Environmental Executive Advisory Committee
In Person Meeting- 701 Pennsylvania Ave NW
Thursday, March 6, 2025
1-2 PM

1. **Meeting Logistics**
    a. **Location-** Richard Huggins will meet Steven and Andy in the lobby and escort him to the 4th floor. The room will be organized in a large square where speakers will be in the front of the room and members on the other three sides.
    b. **Format-** This session is intended to be an open dialogue where Steven can speak and engage with members. A slide deck is not necessary.
    c. **Proposed agenda**
        i. EPA's CCR priorities
        ii. EPA's timeline for regulations, guidance and state programs
        iii. Status of state permit program approvals and reviews
        iv. How to engage with EPA (Steven's perspective)
        v. Steven's responses to EEI question (which were sent prior to meeting)
        vi. Questions on EEI's CCR advocacy priorities
        vii. Open discussion

2. **EEI CCR Advocacy Priorities-** The items below are EEI's current CCR priorities, which focus on establishing permitting programs while simultaneously updating the regulations. EEI and its members are working to build a record to support any changes needed for the CCR program. As we continue to work on these issues, other developments may arise which we will also bring to the Agency.
    a. **CCRMU universe-** EPA's 2024 risk assessment was designed with overly conservative assumptions that resulted in an overly broad CCRMU universe. EPA should at a minimum adopt an approach that amends the 2024 risk nationwide probabilistic assessment and adjusts the CCRMU threshold, allows beneficial use (BU) on site consistent with the definition, and expands the state deferral option. It is important to note that if the Agency proposes to revise the CCRMU universe, critical deadlines for the Facility Evaluation Report and groundwater monitoring are still in effect. EPA should consider extending those deadlines while the definition of areas to be evaluated and monitored are under review.

    b. **Closure**[1]- For many, closure of CCR units is the most complex and time-consuming activity in the CCR program. Many companies would benefit if the Agency created greater flexibility in the closure regulations for CCR units.
        i. **Extension of closure for beneficial use**[2]- The CCR beneficial use market is delicate as it can only handle a finite amount of ash at any given time and beneficiation requires additional time to harvesting. This is problematic in relation to the CCR closure timeframes so the Agency should extend closure for beneficial use.

[1] EEI and its members are still discussing certain definitions such as *free liquids* and *infiltration* need to be revised and thus are not currently listed in the paper.
[2] EPA should issue a frequently asked question that states in the affirmative that a closed CCR unit can be reopened for ash harvesting and provide that regulatory certainty in a future rulemaking.

ii. **Elimination of free liquids**- The elimination of free liquids is a technically challenging endeavor that provides diminishing risk reduction as the amount of liquid decreases in the unit. Dealing with that limited remaining risk (if any) from free liquids can be addressed with a suite of actions. Therefore, the Agency should:
   1. Amend the closure criteria to include an alternative risk-based approach to meeting the general closure performance standard;[3]
   2. Withdraw the elimination of free liquids guidance and consider replacing it with guidance on achievable performance by soliciting comments from stakeholders;
   3. Allow for the completion of eliminating free liquids during post closure care; and
   4. Create a waiver for the requirement to eliminate free liquids for certain CCR units.

iii. **Extension of closure for CCR removal**[4]- Surface impoundments have up to 7 or 15 years to complete ash removal; however, some may not meet that time due to the volume of ash, truck traffic, and removal of liquids. Therefore, EPA should propose a process to extend the closure timeline unit by unit (similar to § 257.102(f)(2)).

c. **Taking an approach to corrective action and closure that allows prioritization of risks** - The absence of risk-based flexibility in the 2015 CCR Rule is an artifact of the original self-implementing regulatory scheme. There are wide variations in depth to groundwater, distance to waterways, and proximity to populated areas within the CCR unit universe. These variations result in a nearly infinite combination of site-specific circumstances that can't be effectively addressed with one-size fits all standards. The Agency should introduce additional flexibility into the corrective action and closure requirements to acknowledge site-specific variation across the nation.

d. **Permit programs**- Consistent with the WIIN Act and Congressional intent, the Agency should quickly approve state permit programs and establish a federal CCR permit program to provide regulatory certainty and provide site-specific flexibility.

3. **EEI Questions for Steven**
   a. What are your thoughts in expediting state program approvals? How do you view EPA's ability to determine "as protective as"?
   b. Have you read any of the Part A or B decisions, the ADEM denial or CAFOs? If so, do you feel the Agency made correct decisions on groundwater monitoring, corrective action and closure (among other issues)? If not, are you working with the team to discuss your differing views?
   c. If the Agency reviews the CCRMU universe, will the Agency also look at changing regulatory deadline requirements as some currently designated CCRMU could eventually not be CCRMU?

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[3] If the Agency establishes a risk-based approach to closure, the remaining options to address free liquids may not be necessary.
[4] EEI and members are still discussing if extensions for closure in place are needed.

d. What is the agency's view/position on the EO issued on February 19 regarding deprioritizing of enforcement. Is there any review or actions by OLEM with existing enforcement in response to the EO?
e. Recognizing the workload associated with potential rule changes and implementing federal permit program/approving state programs, what are EPA's thoughts on prioritizing that action?
f. For State program approvals, should members look at previous decisions by EPA as guidance on how to submit State program approvals or would EPA consider establishing new criteria for State approvals to streamline the process?
g. What appetite does EPA have supporting Rule Change vs. Legislative Change vs. Issuing New Guidance vs. some combination to address lessons learned from the program/practical issues that have arisen?
h. Steven, what situations are you looking to address with site specific flexibility in corrective action and closure?
i. Many companies are concerned about previously closed units and the ability to utilize the state deferral in the CCRMU provisions, can you speak to any thoughts there?

4. **EEI (background)-** EEI is the association that represents all U.S. investor-owned electric companies. EEI members provide electricity for nearly 250 million Americans and operate in all 50 states and the District of Columbia. The electric power industry supports more than seven million jobs in communities across the United States. EEI members invest more than $150 billion annually to make the energy grid smarter, cleaner, more dynamic, more flexible, and more secure; to diversify the nation's energy mix; and to integrate new technologies that benefit both customers and the environment. They are united in their commitment to get the energy they provide as clean as they can, as fast as they can, while keeping reliability and affordability front and center, as always, for the customers and communities they serve.

5. **Attendee List**

Full Name	Company Name
Adair, Sarah	Duke Energy
Alexander, Anthony	FirstEnergy
Bartoszek, Brian	WEC Energy Group
Bond, Alexander	Edison Electric Institute
Burrows, Byron	TECO Energy

Cook, Steven	EPA
Dowell, Kelli	Entergy Services, LLC
Duncan, Emily	American Electric Power
Garvey, Megan	Tucson Electric Power
Gillen, Maria	Tennessee Valley Authority
Goddard, Matthew	DTE Energy
Gomos, Fred	NiSource
Gordon, Daisy L	Duke Energy
Hammond, Tracy	American Electric Power Service Corporation
Heim, Shannon	NorthWestern Energy
Hicks, Juliana	Edison Electric Institute
Holdsworth, Eric	Edison Electric Institute
Horton, Melissa	Southern Company
Huggins, Richard	Edison Electric Institute
Imber, Philip	PPL Services Corp
Jackson, Huiyi	Edison Electric Institute
Lyng, Jeff	Xcel Energy
Markham, Wilbourne	Tennessee Valley Authority
Massey, Eric	Arizona Public Service Company
Maxted, Jeff	Alliant Energy
McDermott, Marna	Exelon Business Services Company
McGuigan, Ali	National Grid
McIvor, Jenny	Berkshire Hathaway Energy
McMurry, Kayla	American Electric Power
Mestanza, Jason	Edison Electric Institute
Moore, Madison	Edison Electric Institute
Morrison, Jared	Evergy, Inc.
Owens, Cynthia	Edison Electric Institute
Patterson, Shawn	DTE Energy
Reimann, Jon	AES Corporation
Roush, James	CMS Energy
Safro Osborn, Sandra	Edison Electric Institute
Schefter, Kellen	Edison Electric Institute
Scott, Tiffany	WEC Energy Group
Tighe, Aija	Edison Electric Institute

Triplett, David	Entergy Corporation
Van Noord, Jill	Xcel Energy Services, Inc.
Vaught, Laura	Dominion Energy
Weaver, Kiel	NextEra Energy
Weiss, John	Entergy Corporation
Whittle, Daniel	Edison Electric Institute
Wilkus, Daniel	Evergy, Inc.