Background
In October 2015, a final rule to regulate coal combustion residuals (CCR) as a non-hazardous waste under Subtitle D of the Resource Conservation and Recovery Act (RCRA) became effective. The rule establishes national regulations for the management and disposal of ash from power plants in landfills and surface impoundments with enforcement through citizen suits. In December 2016, the Water Infrastructure Improvements for the Nation Act was signed into law and allows EPA to delegate the enforcement of the rule’s provisions to states. There are several aspects of the rule that continue to be litigated and revised.

How it affects Great River Energy
Great River Energy has active CCR disposal units at one of its North Dakota plants as well as closed units at a former plant site. These facilities are in compliance with existing North Dakota rules that regulate coal ash and with the CCR rule.

Great River Energy’s position
Great River Energy supports EPA’s decision to designate coal ash as a non-hazardous waste. Great River Energy takes seriously the responsibility to protect communities and the environment, and it has found beneficial ways to use ash and other byproducts from its power plants. For example, Great River Energy markets much of the fly ash it creates. This fine ash has numerous industrial applications, such as replacing Portland cement in concrete production. For every ton of Portland cement that is replaced with fly ash, approximately 0.8 tons of greenhouse gas emissions are avoided.

Each year, Great River Energy sells or donates approximately 400,000 tons of fly ash from its North Dakota operations.