

US EPA ARCHIVE DOCUMENT

**Revision Checklist 235 Summary**

**Rule Title:** Disposal of Coal Combustion Residuals from Electric Utilities

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**Reference:** 80 FR 21302 - 21501

**Promulgation Date:** April 17, 2015

**Effective Date:** October 19, 2015

**Cluster:** RCRA Cluster XXIV

**Provision Type:** Non-HSWA

**Linkage:** None

**Optional:** Yes

**Summary:** The Environmental Protection Agency (EPA, or the Agency) is codifying a list of wastes generated primarily from processes that support the combustion of coal or other fossil fuels that when co-disposed with coal combustion residuals are not subject to hazardous waste regulations. This action codifies long-standing Agency guidance and reflects Congressional intent. Note that a second notice (80 FR 37988, July 2, 2015) corrected the effective date of the rule.

**State Authorization:** This rule is placed in RCRA Cluster XXIV. This rule is promulgated pursuant to non-HSWA authority. These provisions are also less stringent than the current federal requirements. Therefore, states will not be required to adopt and seek authorization for this rule. If a state does not seek and obtain authorization for this rule or does not have a valid interpretation mirroring the promulgated exemption, the state program could be considered to be broader in scope than the federal regulations.

**Attorney General (AG) Certification Guidance:** Specific AG certification of statutory authority may not be required for this checklist as long as the AG has previously demonstrated authority for the definition of solid waste.

**Program Description (PD) Guidance:** A state seeking authorization for this checklist should determine whether the revisions impact the program described in the Program Description.

**Incorporation by Reference Guidance:** There is no special guidance for states that incorporate by reference.