

EFO Solid & Hazardous Waste Committee News

July 27, 2016

1. **EPA Coal Combustion Residuals (CCR) Rule District Court Settlement Agreement:** On June 14, 2016, a US Court of Appeals for the District of Columbia Circuit issued an Order approving an EPA settlement between Utility Solid Waste Activities Group (USWAG) and environmental petitioners regarding the promulgation of the EPA Coal Combustion Residuals (CCR) rule (effective on October 15, 2015). The EPA settlement (US Court of Appeals Case 15-1219, document #1609250) primarily affects the electrical utility industry that manage coal combustion residuals within “inactive impoundments” and also identifies general rule changes that will be proposed by the EPA in the near future.

The June 14, 2016, Court Order requires the EPA to perform the following two actions:

- a. Issue a proposed “Extension Rule” (due August 15, 2016) extending the CCR Rule’s compliance deadlines that will now be applicable to inactive CCR surface impoundments (e.g. active impoundment requirements will now apply to these units); and,
 - b. Issue a proposed rule establishing requirements relating to the use of vegetation as slope protection, clarifying the type and magnitude of non-groundwater “releases” that require a facility to comply with some or all of the Rule’s corrective action procedures, and adding boron to the list of Appendix IV constituents (the “Remand Rule”). The Settlement Agreement requires that the EPA to issue the proposed Remand Rule “as soon as practicable”, with a final rule issued by June 14, 2019.
2. **User Fee Schedule for Electronic Hazardous Waste Manifest:** On July 26, 2016, the EPA issued a proposed rule for its user fee methodology applicable to electronic and paper manifests submitted to the national electronic manifest system (or e-Manifest system) that is being established by EPA under the Hazardous Waste Electronic Manifest Establishment Act. After the implementation date for the e-Manifest system, certain users of the hazardous waste manifest would be required to pay a prescribed fee for each electronic and paper manifest they use and submit to the system in order for EPA to recover its costs of developing and operating the national e-Manifest system. The final rule that EPA develops in response to public comments on this action's proposed fee methodology will include the final fee methodology. In addition, EPA will include the initial fee schedule and the implementation date for the e-Manifest system in the preamble to the final rule. Comments are due 9/26/2016. [Click here](#) for Federal Register Notice.

Thomas Lazarski, Chairman
Solid & Hazardous Waste Committee