

Fact Sheet: Legacy Coal Combustion Residuals Surface Impoundments and CCR Management Units Final Rule

The United States Environmental Protection Agency finalized a rule that requires the safe management of coal ash that is placed in areas that were unregulated at the federal level until now. This includes inactive power plants with surface impoundments that are no longer being used and historical coal ash disposal areas at active power plants. This rule applies to historical contamination and inactive units that no longer support current power plant operations. This fact sheet provides an overview of this final rule.



What Does the Final Rule Do?

On April 25, 2024, EPA announced [a final rule](#) that amends the rules governing the disposal of CCR in landfills and surface impoundments.

Why This Rule is Important

[Coal ash is a byproduct of burning coal in power plants](#) that, without proper management, can pollute waterways, groundwater, drinking water, and the air. Coal ash contains contaminants like mercury, cadmium, chromium, and arsenic associated with cancer and/or various other serious health effects. Many facilities stored coal ash in surface impoundments, which have the potential to leak or to fail, sending coal ash and its contaminants into water sources, including surface water and groundwater.

Regulations for Legacy Surface Impoundments

On April 17, 2015, the EPA promulgated national minimum criteria for existing and new

CCR landfills and existing and new CCR surface impoundments. This final rule did not impose any requirements on inactive facilities. On August 21, 2018, the U.S. Court of Appeals for the District of Columbia Circuit vacated the exemption for inactive surface impoundments at inactive facilities, referred to as “legacy surface impoundments”, and remanded the issue back to EPA.

Legacy CCR surface impoundments are more likely to be unlined and unmonitored, making them more prone to leaks and structural problems than units that are currently in service. To address these concerns, with this final rule, EPA is creating safeguards for legacy CCR surface impoundments that largely mirror those for inactive impoundments at active facilities, including requiring the proper closure of the impoundments and remediating CCR-contaminated groundwater.

Regulations for CCR Management Units

In addition, through implementation of the [2015 CCR rule](#), EPA found that power plants with regulated impoundments had also disposed of coal ash in areas outside of regulated units, and that many utilities had identified these areas as the source of detected groundwater contamination. These areas, referred to as “CCR management units,” consist of CCR surface impoundments and landfills that were closed prior to the effective date of the 2015 CCR Rule, and inactive CCR landfills, which include inactive CCR piles.

In this final rule, EPA establishes groundwater monitoring, corrective action, closure, and post closure care requirements for these areas. CCR management units are subject to the regulations when they are located at active facilities and inactive facilities with a legacy CCR surface impoundment.

Applicability and Facility Evaluation Reports

EPA finalized that for both legacy CCR surface impoundments and CCR management units, owners and operators of facilities first will need to write reports with information to identify the units, include figures of the facilities and where the units are located, and the sizes of the units. These entities then must post these reports on their websites for the public to access.

Compliance Deadlines

This rule becomes effective six months after publication of the final rule in the *Federal Register*. No facility is required to meet any of the new requirements before that six-month date.

The compliance deadlines allow additional time beyond the effective date for facilities to comply with certain technical criteria based on the amount of time EPA projects that facilities need to complete them (e.g., installing the

groundwater monitoring system, developing the groundwater sampling and analysis program).

Power Sector Engagement and Outreach

Power plants no longer use the areas that are the subject of this rule to support their current operations (i.e., they no longer need to place additional coal ash in these units). However, EPA will continue to work with power facilities and grid operators to address any reliability concerns.

Closure of CCR Units by Removal of CCR

From the Part B proposal from March 3, 2020, EPA finalized provisions that allow facilities that closed units by removal to do corrective action in a post closure care period.

Where Can I Find More Information?

1. Check out [our final rule webpage](#).
2. For information, contact Michelle Lloyd by email at lloyd.michelle@epa.gov or by telephone at (202) 566-0560.
3. For press inquiries, contact: press@epa.gov.