



# Regulation of Coal Combustion Residuals

## Potential EPA Regulation of Coal Combustion Residuals

The EPA has repeatedly delayed announcement of a proposal to regulate Coal Combustion Residuals (CCRs), under the Resource Conservation and Recovery Act (RCRA). The EPA has recently announced that it will issue proposed regulations by December 2014. One option under consideration would classify CCRs as “hazardous waste” despite repeated studies by the EPA itself, most recently in February 2014<sup>1</sup>, that illustrate the environmental benefits of beneficial use of CCRs.

## North Dakota Program Ensures Environmental Protection

North Dakota’s seven coal-fired electrical generating units have a long-standing history of seeking new ways to beneficially use CCRs. Our utilities currently put nearly 40% of the 3 million tons of CCRs produced annually to beneficial use. Examples of current uses include cement replacement, road base/sub-base applications, sand blasting media, roofing shingles, winter ice control on roads, and to offset the use of virgin material (sand and gravel) in construction projects.

The North Dakota Department of Health (NDDOH) regulates the disposal as well as the beneficial use of CCRs. In particular, the program requires details on contingency plans in case adverse environmental conditions arise and how the site will be monitored to ensure environmental protection. This comprehensive program ensures that the beneficial use of CCRs is conducted in a manner which does not adversely impact the environment.

## Regulation by the EPA Would Be Costly

The general regulatory requirements under the RCRA are complex, comprehensive and costly. Regulations under RCRA would create a burdensome regulatory morass for power plants.

The impact of regulating CCRs under the RCRA hazardous waste program will be devastating to the beneficial use market. For example, one utility in North Dakota has stated that regulation under RCRA would mean the loss of \$40 million in revenue over the next 10 years and over \$20 million in stranded infrastructure cost for installed composite liners, beneficial use facilities and other equipment.

The anticipated costs associated with regulation under RCRA will be borne by the consumers in our region at disproportionately higher levels than may be seen nationally due to the high percentage of coal-based electricity in the region. This in turn means higher costs for agriculture, manufacturing and small businesses in the rural areas of the Midwest.

The Lignite Energy Council believes that NDDOH effectively regulates the storage and disposal of CCRs and its guidelines provide sound and environmentally sensitive oversight of the beneficial use of coal ash materials.

<sup>1</sup> <http://www.epa.gov/epawaste/conservation/imr/ccps/benfuse.htm>