

**October 15, 2019**

The Honorable Andrew Wheeler, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**Attention: Docket ID Number EPA-HQ-OLEM-2018-0524**

*Submitted to the Federal eRulemaking Portal ([www.regulations.gov](http://www.regulations.gov))*

**RE:** Comments of the American Public Power Association on Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals (CCRs) From Electric Utilities; Enhancing Public Access to Information; Reconsideration of Beneficial Use Criteria and Piles; Proposed Rule (84 Fed. Reg.40353 (August 14, 2019))

Dear Administrator Wheeler:

The American Public Power Association (APPA or Association) appreciates the opportunity to submit these comments in response to the Environmental Protection Agency's (EPA or Agency) proposed rule entitled, "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals (CCRs) From Electric Utilities; Enhancing Public Access to Information; Reconsideration of Beneficial Use Criteria and Piles." (CCR Proposal or Proposal).<sup>1</sup> The Proposal seeks to make targeted changes to two provisions of the 2015 Coal Combustion Residuals final rule (2015 CCR Rule) that were remanded back to the Agency by the U.S. Court of Appeals for the District of Columbia Circuit.<sup>2</sup> EPA is proposing to replace the numerical threshold for triggering an environmental demonstration with location-based criteria (e.g., placement in an unstable area, wetland, floodplain, fault area or seismic zone) derived from the existing requirements in the 2015 CCR Rule. The Proposal would establish a single approach that would apply to all temporary placement of unencapsulated coal ash on the land, regardless

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<sup>1</sup> 84 Fed. Reg. 40353 (August 14, 2019) (CCR Proposal or Proposal).

<sup>2</sup> 80 Fed. Reg. 21302 (April 17, 2015) (2015 CCR Rule).

of whether a pile is on-site or off-site, and regardless of whether the coal ash in the pile is destined for beneficial use or disposal. While we appreciate the Agency revisiting these aspects of the 2015 CCR Rule, the Association believes these proposed revisions will have an adverse impact on the beneficial use of CCRs and our members' ability to beneficially use CCRs as well as produce CCRs for beneficial use in several use applications which the Agency has found do not warrant regulation under the Resource Conservation and Recovery Act (RCRA) Subtitle C or Subtitle D.

The Association is the voice of not-for-profit, community-owned utilities that power 2,000 towns and cities nationwide. We represent public power before the federal government to protect the interests of the more than 49 million people that public power utilities serve, and the 93,000 people they employ. Our association advocates and advises on electricity policy, technology, trends, training, and operations. Our members strengthen their communities by providing superior service, engaging citizens, and instilling pride in community-owned power. APPA members own and operate facilities which supply CCRs to the beneficial use market, therefore, Association members have a direct interest in the Proposed Rule. The Association is a member of the Utility Solid Waste Activities Group and supports USWAG's detailed comments on the Proposal.

APPA strongly believes that large scale unencapsulated uses of CCRs must be managed in a manner that is protective of human health and the environment. Therefore, we suggest several practices that will ensure this result, while adhering to Congress' directive and EPA's commitment to support the beneficial use of CCRs in lieu of disposal. The Proposal also seeks comment on the establishment of an alternative groundwater protection standard (GWPS) for boron using the same methodology used for other coal ash constituents, which would be finalized if boron is added to the list of constituents for assessment monitoring, and revisions to the annual groundwater monitoring and corrective action report requirements to make the data easier for the general public to understand and evaluate. Finally, the Proposal seeks comment on revisions to the coal ash website requirements to ensure that relevant facility information required by the regulation is immediately available to the public. The Association summarizes its comments on these issues below.

- Any revisions to the fourth beneficial use criterion must be consistent with EPA’s 2002 Regulatory Determination and Agency policy that unencapsulated use of CCRs on the land is not a threat to human health and the environment, especially when conducted in accordance with industry standards and guidance.
- Replacing volume-based thresholds with environmental demonstrations for all unencapsulated uses in certain areas is not supported in the rulemaking record and is inconsistent with EPA’s 2002 Regulatory Determination.
- The Association recommends EPA evaluate the use of ASTM E2277-14 as the replacement for the existing 12,400-ton threshold.
- The Association recommends that any revisions to the fourth beneficial criterion make clear that CCRs used in accordance with applicable agronomic rates are not subject to any requirements to make an environmental demonstration.
- The Association recommends the Agency modify the definition of temporary accumulation to address common industry practice of storing CCRs for beneficial use on a rolling basis.
- The Association supports and appreciates the importance of making information on publicly-accessible CCR websites transparent and easily accessible which is in keeping with our public service goals.

## **I. Proposed Changes to Fourth Beneficial Use Criterion**

The 2015 CCR Rule established a beneficial use definition to differentiate between legitimate beneficial uses of CCRs and the disposal of CCRs.<sup>3</sup> The definition of “beneficial use of CCR” requires entities to meet four specific criteria for the use of CCRs. EPA is proposing to materially change only the fourth beneficial use criterion. Specifically, the fourth criterion provides:

“when unencapsulated use of CCR involves placement on the land of 12,400 tons or more in non-roadway applications, the user must demonstrate and keep records, and provide such documentation upon request that environmental releases to groundwater, surface water, soil, and air are comparable to or lower than those from analogous

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<sup>3</sup> 40 CFR §257.53 (definition of “beneficial use of CCR”).

products made without CCR, or that environmental releases to groundwater, surface water, soil, and air will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use.”<sup>4</sup>

EPA is proposing to eliminate the mass-based numerical [i.e., 12,400 ton] threshold used to trigger an environmental demonstration and replace it with specific, location-based criteria derived from the existing location criteria for CCR disposal units. This means that the fourth criterion would be triggered by the specific location of where the CCR will be used. EPA is also soliciting comments and information that could be used to select a new mass-based numerical threshold and is evaluating whether a lower numerical threshold would be warranted. In addition, EPA is considering whether the environmental analysis of the beneficial use definition’s fourth criterion should be demonstrated in all cases, rather than limiting the fourth criterion to only the largest or most environmentally concerning beneficial use circumstances. Under such an approach, every unencapsulated beneficial use of CCR in non-roadway applications would require an appropriate environmental demonstration of whether releases to environmental media from the beneficial use are likely to be of concern.<sup>5</sup> The Association believes the proposed revisions would risk the continued use of CCR beneficial use in nationwide markets without any meaningful increases in protection to human health and the environment.

**A. CCR Beneficial Use Does Not Warrant Regulation Under RCRA Subtitle C or Subtitle D**

Congress directed EPA, under the “Bevell Amendment,” to study CCRs and the various CCR management practices and to determine whether CCRs warranted regulation as a hazardous waste under RCRA Subtitle C. EPA’s findings were documented in a Report to Congress (RTC).<sup>6</sup> EPA’s 2000 Regulatory Determination determined the following:

“national regulations of [CCR]s under Subtitle C or Subtitle D is not warranted for any of the other beneficial use of coal combustion waste. We have reached this decision because: (a) We have not identified any other beneficial uses that are likely to present

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<sup>4</sup> 84 Fed. Reg. 40,356.

<sup>5</sup> 84 Fed. Reg. at 40361. If EPA were to adopt this approach, the Agency would consider developing guidance and offer technical direction regarding the nature and extent of the environmental demonstrations that would be needed depending on the site-specific considerations.

<sup>6</sup> RCRA§ 8002(n) (42U.S.C §6982(n)).

significant risks to human health or the environment; and (b) no documented cases of damage to human health or the environment have been identified. Additionally, we do not want to place any unnecessary barriers on the beneficial uses of coal combustion wastes so they can be used in applications that conserve natural resources and reduce disposal costs.”<sup>7</sup>

Based on the materials developed in preparing the RTC, EPA found that beneficial uses include “waste stabilization, beneficial construction applications (e.g., cement, concrete, brick and concrete products, roadbed, structural fill, blasting grit, wall bard, insulation, roofing material), agricultural applications and other applications (absorbents, filter media, paints, plastics and metal manufactures, snow and ice stabilization).”<sup>8</sup> In the RTC, EPA was unable to identify damage cases associated with the above-mentioned types of beneficial uses, nor did the Agency believe that those uses of coal combustion waste present a significant risk to human health or the environment.<sup>9</sup> EPA’s findings also concluded that CCR used for agricultural purposes did not warrant national regulations.<sup>10</sup>

During the development of the 2015 CCR Rule, there were no new damage cases that warranted a departure from the scope and conditions for beneficial use outlined in the Regulatory Determination. Therefore, the Agency left in place its 2002 Regulatory Determination while seeking additional information on unencapsulated uses of CCR. However, EPA did identify some damage cases associated with placement of CCRs in sand and gravel pits and the use of CCR to restructure the landscape. EPA characterized theses uses as “sham disposal” and these uses do not constitute beneficial use. EPA determined these use cases that did not fall within the Regulatory Determination and the Agency specifically chose to address disposal of CCR in sand and gravel pits, by including them in the definition of “CCR landfill.”

The Agency followed the approach set out in the Regulatory Determination to distinguish between the disposal of CCR and the beneficial use of CCR. Material (1) must provide a functional benefit; (2) substitute for the use of virgin material, conserving natural resources that

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<sup>7</sup> 65 Fed. Reg. 32221 (2000 Regulatory Determination).

<sup>8</sup> *Id.* at 32229.

<sup>9</sup> *Id.* at 32230.

<sup>10</sup> *Id.* In the RTC the Agency did express concern over the risks present by agricultural use, however, the agency’s previous analysis assumed unrealistically high-end conditions.

would otherwise be needed to be obtained through practices, such as extraction; and (3) where available, meet relevant product specifications or regulatory standard or otherwise not used in excess quantities.<sup>11</sup> For agricultural settings, EPA expects “all appropriate standards, constituent levels, prescribed total loads, application rates to be met. EPA would consider application of CCR for agricultural uses not be legitimate beneficial uses if they occur at constituent levels or loading rates greater than EPA’s biosolids regulations.”<sup>12</sup>

The 2015 CCR Rule confirmed EPA’s Regulatory Determination nevertheless, EPA added the fourth criterion to the definition of CCR beneficial use in the 2015 CCR Rule due to a concern that unencapsulated CCR for large scale structural fill could pose the same risk as CCR landfills and should be regulated, as opposed to being categorized as CCR beneficial use.<sup>13</sup> EPA reviewed the database of landfills used in the 2014 risk assessment and established a threshold limit that corresponds to the smallest size landfill in the risk assessment database, which EPA determined was 12,400 tons.<sup>14</sup> EPA “selected this threshold as a trigger for requiring an affirmative demonstration [i.e., an environmental demonstration] that there will be no releases of concern as a consequence of the land application, because the available evidence in the record (i.e., the 2014 risk assessment) demonstrates that at these volumes the potential risks are of such significance to warrant regulation.”<sup>15</sup> However, after the CCR Rule was finalized, the Agency received a letter indicating that the 12,400-ton threshold was based on an erroneous data. The data used to derive the threshold was incorrectly reported in cubic yards rather than in cubic feet. EPA recognized the error in the database but concluded that it was not practical to contact every facility and verify the accuracy of the data. In addition, EPA noted that no additional information had been provided to support the contention that the smallest landfill is approximately 74,800 tons.<sup>16</sup>

As part of EPA’s evaluation to revise the fourth beneficial criterion, the Association would call on EPA to consider the following factors. (1) The 12,400-ton threshold is based on a volumetric error, (2) agricultural uses are not subject to the fourth criterion, (3) structural fill

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<sup>11</sup> 75 Fed. Reg. at 35162-63.

<sup>12</sup> 80 Fed. Reg. at 21350.

<sup>13</sup> 80 Fed. Reg. at 21348.

<sup>14</sup> *Id.* at 21352.

<sup>15</sup> *Id.*

<sup>16</sup> 84 Fed. Reg. 40356.

applications constructed in accordance to existing standards and guidance meet the fourth criterion, and (4) any revision to the fourth criterion should be consistent the EPA's Regulatory Determination and promote beneficial use of CCR.

## **B. Location Restriction Should Not Replace a Mass- Based Numeric Threshold Value**

APPA does not support the use of location restriction as the trigger for requiring an environmental demonstration. EPA's proposal to replace the 12,400-ton threshold with a requirement to conduct an environmental demonstration for all unencapsulated uses in specified restricted areas is not supported by the record evidence and would be an inappropriate reversal of EPA's 2000 Regulatory Determination. Establishing exceptions from this requirement for smaller uses of CCRs in certain locations would not save the underlying invalid rule. A regulatory requirement for users to undertake an environmental demonstration contravenes Congressional intent and EPA's policy directives to promote beneficial use.

For example, EPA has repeatedly found that CCR beneficially used for agricultural purposes is not disposal if used in accordance with applicable agronomic rates.<sup>17</sup> EPA is proposing that any CCR used for agricultural purposes in accordance with applicable agronomic rates or other scientifically justified rates is disposal if the use occurs in any one of the proposed location restriction areas, unless the grower undertakes an environmental demonstration. EPA's Proposal does not include information in the record that substantiates using CCR in accordance with applicable agronomic rates poses the same risks as a CCR landfill if used in any specified geographic location. The Proposal would place the burden on growers to make these demonstrations and force them to cease the beneficial use of CCR for agricultural purposes altogether and return to mined virgin materials thereby undermining the beneficial use market. The loss of this potential revenue stream is particularly impactful to small public power communities which supplement their budgets with the revenue from the sale of CCR for beneficial agricultural uses. The ability to continue to provide CCR for agricultural purposes is important to public power communities. APPA members have indicated their utilities provide between 16,000 to 100,000 tons annually (quantities vary by utility and region) to the beneficial

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<sup>17</sup> 80 Fed. Reg. at 21350.

use market for agricultural purposes. One member is in the process of assigning a new marketing contract where the contractor has proposed to pelletize the flue gas desulfurization gypsum (synthetic gypsum) to allow the product to be sold to local agricultural farm services. The Association requests that any revisions to the fourth beneficial criterion make clear that CCRs used in accordance with applicable agronomic rates is not subject to any requirements to make an environmental demonstration. We suggest that once a material has been granted a commercial license from the U.S. Department of Agriculture to be used as a soil amendment then it meets the fourth criterion.

### **C. The Association Supports CCR Structural Fill Applications that Conform with ASTM Standards**

Beneficial use regulations are intended to prevent sham disposal as it pertains to large scale placement of CCRs on land. Utilities have an interest in ensuring structural fill projects are conducted in a manner that is protective of the environment and the human health. These projects must be structurally sound and fully consider the nature and volume of CCR being used, in addition to the site conditions. We believe that ASTM E-2277-14 can serve as a replacement for the fourth criterion.

ASTM standards are derived from a consensus process that allows participation by all concerned parties and are regularly reviewed to ensure that they utilize the most current science. ASTM standards have been adopted, by incorporation or by reference, in many federal, state, and municipal government regulations.

Location restrictions are not supported by the record pertaining to CCR used in engineered structural fill applications. Commenters in the 2015 CCR Rule noted, they “were not aware of any damage cases or adverse environmental impacts associated with structural fill that adhered to industry guidance (e.g., ASTM E2277-03) for structural fill and the USWAG’s “Engineering and Environmental Guidance on the Beneficial Use of Coal Combustion Products in Engineered Structural Fill Projects.”<sup>18</sup> The Association recommends EPA evaluate the use of ASTM E2277-14 as the replacement for the existing 12,400-ton threshold; at a minimum, in whatever revised fourth criterion EPA promulgates, CCR structural fill projects conducted in a

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<sup>18</sup> *Id.* at 21351.



manner consistent with ASTM E2277-14 must be deemed to meet the criterion. One of the central features of ASTM E2277-14 structural fill standard is the consideration of site-specific location characteristics and an evaluation of whether CCR structural fill can be designed and constructed in a certain location in a manner that is protective of human health and the environment.

Further, we believe any new location-based restriction would severely limit the continued beneficial use of CCR under several state beneficial use programs EPA referenced in the Proposal. While several states have a variety of site restriction conditions for CCR beneficial use, such as restrictions on placement above the groundwater table or near certain water bodies, none of the identified states impose the full array of site restrictions EPA is proposing. States have not found these additional restrictions necessary, as they would impose additional limitations on beneficial use in all states and would further limit the continued beneficial use of CCR.

APPA suggests EPA cannot move forward with the proposed revisions to the fourth beneficial use criterion. For the reasons discussed, we believe that location restrictions are not supported by the record.

#### **D. Mass-Based Numeric Value**

EPA is considering a new value to replace the existing 12,400-ton numerical threshold based on the numerical values that state beneficial use programs have in place and the available risk information. EPA looked at state programs that have mass-based numeric thresholds lower than 12,400 tons based on mass. EPA determined that none of these state beneficial use programs using size criteria are based on an analysis of the potential risk associated with the specified mass of volume.<sup>19</sup> Therefore, a volume threshold may not address EPA's concerns about risk associated with large scale unencapsulated uses of CCR. However, if EPA were to pursue this option, it must be based on a demonstration that the threshold is needed to determine that using CCR above the threshold warrants an environmental demonstration.

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<sup>19</sup> *Id.* at 40357.

## **E. Applicability of Revised Beneficial Use Criterion**

EPA is proposing that the new beneficial use criterion would be applicable to all beneficial use applications or projects not completed before the effective date of any final rule establishing the new criterion.<sup>20</sup> It is inappropriate to retroactively apply the revised beneficial use criterion to existing or pending beneficial use projects that have been planned and implemented under the existing CCR beneficial use criteria. Any new criterion should not delay or endanger ongoing beneficial use projects. The Association believes any revised criterion should apply only to beneficial use applications or projects that begin after the effective date of the final rule.

## **II. Proposal to Revise Requirements Applicable to Storage Piles**

EPA is proposing to establish a single set of requirements applicable to all temporary placement of unencapsulated CCR on the land, whether destined for beneficial use or disposal, that maintain the current standard applicable to both on-site and off-site piles.<sup>21</sup> EPA is proposing a definition of a CCR storage pile to distinguish between the activities that will be considered storage and those that will be considered disposal. Specifically, EPA is proposing to define a CCR storage pile as a temporary accumulation of unencapsulated CCR on the land, whether on-site or off-site. As a second element, EPA is proposing to include in the definition, a requirement to control releases of CCR (e.g., from windblown dust, stormwater, or run-on and runoff) to the environment.

The Association appreciates EPA's efforts to eliminate the regulatory disparity between the temporary storage of CCR in piles on-site at the utility and the same storage activity at the site of the beneficial user. EPA has not, however, provided a reasoned explanation for including a time-based regulatory condition into the proposed definition of "CCR storage pile." EPA correctly determined in the 2015 CCR Rule that containerizing piles per the criteria set forth in the 2015 CCR Rule will effectively prevent releases from temporary storage activities without a time limit requirement. In fact, EPA requested comment on whether a pile must be temporary in order to control the risk associated with the potential release from piles of CCR.<sup>22</sup> Absent a

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<sup>20</sup> 84 Fed. Reg. at 40361.

<sup>21</sup> 84 Fed. Reg. 40261.

<sup>22</sup> *Id.* at 40364.

reasoned explanation for this additional requirement, the inclusion of the definition of “temporary accumulation” as part of the concept of “CCR storage pile” is not warranted.

Should the Agency decide to include the definition of “temporary accumulation” in the final rule, it must be modified to accommodate the common industry practice of temporarily storing CCR for beneficial use on a rolling basis. As a practical matter, CCR is temporarily stored in a pile and then removed for beneficial use, subsequent batches of CCR are placed in the pile before the first batch is completely removed. All the CCR is in fact removed from the pile when beneficial use operations are complete, so such activities are not permanent or indefinite. Storage is an important step in the beneficial use process. End users want to ensure there is an adequate supply available when the material is needed. EPA should make clear that the temporary storage of CCR on a rolling basis for beneficial use constitutes “temporary accumulation.” Without this clarification, the rule could produce counter-productive results where the temporary storage of CCR in concrete bunkers – would be a CCR landfill because not every particle of CCR is removed before new CCR is placed in the pile.

One practical option the Agency may want to consider as it addresses the concept of “temporary accumulation” is to evaluate the concept of “speculative accumulation”. This term is defined in EPA’s Subtitle C hazardous waste rules. Like here, that term is intended to ensure that secondary materials are not being stored indefinitely prior to recycling. If 75 percent (by weight or volume) of the stored material is recycled or transferred to a different site for recycling within a calendar year, such storage is not “speculative” or, under this proposal, such storage would constitute “temporary accumulation.”

The proposed definition of “temporary accumulation” would require entities to have a record (i.e., contract, purchase order, facility operation and maintenance plan or fugitive dust control plan) documenting that all the CCR in the pile will be completely removed according to a specific timeline. EPA indicates the criterion requiring records is designed to be flexible and account for the practical realities of current business practices.<sup>23</sup> Should the Agency finalize record keeping requirements, they must provide utilities with the flexibility to determine, based on facility specific circumstances, the most appropriate manner by which to keep records.

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<sup>23</sup> 84 Fed. Reg. at 40362.

Another key requirement in EPA's proposed definition of "CCR storage piles" is that the pile be designed to control release of CCR to the environment.<sup>24</sup> APPA supports EPA's proposal to provide entities with the flexibility to determine the control measures most appropriate to meet the requirement to control releases from CCR storage piles. The proposed standards mirror the measures for containerizing CCR piles in the 2015 CCR Rule, which the Agency has already concluded effectively control releases from piles. The Association also supports EPA's proposal that designing and managing piles such that releases are consistent with federal, state, or local regulations for surface water, groundwater, soil, or air protection would be enough to meet the proposed control release requirements.<sup>25</sup>

### **III. Proposal to Revise Annual Groundwater Monitoring and Corrective Action Report**

EPA is proposing two possible revisions to the groundwater monitoring and corrective action requirements in order to allow the public, states, and EPA to easily see and understand the groundwater monitoring data. The proposal would add a new paragraph §257.90(e)(6), establishing a minimum set of requirements that would need to be addressed in a summary discussion of the status of the groundwater monitoring and corrective action program for the CCR unit. The summary would be in the beginning of the annual report to allow readers to readily access the information. APPA supports EPA's proposal to include a summary at the beginning of the rule's annual groundwater monitoring and corrective action reports setting forth certain information to help readers understand the data contained in the report. The criteria will provide the affected sources more specificity as to what the report should contain.

The Agency is also seeking comment on whether to require groundwater monitoring analytical results and related information be presented in a standardized format. Presenting the information in a standardized format is not necessary so long as the information is provided in a manner the public, states, and EPA can easily understand. Utilities should have the flexibility to determine how the information is presented as they are better positioned to determine what format will resonate with the local community.

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<sup>24</sup> 84 Fed. Reg. at 40363

<sup>25</sup> *Id.*

However, APPA does have concerns with the suggestion that, with respect to the information provided on groundwater monitoring wells, it is necessary or appropriate to include reference to “latitude and longitude in decimal degrees.” We believe identifying where the wells are located on a site map relative to the CCR disposal units, provides adequate information. Providing location data in a publicly available document for a power generating station creates unnecessary security risks.

### **III. Proposal to Establish Risk Based GWPS for Boron**

EPA is proposing to adopt an alternative risk-based GWPS standard for boron. Specifically, EPA is proposing to adopt a 4,000 micrograms per liter ( $\mu$ /L) as the GWPS for boron, if boron is added to Appendix IV of Part 257. In March 2018, EPA proposed to add boron to Appendix IV, however, the proposal did not propose an alternative GWPS for boron. EPA makes clear it has received many comments on whether to add boron to Appendix IV and that the Agency “has made no decision” at this time whether to add boron to Appendix IV. While EPA is proposing an alternative risk-based GWPS for boron, any such standard will be finalized only if boron is ultimately added to Appendix IV.<sup>26</sup> APPA appreciates EPA thoughtful deliberation on this important issue.

The Association does not support the inclusion of boron in the Appendix IV constituents required to be monitored during the 2015 CCR Rule’s assessment monitoring phase of the groundwater monitoring program. However, if EPA moves forward and includes boron on Appendix IV, APPA supports the Agency’s establishment of a risk-based number. EPA is proposing to adopt the same methodology it has already employed in establishing the risk-based GWPS for the Appendix IV constituents without maximum contaminant levels (MCLs). This would result in a proposed GWPS of 4,000 micrograms per liter, which the Association would support.

### **IV. Proposed Revisions to the Publicly Accessible CCR Website**

EPA is proposing to amend the current CCR website requirements to clearly specify that facilities must ensure that all information required to be on each facility’s website is available to

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<sup>26</sup> 84 Fed. Reg. 40366.

any member of the public, including through printing and downloading, without any requirement that the public wait to be “approved,” or provide personal information, to access the website. The Agency is also proposing to amend the regulations to require that facilities notify EPA (by using EPA CCR website’s “contact us” form) within 14 days of changing their CCR website address, to allow EPA to update the Agency’s website with the correct URL address. APPA fully appreciates the importance of publicly accessible websites under the self-implementing rule and supports EPA’s proposal to make the websites more transparent and accessible to the public. Ensuring the information provided on a utility’s website is accessible and transparent is directly aligned with public power’s community service goals.

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APPA appreciates the opportunity to submit these comments on the importance of beneficially using CCR. The Association looks forward to working with the Agency as it finalizes the Proposed Rule. Please contact Carolyn Slaughter at 202-467-2900 or [cslaughter@publicpower.org](mailto:cslaughter@publicpower.org) should you have questions regarding these comments.

Sincerely,

A handwritten signature in black ink that reads "Carolyn Slaughter". The signature is written in a cursive, flowing style.

Cc: Steven Cook, EPA  
Barnes Johnson  
Richard Huggins