

## Coal Combustion Residuals (CCR) Rulemaking – Guiding Principles and Features

Revised on: September 30, 2022

ADEQ has received authorization by the legislature (HB2411; 2022) and permission from the Governor for a rulemaking to establish and operate a Coal Combustion Residuals (CCR) permit program *and is inviting your participation in this effort*. ADEQ will be seeking approval for the CCR program from the Environmental Protection Agency (EPA). The rulemaking would incorporate EPA's rules on CCR, and would also incorporate dam safety requirements from the Arizona Department of Water Resources (ADWR), for those facilities subject to CCR regulations.

### Guiding Principles

1. HB2411 authorizes an EPA approvable program to be established in ADEQ rules that is at least as strict as EPA's program.
2. HB2411 allows more stringent standards for groundwater protection in the new Arizona rules if it exists in ADEQ's aquifer water quality standards.
3. The new Arizona rules must include adequate public participation for the permitting process pursuant to EPA guidance.
4. ADEQ's rules will include a 10-year renewable permit, financial assurance requirements, and ADEQ fees and shall provide requirements for issuing, denying, suspending, or modifying CCR permits.
5. HB2411 requires the new Arizona rules to adopt more stringent dam safety standards than EPA for program elements related to dam safety if those standards already existed in ADWR dam safety regulations.
6. In order to facilitate future approval discussions, ADEQ will seek periodic EPA input during rulemaking discussions.
7. After the rulemaking is complete, ADEQ will submit an approval package to EPA. EPA will have to approve the entire state program before it is operational.
8. Permit applicants must submit applications to ADEQ within 180 days of EPA's approval for Arizona's CCR permit program.

ADEQ plans to incorporate by reference the EPA CCR rules as published in 40 CFR 257 Subpart D as of December 14, 2020. ADEQ intends to create rule sections for permits, fees, and financial assurance.