



6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 22, 124, and 257

[EPA-HQ-OLEM-2019-0361; FRL-10009-86-OLEM]

RIN 2050-AH07

Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Federal CCR Permit Program; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is extending the comment period on EPA's proposal to establish a Federal Coal Combustion Residuals (CCR) permit program. The document announcing this proposal was published on February 20, 2020, and the public comment period was originally scheduled to end on April 20, 2020. In a document published on April 14, 2020, EPA extended the comment period 30 days, through May 20, 2020. In this document, EPA is extending the public comment period an additional 60 days, through July 19, 2020.

DATES: The comment period for the proposed rule published on February 20, 2020 (85 FR 9940), which was extended on April 14, 2020 (85 FR 20625), is further extended. Comments must be received on or before July 19, 2020.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OLEM-2019-0361; Title: Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Federal CCR Permit Program, at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be

edited or removed from Regulations.gov. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (i.e., on the web, cloud or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Stacey Yonce, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery, Mail code 5304P, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460; telephone number: (703) 308-8476; e-mail address: yonce.stacey@epa.gov.

SUPPLEMENTARY INFORMATION: In December 2016, Congress passed, and the President signed the Water Infrastructure Improvements for the Nation (WIIN) Act, amending section 4005 of the Resource Conservation and Recovery Act (RCRA). The WIIN Act, among other things, requires the Environmental Protection Agency (EPA or the Agency) to implement a Federal coal combustion residuals (CCR) permit program in Indian country and, subject to the availability of appropriations specifically provided to carry out a program, to implement a Federal CCR permit program in nonparticipating states. The Fiscal Year 2018 and 2019 Omnibus Appropriations Acts provided appropriations to the EPA to develop and implement a Federal permit program for the regulation of CCR in nonparticipating states.

The Agency is proposing to establish a Federal CCR permit program in accordance with the requirements of the WIIN Act. The EPA is proposing to establish requirements and procedures to issue Federal permits for disposal and other solid waste management of CCR in 40 CFR part 257, subpart E. The proposed permit requirements would include definitions, compliance deadlines, application requirements, content and duration, and modification requirements and procedures.

The EPA is also proposing to rely on the general administrative procedures applicable to several EPA permit programs. These procedures, which are found in 40 CFR parts 22 and 124, apply to all other RCRA permits, as well as to certain permits issued under the Clean Water Act (CWA), the Safe Drinking Water Act (SDWA), and the Clean Air Act (CAA). The EPA is proposing to rely on these general procedures without substantive modification and is proposing only to modify provisions in parts 22 and 124 to the extent necessary to ensure they apply to the Federal CCR permit program.

The document proposing to establish a Federal CCR permit program was published on February 20, 2020, and the comment period was scheduled to end on April 20, 2020. See 85 FR 9940. The comment period was then extended through May 20, 2020. See 85 FR 20625. Since publication of the document, Navajo Nation has requested an additional 60 days to review the proposal, develop and submit comments, and engage in government-to-government consultation. After receiving the request from Navajo Nation and considering numerous requests received previously for additional time, EPA has decided to further extend the comment period to address the concerns that were raised. The comment period is extended until July 19, 2020.

Dated: May 12, 2020.

Peter Wright,
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Office of Land and Emergency Management.

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