

# EPA PROPOSES TO GUT COAL ASH SAFEGUARDS AND CLEANUP REQUIREMENTS



**The now-closed Waukegan Generating Station, on the shore of Lake Michigan in Waukegan, Illinois. The coal fired power plant still has sizable coal ash ponds threatening the environment.** *Jamie Kelter Davis for Earthjustice*

**Under the current Trump Administration,** the EPA has begun to systematically gut protections that would otherwise force the coal industry to clean up its toxic coal ash.

The EPA issued a [proposed rule](#) that would dismantle coal ash protections for both operating and former coal power plants sites; exempt hundreds of coal ash dumps from any regulation at all; and permit the owners of coal power plant sites to minimize, delay, or entirely avoid cleanup of contamination at their facilities.

Lee Zeldin had not even been sworn in to serve as Administrator of the EPA when power companies sent him their pro-pollution wish list. Among other things, they asked EPA to allow them to leave their toxic coal ash sitting in groundwater - a

clear threat to public health and drinking water. The coal industry also asked Trump to let them off the hook for limiting and cleaning up pollution. Now Trump's EPA is preparing to do just that with a [proposed rule to gut the regulations](#) that protect communities from the dangers of coal ash.

For more than a century, coal power companies have dumped billions of tons of toxic ash into leaking ponds and landfills, as well as directly on the ground. In many places, coal ash ponds are held back by earthen berms, which may not be structurally sound and pose a risk of catastrophic failure. According to industry's own data, power plants have contaminated water at 91 percent of the nation's coal plants above federal standards for safe drinking water.

**CONTACT:**

Christine Santillana, [csantillana@earthjustice.org](mailto:csantillana@earthjustice.org)

Lisa Evans, [levans@earthjustice.org](mailto:levans@earthjustice.org)

**The EPA designated coal ash as a national enforcement priority** in 2023, because of widespread violations by coal-fired power plant owners that can pose a significant threat to human health and the environment. But the Trump administration has abandoned enforcement of the rule and instead is proposing to dismantle it.

EPA established the first federal coal ash rule in 2015 to require closure of dangerous ash dumps and the cleanup of festering toxic sites. In 2024, the EPA finally expanded this rule to apply to hundreds of coal ash dumps it had left unregulated. Even so, coal power plant owners stalled, evaded, and completely disregarded the law.

More industry delay means more toxic coal ash waste in our waste, more likelihood that it will migrate to where humans and wildlife will be exposed to it, and less likelihood that it can be effectively cleaned up. Yet rather than enforcing the law and holding polluters responsible, Trump's EPA proposes to let them continue polluting our air, soil, and water.

Earthjustice has successfully defended these coal ash safeguards in court and intends to do so again. Earthjustice will also consider filing citizen suits against utilities violating the federal coal ash rules.

### We Urge Members of Congress to:

- Submit comment letters opposing the 2026 coal ash proposal
- Join sign-on letters/Dear Colleagues
- Amplify opposition to the proposed rule on social media
- Conduct oversight of EPA's attacks on federal coal ash protections

### A Toxic Legacy

- Coal ash is a mix of hazardous pollutants, metals, carcinogens, and neurotoxins, including arsenic, boron, lead, radium, and additional heavy metals. These have been linked to cancer, heart and thyroid disease, reproductive failure, and neurological harm.
- Coal ash is disproportionately located in working class communities and communities of color.
- At some sites, toxic dust from landfills, piles, and ponds blows into nearby communities. When inhaled or ingested, this dust can cause serious respiratory and other health harms, including cancer.
- Water weaponizes coal ash, carrying its toxic pollutants to nearby streams, rivers, and drinking water aquifers and wells.
- Just as they have done with other EPA safeguards that improved our air, our water, and our health - these power companies will try to pass the financial burden for cleanup onto us. The time to stop this billion-dollar, polluting industry from evading responsibility to protect public health and the environment is long overdue now.



Coal ash near the L.V. Sutton Power Station outside Wilmington, N.C. Peter Harrison / Earthjustice

#### CONTACT:

Christine Santillana, [csantillana@earthjustice.org](mailto:csantillana@earthjustice.org)

Lisa Evans, [levans@earthjustice.org](mailto:levans@earthjustice.org)

### The proposed new rule would:

- Exempt hundreds of dangerous coal ash dumps from all regulation. EPA refers to these older, dry dumps as Coal Combustion Residual Management Units (CCRMU). They are found at nearly every coal plant site and are known to be contaminating groundwater.
- Grant state agencies and EPA regional offices broad discretion to deviate from established, effective monitoring and cleanup requirements at the request of the coal power industry. The proposed rule creates permit exemptions and variances with weak standards that will likely result in no cleanup being required at many sites.
- Allow companies to assess groundwater contamination 150 or more meters from a coal ash dump rather than at the dump's edge, effectively permitting a zone of contamination. EPA even suggested that it might be appropriate to move monitoring as far as the boundary of these large power plant sites.
- Allow states and EPA to increase the amount of cobalt, lithium, molybdenum and lead permitted in coal ash-contaminated water above federal safe standards.
- Permit companies to leave coal ash in dumps even when it is known to be in contact with groundwater and leaking from the site. The current rules forbid leaving coal ash stored in contact with groundwater, because of the threat to nearby waterways, wells, and communities.
- Delay the closure and cleanup of more than a hundred legacy coal ash dumps by removing deadlines and allowing permitting authorities to wait years before establishing standards or simply deciding not to require closure and cleanup.
- Remove all safety standards for "piles" of coal ash waste no matter how large they are or where they are located. Waste piles are currently regulated as landfills because they present the same risks and the rule requires liners, monitoring, dust control, closure, and cleanup for them. Under the proposed rule, utilities would be able to create massive piles of coal ash with no responsibility whatsoever for addressing the serious risks they pose.
- Eliminate restrictions on the use of coal ash as a substitute for clean soil in any location, even in places such as parks, playgrounds, residential developments and hospitals, despite high levels of arsenic and radium in coal ash.

**Coal ash actions by the current Trump Administration**

Action or Rule	Description	Status	Earthjustice Response/Action
<p><b>Proposed new gutting of the CCR rules as a whole (“CCR Rollback”)</b></p>	<p>EPA issued a proposed rule (Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy/CCRMU Amendments) that would gut critical requirements established in the 2015 and 2024 federal coal ash rules. <a href="#">Press Release</a></p>	<p><a href="#">Proposed rule published April 13, 2026</a> Virtual public hearing on May 28, 2026 <a href="#">Comment period ends June 12, 2026</a></p>	<p>Plans for a legal challenge in DC Court of Appeals following comment and publication of final rule</p>
<p><b>CCR enforcement stalled</b></p>	<p>Named an <a href="#">enforcement priority (NECI) for 2023-2027</a>, in March 2025 the EPA issued <a href="#">guidance essentially halting enforcement</a>. In 2024 <a href="#">EPA conducted 107 compliance assessments</a>. EPA has apparently not taken any action on the compliance assessments or initiated any new actions since.</p>	<p>Formally narrowed and effectively halted.</p>	
<p><b>Effluent Limitation Guidelines (coal plant wastewater)</b></p>	<p>EPA issued a rule to delay by five years the deadlines for more stringent wastewater treatment standards for coal-fired power plants while presumably EPA prepares to issue weaker guidelines. <a href="#">Press release</a></p>	<p><a href="#">Final rule issued</a></p>	<p>Legal challenge in the Second Circuit filed 1/20</p>

## Coal ash actions by the current Trump Administration

continued from previous page

Action or Rule	Description	Status	Earthjustice Response/Action
<b>Proposed CCRMU Deadline Extension Rule</b>	Proposed last July, this rule extends the deadlines for owners and operators to comply with safeguards established by the 2024 Legacy Rule for three years, delaying investigation, monitoring and cleanup of places where coal ash was just dumped onsite at power plants, but not in a regulated pond or landfill. <a href="#">Press release on the proposal</a>	<a href="#">Final rule issued</a>	
<b>Proposed CCR Part A(f)(2) Extension Rule</b>	The EPA is poised to finalize a rule that would delay beyond 2030 the closure and clean up of 13 large unlined, leaking coal ash ponds at 11 power plants. <a href="#">Press release on the initial proposal, advocacy action</a>	<a href="#">Proposed rule published</a>  Final rule expected soon	Legal challenge

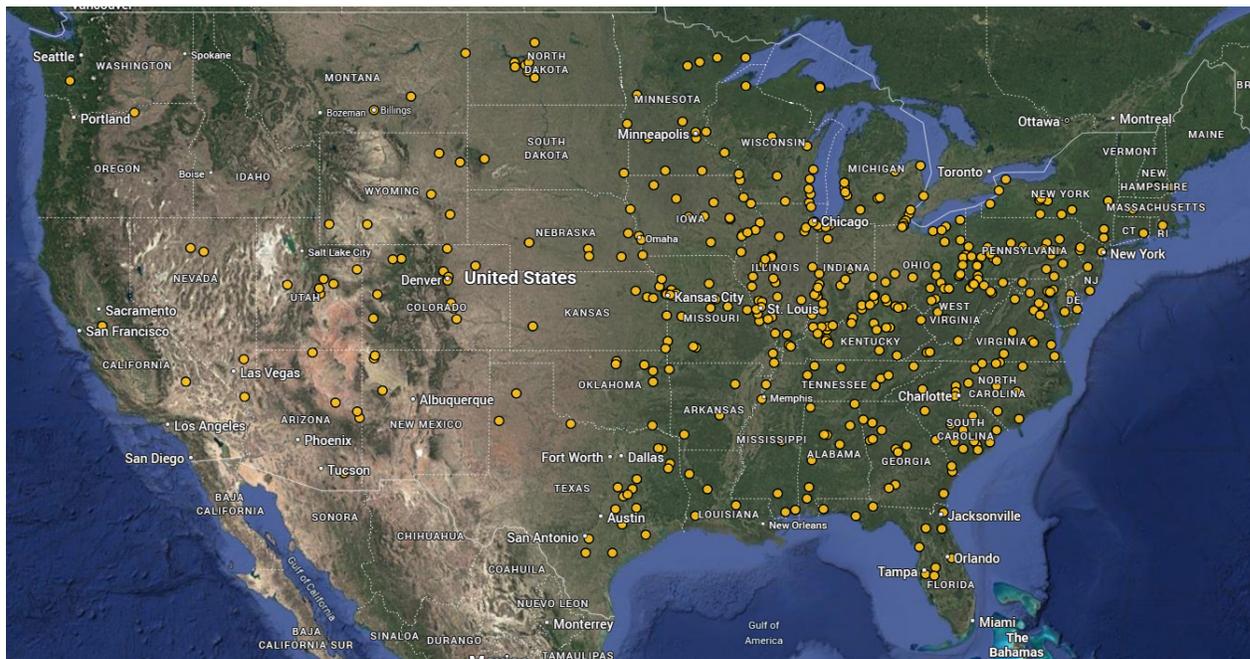
**CONTACT:**Christine Santillana, [csantillana@earthjustice.org](mailto:csantillana@earthjustice.org)Lisa Evans, [levans@earthjustice.org](mailto:levans@earthjustice.org)

## Coal ash actions by the current Trump Administration

*continued from previous page*

Action or Rule	Description	Status	Earthjustice Response/Action
<p><b>Approval of state CCR permit programs allowing states to run their own coal ash clean-up programs</b></p>	<p>With EPA approval, states can assume responsibility for permitting coal ash dumps. The Trump administration has approved deficient state programs in <a href="#">North Dakota</a> and <a href="#">Wyoming</a> and proposed approval of <a href="#">Virginia's</a>. Other states that have already applied or are expected to: Alabama, Indiana, Louisiana, West Virginia, and Wisconsin.</p>	<p>Ongoing</p>	
<p><b>Proposing a weak federal permitting program for coal ash</b></p>	<p>EPA will soon repropose its 2010 draft federal permitting rule, which includes industry-friendly provisions like permits for life and self-certified permit eligibility. If finalized, this would make it easier for dump owners to get weak permit conditions and largely shield them from legal challenges.</p>	<p>Expected soon</p>	<p>Plans for a legal challenge</p>

## Current and former power plants with coal ash dump sites



### More information

See a map of current and former power plants with coal ash dump sites, including legacy ponds and CCRMU, as well as more recent coal ash landfills and ponds: [Where are Coal Ash Dump Sites?](#)

Detailed information by state can be found at [Coal Ash in the United States: Addressing Coal Plants' Hazardous Legacy](#).

[Stories of coal ash](#)

[Diagram of health threats](#)

[More information can be found on our website.](#)

### Earthjustice's role

Earthjustice represents communities across the U.S. that have fought for years to hold coal-fired power plant operators responsible for their reckless disposal and storage of coal ash. An Earthjustice lawsuit compelled the EPA to adopt its first-ever safeguards to protect people from toxic coal ash in 2015, but the rule excluded landfills and waste piles that stopped receiving coal ash before the rule went into effect. As a result of Earthjustice litigation, the Legacy Coal Combustion Residuals (CCR) Surface Impoundment Rule and CCR Management Units Rule extended federal monitoring and cleanup requirements to hundreds of older coal ash landfills and ponds across the country that account for roughly half of all the coal ash waste ever generated in the U.S.

Earthjustice will continue to defend these rules in court and will also consider filing citizen suits against utilities violating the federal coal ash rules.

**CONTACT:**  
Christine Santillana, [csantillana@earthjustice.org](mailto:csantillana@earthjustice.org)  
Lisa Evans, [levans@earthjustice.org](mailto:levans@earthjustice.org)