

Coal Combustion Residuals: U.S. Environmental Protection Agency Announces Initiation of State Guidance Development



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

05/05/2017

The United States Environmental Protection Agency (“EPA”) has announced it is working on guidance for implementing state permitting programs addressing the disposal of coal combustion residuals (“CCR”).

The Water Resources Development Act of 2016 had previously provided authority for states to operate permit programs that EPA determines are at least as protective as the federal baseline requirements.

EPA has sent letters to the state governors with a goal of promoting:

. . .the swift submission and review of state programs, make state and federal management of coal ash more consistent, and place enforcement in the hands of state regulators – those who best know the needs of local communities.

The agency states in a letter to the governors that it has “started developing guidance for states about how EPA expects to review and approve state applications to operate programs and allow flexibility in individual permits in lieu of the national standards.”

Draft guidance was stated to have been discussed with a number of environmental directors at the Environmental Council of States on April 7th. EPA is also discussing this guidance in greater detail with “technical experts” at the Association of State and Territorial Solid Waste Management Officials.

[A copy of the May 1st news release and an example of the letter sent to the state governors \(example from Nevada\) can be downloaded here.](#)