

Trump Administration Wages Multifront Assault on Coal Ash Protections

Rollback	How the Proposed Rule Weakens the 2015 Coal Ash Rule	Proposed Rule Publication	Final Rule Publication	Fact Sheet; Comment; Petition	EPA Information	Comment Period Length & Extension Request Outcomes
Coal Ash Phase One Rollback	Proposes wide-ranging rollbacks including risk-based corrective action, exempting utilities from source control and cleanup obligations, removal of location restrictions, etc.	March 15, 2018 83 Fed. Reg. 11,584	<i>Not yet published</i> NOTE: Related Phase One, Part One Rule was Remanded	related Envtl. Comments (Apr. 30, 2018)	EPA Website , EPA-HQ-OLEM-2017-0286 / NA	Rule set 45-day public comment period; Mar. 16, 2018 request for 45-day extension by public interest orgs denied Apr. 17
Coal Ash Financial Assurance Rule	Withdraws intention to establish financial assurance requirements for coal plants and coal ash spills	July 29, 2019 84 Fed. Reg. 36,535	December 2, 2020 85 Fed. Reg. 77,384	Press Release ; Envtl. Comments (Sept. 27, 2019)	EPA Website , EPA-HQ-SFUND-2019-0085 / 2050-AH03	Rule set 60-day public comment period
Coal Ash Phase II Rollback	Significantly broadens exemption for “beneficial use” and exempts coal ash waste piles from landfill requirements	August 14, 2019 84 Fed. Reg. 40,353	<i>(Related notice received by OMB October 5, 2020)</i>	Envtl. Comments (Oct. 15, 2019)	EPA Website , EPA-HQ-OLEM-2018-0524 / 2050-AG98	Rule set 60-day public comment period; July 15 and Aug. 9 , 2019 requests for 60-day extension by public interest orgs denied
Steam Electric Power Generating Effluent Limitation Guidelines Rollback	Allows up to 10% of bottom ash wastewater to be dumped into waterways rather than recycled; Weakens requirements for, and creates an exemption from, treating scrubber sludge	November 22, 2019 84 Fed. Reg. 64,620	October 13, 2020 85 Fed. Reg. 64,650	Fact Sheet ; Envtl. Comments (Jan. 21, 2020)	EPA Website , EPA-HQ-OW-2009-0819 / 2040-AF77	Rule set 60-day public comment period; Dec. 4, 2019 request for 60-day extension by public interest orgs denied Dec. 16
Coal Ash Federal Permitting Program	Establishes federal permit program with minimal regulatory oversight, permits-for-life, and limited public participation	February 20, 2020 85 Fed. Reg. 9940	<i>Not yet published</i>	Fact Sheet ; Envtl. Comments (July 17, 2020)	EPA Website , EPA-HQ-OLEM-2019-0361 / 2050-AH07	Rule set 60-day public comment period; Mar. 6 and Mar. 23 , 2020 requests for 60-day extension by public interest orgs denied Apr. 3, 30-day extension noticed instead; Apr. 16, 2020 request for 60-day extension by Navajo Nation granted May 19
Coal Ash Part A Rule	Characterizes clay-lined ponds as unlined and thus required to close; Establishes dates by which unlined ponds must retrofit or close; Creates loophole enabling utilities to avoid retrofit-or-close deadline for many additional years	December 2, 2019 84 Fed. Reg. 65,941	August 28, 2020 85 Fed. Reg. 53,516	Fact Sheet ; Envtl. Comments (Jan. 31, 2020); D.C. Cir. 20-1467 (Nov. 24, 2020)	EPA Website , EPA-HQ-OLEM-2019-0172 / 2050-AH10	Rule set 60-day public comment period; Dec. 4, 2019 request for 60-day extension by public interest orgs denied Dec. 16
Coal Ash Part B Rule	(1) Allows some unlined ponds to operate indefinitely; (2) Allows additional disposal of large quantities of coal ash in deficient ponds (unlined, leaking, violating location restrictions) as part of “closure” process	March 3, 2020 85 Fed. Reg. 12,456	November 12, 2020 85 Fed. Reg. 72,506 (covering provision 1)	Fact Sheet ; Envtl. Comments (Apr. 17, 2020)	EPA Website , EPA-HQ-OLEM-2019-0173 / 2050-AH11	Rule set 45-day public comment period; Mar. 6 and Mar. 23 , 2020 requests for 60-day extension by public interest orgs denied Apr. 3
Coal Ash Legacy Ponds *Advanced Notice of Proposed Rulemaking	Responds to 2018 court order requiring EPA to address inactive coal ash ponds at inactive sites (legacy ponds); ANPRM only seeks information and questions EPA’s authority to regulate legacy ponds	<i>*Not yet applicable</i> ANPRM issued October 14, 2020 85 Fed. Reg. 65,015	<i>Not yet applicable</i>	Blog Post ; Comments due Dec. 14, 2020 Feb. 12, 2021	EPA Website , EPA-HQ-OLEM-2020-0107 / 2050-AH14	ANPRM set 60-day public comment period; Nov. 14, 2020 request for 60-day extension by industry granted Dec. 4