



Early Stakeholder Outreach — Coal Combustion Residual Rules

Ohio EPA prepares early stakeholder outreach fact sheets to ensure stakeholders are brought into the review process as early as possible and to obtain additional input and discussion before development of interested party draft rules.

What are Coal Combustion Residuals?

Coal combustion residuals (CCR) are produced primarily from the burning of coal in coal-fired power plants.

On April 17, 2015, the United States Environmental Protection Agency (USEPA) published a rule in the Federal Register that pertains to the disposal of CCR. The rule establishes requirements for CCR landfills and surface impoundments under subtitle D of the Resource Conservation and Recovery Act (RCRA). These federal requirements include location restrictions, standards for liner design, ground water monitoring, corrective actions for the contamination of ground water, operating procedures, record keeping, and closure.

In 2016, the Water Infrastructure Improvements Act for the Nation (WIIN) Act was passed, which gives USEPA the authority to review and approve state CCR permit programs.

The USEPA regulations are contained in 40 Code of Federal Regulations (CFR), Subpart D, 257.50 – 257.107.

What is being considered?

Ohio EPA is considering drafting rules to obtain federal approval of the CCR program. Ohio EPA has had discussions with USEPA regarding whether a partial approval for certain aspects of the CCR program or a comprehensive approval of the program would be most appropriate. At this time, Ohio EPA is seeking a comprehensive approval from USEPA. Upon adoption of the CCR program, existing rules for residual solid waste (OAC Chapter 3745-30) will be amended to remove coal burning wastes from its applicability.

Why are these rules being sent out for Early Stakeholder Outreach?

The first step in the rule-making process is for Ohio EPA to identify that a rule needs to be amended, rescinded, or created. In response to EO 2011-01K, Ohio EPA has added an additional step to ensure stakeholders are brought into the rule process as early as possible. This additional interested party notification and request for information will allow for early feedback before the rule language has been developed by the Agency.

Who will be regulated by these rules?

These rules would apply to owners and operators of CCR landfills and surface water impoundments and will be applicable to CCR that Ohio EPA considers a solid waste and CCR that is considered excluded waste.

How can I provide input?

The Agency is seeking stakeholder input on the CCR rules. When preparing your comments, be sure to:

- Explain your views as clearly as possible;
- Describe any assumptions used;
- Provide any technical information and/or data used to support your views;
- Explain how you arrived at your estimate for potential burdens, benefits or costs;
- Provide specific examples to illustrate your views; and
- Offer alternatives.

Written comments will be accepted through close of business August 10, 2020. Please submit input to:

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What if I have questions?

Please contact Annette DeHavilland at (614) 728-5373 or annette.dehavilland@epa.ohio.gov.

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What is the rulemaking schedule?

After consideration of stakeholder input, Ohio EPA will prepare and release a draft version of any amendments to these rules for interested party review and comment.

What input is the Agency seeking?

The following questions may help guide you as you develop your comments.

Ohio EPA would especially like to hear information regarding the following from stakeholders who may be impacted by the new program.

- Would this regulatory program have a positive impact on your business? Please explain how.
- Would this regulatory program have an adverse impact on your business? If so, please identify the nature of the adverse impact (for example, license fees, fines, employer time for compliance).
- Is there any information or data the Agency should be aware of when developing program concepts or rule language?

How can I track the program and rule-development progress?

A complete summary of [Ohio EPA's rule-making process](#) is available at <http://epa.ohio.gov/Rules.aspx>. Future steps include formally filing the rules with the Joint Committee on Agency Rule Review (JCARR). At that time, JCARR will include the proposed rule on their meeting agenda and take public testimony. Visit JCARR's website for meeting dates and agenda items at <https://www.jcarr.state.oh.us/>.

Stakeholders are encouraged to sign up for the Agency's electronic mailing list which provides automatic updates about various topics. Registered users will receive progress updates and be notified when new information is posted on the program website (epa.ohio.gov/dmwm/dmwmnonhazrules.aspx). To sign up, go to ohioepa.custhelp.com/ci/documents/detail/2/subscriptionpage.

Contact

For more information, contact Annette DeHavilland at annette.dehavilland@epa.ohio.gov.