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VIA ELECTRONIC SUBMISSION

Ms. Taylor Holt
Ms. Tracy Atagi
Office of Resource Conservation and Recovery,
Waste Identification, Notice, and Generators Division
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy/CCRMU Amendments (Docket No. EPA-HQ-OLEM-2020-0107).

Dear Ms. Holt and Ms. Atagi:

On behalf of the American Road & Transportation Builders Association (ARTBA) and our more than 8,000 members in the transportation construction industry, we write in support of the U.S. Environmental Protection Agency's (EPA) proposed rule regarding updates to Coal Combustion Residuals (CCR) management.[1] We appreciate EPA's recognition of the beneficial uses of CCR and its acknowledgment that activities supporting legitimate CCR reuse should not be treated in the same manner as disposal.

Background

ARTBA represents all components of the nation's transportation construction industry, including contractors, materials suppliers, planning and design firms, public agencies, research institutions, and equipment manufacturers. Our members design, build and maintain the nation's roads, bridges, airports, ports, transit systems, and other critical infrastructure that supports economic growth, public safety, and mobility.

Coal combustion residuals (CCR) are byproducts resulting from the generation of electricity. CCR may then be disposed or beneficially used in a different way. The management and disposal of CCR is regulated by EPA under the Resource Conservation and Recovery Act (RCRA).[2] EPA's CCR regulations

[1]Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy/CCRMU Amendments, 91 Fed Reg 18968, (Proposed April 13, 2026).
[2] *See* Hazardous and Solid Waste Management System; Disposal of Coal Combustion Residuals From Electric Utilities, 80 Fed. Reg. 21,302, 21,418–21,425 (Apr. 17, 2015) (discussing beneficial use of CCR).

recognize certain beneficial uses of CCR that are not subject to the disposal requirements applicable to CCR landfills and surface impoundments. For many ARTBA members, CCR can be incorporated into transportation construction materials such as cement and concrete. In these applications, CCR can lessen the need for virgin raw materials, an example of responsible environmental stewardship. It is therefore notable that EPA's latest proposed rule would recognize the storage and incorporation of CCR into construction materials as a beneficial use, while also addressing the regulatory treatment of CCR used to manufacture cement in kilns.

ARTBA's Comment on the Proposal

I. EPA's treatment of CCR used in cement manufacturing appropriately recognizes its beneficial use.

ARTBA supports EPA's proposal to clarify that CCR's beneficial uses include cement manufacturing.[3] This clarification appropriately recognizes the role CCR plays as a manufacturing input in the production of a construction material used in many transportation projects. This practice can improve durability and help reduce overall materials costs. It also lessens reliance on virgin raw materials, resulting in associated environmental benefits.

II. EPA should preserve the distinction between CCR managed for beneficial use and CCR managed for disposal.

EPA's proposal would establish definitions for "CCR storage pile" and "temporary accumulation." A CCR storage pile would be defined as a temporary accumulation of CCR placed on the land and managed to control unpermitted releases of CCR.[4] In turn, a temporary accumulation would be defined as one that is neither permanent nor indefinite, and is removed according to a specific timeline.[5]

ARTBA values EPA's continued recognition that CCR managed for legitimate beneficial use should remain distinct from CCR managed for disposal. Off-site accumulations of CCR awaiting beneficial use support the production of cement, concrete, and other transportation construction materials. ARTBA encourages EPA to consider whether additional clarification may be warranted in the final rule to ensure the continued distinction between CCR managed for beneficial use and those managed for disposal. As EPA finalizes the rule, the Agency should ensure that these provisions can be implemented in a practical manner that supports the continued use of CCR in transportation construction materials.

Conclusion

ARTBA commends EPA's efforts to provide regulatory clarity regarding the beneficial use of CCR. The Agency's proposed treatment of CCR used in cement manufacturing and its continued recognition of legitimate beneficial-use applications will help support the continued use of CCR in construction

[3] *Supra* note 1 at 19,014.
[4] *Id.* at 19,020.
[5] *Id.*

materials relied upon throughout the transportation construction industry. ARTBA appreciates EPA's consideration of these comments and looks forward to working with the Agency as it finalizes the rule.

Should you have any questions or require additional information please do not hesitate to contact Prianka Sharma, Deputy General Counsel and Vice President for Regulatory Affairs, at psharma@artba.org.

Sincerely,

Prianka Sharma

Prianka P. Sharma
Deputy General Counsel and Vice President for Regulatory Affairs