

## Coal Combustion Residuals Legislation

**Background:** Coal Combustion Residuals (CCRs) are byproducts of burning coal to generate electricity. Recycled CCRs provide tremendous economic and environmental benefits. Approximately 50 percent of CCRs are recycled and used to manufacture concrete, drywall and other construction products. This extends the life and durability of the nation's roads and bridges, boosts the economy, and provides numerous environmental benefits.

The disposal of CCRs, those that are not recycled, falls under regulation by the federal Resource Conservation and Recovery Act (RCRA). This law prevents the Environmental Protection Agency (EPA) from regulating CCRs as hazardous unless EPA first studies the issue and reports to Congress that such regulation is necessary. EPA completed this process twice, and both times found that CCRs do not warrant regulation as hazardous.

**Status:** In April of 2015, EPA published a rule to establish federal requirements for the disposal of CCRs. This rule, now in effect, regulates CCRs as nonhazardous, a decision that is consistent with decades of research and analysis by EPA. NRECA supports EPA's decision to regulate CCRs as nonhazardous. However, legislation is needed to prevent EPA from reversing course and regulating CCRs as hazardous in the future.

Legislation is also needed because, under RCRA, EPA lacks authority to require states to implement the CCR rule through a state permit program. As a result, the CCR rule is self-implementing, meaning that it does not provide for the issuance of permits or enforcement by a regulator. Enforcement occurs solely through citizen suits by the state or third party groups. Such litigation will likely lead to inconsistent enforcement of the regulations. It is far more preferable to provide state agencies with primary enforcement authority.

**NRECA Position:** A bipartisan majority in the House passed H.R. 1734, the Improving Coal Combustion Residuals Regulation Act, in July of 2015. In response to concerns expressed by the Administration, an updated version was introduced as S. 2446 by Senators John Hoeven (R-ND) and Joe Manchin (D-WV). This bill will promote the recycling of CCRs while providing certainty of a functional permit program for the implementation of the CCR rule. **Please ask your Senator to cosponsor S. 2446.**

For more information:

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