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**We Will Help You Dig Through the
Ashes of the CCR Program**

Welcome

The Timeline or really The Slow Burn...

(yes, we like puns)

- The beginnings go back to the 2015 Final Rule – setting the first federal standards for management of coal combustion residuals
- While the intent was a federal framework for state administered programs, as of 2024 only two states had approved CCR programs and two more have been proposed for approval this year
- The path of the federal program has always had challenges

The Timeline or really The Slow Burn...

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- The law was amended in July 2016 to address partial vacatur by the DC Circuit
- Amendments to the national regulations were finalized in 2018
- Another partial vacatur in 2018 that vacated and remanded a provision from the 2015 rule that exempted inactive impoundments at inactive facilities
- This led to the May 2024 : Legacy Coal Combustion Residuals Surface Impoundments and CCR Management Units Final Rule
- In April 2024 EPA also issued a guidance memo - the Free Liquids Memorandum

But wait there is more

- The Legacy Rule was effective November 8, 2024, with deadlines as early as that day and extending into 2028
- EPA issued a direct final rule in November 2024 correcting certain technical items from the May rule, this went into effect February 2025
- EPA published a 2nd direct final rule in January 2025 proposing certain changes and clarifications, but this was withdrawn in March 2025 following adverse comments

Which brings us to ...

- The EPA administration did of course go through some changes in January 2025
- In March 2025 EPA announced its deregulatory effort including as a priority point: Prioritizing coal ash program to expedite state permit reviews and update coal ash regulations (CCR Rule)
- On July 10, 2025, EPA issued a memorandum essentially rescinding the "Free Liquids Memorandum," citing regulatory confusion
- On July 22, 2025, EPA published a direct final rule and companion proposal creating an additional option for certain owners and operators to comply with the Facility Evaluation Report (FER) Part 1 requirements and to extend compliance deadlines for the remaining CCRMU provisions.
- In August 2025 the comment period for this was extended to September 15, 2025, and EPA held an online public hearing on Friday September 12th (the deadline for our slides!!).



Legacy Rule Published May 8, 2024

“*Legacy CCR surface impoundment* means a CCR surface impoundment that no longer receives CCR but contained both CCR and liquids on or after October 19, 2015, and that is located at an inactive electric utility or independent power producer.”

<https://www.federalregister.gov/d/2024-09157/p-1555>

Liquids defined

Sluiced

Precipitation

Surface

Ground

Or any other form

Standing or porewater

Surface Impoundments

- CCR but dry . . . Not an LS Impoundment!
- Applicability Report
 - Due Nov 8, 2024
 - May-November
- EPA list of 195
 - 17 Region VII
 - Primarily Earthjustice
- Closed by removal
 - Prior to Oct 19, 2015 – Not an LS Imp.!
 - After Oct 19, 2015 – LS Imp, but can certify
- Substantially equivalent closure
 - State or federal program
 - Risk assessment



CCRMU

Image Source: CCR Management, Civil Construction & Operations | Trans Ash



A not-yet-regulated quantity of more than 1 ton of CCR placed on land.

- Excludes structural beneficial use
- Previously closed landfills
- Permitted closure exemption (risk assessment)

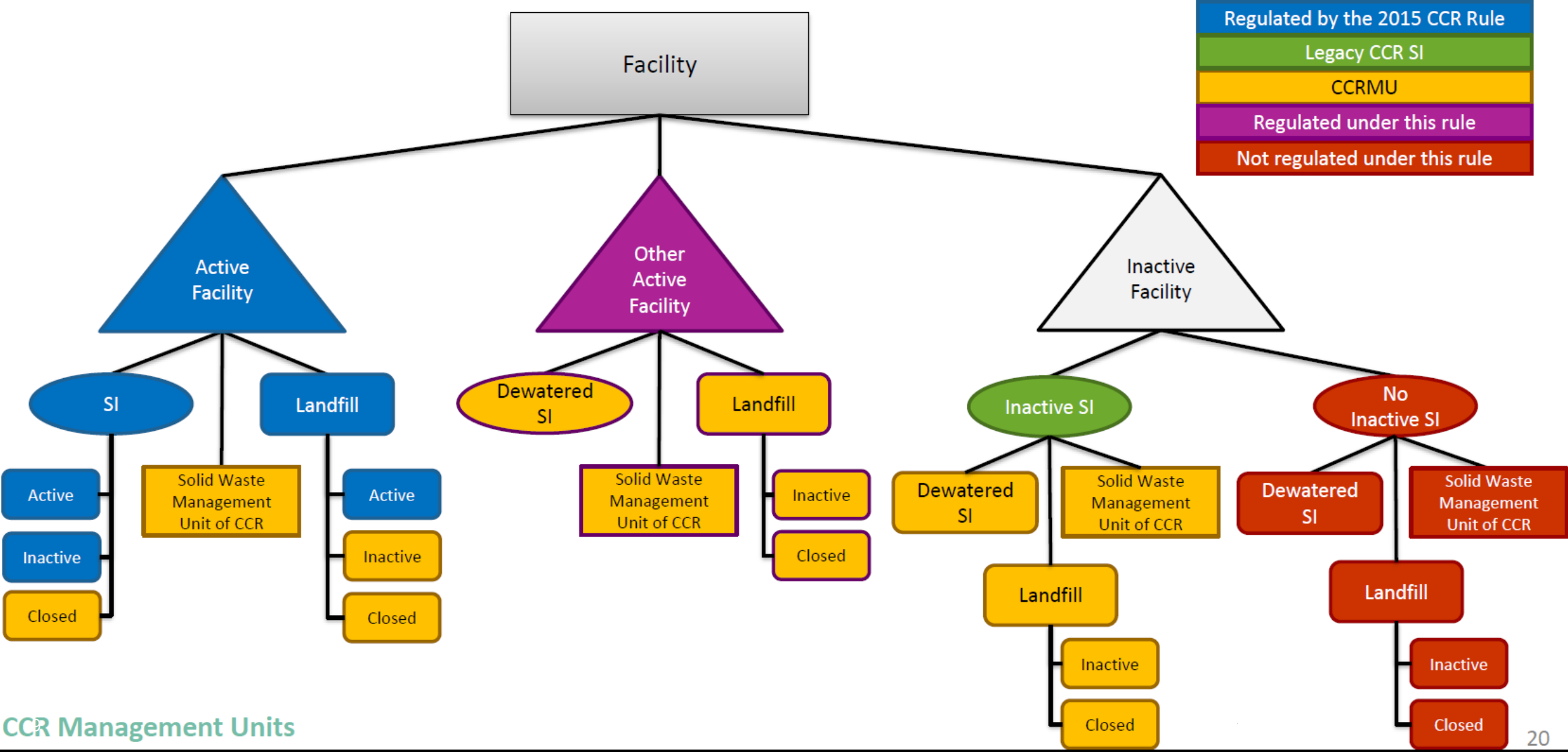
Not all “old” CCR storage pulled in

- October 19, 2015 critical date
- Must be active facility or have a regulated unit (fossil fuel)
- EPA list of 9 potential CCRMU
- Have a legacy SI – and old landfill – CCRMU
- No legacy SI and an old landfill – not CCRMU

Facility Evaluation Report to identify CCRMUs

- Active facilities or those with an LS Impoundment
- Reasonably and readily available records

EPA Summary




What is Next?

EPA Looks Beyond Biden-Era ELG, CCR Rules For Potential Revisions

August 15, 2025

EPA Grants CCR Disposal Extension, Highlighting Zeldin's Pledge For Relief

April 4, 2025

 Post

Today is the day!

Last day for comments to EPA is . . .
Today!

What's yours?