



The Groundwater Association

December 29, 2025

The Honorable Lee Zeldin
Administrator, Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

SUBJECT: Document Id. No.: EPA-HQ-OLEM-2025-2864, Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Extension of an Alternative Closure Requirement Deadline

Dear Mr. Zeldin,

Please consider the attached comments of the National Ground Water Association regarding the Environmental Protection Agency's proposal for the "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Extension of an Alternative Closure Requirement Deadline", Document Identification No.: EPA-HQ-OLEM-2025-2864.

The NGWA's perspective is that the 3-year deadline extension for disposal of CCR wastes in large unlined impoundments is an endangerment to groundwater for private, public and homeowner water wells.

Thank you for considering NGWA's concerns.

Sincerely,

Charles A. Job
Regulatory Affairs Manager
National Ground Water Association

Attachment: Comments of the NGWA on the Proposed Rule



National Ground Water Association

Comments on

U.S. Environmental Protection Agency

Proposal for the “Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Extension of an Alternative Closure Requirement Deadline”

Published in the Federal Register: November 28, 2025

Federal Register Citation: 90 FR 34409

Comments Due: January 7, 2026

Code of Federal Regulations Reference: 40 CFR Part 257

Identification No.: EPA-HQ-OLEM-2025-2864; FRL-12968-01-OLEM

Summary:

The Environmental Protection Agency (EPA) proposed to extend, by three years, the compliance deadline applicable to certain coal combustion residuals (CCR) surface impoundments for owners and operators to complete closure of their unlined CCR surface impoundments larger than 40 acres from October 17, 2028, to October 17, 2031. This deadline extension will promote electric grid reliability by allowing a subset of coal-fired power producers to continue to operate beyond their currently scheduled retirement date.

Link to the Federal Register Notice:

<https://www.federalregister.gov/documents/2025/11/28/2025-21597/hazardous-and-solid-waste-management-system-disposal-of-coal-combustion-residuals-from-electric>

National Ground Water Association Comments

The National Ground Water Association has previously commented in March 2023 on six proposed electric facility demonstrations to continue disposing of CCR in existing impoundments, and supported denials of continued disposal at the impoundments (Docket

Numbers EPA-HQ-OLEM-2021-0280 through 0285). In June 2023, the National Ground Water Association also supported the proposed removal of the exemption of inactive impoundments at inactive ('legacy') facilities from then current standards and the application of the current standards to these impoundments and facilities (Docket Number: EPA-HQ-OLEM-2020-0107). As recently as August 18, 2025, regarding the previous EPA proposal (EPA-HQ-OLEM-2020-0107), the NGWA stated that it supported a short extension to protect neighboring water well owners' use of groundwater. In the case of this proposal (EPA-HQ-OLEM-2025-2864) of November 28, 2025, a three-year extension poses a continuing threat to groundwater supply systems near these unlined coal combustion residuals disposal impoundments. The continued disposal at unlined impoundments and any associated exemption from current standards of legacy facilities endangers groundwater sources of private, public and homeowner water systems.

The impacts of unlined and clay lined coal ash surface impoundments to groundwater quality have been well documented (Clements 2021), posing endangerment to underground sources of drinking water for nearby water systems. Groundwater monitoring, sampling and assessment should not be delayed as this delay has the potential to increase the extent of aquifer impact and the time and cost of remediation.

Basis for NGWA Interest in this Proposed Regulation

NGWA, the largest trade association of groundwater professionals in the world, represents over 10,000 groundwater professionals within the United States and internationally. NGWA represents four key sectors: water-well contractors, scientists and engineers, manufacturers and suppliers of equipment needed to make groundwater development and remediation possible. NGWA's mission is to advocate for and support the responsible development, management, protection and use of groundwater.

Over 40 million people in the United States rely on private wells and over 93 million are served by groundwater from community water systems.

NGWA views groundwater and the subsurface environment as significant natural resources that should be sustainably managed for current and future use.

The National Ground Water Association appreciates the opportunity to review and comment on the proposed rule.

For further information or questions, please contact:

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Reference

Clements, K. 2021. The Coal Ash Rule Trilogy Spanning Obama, Trump, and the D.C. Circuit.
<https://eelp.law.harvard.edu/2020/01/the-coal-ash-rule-trilogy-spanning-obamatrump-and-the-d-c-circuit> (Accessed June 3, 2023).



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