

Chairman Morgan Griffith
Opening Statement—Subcommittee on Environment
“A Decade Later: A Review of Congressional Action, Environmental
Protection Agency Rules, and Beneficial Use Opportunities for Coal
Ash.”

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As prepared for delivery

Today, this Subcommittee will examine coal ash management practices and innovative ways people are utilizing coal waste.

Coal, historically, has played a major role in keeping our lights on and powering our large industries.

Currently, there are over 200 coal-fired electric power plants in the United States and a fair amount of industrial boilers that use coal for fuel.

Coal’s fuel storage attributes and its dispatchable power qualities continue to make it a crucial component of our domestic electric power mix.

Today’s hearing will focus on one of the byproducts of coal use, coal combustion residuals, commonly referred to as CCR or “coal ash.”

The Environmental Protection Agency, or the EPA, first began regulating coal combustion residuals from electric utilities in 2014, under its Resource Conservation and Recovery Act or “RCRA”, Subtitle D authority, to regulate solid waste.

In 2016, the Water Infrastructure Improvements for the Nation Act amended RCRA to grant the EPA the authority to approve state CCR permit programs if a state chose to run its own program.

However, nearly a decade later, only three state programs have been approved.

Hopefully, today we will learn more about states' permitting programs, and how EPA is using its CCR permitting approval authority.

Unfortunately, the Biden-Harris administration pressed necessary coal ash regulations into its wider attempts to force a transition to renewable energy by imposing unreasonable and onerous regulations on disfavored traditional energy resources, like coal.

This war on coal included a 2024 rule regulating INACTIVE coal combustion residuals storage sites, or legacy impoundments, as well as sites where coal ash had PREVIOUSLY been placed, known as coal combustion residuals management units.

Utilities warned that this unworkable rule would impose needless and unplanned costs on ratepayers.

Today, we will learn more about the problems with the current regulatory landscape and the costs it imposes on power generation and in-turn, ratepayers.

Thankfully, in March of this year, the EPA announced that it is reviewing this rule and plans to propose amendments within the next year.

Additionally, EPA has also announced it plans to prioritize working with states on their permit programs to hopefully facilitate more state management of coal ash disposal.

I'm encouraged by the Trump administration's apparent willingness to listen to the states and their utilities and hope the EPA can work with them, and not against them, as partners in protecting our environment.

I also hope to learn more today on opportunities to improve the reuse of coal byproducts. In addition to this primary use, coal byproducts can be reused for many purposes, such as cement manufacturing, drywall manufacturing, road paving, and producing concrete.

This recycling, known as “beneficial use,” can not only save costs but also result in lower emissions.

Many may be surprised to hear that there is a thriving coal ash reuse industry in the United States. According to the American Coal Ash Association, 69 percent of all coal ash produced in 2023 was recycled.

In addition to these established uses in construction, agriculture, waste management, and mining, new uses are emerging.

For example, research from the University of Texas found that as much as 11 million tons of rare earth elements could be found in accessible coal ash in the United States.

In fact, researchers from Virginia Tech, located in my district and where one of my children graduated, one is attending, and one hopes to attend, they are leading projects to analyze the presence of critical minerals and rare earth elements in coal byproducts.

According to the U.S. Geological Survey, the United States currently relies on imports for 80 percent of its supply of rare earth elements, with 70 percent of those imports coming from China.

Our regulatory policy for coal combustion residuals management must facilitate continued beneficial use.

I look forward to today’s discussion of how we can address shortcomings of our current approach to coal combustion residuals management and innovation in how our country deals with waste.