

Federal Coal Combustion Residuals Rule: U.S. Environmental Protection Agency Administrator Grants Petition for Reconsideration



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) Administrator E. Scott Pruitt granted in a September 13th letter petitions for reconsideration from the Utility Solid Waste Activities Group (“USWAG”) and AES Puerto Rico LLP (collectively “USWAG”) of the Coal Combustion Residuals Rule (“CCRR”).

Coal combustion residuals are commonly known as coal ash and are generated when coal is burned by power plants.

The CCRR was promulgated on April 17, 2015 and is titled Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals, 80 Fed. Reg. 21,302.

The Administrator’s rationale for granting the petitions for reconsideration includes:

- Issues raised in the USWAG petitions
- New authorities provided in the Water Infrastructure Improvements for the Nation Act, Pub. L. No. 114-332

The granting of the petitions does not address the merits of any issue raised in either petition. The letter also discusses issues associated with pending litigation in the United States Court of Appeals for the District of Columbia Circuit involving the CCRR.

From a procedural standpoint the Administrator states that if EPA conducts a rulemaking to potentially revise any part of the CCRR it will provide an opportunity for notice and public comment.

[A copy of the September 13th letter can be downloaded here.](#)

[The Utility Solid Waste Activities Group Petition asking for reconsideration can be found here.](#)