



Legacy/CCR Management Unit Amendments Proposed Rule



Public Outreach

April 15 & 16, 2026

Today's Webinar and Disclaimer

This webinar serves as an overview of the Legacy/CCRMU Amendments proposed rule published on April 13, 2026.

This webinar is not a substitute for the regulatory text or the proposed rule. Specific details and provisions of the proposal can be found in the published version of the rule.

Webinar ground rules.

We will do our best to answer clarifying questions. Please submit your questions in the questions box at any time.

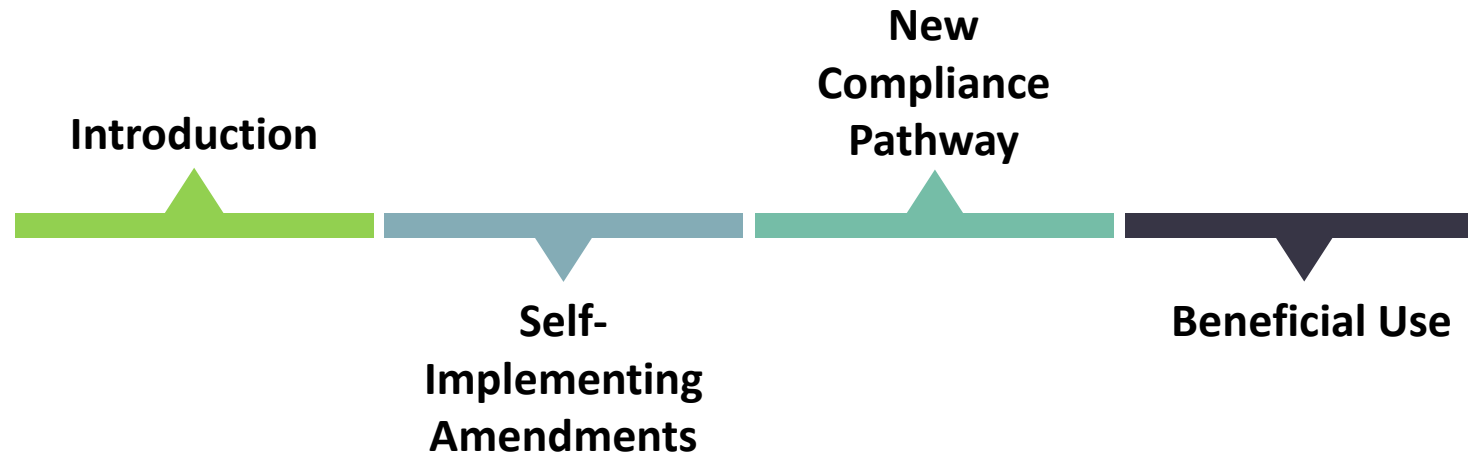
We will not be accepting public comments during this webinar. Attendees who wish to submit public comments will need to do so as laid out in the preamble for this rule.

Overview



Purpose:

To provide the public with an overview of the Legacy/CCRMU Amendments proposed rule (Larger CCR Rule).





Introduction

Introduction



- ▶ CCR, also known as coal combustion residuals or coal ash, is generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers.
 - CCR includes fly ash, bottom ash, boiler slag, and flue gas desulfurization (FGD) materials.
- ▶ April 2015: CCR Final Rule
 - Established requirements for CCR disposal in surface impoundments and landfills at active facilities under the authority of RCRA Subtitle D
- ▶ August 2019: Reconsideration of Beneficial Use Criteria and Piles Proposed Rule
 - Proposed to amend the 12,400-ton criterion for beneficial use and consistently regulate temporary piles of CCR
- ▶ May 2024: Legacy CCR Surface Impoundments and CCRMU Final Rule (Legacy Final Rule)
 - Established requirements for CCR disposal in **legacy CCR surface impoundments** and to address risks from previously unregulated solid waste management of CCR that involves the direct placement of CCR on the land at CCR facilities (i.e., disposal in **CCR management units**).

Legacy Surface Impoundment and CCRMU Definitions



- ▶ Legacy CCR surface impoundments are inactive impoundments at inactive facilities.

Definition of “Legacy CCR Surface Impoundment”

“ ... a CCR surface impoundment that no longer receives CCR but **contained both CCR and liquids on or after October 19, 2015**, and that is located at an **inactive** electric utility or independent power producer. ”

- ▶ CCRMU are noncontainerized accumulations of CCR on land.

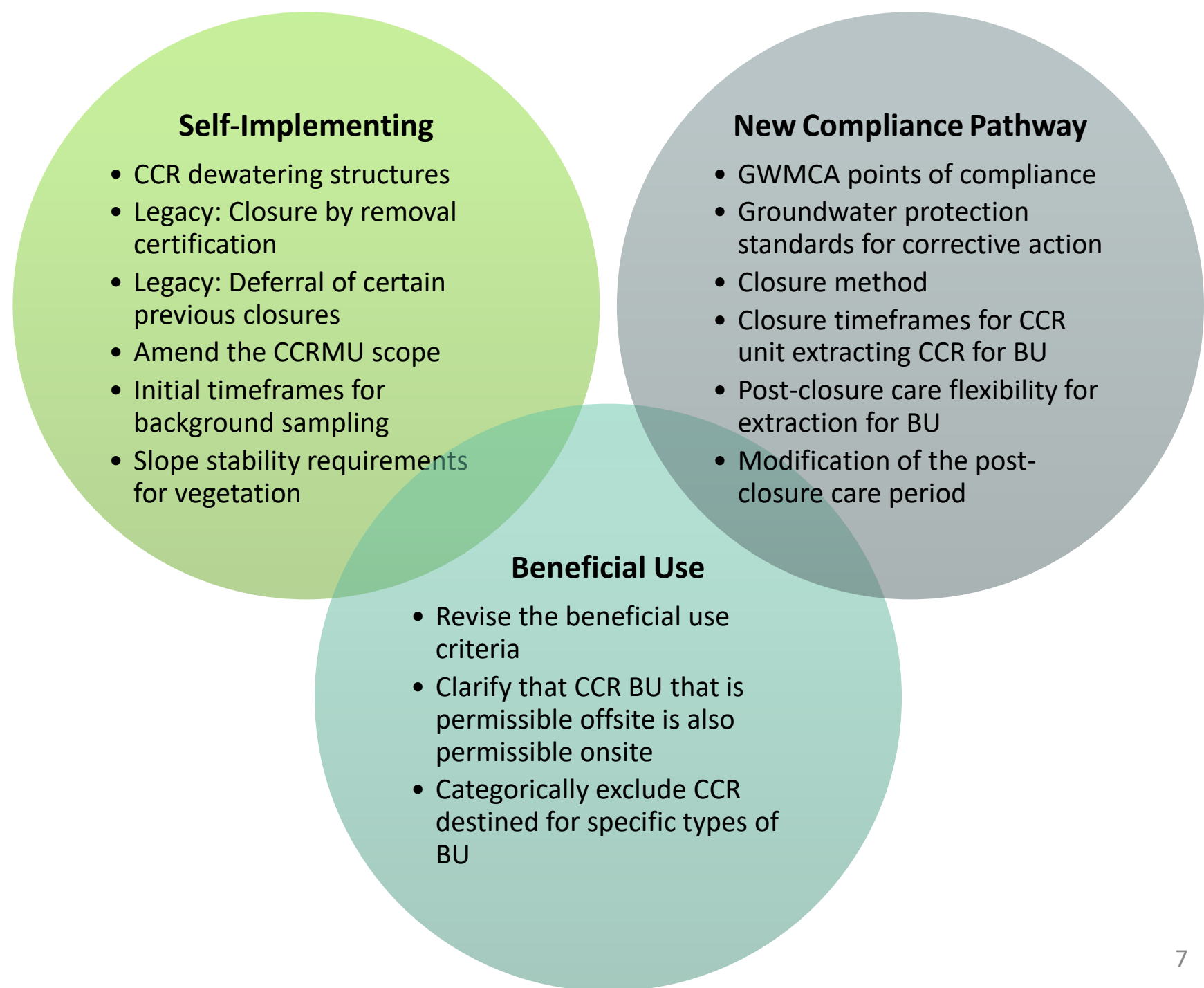
“ ... land on which any **noncontainerized accumulations of CCR** is received, placed, or otherwise managed at any time, **that is not a regulated CCR unit**. This includes inactive CCR landfills and CCR units that closed prior to October 19, 2015, but does not include CCR used in roadbed and associated embankments.”

Definition of “CCR Management Unit”

Larger CCR Rule

Responds to requests for:

- ▶ Regulatory relief for Legacy SIs and CCRMU,
- ▶ Flexibility in the regulations to consider site-specific factors and risk, and
- ▶ Reduced obstacles and regulatory clarity regarding beneficial use of CCR.





Self-Implementing Amendments

- The current CCR regulations are self-implementing.
- In 2016, EPA was authorized to approve state CCR permit programs and implement a federal CCR permit program.
- EPA is still in the process of developing the federal CCR permit program.
- Until a permit from a CCR permit authority (i.e., EPA or an authorized state) is issued, owners or operators must continue to comply with the self-implementing federal CCR regulations.

Legacy Certification of Closure by Removal - Current



- ▶ Must have completed a closure by removal that meets the performance standards in § 257.102(c) before the effective date of the final rule (i.e., November 8, 2024).
 - All CCR and other contaminated materials must be removed from the unit.
 - All areas affected by releases from the unit have been removed or decontaminated.
 - All groundwater affected by releases has achieved groundwater protection standards.

- ▶ Must have groundwater monitoring data collected no earlier than the year before the initiation of closure demonstrating no Appendix IV constituent concentrations exceed the groundwater protection standard.
 - Groundwater monitoring system must:
 - 1) Accurately represented background water quality;
 - 2) Accurately represented the quality of water passing the waste boundary;
 - 3) Was capable of detecting contamination in the uppermost aquifer;
 - 4) Monitored all potential contaminant pathways;
 - 5) Established background concentrations for Appendix IV constituents and compared collected samples to those concentrations;
 - 6) Utilized wells that were cased, maintained to protect the integrity of the borehole, screened or perforated and packed with sand or gravel (where necessary) to enable collection of the groundwater samples, and sealed between the borehole and well casing to prevent contamination of the sample or groundwater.

Legacy Certification of Closure by Removal - Current



- ▶ Legacy SIs that meet criteria can certify closure by removal. The certification must be placed in the operating record and on the public CCR website.
 - Certification is due no later than November 8, 2024.
 - No further action is required to comply with the rule.

- ▶ If the owner or operator is unable to complete the certification due to the lack of a groundwater monitoring system that meets the criteria, they may conduct groundwater monitoring in accordance with §§ 257.90 through 257.95 to demonstrate no exceedances of GWPS.
 - If no exceedances of one or more Appendix IV constituents are detected at SSL above the GWPS, they may complete the certification.
 - Certification is due no later than May 8, 2028
 - If exceedances of one or more Appendix IV constituents are detected at SSL above the GWPS, they become subject to the requirements applicable to legacy SIs that have completed closure in place.
 - All deadlines for the legacy SI and CCRMU are delayed by the number of months between May 8, 2024 and the date they receive the laboratory analysis documenting the exceedance.

Legacy Certification of Closure by Removal - Proposed



- ▶ Proposal: Establish an additional option in § 257.100(g) for owners and operators to certify the closure of legacy CCR surface impoundments by removal, provided:
 - A regulatory authority oversaw the closure, and any necessary corrective action, pursuant to an enforceable requirement issued on or after October 19, 2015,
 - The closure was completed prior to November 8, 2024, and
 - Impacts to groundwater were consider prior to or as part of the closure.

- ▶ Soliciting comment:
 - Whether the proposed additional certification option allows for legacy impoundments to have been closed under a sufficiently broad suite of scenarios,
 - If additional documentation is necessary to show the closure was protective,
 - Removing the requirement to have a regulatory authority oversee the closure, and
 - Specific criteria for closure conducted under voluntary programs to be eligible.

Legacy Deferral for “Substantially Equivalent” Closures - Current



- ▶ A regulatory authority played an active role in overseeing and approving the closure and any necessary corrective action, pursuant to an enforceable requirement
 - Includes a State or Federal permit, an administrative order, or consent order issued after 2015 under CERCLA or by an EPA-approved RCRA State program.
- ▶ The regulatory authority must have required a site-specific risk assessment prior to (or as part of) approving the closure, and any necessary corrective action.
- ▶ Facility must document in the applicability report that it installed a groundwater monitoring system and performed groundwater monitoring that meets a subset of the performance standards in § 257.91(a).
 - 1) Accurately represented background water quality;
 - 2) Accurately represented the quality of water passing the waste boundary;
 - 3) Was capable of detecting contamination in the uppermost aquifer; and
 - 4) Monitored all potential contaminant pathways.
- ▶ Must also document in the applicability report that the closed unit meets either:
 - 1) The standard in § 257.60 that the unit was constructed with a base located no less than 1.52 m (5 feet) above the upper limit of the uppermost aquifer, or must demonstrate that there is no intermittent, recurring, or sustained hydraulic connection between any portion of the CCR unit and the upper limit of the uppermost aquifer or surface water; or
 - 2) The dewatering standard in § 257.102(d)(2)(i) that all free liquids have been eliminated.

Legacy Deferral for “Substantially Equivalent” Closures - Proposed



- ▶ Proposal: Expand the deferral by eliminating all of the existing criteria except for:
 - A regulatory authority oversaw the closure, and any necessary corrective action, pursuant to an enforceable requirement issues on or after October 19, 2015,
 - The closure was completed prior to November 8, 2024, and
 - A groundwater monitoring system was installed and groundwater monitoring was performed.

- ▶ Soliciting comment:
 - Eliminating the groundwater monitoring requirement, and
 - Additional data on previous closures, including those conducted under voluntary programs.

CCR Management Unit Scope - Current



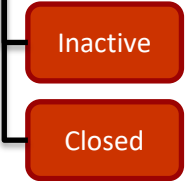
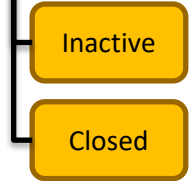
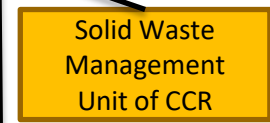
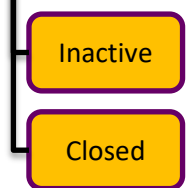
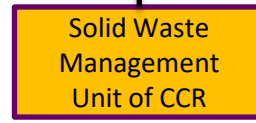
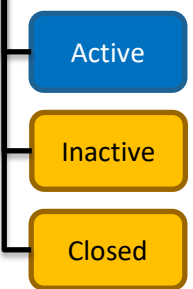
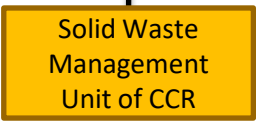
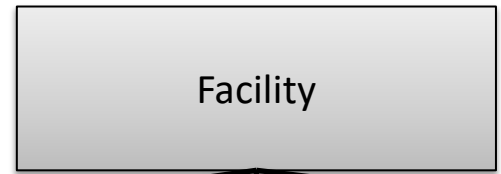
- ▶ *CCR management unit* means any area of land on which any noncontainerized accumulation of CCR is received, placed, or otherwise managed at any time, that is not a regulated CCR unit. This includes inactive CCR landfills and CCR units that closed prior to October 19, 2015, but does not include CCR used in roadbed and associated embankments.
 - Only CCRMU that exist on or after the effective date (November 8, 2024) are regulated
 - All offsite disposal after October 19, 2015 is covered except MSW landfill
 - Below 1 ton is entirely exempt
 - Roadway or roadbed that meets the description in the 2015 CCR Final Rule (80 FR 21353) is out unless it is contaminating groundwater
 - CCR in a thin layer (e.g., six to 12 inches) under a surface that limits the degree to which rainwater can influence the leaching of the CCR.
 - Constructed of several layers with different material properties
 - Constructed with engineering specifications under supervision and approved by State and/or Federal Department of Transportation (DOT) engineers
 - Beneficial Use
 - Anything that meets the definition of a CCR pile is not beneficial use.
 - *CCR pile or pile* means any non-containerized accumulation of solid, non-flowing CCR that is placed on the land. CCR that is beneficially used off-site is not a CCR pile.

- ▶ The final rule expanded the universe to include CCRMU at active facilities and inactive facilities with a regulated CCR unit, and CCRMU at “**Other Active Facilities**”
 - “Other Active Facilities” are those that: 1) on or after October 19, 2015, were producing electricity for the grid and 2) were not regulated by the 2015 CCR Rule.

Regulated Universe



Regulated by the 2015 CCR Rule
Legacy CCR SI
CCRMU
Regulated by the 2024 Legacy rule
Not regulated under the CCR rules



CCR Management Unit Scope - Proposed



- ▶ Proposal: Rescind all CCRMU requirements.
- ▶ Soliciting comment:
 - Deferring all regulation of CCRMU, aside from identification in the facility evaluation report, to permitting,
 - Establishing Groundwater Monitoring and Corrective Action Zones for CCRMU,
 - Exempting past onsite CCR uses that meet the definition of beneficial use,
 - Expanding the roadbed exemption to include railbed and embankments,
 - Expanding the “substantially equivalent” closure deferral criteria for CCRMU to match the proposed “substantially equivalent” closure deferral criteria for legacy units,
 - Removing “other active facilities” from the regulated universe, and
 - Exempting some CCRMU based on new size/volume or type of placement (e.g., exempt all placements other than large-scale structural fill or previous units).

CCR Dewatering Structures - Proposed



- ▶ Under the existing regulations, these structures are regulated as CCR surface impoundments.
- ▶ Proposal: Exempt CCR dewatering structures from regulation under the federal CCR rules.
 - *CCR dewatering structures* means a stationary device, designed to temporarily contain an accumulation of CCR which is constructed of non-earthen materials (e.g., concrete, steel, plastic). The device must be used primarily for dewatering CCR waste to facilitate disposal of CCR solids elsewhere.
 - *CCR surface impoundment or impoundment* means a natural topographic depression, man-made excavation, or diked area, designed to hold an accumulation of CCR and liquids, and the unit treats, stores, or disposes of CCR. A unit meeting the definition of a CCR dewatering structure as defined in § 257.53 is not a CCR surface impoundment.
- ▶ Soliciting comment on specifics regarding these units, including design, construction, and operational details, prevalence and location at facilities, and what, if any, regulation would be appropriate.

Other Proposed Provisions



- ▶ Initial Timeframes For Background Sampling for new CCR landfills, CCR Surface Impoundments, and Any Lateral Expansions
 - Proposal: Correct errors in §§ 257.90(b)(2) and 257.94(b) regarding the deadline to establish background concentrations for new CCR units (including lateral expansions).
 - Clarifying the deadline is prior to initial receipt of CCR.

- ▶ Slope Stability Requirements for Vegetation
 - In 2018, EPA proposed revisions to the existing slope protection performance standards for existing and new surface impoundments and definitions and height limitations for grassy vegetation and woody vegetation to replace the vacated 2015 requirements.
 - Soliciting comment on whether the 2018 proposed provisions should be finalized or if EPA should rely on a permit authority to establishes the terms and conditions to ensure slope protection.



New Compliance Pathway

- EPA is proposing to establish a new compliance pathway that allows permit authorities to approve alternative technical standards for certain provisions.
- The new compliance pathway would take effect only once a final CCR permit that establishes the final technical requirements for the CCR unit is in effect.
- Until a permit from a CCR permit authority (i.e., EPA or an authorized state) is issued, owners or operators must continue to comply with the self-implementing federal CCR regulations.

Groundwater Monitoring and Corrective Action Point of Compliance



- ▶ Proposal: Permit authority can establish alternative groundwater monitoring and corrective action points of compliance up to 150 meters (500 feet) from the CCR unit boundary, if the permit authority determines that:
 - Detection of statistically significant amounts of Appendix III and IV constituents will not be materially delayed,
 - Constituent migration to the uppermost aquifer will be minimized throughout the active life of the CCR unit and post-closure care period,
 - The groundwater monitoring system accurately represents the quality of groundwater passing through the CCR unit,
 - Ensures detection of groundwater contamination in the uppermost aquifer, and
 - Monitors all potential contaminant pathways.

- ▶ In making the determination, the permit authority must analyze and consider:
 - Compliance with the location restrictions in §§ 257.61 through 257.64 and corrective action procedures in §§ 257.96 through 257.98,
 - The hydrogeological characteristics of the facility and surrounding land,
 - The quantity, quality, and direction of flow of groundwater underlying the facility,
 - The proximity and withdrawal rates of groundwater users,
 - The availability of alternative drinking water supplies,
 - The existing quality of the groundwater, including other sources of contamination and their cumulative impacts on the groundwater,
 - The volume and physical and chemical characteristics of the leachate, and
 - Public health, safety, and welfare effects.

Groundwater Monitoring and Corrective Action Point of Compliance



► Soliciting comment:

- Allowing a permit authority to establish the alternative point of compliance the facility boundary (rather than the 150-meters from the unit boundary),
- Allowing authorities to establish Groundwater Monitoring and Corrective Action Zones for all types of CCR units,
- Whether lateral expansions, new, or replacement CCR units should be ineligible for an alternate point of compliance, and
- Strategies to prevent potential widespread groundwater contamination and to ensure early detection and timely corrective action.

Groundwater Protection Standards



- ▶ Proposal: Permit authority can establish site-specific groundwater protection standards for Appendix IV constituents that do not have a federal Maximum Contaminant Level (MCL). The GWPS must be appropriate health-based levels that satisfy the following criteria:
 - The GWPS is derived in a manner consistent with Agency guidelines for assessing the health risks of environmental pollutants,
 - For carcinogens, the GWPS represents a concentration associated with an excess lifetime cancer risk level, due to continuous lifetime exposure, in the 1×10^{-4} to 1×10^{-6} range, and
 - For systemic toxicants, the GWPS represents a concentration to which the human population, including sensitive subgroups, could be exposed to on a daily basis that is likely to be without appreciable risk of deleterious effects during a lifetime. For purposes of this subpart, systemic toxicants include toxic chemicals that cause effects other than cancer or mutation.

- ▶ In setting the alternative GWPS, the permit authority must consider:
 - The presence and concentrations of other contaminants in the groundwater,
 - Exposure threats to sensitive environmental receptors, and
 - Other site-specific exposure or potential exposure to groundwater.

- ▶ Soliciting comment on the criteria and factors that should be considered by the permit authorities when establishing these site-specific groundwater protection standards.

Closure Methods



- ▶ Proposal: Permit authority may permit a closure under alternative performance standards provided the permit authority evaluates the closure plans and determines the closure will not result in reasonable probability of adverse effects to human health and the environment during the active life of the unit and the post-closure care period. This must be determined based on:
 - A site-specific conceptual site model and risk assessment that meets specific criteria,
 - Contaminant fate and transport predictions that maximize the contaminant migration and consider impacts on human health and the environment, and
 - The identification, proximity, and potential current and future pathways of exposure to nearby human and ecological receptors. The assessment must consider current and future land use when evaluating the potential exposure pathways. If complete pathways are identified, the assessment must include a plan to mitigate potential exposure.

- ▶ Soliciting comment:
 - An alternative provision that only allow a permit authority to establish alternative drainage and stabilization requirements for CCR units closing with waste in place,
 - A 2020 proposed provision allowing the use of CCR during the closure of a unit subject to closure for cause if such placement is conducted under an approved closure plan, and
 - Expanding the proposed closure provision to corrective action (i.e., allow the permit authority to approve corrective action remedies that do not meet the existing regulations based on a site-specific risk assessment and demonstration).

Closure Timeframes



- ▶ Proposal: Permit authority may extend closure timeframes for CCR units where CCR is being extracted from the unit for beneficial use during closure provided the extended timeframe will pose no reasonable probability of adverse effects on human health or the environment provided:
 - Measures for major slope stability are in place to prevent the sloughing or movement of the unit during the closure period,
 - Extraction of CCR and closure must be completed consistent with recognized and generally accepted good engineering practices,
 - Potential risks to human health and the environment during closure of the unit are adequately mitigated,
 - Facility is in substantial compliance with all other 40 CFR Part 257 CCR requirements, and
 - Closure activities of any portion of the CCR unit that is not related to the extraction of CCR for beneficial use is completed to the extent possible within the specified timeframes of § 257.102.

- ▶ Soliciting comment:
 - Extend closure timeframes for all closures (i.e., remove the requirement that CCR be extracted for beneficial use),
 - If a “Good cause” condition or further criteria should be added to frame the permit authority’s discretion,
 - Specifying that the extraction of CCR can be for critical mineral recovery activities, and
 - Information on beneficial use commercialization, such as timelines, barriers and logistics.

CCR Extraction During Post-Closure Care



- ▶ Proposal: Permit authority may permit the “unzipping” of the cover system to allow for the extraction of CCR for beneficial use provided that:
 - Extraction of CCR will be completed consistent with recognized and generally accepted good engineering practices,
 - Potential risks to human health and the environment during post-closure are adequately mitigated, and
 - Facility is in substantial compliance with all other 40 CFR Part 257 CCR requirements.



Modification of the Post-Closure Care Period

- ▶ In 2018, EPA proposed to adopt a provision allowing a permit authority to modify the length of the post-closure care period if:
 - A reduced period would be sufficient to protect human health and the environment, or
 - An increased period would be necessary to protect human health and the environment.

- ▶ Soliciting comment on whether to adopt those proposed provisions.



Beneficial Use

- Beneficial use refers to the productive use of CCR in place of raw materials and can include a range of applications that effectively conserve natural resources and reduce disposal costs.
- The current definition of beneficial use includes four criteria:
 - (1) The CCR must provide a functional benefit;
 - (2) The CCR must substitute for the use of a virgin material
 - (3) The use of the CCR must meet relevant standards, and
 - (4) For unencapsulated use on the land of 12,400 tons or more in non-roadway applications, the user must make an environmental demonstration that the use is comparable to uses involving raw materials, or meets applicable health-based benchmarks.

Beneficial Use



► Proposal:

- Revise the beneficial use criteria to recognize that the current first three criteria in the definition provide a sufficient framework for identifying when placement of CCR on the land constitutes a beneficial use rather than disposal;
- Remove the fourth criterion, which currently imposes a requirement that the user must perform an environmental demonstration for unencapsulated non-roadway uses over the 12,400 ton threshold;
- Creating new definitions of “CCR storage pile” and “temporary accumulation” to establish a single set of requirements applicable to all temporary placement of unencapsulated CCR on the land, whether managed onsite or off-site, and whether destined for beneficial use or disposal; and
- Adding provisions at § 257.50 categorically excluding specific beneficial uses (next slide)

Beneficial Use - Continued



- ▶ Proposal: Categorically exclude the following:
 - CCR managed at cement kilns for use in cement manufacturing,
 - Flue gas desulfurization (FGD) gypsum destined to be applied as an agricultural amendment at agronomically appropriate rates, and
 - FGD gypsum destined for use as an ingredient in wallboard manufacturing.

- ▶ Soliciting comment on whether it would be helpful to include a regulatory clarification explaining that CCR fly ash that is used directly in concrete production as a substitute for Portland cement is not subject to the CCR requirements of 40 CFR part 257.

Questions?



- ▶ We will take any clarifying questions at this time.

- ▶ For more information, contact:
 1. Taylor Holt: holt.taylor@epa.gov or (202) 566-1439
 2. Tracy Atagi: atagi.tracy@epa.gov or (202) 566-0511 (for beneficial use)

- ▶ To leave a public comment or access the docket, visit: <https://www.regulations.gov/document/EPA-HQ-OLEM-2020-0107-1376>
- ▶ To learn more about the federal CCR rules please visit: <https://www.epa.gov/coal-combustion-residuals/coal-ash-rule>
- ▶ For view a May 2024 presentation on the Legacy Final Rule please visit: https://www.epa.gov/system/files/documents/2024-06/legacy_si_ccrmu_final_rule_may-2024_final.pdf