

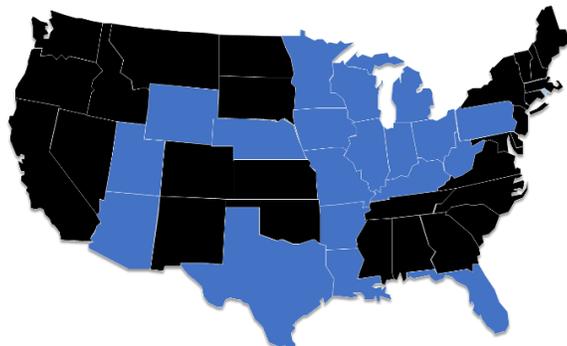
Coal Combustion Residuals January 2022

EPA announced certain actions on January 11 regarding the deadline for closing unlined surface impoundments that contain coal combustion residuals (CCR) and non-CCR materials at coal-fired power plants. CCR includes materials such as fly ash and bottom ash. Non-CCR materials include liquid wastes such as wastewater that transports CCR to surface impoundments, boiler blowdown, coal pile runoff, cooling tower blowdown, and water treatment plant wastes. EPA says there are roughly 500 unlined impoundments subject to this closure requirement. EPA's actions are the result of a series of rules the agency began promulgating in 2015 and several court decisions.

EPA established April 11, 2021, as the deadline for coal-fired power plants to stop placing CCR and non-CCR wastes in unlined surface impoundments and begin closure of those impoundments. However, EPA allowed utilities to request an extension of this deadline for either of two reasons.

The first reason is because it is “technically infeasible” to develop alternative disposal capacity (find another way to manage the wastes on-site or off-site) in time to meet the April 2021 deadline. Each deadline extension approved by EPA will be plant specific and must be the “fastest technically feasible time” necessary for developing alternative disposal capacity based on documentation submitted by the utility. In the second circumstance, EPA can grant an extension if a plant ceases to burn coal by either shutting down or switching to natural gas. A plant can continue using the surface impoundment and burning coal until it shuts down, provided stringent requirements are met. In this case, a plant-specific closure deadline can be extended to no later than October 17, 2023, for plants with small surface impoundments and no later than October 17, 2028, for plants with large impoundments.

Fifty-nine coal-fired power plants applied to EPA for a deadline extension. However, four applications were withdrawn, and one plant was determined to be ineligible, leaving EPA to decide on deadline extensions for 54 plants (approximately 54,500 MW) in 19 states: AR, AZ, FL, IA, IL, IN, KY, LA, MI, MN, MO, NE, OH, PA, TX, UT, WI, WV and WY (blue below).



Of these 54 plants, 31 plants (approximately 36,100 MW) requested a deadline extension because of technical infeasibility; 23 plants (approximately 19,500 MW) requested a deadline extension in exchange for agreeing to stop burning coal.

EPA proposed to not grant extensions for seven plants and to conditionally approve one application for an extension. The agency indicated that it would act on the remaining 47 applications “as expeditiously as possible.”

If an extension is not granted, a plant has 135 days to stop receiving waste and start closing its impoundment. This means a plant would stop burning coal at the end of 135 days and could temporarily suspend operation, unless it can provide a “formal reliability assessment” within 135 days from its RTO or ISO indicating that the temporary outage necessary to comply with the CCR rule would cause “demonstrated grid reliability issues.” Idling a plant temporarily would allow time to develop alternative disposal capacity and then resume operation. The seven plants that did not receive extensions are located in MISO (five plants totaling 2,650 MW) and PJM (two plants totaling 3,800 MW). The 135-day clock starts ticking on the date EPA takes final action to deny an extension request.

Comments on EPA’s proposed actions are due by February 23, 2022. EPA’s website provides additional information: <https://www.epa.gov/coalash/coal-combustion-residuals-ccr-part-implementation>

* * *