

Comparison of Coal Ash Regulation

Under Four Resource Conservation and Recovery Act Regulatory Schemes

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste.

The following table compares regulatory requirements under four different regulatory schemes: (1) EPA's proposed subtitle C (special waste) rule; (2) EPA's proposed subtitle D (nonhazardous waste) rule; (3) the municipal solid waste (household trash) regulations found in 40 C.F.R. Part 258; and (4) H.R. 2273, as amended by the manager's amendment.

	EPA's Proposed Regulation of Coal Ash Under Subtitle C of RCRA	EPA's Proposed Regulation of Coal Ash Under Subtitle D of RCRA	Federal Household Waste Landfill Standards	H.R. 2273 McKinley Coal Ash Bill (as amended)
Req't to protect human health and environment	✓	✓	✓	✗
Req't to meet specific engineering standards for ash ponds	✓	✓	N/A- disposal of liquid banned in landfills	✗
Req't to close disposal units in floodplains and unstable areas	✓	✓	✓	✗
Req't to issue actual permits for coal ash disposal units	✓	✓	✓	✗
Req't to control run-on to waste ponds	✓	✓	N/A -disposal of liquids banned	✗
Req't to design ponds for maximum volume of <i>material</i> that will be impounded	✓	✓	N/A- disposal of liquids banned	✗
Req't for waste ponds to comply with MHSA ¹ standards	✓	✓	N/A- disposal of liquids banned	✗

¹ Mine Health and Safety Administration (MHSA) standards applying to coal ash slurry ponds.

Req't for states to adopt standard as stringent as federal standard	✓	Limited waiver based on specific criteria	Limited waiver based on specific criteria	✗
Req't to inspect ash ponds for leaks and structural stability	✓	✓	N/A- disposal of liquid banned	✗
Req't to phase out existing coal ash ponds	✓	✓	N/A-disposal of liquid banned	✗
Public participation requirement in permitting and siting	✓	✓	✓	✗
EPA inspection authority	✓	✗	✗	✗
Req'ts enforceable by EPA	✓	✗	✗	✗
Req't to clean up pollution caused by past onsite disposal	✓	✗	✗	✗