

**A Decade Later: A Review of Congressional Action, Environmental Protection Agency Rules, and Beneficial Use Opportunities for Coal Ash**

U.S. House Committee on Energy & Commerce  
Environment Subcommittee  
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Responses to Additional Questions for the Record

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**The Honorable Morgan Griffith (R-VA)**

- 1. The Environmental Protection Agency (EPA) announced on March 12th, 2025, that it would attempt to complete a revised Coal Combustion Residuals (CCR) Rule within a year. In subsequent court filings, EPA has committed to decide on the scope of rulemaking reconsideration by August 12th, 2025. In considering EPA's ongoing rulemaking, do you see any potential benefits of extending closure timelines to enable and improve increased CCR beneficial reuse efforts?*

EPA on August 12, 2025, received court approval to continue holding litigation over the 2024 “Legacy” CCR rule in abeyance at least through December 15, 2025, as the agency continues to determine the scope of its CCR rulemaking reconsideration. Inasmuch as EPA has also committed to conduct the reconsideration through notice and comment rulemaking, this effectively pushes permanent changes to CCR regulations to late 2026 or beyond.

ACAA supports EPA's efforts to ensure that revisions to CCR regulations are “doable and durable” – able to withstand inevitable future legal challenges. In the interim, however, extending closure timelines is essential to reduce regulatory uncertainty created by the reconsideration process and to avoid unnecessary expenses for compliance with regulations that are likely to change. Furthermore, EPA should act in the interim to encourage coal ash beneficial use as a primary strategy for closure of disposal units. Extending closure timelines is a key element of achieving this goal by allowing sufficient time for establishing beneficial use operations and for markets to absorb the resulting material.

2. *As EPA reexamines the 2024 CCR Rule, what is the best approach for the agency to use to encourage the beneficial use of CCR from more CCR units?*

EPA should extend closure deadlines for units actively harvesting materials for beneficial use and units with proven potential to initiate harvesting activities by 2040. EPA should also ensure that CCR regulations do not create barriers to staging harvested materials for beneficial use.

3. *For over 50 years, coal ash has reduced costs and increased the performance of concrete mixes. As production of this material decreases, U.S. reliance on foreign cement grows. This problem is aggravated by restrictive specifications in over 40 state departments of transportation (DOTs) that arbitrarily limit the use of coal ash. States can avoid these requirements by using performance specifications that evaluate materials based on their performance for a particular construction project instead of a prerequisite chemical composition. How can shifting to performance specifications increase the beneficial use of coal ash and reduce imports of cement?*

Performance specifications enable the customization of blending and processing to create products that meet DOT requirements over an extended period. With the emerging materials that can be blended with coal ash to increase the durability of infrastructure while reducing CO<sub>2</sub> emissions, specifications must recognize the importance of performance in lieu of prescriptive specifications. Adoption of performance specifications therefore can help achieve four vital objectives simultaneously: 1) Improve the resilience of American infrastructure; 2) Reduce American dependence on imported cement; 3) Reduce the carbon footprint of concrete production; and 4) Increase the utilization of harvested coal ash, effectively removing it from a disposal setting permanently.

4. *How can the federal government support state DOTs in shifting to using performance specifications to maximize the market for coal ash?*

Project awards can give preference to proposals that include performance standards that rely on inclusion of harvested materials. Federal agencies can also return to a posture of actively encouraging coal ash beneficial use and removing barriers to the practice.

5. *In my district, Southwest Resources, LLC provides tons of coal ash to various cement and road paving customers. The company also separates rare earth element from coal ash. Are there any federal policy changes that you believe would encourage domestic users of rare earths to purchase these materials from domestic coal ash sites?*

Rare earth element recovery is a promising new coal ash beneficial use that could further reduce America's dependence on foreign supply of critical materials. To encourage further development of this potential, all federal policies should adopt the primary view that previously disposed coal ash is a versatile and strategic domestic resource to be utilized, not a waste to be locked away permanently as quickly as possible.

**The Honorable Buddy Carter (R-GA)**

1. *How crucial is it for the United States to foster innovation in extracting critical minerals from coal ash to reduce dependency on China and other countries?*

Coal ash represents a vast untapped domestic resource for critical mineral production. As methods continue to be developed for the extraction of these materials, care should be taken to preserve the ability for the remaining coal ash to continue to be used in applications like concrete production, which further reduces America's reliance on imported materials.

2. *If more time is allotted for the closure of coal ash storage locations, would this expand the beneficial use of coal ash?*

Development of coal ash harvesting operations requires significant capital investments that need to be recovered over time. Markets for coal ash harvested from large disposal units also need time to absorb the volumes of material that can be produced. Longer closure timelines facilitate larger investments in facilities capable of beneficially using larger volumes of material.

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