



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 22, 124, and 257

[EPA-HQ-OLEM-2026-4159; FRL-7080.1-01-OLEM]

RIN 2050-AH50

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) issued a proposed rule on February 20, 2020, to establish a Federal permit program for disposal of coal combustion residuals (CCR). On April 13, 2026, the EPA proposed to establish new compliance pathways that would allow site-specific considerations to be taken into account during permitting for owners or operators of CCR units complying with groundwater monitoring, corrective action, and closure requirements under a federal or participating-State CCR permit. The EPA is considering whether a general permit could be developed to allow such facilities to temporarily obtain permit coverage until an individual permit issued by EPA or an approved state CCR permit program is in effect. This advance notice of proposed rulemaking (ANPRM) does not propose any regulatory requirements or change any existing regulatory requirements.

DATES: Comments must be received on or before **[INSERT DATE 90 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may send comments, identified by Docket ID No. EPA-HQ-OLEM-2026-4159, by any of the following methods:

- Federal eRulemaking Portal: <https://www.regulations.gov/> (our preferred method).

Follow the online instructions for submitting comments.

- Mail: U.S. Environmental Protection Agency, EPA Docket Center, Office of Land and Emergency Management Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- Hand Delivery or Courier: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m.-4:30 p.m., Monday-Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rulemaking.

Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jessica Schumacher, Region 5, Land, Chemicals, and Redevelopment Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (312) 886-0769; email address: schumacher.jessica@epa.gov, or Phoebe O'Connor, Office of Resource Conservation and Recovery, Waste Information, Notice, and Generators Division, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, MC: 5304T, Washington, DC 20460; telephone number: (202) 566-1451; email address: oconnor.phoebe@epa.gov. For more information on this rulemaking please visit <https://www.epa.gov/coal-combustion-residuals>.

SUPPLEMENTARY INFORMATION:

I. Public Participation

Submit your comments, identified by Docket ID No. EPA-HQ-OLEM-2026-4159, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> any information you consider to be Confidential Business

Information (CBI), Proprietary Business Information (PBI), 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. The 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). Please visit <https://www.epa.gov/dockets/commenting-epa-dockets> for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

Be aware that there are several CCR actions EPA is requesting comment on or recently requested comment on. Please ensure you are commenting on the correct action. This ANPRM is separate from the Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Federal CCR Permit Program; Reopening of Comment Period (“2026 CCR Federal Permit Program Comment Period Reopening”) (May 28, 2026, 91 FR 31684; FRL-7080-06-OLEM; RIN 2050-AH07); comments related to the 2026 CCR Federal Permit Program Comment Period Reopening should be submitted to the Docket ID No. EPA-HQ-OLEM-2019-0361. This ANPRM is also separate from Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy/CCRMU Amendments proposed rule (“2026 Proposed Rule”) (April 13, 2026, 91 FR 18968; FRL-7814.3-01-OLEM; RIN 2050-AH39); the comment period for that action closed on June 29.

II. General Information

A. Does this action apply to me?

This action may be of interest to electric utilities and independent power producers that fall within the North American Industry Classification System (NAICS) code 221112. The reference to NAICS code 221112 is not intended to be exhaustive but rather provides a guide for

readers regarding entities likely to be affected by this action. This discussion lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not described here could also be affected. To determine whether your entity is affected by this action, you should carefully examine the applicability criteria found in § 257.50 of title 40 of the Code of Federal Regulations (CFR). If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. What action is the agency taking?

An ANPRM is a notice intended to solicit information from the public as the EPA considers proposing an action. The EPA issued a proposed rule on February 20, 2020 (85 FR 9940) (2020 Proposed Rule), to establish a Federal permit program for disposal of CCR. The comment period was extended on April 14, 2020 (85 FR 20625) and May 19, 2020 (85 FR 29878) to close on July 19, 2020, was reopened on July 31, 2020 to close on August 7, 2020 (85 FR 46046), and was reopened on May 28, 2026 to close on June 29, 2026 (91 FR 31684). On April 13, 2026, the EPA proposed to establish new provisions that would allow a CCR permit authority to establish alternative requirements (91 FR 18968; “2026 Proposed Rule”). The EPA is considering whether a general permit could be developed to allow owners and operators of CCR facilities to temporarily obtain permit coverage until an individual permit issued by the EPA or an approved state CCR permit program is in effect, and is requesting comment on this approach. This ANPRM is independent from the 2026 Proposed Rule (April 13, 2026, 91 FR 18968) and progress on the 2026 Proposed Rule is not contingent or otherwise relying on this ANPRM.

C. What is the agency's authority for taking this action?

This ANPRM solicits comment on potential revisions to the federal CCR regulations, which are established under the authority of sections 1008(a), 2002(a), 4004, and 4005(a) and (d) of the Solid Waste Disposal Act of 1970, as amended, RCRA, as amended by the Hazardous and

Solid Waste Amendments of 1984 and the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, 42 U.S.C. 6907(a), 6912(a), 6944, and 6945(a) and (d).

III. Background

A. CCR Regulatory Background

On April 17, 2015, the EPA published a final rule creating 40 CFR part 257, subpart D, which established a comprehensive set of minimum Federal requirements for the disposal of CCR in landfills and surface impoundments (80 FR 21302) (2015 CCR Rule or Federal CCR regulations). The rule established a set of self-implementing regulations that apply directly to CCR units, including requirements for the location, design, operating criteria, recordkeeping, notifications, groundwater monitoring and corrective action, as well as the closure and post-closure care of CCR units. It also required recordkeeping and notifications for CCR units.

In 2016, Congress passed the Water Infrastructure Improvements for the Nation (WIIN) Act, which – among other things – authorized the EPA to issue permits under RCRA for CCR units located in Indian country or in a State that has not been approved to issue its own CCR permits (a “nonparticipating State”). And under the WIIN Act, once an EPA (or State) permit is issued and in effect, the requirements of that permit apply in lieu of the federal regulations. On February 20, 2020, the EPA proposed a rule (85 FR 9940) to establish a Federal CCR permit program.

On April 13, 2026, the EPA proposed a rule (91 FR 18968; “2026 Proposed Rule”; Docket ID No. EPA-HQ-OLEM-2020-0107) to establish new compliance pathways that would allow a Federal or approved state CCR permit authority to take site-specific conditions into account when establishing permit requirements for groundwater monitoring and corrective action points of compliance, certain cleanup levels for corrective action, and unit closure, including extensions of the closure deadline timeframes for CCR units where CCR is being extracted from the unit for beneficial use during closure. If, after consideration of the public comments, the EPA adopts these provisions, these pathways would be available upon promulgation of a final rule to

facilities seeking a Federal permit; it would not be available for facilities located in participating states (i.e., those with an EPA approved CCR permit program) until the state adopts these provisions into its regulations and the EPA approves the revision. In some states, this process can take years. Consequently, concerns have been raised that the new compliance pathways would not be available to any facility that must comply with the self-implementing regulations while waiting for the state to obtain EPA approval for the new provisions. EPA is considering whether a general permit could be developed to allow such owners or operators of CCR facilities to temporarily obtain permit coverage until their state CCR permit program incorporates these new pathways and is approved. If the EPA decides to establish a general permit, it would be done through a new rulemaking, separate from the CCR rulemakings discussed above. The EPA believes a new rulemaking is more appropriate than folding this action into those pending related rulemaking efforts to differentiate the action and allow for more targeted comments.

B. General Permits Provisions

In the 2020 Proposed Rule, the EPA proposed at 40 CFR 257.127 to establish procedures for issuance of one or more general permits, as an alternative to individual permits. The Agency implements other federal environmental permitting programs that contain general permits, including Clean Water Act National Pollutant Discharge Elimination System (NPDES) permits issued under 40 CFR part 122, which are issued generally to a category of facilities with similar operations.

For CCR units, the EPA proposed that the Administrator could issue a general CCR permit to an identified category of CCR units involving the same, or substantially similar, operations, which are all subject to the same applicable requirements of subpart D and would require the same permit terms and conditions to achieve compliance with subpart D.¹ See proposed § 257.127(a). A general permit would be issued when, in the opinion of the Administrator, it would be more appropriate to regulate those units under a general CCR permit

¹ See further discussion at 85 FR 9953 through 9954 (February 20, 2020).

than under individual CCR permits. A general CCR permit would be proposed in the *Federal Register* and finalized in accordance with the applicable requirements of parts 122 and 124.

Through the process proposed at § 257.127, the Administrator could issue a general CCR permit that would be available to an identified category of CCR units and would require the same permit terms and conditions to achieve compliance with subpart D. Once a general permit is final, the owner or operator of eligible CCR units could apply for coverage under the general permit instead of obtaining an individual federal CCR permit.

As noted above, a general permit would apply to a defined category of CCR units (e.g., a surface impoundment closing with waste in place, undergoing corrective action implementing a pump and treat system). Therefore, the EPA is seeking comment on criteria that could be used to define which CCR units would be eligible for general permit coverage, and on the terms and conditions that would achieve compliance with the technical requirements in subpart D applicable to those CCR units.² Furthermore, the EPA is seeking comment on whether, in this circumstance, any general permit coverage should be time limited or temporary, e.g., issued with an expiration date or until a permit is issued by an approved state. Additionally, the EPA seeks comments on whether multiple rulemakings would be needed to establish all of the categories of general permits that would be necessary.

The EPA is requesting comment on whether the use of general permits would be effective and appropriate in this circumstance, whether there are categories of CCR units for which general permits may be appropriate, whether the Agency should issue multiple general permits or one general permit for which different categories of facility may be eligible, the information that should be included in the application for coverage, whether public comment on individual applications for a general permit is appropriate, and whether the EPA should be required to issue a determination that coverage under a general permit is appropriate for a particular CCR unit. The EPA also requests input on scope or details of the terms of the general permit. For example,

² See discussion about requirements in a general permit at 85 FR 9954 (February 20, 2020).

a general permit could apply broadly to any facility that must continue work to comply with the self-implementing regulations while waiting for a permit, provided it had met the regulatory criteria for the new compliance pathway. For example, a facility with a closing CCR surface impoundment located in an approved state that has not received a state CCR permit could be eligible for a temporary general permit that would allow the facility to complete the closure under the new compliance pathway until the state CCR permit authority can evaluate if the closure method was appropriate and accurate.

Alternatively, EPA could develop criteria to further limit the eligibility for coverage under a general permit (e.g., limit eligibility to facilities with certain characteristics and features). For example, the general permit could restrict eligibility to CCR units of a certain size or at a certain stage of the closure process, or it could require a facility to also document that it is in substantial compliance with other CCR regulations. EPA seeks comment on other scenarios and conditions for consideration.

EPA also seeks comment on the economic impacts of promulgating regulations for general permits for certain CCR units, implementation challenges that exist with the self-implementing CCR regulations and how general permits would be useful, alternative options to mitigate these implementation challenges, and health impacts related to general permits compared to individual permits.

C. What are the Next Steps EPA will take?

EPA intends to carefully review all comments and information received in response to this ANPRM. Once that review is completed EPA will determine whether to pursue a proposed rule to promulgate regulations for general permits for certain CCR units.

IV. Statutory and Executive Orders Reviews

Additional information about statutes and executive orders can be found at <https://www.epa.gov/laws-regulations/laws-and-executive-orders>.

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563:

Improving Regulation and Regulatory Review

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket.

B. Other Statutory and Executive Order Reviews

Because this action does not propose or impose any requirements, other statutory and executive order reviews that apply to rulemaking do not apply. Should EPA subsequently determine to pursue a rulemaking, EPA will address the statutes and executive orders as applicable to that rulemaking.

Nevertheless, the Agency welcomes comments and/or information that would help the Agency to assess any of the following: the potential impact of a rule on small entities pursuant to the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*); potential impacts on state, local, or Tribal governments pursuant to the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1531-1538); federalism implications pursuant to Executive Order 13132, entitled *Federalism* (64 FR 43255, November 2, 1999); availability of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113; Tribal implications pursuant to Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000); environmental health or safety effects on children pursuant to Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997); energy effects pursuant to Executive Order 13211, entitled *Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001); paperwork burdens pursuant to the Paperwork Reduction Act (PRA) (44 U.S.C. 3501); The Agency will consider such comments during the development of any subsequent rulemaking.

Lee Zeldin,
Administrator.

[FR Doc. 2026-14115 Filed: 7/13/2026 8:45 am; Publication Date: 7/14/2026]