Congress of the United States
Washington, DC 20515

June 11, 2026

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, D.C. 20004

Dear Administrator Zeldin,

As a result of President Trump's leadership, demand for electricity has rapidly increased. This demand is being driven by American leadership in artificial intelligence, reshoring of manufacturing, and general economic growth. To meet this historic demand, we must ensure our nation's existing fleet of coal-fueled power plants are able to continue running efficiently.

The reconsideration of the Biden Administration Environmental Protection Agency's (EPA) coal combustion residuals (CCR) regulation is a vital reform that will assist our domestic coal fleet. We believe that the EPA's proposed rule, Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy/CCRMU Amendments, 91 Federal Register 18968, April 13, 2026, is a good start, though further changes may be necessary. Additionally, we request that the EPA establish a federal CCR permit program as allowed under sections 1008(a), 2002(a), 4004, and 4005(a) and (d) of the Solid Waste Disposal Act of 1970 and the Resource Conservation and Recovery Act (RCRA), as amended. We support EPA's actions to delegate primary CCR permit authority to various state environmental regulators. Several of these EPA approved permit schemes specifically detail site-specific implementation flexibilities for closing CCR impoundments.

By taking these actions, President Trump and the Agency will provide long-term certainty and regulatory clarity for coal-fueled power plant owners and operators. We are confident that, with additional revisions, the CCR program can continue to protect the environment and human health without forcing the early retirement of baseload power plants or increased compliance costs borne by electric ratepayers.

CCR, or coal ash, is a useful byproduct of combusting coal. CCR has multiple safe uses and has historically been used as an alternative ingredient in wallboard, cement, and roadbed construction. Congress intended RCRA to be used to monitor and manage large volumes of nonhazardous waste like CCR. However, it is our opinion that the Biden Administration used every regulator at its disposal to engage in a coordinated effort to force the early retirement of reliable coal-fueled power plants and penalize coal ash recycling. All CCR-related actions undertaken by the last Administration's EPA deserve careful review and, where appropriate, revision.

We applaud EPA's ongoing work to review and revise the Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy CCR Surface Impoundments, 89 Federal Regulations 38950, May 8, 2024. The 2024 CCR regulations developed under Biden's EPA created criteria for so-called "CCR management units" (CCRMU). EPA's newly created class of impoundment ignored site-based characteristics and did not consider actual environmental risk. The 2024 rule imposed exorbitant costs, as well as time-consuming inventory and monitoring obligations that were designed to force federal reclosure of CCR sites that were closed decades ago under various state laws. Many previous closures have been demonstrated to be protective of human health and the environment.

As this rulemaking continues, the EPA should rescind the CCRMU subcategory and reinstate the 2015 exclusion from federal CCR regulation for units that closed more than a decade ago under state oversight or law. Rescinding EPA's CCRMU is lawful under the framework established by Congress in RCRA. Additionally, two reports prepared by leading risk firms show that EPA's underlying risk assessment, which was used as evidence for the need for a CCRMU subcategory, was flawed.[1]

To limit regulatory burdens and lower compliance costs, the rule's definition of "liquids" and "infiltration," as well as the closure-in-place performance standard, warrant revision. Unfortunately, changes to these definitions were not included in the proposed rule. We urge EPA to propose revised, more precise, definitions through a supplemental notice to accompany the current rulemaking. In addition, on-site beneficial use at power plants should be exempted from regulation, and extended compliance deadlines should be implemented to allow for as many beneficial use opportunities as possible.

Thank you for your diligence in supporting the development of both state and EPA permitting programs. Congress has provided funding to the EPA on a bipartisan basis to support the development of CCR permitting programs. Your commitment to timely reviews of applications is increasing state interest in assuming permitting responsibilities. Two state CCR permitting programs have been approved under your leadership, with a third and fourth program proposed for approval this year.[2] If approved, seven states would be able to operate delegated authority CCR permit programs.

EPA must provide flexibility for alternative approaches to manage risk in a cost-effective manner based on site-specific characteristics tailored to address actual environmental risk, rather than a punitive tool wielded against coal power. After revision of the 2024 regulations have been finalized, the Agency must provide adequate lead time to ensure that federal and state permitting programs are able to be established.

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[1] Haley Aldrich, *Report on Joint Data Analysis to Support Revisions to Federal Regulation of Coal Combustion Residuals*. September 2025, and Gradient, *Technical Evaluation of US EPA's 2024 Risk Assessment of CCRMUs*, November 2025.

[2] U.S. EPA, "Permit Programs for Coal Combustion Residual Programs" (listing approved programs in Oklahoma, Georgia, Texas, North Dakota, and Wyoming; proposal to approve Virginia and Louisiana programs; and denial by the Biden Administration EPA of Alabama's program).

We stand ready to assist as you continue the rulemaking process, correct the 2024 CCR regulations, and work to decrease electric power costs for our constituents.

Sincerely,

H. Morgan Griffith
Member of Congress

Carol D. Miller
Member of Congress

Dan Meuser
Member of Congress

Gary Palmer
Member of Congress

Harriet Hageman
Member of Congress