



**Unanimously Adopted on September 17, 2018**

Resolution sponsored by: Representative Jim Gooch, Jr., Kentucky

### **3.2018 | Amending the Resource Conservation and Recovery Act to Encourage Reclamation of Coal Combustion Residual Resources From Surface Impoundments and Landfills**

**WHEREAS**, the U.S. Resource Conservation and Recovery Act of 1976 (RCRA) establishes a national goal to conserve valuable materials and energy resources by promoting resource conservation and recovery while preserving and enhancing the quality of air, water and land resources; and

**WHEREAS**, EPA promulgated the Disposal of Coal Combustion Residuals from Electric Utilities final rule in 2015, which established national guidelines for the management and disposal of coal combustion residuals (CCR); and

**WHEREAS**, CCR is a valuable mineral resource that is utilized as in many construction material applications which conserves natural resources and energy while enhancing the environment and reducing imported cement and improving the U.S. balance of trade payments; and

**WHEREAS**, RCRA amendments in December 2016 provided a pathway for States to assume delegated authority to enforce the CCR Regulations and issue State permits; and

**WHEREAS**, the EPA CCR regulations state that they exempt beneficial use and recycling of CCRs from regulation under the CCR disposal rules, yet the rules establish requirements on beneficial use which discourage their reclamation and beneficial use; and

**WHEREAS**, State and Federal budgets are negatively impacted when CCRs are not available for reclamation and utilization or cannot be readily used in State and Federal Highway construction due to regulatory burdens and aren't reflective of an exemption from regulation; and

**WHEREAS**, millions of tons of CCR mineral resources are currently stored in surface impoundments and landfills throughout the US which can be reclaimed and beneficially used if regulatory burdens are removed; and

**WHEREAS**, the closure of coal fueled electric generating stations is causing regional shortages of locally available CCR mineral resources to support construction projects and indirectly driving up project and taxpayer costs; and

**WHEREAS**, both Congress and States can incorporate the goals and objectives of RCRA by encouraging the reclamation and reducing the regulatory burden on CCR resource recovery and beneficial use.



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**THEREFORE BE IT RESOLVED**, that the Southern States Energy Board recommends that Congress, the Administration and State Governments amend RCRA and/or State Laws to reduce the regulatory burden imposed by the CCR limitations imposed on beneficial use of CCRs, clarify the exemption language within the laws and regulations by stating that CCR beneficial use projects are exempt from RCRA and provide a directive to EPA to establish regulations that reduce the regulatory burdens and clearly establish a goal of increasing the utilization with sufficient time allowed to reclaim these resources