



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

December 7, 2017

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

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Dear

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Thank you for your letter of August 18, 2017, to the U.S. Environmental Protection Agency (EPA) Administrator Scott Pruitt, expressing concern about the disposal of coal combustion residuals (CCR), also commonly known as coal ash, in solid waste landfills in Puerto Rico. I appreciate your interest in these important issues.

The EPA has been working with Puerto Rico to ensure the proper disposal of CCR throughout the island. Although solid waste is primarily a matter of state, or in this case, territorial responsibility, EPA has actively used its civil and administrative authorities to address CCR disposal issues in Puerto Rico. EPA has taken one or more actions against 13 of the 29 operating solid waste landfills in Puerto Rico. Since 2007, EPA has issued 15 administrative orders under the imminent and substantial endangerment provision of the Resource Conservation and Recovery Act to require closure of landfills. You can access information on these actions at: <https://www.epa.gov/pr/puerto-rico-landfill-consent-orders-and-consent-decrees>. You can also read a news release from earlier this year regarding an agreement to close one landfill at: <https://www.epa.gov/newsreleases/epa-reaches-legal-agreement-close-landfill-puerto-rico>.

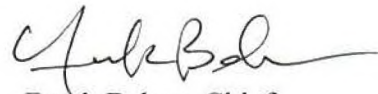
Regarding the dumping of CCR into the nation's waterways, power plants generating electricity from burning coal are not allowed to dispose fly ash and other residuals from the combustion of coal in rivers. The principal law protecting the nation's surface waters from pollution is the Clean Water Act (CWA). The CWA prohibits the "discharge of any pollutant" by "any person" except as authorized by the Act. 33 U.S.C. § 1311(a). Persons wishing to discharge into waters covered by the CWA must comply with certain requirements and conditions established under other provisions of the Act, including technology based effluent limitations and performance standards and any more stringent limitation necessary to meet water quality standards.

You may also be interested in a final rule that EPA issued on April 17, 2015, that established a comprehensive set of requirements for the disposal of coal combustion residuals in

surface impoundments and landfills. These regulations address the risks from disposal of CCR, including leaking of contaminants into groundwater, blowing of contaminants into the air as dust, and the release of CCR resulting from the catastrophic failure of surface impoundments. The rule does this by establishing requirements for where landfills and surface impoundments holding coal combustion residuals may be located, how they must be designed, operated and monitored, when they must be inspected, and how they must be closed and cared for after closure. Additionally, the rule sets out recordkeeping and reporting requirements and requires each facility to establish and post specific information to a publicly-accessible website. Additional information on this rule can be found on our website at www.epa.gov/coalash.

Again, thank you for providing your views on these important issues and allowing me to share some of the work the EPA has done on coal combustion residuals. If you have further questions, please contact Mary Jackson of my staff at (703) 308-8453.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank Behan", with a long horizontal flourish extending to the right.

Frank Behan, Chief
Energy Recovery and Waste Disposal Branch