation by the Environmental Protection Agency  
3 (EPA) under the Resource Conservation and Recovery Act (RCRA). RCRA was enacted in 1976 to  
4 regulate the disposal of solid and hazardous waste, with states as the primary enforcers of established  
5 regulations and standards. In 2015, EPA promulgated a rule (2015 CCR Rule) to establish national  
6 minimum standards for the safe management of CCR in landfills and surface impoundments under  
7 Subtitle D of RCRA. The 2015 CCR Rule set standards that include requirements for CCR landfill and  
8 impoundment location, design, groundwater monitoring, corrective actions, and closure procedures.  
9 These measures are intended to protect public health and the environment from risks associated with CCR  
10 storage and disposal.

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12 Following the 2015 CCR Rule, EPA adopted a specific methodology to evaluate the beneficial uses of  
13 industrial non-hazardous secondary materials, including CCR, to determine whether their use poses  
14 harmful effects on human health or the environment. The American Public Power Association (APPA)  
15 supports the beneficial use of CCR, as defined by EPA, which encompasses uses that provide a functional  
16 benefit, replace a product made from virgin material on the market, and meet existing product  
17 specifications and regulatory standards. CCR can be used in encapsulated building materials, such as  
18 concrete, road base, drywall, and roofing tiles. Unencapsulated beneficial uses include soil amendment  
19 for agriculture, structural fill, and land reclamation. Utilities sell CCR as a secondary material to generate  
20 an additional revenue stream that supports maintaining electric affordability, reliability, and safety.

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22 APPA also supports the implementation of federal and state permitting programs for CCR units as  
23 mandated by Congress in 2016. A CCR permit program would operate in lieu of the 2015 self-  
24 implementing rule, which imposes a one-size-fits-all regulatory program for all CCR units. A CCR permit  
25 program will allow permit writers to appropriately tailor the application of the CCR rule to CCR units  
26 based on site-specific characteristics. Compliance with the permit constitutes compliance with RCRA  
27 Subtitle D and acts as a permit shield against enforcement, including RCRA citizen suits. While the  
28 agency has yet to finalize a federal CCR permit program, several states have sought to promulgate their  
29 own CCR permit programs in accordance with the Water Infrastructure Improvements for the Nation  
30 (WIIN) Act. As of November 2025, EPA has granted partial approval for the state permit programs in  
31 Georgia, Texas, and North Dakota, and has proposed a similar partial approval for Wyoming. Oklahoma  
32 has received full approval. Federal standards remain where the state programs do not meet or exceed the  
33 federal requirements.

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35 In 2024, EPA promulgated a new rule to address previously unregulated “legacy” CCR units, inactive  
36 impoundments at inactive power plants, and newly defines coal combustion residual management units  
37 (CCRMUs), which are any area of land on which any noncontainerized accumulation of CCR is received,  
38 placed, or otherwise managed, that is not a regulated CCR unit. All active facilities and any inactive  
39 facility with a legacy impoundment must undertake a facility evaluation to identify and delineate the  
40 vertical and lateral extent of any CCRMUs at the facility that are equal to or greater than one ton.  
41 CCRMUs must meet groundwater monitoring, corrective action, closure, and post-closure care  
42 requirements.

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44 The 2024 CCR regulations significantly broadened the scope of CCR management activities. These  
45 regulations reverse previous state decisions on CCR closures, even in cases where CCR had already been  
46 completely removed, and undermine substantial investments made by the power sector. Public power  
47 utilities have expressed concern that EPA’s implementation of the federal CCR program does not utilize a  
48 risk-based strategy that considers the specific potential of each unit to impact human health and the  
49 environment. Instead, the current approach applies uniform requirements to all units, regardless of their  
50 individual risk profiles.

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52 **NOW, THEREFORE, LET IT BE RESOLVED:** That the American Public Power Association (APPA)  
53 supports the beneficial use of coal combustion residuals (CCR) as a non-hazardous secondary material in  
54 encapsulated and unencapsulated uses and that all beneficial uses, whether on-site or off-site, are exempt  
55 from all provisions of the federal CCR regulations; and

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57 **BE IT FURTHER RESOLVED:** That APPA supports the implementation of a federal CCR permitting  
58 program that provides a permit shield from claims in enforcement proceedings, including claims brought  
59 under the Resource Conservation and Recovery Act’s citizen suit provisions; and

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61 **BE IT FURTHER RESOLVED:** That APPA supports the development of site-specific, risk-based  
62 closure performance standards as part of an enforceable state permit program.