

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: POLITICO Pro Energy Whiteboard
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Subject: EPA releases guidance for state coal ash programs

By Annie Snider

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EPA has released guidance for states looking to establish their own permit programs governing management of coal ash, a controversial new program authorized by Congress last year.

The interim final guidance instructs states on how to apply to EPA to take over the federal program managing waste from coal plants, including what bars must be met to prove that a state's program is as protective as federal requirements.

"As part of EPA's ongoing commitment to cooperative federalism, we continue to consult with our state partners to find the best management strategy for the safe disposal of coal ash in each of their states," EPA Administrator Scott Pruitt said in a statement.

The Obama administration finalized a rule in 2015 governing management and disposal of coal ash following several high-profile disasters, including major spills in Kingston, Tenn., and North Carolina's Dan River. The rule did not let states take over the coal ash permitting program, as EPA allows for many other types of permits — disappointing industry groups and congressional Republicans.

Last year Congress changed that as part of a major water resources law, allowing states to take over permitting so long as their programs are as stringent as federal standards. The new guidance instructs states in how they can do this.

But environmental groups, who had opposed state delegation, have argued that it should be implemented via a formal rulemaking rather than through guidance to ensure that state programs are sufficiently protective and allow for public input.

WHAT'S NEXT: EPA will accept public comment on the interim final guidance for 60 days after it runs in the Federal Register and says it may update the document.

To view online:

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