



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY 7 2019

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

RE: Publicly Accessible Internet Site Requirements for Coal Combustion Residual Facilities

To Whom It May Concern:

In 2015, the United States Environmental Protection Agency (“EPA” or “the Agency”) established the first ever comprehensive set of federal environmental standards for the management of Coal Combustion Residuals (CCR).¹ Our experience has shown that when the regulatory standards are followed, CCR is protectively managed, releases of contaminants from the CCR are addressed, and the CCR website² provides the public with information on the environmental progress that is being made.

To ensure these rules are operating as intended, the EPA has initiated compliance assistance efforts to improve as necessary owners’ and operators’ understanding of the CCR rule requirements. Specifically, by this letter, we are notifying the owners and operators of units covered by the CCR rule that the Agency is examining the facilities’ CCR websites to confirm that the CCR Rule’s required elements are being implemented. Therefore, we request that you verify your CCR website(s) has all the required information and, if needed, update the website(s) with any missing information or documents. Enclosure 1 is a summary of the minimum posting requirements and corresponding compliance dates as of April 30, 2019 to assist in your review, verification, and update of your CCR website³.

If your facility’s website is missing any of the required information listed in Enclosure 1, the facility may be considered an “open dump.” Under Subtitle D of RCRA, a facility is defined as an “open dump”

¹ On April 17, 2015, EPA finalized the Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals from Electric Utilities; Final Rule (published at 80 FR 21302 and currently found at 40 C.F.R. Part 257, Subpart D), (“CCR Rule”) under the Resource Conservation and Recovery Act (RCRA).

² The CCR Rule includes a requirement for owners and operators of CCR units to establish and maintain a publicly accessible internet site (CCR website) containing the information specified in various sections of the rule (see 40 C.F.R. § 257.107). The purpose of the posting requirements is to provide members of the public specific information on the CCR units, for example, the results of groundwater monitoring, and the unit’s fugitive dust control plans. Such requirements help ensure the protection of human health and the environment.

³ The minimum requirements listed in Enclosure 1 summarize the information required to be available on every publicly accessible CCR website, as well as the deadline to post the information as of April 30, 2019. Enclosure 1 does not contain every website posting requirement and is a condensed list of the required postings that every facility should have available on the CCR websites. Some facilities may be required to post additional information depending on the site. For a complete list of the website posting requirements see §257.107. While EPA has taken steps to ensure the accuracy of the information presented, the obligations of the regulated community are determined by 40 C.F.R. part 257, subpart D.

if it fails to comply with the applicable regulations, in this case, the CCR regulations under 40 C.F.R. Part 257.

In addition, any noncompliance with the CCR Rule may subject the owner and/or operator to an enforcement action, which may include the assessment of penalties. Further, please be advised that providing false, fictitious, or fraudulent statements of representation is subject to criminal penalties under 18 U.S.C. §1001.

If you have any questions or believe the requirement(s) referenced in Enclosure 1 do not apply to your facility, please contact Michelle Long of EPA's Office of Resource Conservation and Recovery at long.michelle@epa.gov or (703) 347-8953 for assistance. Thank you for your continued efforts to implement the CCR rule and to ensure protection of human health and the environment.

Sincerely,

Barnes Johnson, Director
Office of Resource Conservation and Recovery

Enclosures (1)