Comments of the Attorneys General of Illinois, Arizona, Colorado, Delaware, Maryland, Minnesota, New Mexico, and Vermont

Via Electronic Transmission on Regulations.Gov

June 29, 2026

Lee Zeldin, Administrator
U.S. Environmental Protection Agency
EPA Docket Center, Office of Land and Emergency Management Docket
Mail Code 28221T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: The U.S. Environmental Protection Agency's Proposed "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy/CCRMU Amendments," 91 Fed. Reg. 18,968 (Apr. 13, 2026), Docket ID No. EPA-HQ-OLEM-2020-0107

Dear Administrator Zeldin:

The Attorneys General of Illinois, Arizona, Colorado, Delaware, Maryland, Minnesota, New Mexico and Vermont ("States") respectfully submit these comments on the Environmental Protection Agency's ("EPA" or the "Agency") proposal entitled "Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals from Electric Utilities; Legacy/CCRMU Amendments," 91 Fed. Reg. 18,968 (Apr. 13, 2026) (the "Proposal"). In the Proposal, EPA proposes to amend regulations governing the disposal of coal combustion residuals ("CCR") in landfills and surface impoundments and defining the beneficial use of CCR, codified in 40 C.F.R. part 257, subpart D. These regulations were most recently amended by a final Agency rule at 89 Fed. Reg. 38,950 (May 8, 2024) (the "2024 Rule").

The States oppose the Proposal, which would eliminate many of the 2024 Rule's improvements to the CCR regulations that more strongly protect public health and the environment. As described below, the 2024 Rule extended the reach of EPA's regulations to previously unregulated inactive CCR impoundments at inactive power plants called "legacy ponds," as required by legal precedent. Following that precedent's logic, EPA also newly regulated other CCR units called CCR management units.

Many of these dangerous proposed rollbacks are characterized as offering additional flexibility to permitting authorities, who are often state authorities. However, as described below, the undersigned States urge EPA to retain strong, national baseline standards that protect human health and the environment. Rather than improving the program, more "flexibilities" threaten to leave the environmental risk from massive quantities of CCR ignored under federal requirements, leaving states with the administrative burden of cleaning up the mess.

Because EPA ignores these harms, the Proposal, if adopted, would be arbitrary and capricious under the Administrative Procedure Act ("APA") and violate statutory requirements under the Resource Conservation and Recovery Act ("RCRA") as recently applied by the D.C.

Circuit. For these reasons, the States urge EPA to retain the current regulations as amended by the 2024 Rule.

I. Background

A. Coal combustion residuals are a widespread form of toxic waste located in many sites across our States that threatens human health and the environment

Coal combustion residuals are a widespread form of toxic waste that threatens the environment and the health of residents of our States. When power plants burn coal, the resulting CCR waste—or coal ash—includes a host of toxic chemicals, such as arsenic, lead, and mercury.[1] *See* 80 Fed. Reg. 21,449 (April 17, 2015). These chemicals pose numerous dangers to human health, including cancer, cardiovascular effects, and neurological effects. *Id*. at 21,451. EPA has found that living near coal ash storage facilities such as ponds and landfills increases the risk of exposure to toxic metals like cadmium, cobalt, lead, thallium, and other pollutants at concentrations far above levels that are considered safe, which can damage the liver, kidney, lungs, and other organs. *Id.* at 21,311. The risks to infants are particularly acute. *Id.* at 21,466. Coal ash and its constituents are also dangerous to fish, birds, amphibians, and plants. 75 Fed. Reg. 35,171–72 (June 21, 2010).

The amount of CCR generated by coal-fired power plants is staggering. According to the American Coal Ash Association, in 2024 about 63.6 million tons of CCR were generated by coal-fired electric utilities.[2] CCR is composed of several coal combustion byproducts. Fly ash is a very fine, powdery material composed mostly of silica made from burning finely ground coal in a boiler. Bottom ash is a coarse angular ash particle too large to be carried up into the smokestacks, so it collects in the bottom of the coal furnace. Boiler slag, created by cyclone-type furnaces, forms pellets with a smooth glassy appearance after cooled. Flue gas desulfurization material, a leftover material from the process of reducing sulfur dioxide emissions from a coal-fired boiler, can be a wet sludge consisting of calcium sulfite or calcium sulfate or a dry powdered material that is a mixture of sulfites and sulfates.[3]

This huge volume of CCR production leads to huge volumes of CCR storage across the United States. Overall, coal plants have generated approximately 5 billion tons of coal ash.[4] Historically, power plants have disposed of coal ash in surface impoundments, often beside or near lakes and rivers.[5] Surface impoundments are prone to leak or rupture, endangering soil, groundwater, surface water, and surrounding communities. In 2008, a release of coal ash sludge from an impoundment in Kingston, Tennessee contaminated the Emory River, made fish unsafe

---

[1] EPA, 2024 Risk Assessment of CCR, Docket No. EPA-HQ-OLEM-2020-0107, https://downloads.regulations.gov/EPA-HQ-OLEM-2020-0107-1075/attachment_1.pdf.

[2] American Coal Ash Association, *2024 Production and Use Survey* (2024) https://acaa-usa.org/wp-content/uploads/2025/12/2024-Production-and-Use-Survey-Results-FINAL.pdf.

[3] EPA, *Coal Combustion Residuals (CCR) Basics,* https://www.epa.gov/coal-combustion-residuals/coal-combustion-residuals-ccr-basics (last updated Aug. 27, 2025).

[4] Reedy et al., *Coal Ash Resources and Potential for Rare Earth Element Production in the United States*, 11 Int. J. of Coal Science & Tech. 74 (2024), https://doi.org/10.1007/s40789-024-00710-z.

[5] *E.g.*., Duke University Nicholas School of the Environment, *Evidence of Multiple Unmonitored Coal Ash Spills Found in N.C. Lake* (June 3, 2019), https://nicholas.duke.edu/news/evidence-multiple-unmonitored-coal-ash-spills-found-nc-lake.

to eat, and polluted hundreds of acres of land. There was another spill in 2014 at a coal plant that caused 39,000 tons of coal ash slurry to escape from a surface impoundment into the nearby Dan River.[6]

Impoundments that have a poor liner or entirely lack a liner separating the coal ash from the soil are especially prone to leak through the bare soil impoundment walls into nearby groundwater. 80 Fed. Reg. 21,326. Also posing danger are inactive impoundments at inactive power plants called "legacy ponds," which are often both unlined (and are therefore prone to leak) and unmonitored (so that leaks are less likely to be detected). *Id*. at 21,343–44. Additionally, impoundments that closed before EPA's first CCR regulations, inactive CCR landfills, and other areas where CCR is managed directly on land pose danger. EPA refers to this category as CCR Management Units ("CCRMU"). 89 Fed. Reg. 38,951 (May 8, 2024).

Instead of storing CCR in impoundments and landfills, CCR can be used in various products and materials, such as a substitute for cement when making concrete. When CCR is used in "encapsulated" form, the CCR is bound into a solid material that helps prevent CCR from being released into the environment.[7] Using CCR as a substitute for cement encapsulates it in concrete, as does use of CCR in bricks, filler in plastics, rubber, and similar products, and as a raw material in wallboard production. *Id.* However, many uses can present significant risk of CCR release and consequent environmental harm, particularly when CCR is not encapsulated. In particular, using CCR as filler for low lying areas, mines, and quarries is similar to leaving CCR in unlined impoundments because it may come into contact with surface water or ground water. 80 Fed. Reg. at 21,328–29. Additionally, using CCR byproducts as a replacement for gypsum in soil to improve productivity can put harmful CCR byproducts into contact with soil and surface water, potentially leading to human ingestion through fish, beef, and milk.[8]

B. RCRA requires EPA establish national criteria for disposal of coal combustion residual with no reasonable probability of adverse effects on health or the environment

RCRA prohibits the disposal of "nonhazardous" solid waste in open dumps. 42 U.S.C. § 6945(a). To implement this prohibition, the statute requires EPA to determine whether particular solid waste disposal facilities are "sanitary landfills" (which are allowed) or "open dumps" (which are prohibited). *Id*. at §§ 6907(a)(3), 6944(a). Categorization as a sanitary landfill, rather than an open dump, requires—at a minimum—that there be "no reasonable probability of adverse effects on health or the environment from disposal of solid waste at such facility." *Id*. at § 6944(a). Thus, for a surface impoundment to be classified as a sanitary landfill, there must be "no reasonable probability" of such effects. Otherwise, it is an impermissible open dump.

---

[6] National Association of Regulatory Utility Commissions, *A Comprehensive Survey of Coal Ash and Commercialization* (2020), https://acaa-usa.org/wp-content/uploads/2021/05/NARUC_CoalAsh_rev_FINAL_061220_RLD_SRB.pdf.

[7] EPA, *Methodology for Evaluating Encapsulated Beneficial Uses of Coal Combustion Residuals* (2013) 1–2, https://www.epa.gov/coal-combustion-residuals/methodology-evaluating-encapsulated-beneficial-uses-coal-combustion.

[8] EPA, *Beneficial Use Evaluation: Flue Gas Gypsum Used as an Agricultural Amendment* (2023) 8-2, https://www.epa.gov/coal-combustion-residuals/beneficial-use-evaluation-flue-gas-desulfurization-fgd-gypsum-agriculture.

EPA first proposed coal ash regulations under RCRA in 2010. 75 Fed. Reg. 35,128 (June 21, 2010). Ultimately, in 2015 EPA decided to regulate coal ash as "nonhazardous waste" under RCRA subtitle D and determined which coal ash landfills and surface impoundments are open dumps. 80 Fed. Reg. 21,302 (Apr. 17, 2015) (the "2015 Rule"). Among other things, the 2015 Rule established location restrictions for coal ash impoundments; requirements relating to impoundments' lining and structural integrity; compliance deadlines; and procedures for closing noncompliant impoundments. 40 C.F.R. §§ 257.50–257.107. It also required unlined impoundments to initiate closure or retrofitting within six months *after* detecting leaks into groundwater. *Id*. at § 257.101(a)(1). The 2015 Rule did not impose any requirements on inactive facilities. *See* 80 Fed. Reg. at 21,344.

Environmental groups and industry groups both challenged the 2015 Rule. In *Utility Solid Waste Activities Group v. EPA* ("*USWAG*"), 901 F.3d 414 (D.C. Cir. 2018), the D.C. Circuit concluded that the 2015 Rule was insufficiently protective to meet RCRA's standard of ensuring "no reasonable probability of adverse effects" on human health or the environment. *USWAG*, 901 F.3d at 449–50. The court repeatedly faulted EPA for understating or ignoring overwhelming evidence of the dangers to the environment and public health posed by unlined or leaking coal ash impoundments. *Id*. at 429, 431–32. It held that EPA's approach to unlined impoundments—requiring closure or retrofitting only after detection of leaks—was "arbitrary and contrary to RCRA" and that EPA had acted unlawfully in treating clay-lined impoundments as if they were lined, rather than unlined. *Id*. at 429. The Court further concluded that EPA had acted unlawfully in exempting "legacy ponds," or inactive impoundments at inactive power plants, from the rule's closure requirements, stressing that "[t]he risks posed by legacy ponds are at least as substantial as inactive impoundments at active facilities." *Id*. at 432–433. Finally, the court rejected a variety of challenges by industry, including a claim that the rule's "alternative closure" provisions, which allow owners and operators to delay initiating closure in certain circumstances, were required to take into account the cost and inconvenience associated with closure. *Id*. at 449. The court vacated certain provisions and remanded the rule to EPA, ordering that the agency make changes to the regulation to correct the rule's defects. *Id.* at 449–50.

In 2024, EPA amended the regulations governing the disposal of CCR in landfills and surface impoundments, creating new regulations specific for legacy coal ash ponds and CCRMU. The 2024 Rule both responded to *USWAG* and the administrative record, which the Agency asserted demonstrated that regulating legacy CCR surface impoundments will have significant public health and environmental benefits. 2024 Rule at 38,951. In addition, through implementing the 2015 CCR rule, EPA identified CCR disposal at regulated facilities on other land outside of known regulated CCR disposal units. The Agency referred to these other storage areas as "CCR management units," or CCRMU. Groundwater monitoring showed CCRMU pose risks to groundwater and human health and the environment. *Id*. In response, EPA established groundwater monitoring, corrective action, closure, and post-closure care requirements for all CCRMU, regardless of how or when that CCR was placed at regulated facilities. *Id*. at 38,951

C. State approaches to CCR regulation vary widely state-by-state

RCRA's requirements for nonhazardous waste, including CCR, establishes a cooperative framework for federal, state, and local cooperation in controlling the management of non-hazardous solid waste. *Id.* at 38,952. However, prior to 2016, EPA had limited authority to enforce those requirements. In 2016, Congress passed the Water Infrastructure Improvements

for the Nation Act ("WIIN Act"), 42 U.S.C. § 6945(d), which amended RCRA to allow EPA to issue CCR permits and to approve individual state permitting programs to operate in lieu of the EPA's federal regulation of CCR units in the State. The state permit programs must be at least as environmentally protective as the existing or successor EPA regulations. *See Waterkeeper All. v. Wheeler*, 330 F.R.D. 1, 5 (D.D.C. 2019). This means that federal regulations establish a floor providing minimum nationwide standards that will protect human health and the environment.

1. Illinois

a. Illinois' Coal Ash Pollution Prevention Act regulates active CCR surface impoundments and CCR legacy ponds

In 2019, the Illinois General Assembly adopted the Coal Ash Pollution Prevention Act, which amended the Illinois Environmental Protection Act. *See* Pub. Act 101-171 (amending 415 ILCS 5/1 et seq.). Through this legislation, the Illinois General Assembly directed Illinois environmental agencies to adopt comprehensive rules governing the construction, operation, and closure of CCR surface impoundments. 415 ILCS 5/22.59. The General Assembly made clear that Illinois agencies have ample authority to adopt regulations stronger than minimum federal requirements. The statute's provisions "shall be liberally construed to carry out the purposes of this Section" and regulations for CCR surface impoundments "must, at a minimum . . . be at least as protective and comprehensive as the federal regulations" *Id. at* § 22.59(g).

In 2021, the Illinois Pollution Control Board (the "Board") implemented the Coal Ash Prevention Act through regulations on active CCR surface impoundments and legacy ponds. 35 Ill. Adm. Code. Part 845. These regulations protect public health and the environment by establishing a comprehensive state permitting program to govern all aspects of CCR surface impoundments. It includes a comprehensive regulatory scheme that provides, among other things, disposal standards for owners and operators of new and existing CCR surface impoundments as well as inactive surface impoundments. *Id.* at § 845.100(b)–(c). Other key provisions of Part 845 lay out design and operation criteria, groundwater monitoring standards, corrective action requirements, and retrofitting procedures. *Id.* at Subparts D, E, F.

As directed by the Illinois General Assembly, Part 845 is as stringent as—and, in some places, more stringent than— EPA's rules. Notably, Part 845 requires CCR surface impoundment operators to obtain construction, operating, and closure permits from the Illinois EPA. *See* 35 Ill. Adm. Code Part 845 Subpart B. Illinois requires operators to post financial bonds or guarantees to ensure sufficiency of funds to cover closure, post-closure care, and any significant remediation requirements. *See* 35 Ill. Adm. Code 845.970. And Part 845 specifically mandates that priority be given to impoundment closures located in Environmental Justice communities. *See* 35 Ill. Adm. Code 845.700(g)(1)(C).

b. Illinois currently lacks regulations for CCR management units

As of June 2026, Illinois has not regulated CCRMU. The Board considered but declined to adopt CCR regulations, citing the CCRMU provisions in the 2024 Rule. The Board found that "historic, unconsolidated CCR fills" in Illinois fell under the definition of CCRMU in EPA's 2024 Rule, and that the 2024 Rule's CCRMU self-implementing provisions were sufficiently

protective to address environmental and public health issues from those facilities.[9] The Board then requested a rulemaking proposal that would incorporate the new CCRMU definition into Part 845. *Id.* at 6. Stakeholders including a coal power plant owner and the Illinois Environmental Protection Agency then filed comments addressing the Board's request for a new rulemaking proposal to incorporate EPA's definition of CCRMU into Part 845.

Both the coal plant owner and the Illinois Environmental Protection Agency ("Illinois EPA") argued that the new federal CCRMU definition is self-implementing, "i.e., they are immediately enforceable without any further implementation steps to be taken."[10] Illinois EPA specifically argued that "[w]hile USEPA ultimately intends to adopt a federal permitting program covering CCR surface impoundments and CCRMUs alike, the timing and the nature of that permitting program remain to be seen, and regulated entities must in the interim comply with the amended federal regulations." *Id.*, citing 89 Fed. Reg. 39,093. The Board ultimately agreed that the final CCRMU federal rule is self-implementing and did not require action to further incorporate it into the new Part 845.[11] Thus, Illinois regulatory authorities would continue to monitor EPA actions on CCRMU but declined propose additional rules on their own motion.

c. CCR permitting, variances, and litigation present a major administrative burden to Illinois

Case-by-case determinations regarding CCR permits and their variances leads to administrative, regulatory, and litigation burdens on Illinois. For instance, permit-holders often appeal permit determinations and otherwise seek review in a manner that demands Illinois agencies dedicate significant resources to address. Illinois law provides for permitees to file "adjusted standard" petitions, seeking to exempt individual units from CCR regulations.

One such adjusted standard petition sought review of an Illinois EPA determination that a "grassy field" was subject to Illinois' CCR regulations because the unit originally comprised natural sand dunes that stored CCR and liquids. The petitioner argued that the grassy field was not a CCR surface impoundment because it was not designed to accumulate CCR. The petition was resolved in Illinois EPA's favor at the administrative level and then appealed to the Second District of the Illinois Appellate Court. The Court ultimately affirmed the determination that the grassy field was a CCR surface impoundment subject to Illinois' CCR regulations.[12]

The institutional resources required to litigate these cases are often the very same used to otherwise manage CCR regulatory requirements. Managing enactment of and updates to CCR rules, variance requests, and ensuing litigation represents a significant stress on state agency resources.

---

[9] Illinois Pollution Control Board, R20-19(A), First Notice Proposed Rule at 6 (Aug. 22, 2024), https://pcb.illinois.gov/documents/dsweb/Get/Document-110783.
[10] Comment submitted by Illinois EPA to the Board, R20-19(A), Public Comment #27 at 4 (Feb. 20, 2025), https://pcb.illinois.gov/documents/dsweb/Get/Document-112831.
[11] Illinois Pollution Control Board, R20-19(A), Second Notice Proposed Rule at 11 (May 15, 2025), https://pcb.illinois.gov/documents/dsweb/Get/Document-113832.
[12] *Midwest Generation, LLC, v. Illinois Pollution Control Board and Illinois Environmental Protection Agency*, 2026 IL App (2d) 250166-U No. 2-25-0166.

2. Maryland

In 2008, the Maryland Department of the Environment ("MDE") adopted Chapter 26.04.10 of the Code of Maryland Regulations ("COMAR"), governing the management of CCR (referred to as coal combustion byproducts in the regulations) in the State. The regulations require, *inter alia*, any person constructing a new CCR disposal facility on or after December 1, 2008 to obtain a permit for an industrial waste landfill from MDE, and to comply with various design, closure, and post-closure monitoring requirements. COMAR 26.04.10.04. Maryland's regulations also authorize MDE to require additional controls at active CCR disposal facilities authorized prior to December 1, 2008, as necessary to protect public health and the environment or to prevent nuisance conditions. *Id.* Maryland currently lacks regulations for inactive CCR landfills and CCR units that closed before December 1, 2008. In 2025, the Maryland General Assembly enacted Senate Bill 425, which required, among other things, MDE to adopt by October 1, 2026 regulations to implement the EPA's final rule governing legacy coal combustion residuals as adopted on May 9, 2024. 2025 Maryland Laws Ch. 529.

3. Many states with CCR storage near undersigned States' borders fail to effectively regulate

Other states, not including the undersigned, fall on the opposite side of the spectrum. Indiana ensures that its state CCR regulations are *no more stringent* than federal law requires. After partially adopting the federal 2024 Rule for CCR, the Indiana Department of Environmental Management ("IDEM") developed its own CCR permitting program. At that time, Indiana passed a new law to ensure that the new CCR permitting scheme could not be more stringent than the federal rule, providing that IDEM "shall not impose a restriction or requirement that is more stringent" than federal CCR rules. IC 13-19-3-3(c)(2). Upon largely adopting the federal rule, IDEM noted its commitment to adopting a CCR permit program "no more stringent than the federal CCR rule[.]"[13]

Indiana's directive not to regulate beyond the minimum allowable requirements has significant consequences for water quality in Illinois because all but three of Indiana's power plants have CCR disposal in a 100-year floodplain.[14] For example, Indiana's Gibson Generating Station, located only a few miles east of the Wabash River bordering Wabash County, Illinois, was built over shallow sand and gravel aquifers and stores CCR directly in groundwater below the water table.[15] The Wabash River Generating Station, also situated along the Wabash River directly across from Clark and Edgar Counties in Illinois, also has coal ash sitting directly in

[13] Indiana Register LSA Document #21-458, https://iar.iga.in.gov/register/20260408-IR-329210458FRA?highlight=Indiana%20Register%20LSA%20Document%20%2321-458.
[14] *E.g.*, *See* FEMA Flood Map for Gibson Generating Station in Gibson County, Indiana, https://msc.fema.gov/portal/search?AddressQuery=1097%20N%20950%20W%2C%20Owensville%2C%20IN%2047665.
[15] Duke Gibson Generating Station, North and South Ash Basin System Modified Closure & Post Closure Plans, (December 16, 2016), https://www.duke-energy.com/our-company/environment/compliance-and-reporting/ccr-rule-compliance-data.

groundwater year-round.[16] Furthermore, toxic pollution from Indiana's coal ash ponds also harms Lake Michigan.[17]

Missouri has similarly declined to regulate beyond the minimum federal requirements. Missouri law requires regulations be "in accordance" with federal law, but provides no authority to go further. RSMo 260.242.1. Moreover, the law allows "risk-based" management of CCR surface impoundments, which allows facilities to avoid corrective action if they can prove that there is no immediate risk to drinking water supplies. *Id.* This presents obvious issues—once a problem has already reached the point of immediate risk, it may be too late to take corrective action to avoid serious harm.

The Proposal's changes to federal CCR rules will, as described below, weaken protections even further, resulting in environmental harm not only to these laggard states, but to states which receive contaminated groundwater from other states. Despite more stringent standards adopted in Illinois, Maryland, and other undersigned States, we are harmed by the lower standards of their border states.

II. States oppose EPA's proposal to undermine uniform baseline CCR standards

EPA's Proposal puts forward a wide range of rollbacks calculated toward lowering the protections provided by the Agency's 2024 Rule. In general, the Proposal would relax or rescind uniform, nationwide requirements for baseline CCR standards. Rather than own the harm that the Proposal will create, however, EPA devolves authority to permitting agencies, usually state permitting agencies, to decide on their own how to regulate without the benefit of strong baseline standards. By abdicating its statutory responsibility in this way, EPA would create an immense burden on the well-regulated states to craft numerous individual requirements to ensure continued protection of human health and the environment. Simultaneously, the rule changes would relieve laggard states of uniform, nationwide requirements, threatening harm to their own residents as well as neighbor states.

This comment describes the threats to our States from the Proposal's rescission of CCRMU regulations, relaxed requirements for existing CCR unit protections, deferred requirements for legacy ash ponds, and dangerous expansion of "beneficial use" limits. Furthermore, this comment criticizes the Proposal's contortions taken to mischaracterize many significant environmental harms from its changes, while ignoring many others. In addition to these arguments, the States also oppose other aspects of the Proposal not detailed in this comment and urge EPA to retain the 2024 Rule.

---

[16] Duke Wabash River Generating Station Ash Pond System Closure & Post Closure Plan, (December 16, 2016), https://www.duke-energy.com/our-company/environment/compliance-and-reporting/ccr-rule-compliance-data.

[17] Christiana Freitag, "Environmentalists find EPA's proposed changes worrisome for those living along the Great Lakes," CHI. TRIB. (June 13, 2026), https://www.chicagotribune.com/2026/06/13/coal-ash-pollution-epa-rollback-illinois-indiana/.

A. CCR management units must be subject to protective nationwide standards

1. EPA's proposal to rescind all requirements for CCRMUs violates RCRA

EPA proposes to "rescind all CCRMU requirements," relying on comments to the 2024 Rule and letters from industry received in 2025 (including the two industry reports critiquing the 2024 risk assessment) asserting that "the definition of CCRMU is overly broad." Proposal at 18,987–988. Specifically, industry correspondence argues that CCRMU requirements are "infeasible," could "impact reliability," and could impose "unnecessary costs on energy companies" that "outweigh any potential benefits to address unproven risks." Proposal at 18,988.

EPA fails to address how complete recission of all CCRMU requirements meets the baseline statutory requirement under RCRA that, to be classified as a sanitary landfill, a solid waste disposal site must pose "no reasonable probability of adverse effects on health or the environment." 42 U.S.C. § 6944(a); *see also USWAG*, 901 F.3d at 427. EPA's own purported rationale, even taken at face value, do not even attempt to contend that complete recission could ensure no reasonable probability of adverse effects.

Influenced by industry's comments[18] and disregarding RCRA's requirements, EPA proposes three reasons for complete recission, but none justify the proposed course. First, the Agency alleges that its prior risk assessments identified "high-end risks [that] may not manifest at every site and . . . risks associated with individual CCR units may be lower." Proposal at 18,988. EPA summarizes the industry reports as showing that prior risk assessments "systematically overstate the risk from CCR disposal units and fills, and that it would be more effective and appropriate to assess risks on a site-specific basis." Proposal at 18,972. This claim relies on industry critiques of the 2024 risk assessment, not EPA's independent review. While EPA credited these comments to justify rescission, EPA nonetheless found that the industry comments lacked "data needed to meaningfully update the existing national risk assessments[.]" Proposal at 18,972–973.

Second, EPA asserts that the current definition of CCRMU erroneously regulates units that would not involve the "disposal" of CCR, in particular those that provide CCR for beneficial use. Proposal at 18,988. However, EPA also proposes in the alternative to redefine "beneficial use," undermining this asserted basis for rescission. *See* section II.D, *infra*.

Third, EPA asserts complete recission is consistent with several executive orders,[19] ignoring that executive orders cannot and do not override the statutory requirements of RCRA.

---

[18] *See* Proposal at 18,972, explaining that EPA found support for the Proposal in "requests for regulatory changes" from "numerous companies."

[19] Proposal at 18,988–989, citing E.O. 14154 "Unleashing American Energy," 90 Fed. Reg. 8343 (Jan. 29, 2025); E.O. 14156 "Declaring a National Energy Emergency," 90 Fed. Reg. 8433 (Jan. 30, 2025); and E.O. 14219 "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," 90 Fed. Reg. 10,583 (Feb. 25, 2025).

And furthermore, the orders' text specifies that the directives are only to be carried out as "consistent with applicable law."[20]

Nor does EPA even appear to contend that full recission is compatible with the logic of *USWAG*. The Agency merely alludes to commenters' arguments that *USWAG* did not require regulation of CCRMU, so recission is justified. Proposal at 18,988. However, if EPA's Proposal intended to adopt the commenters' legal argument, it too is faulty. In *USWAG*, the D.C. Circuit found that EPA acted contrary to RCRA and the APA in failing to require closure of unlined surface impoundments, including legacy ash ponds. *USWAG*, 901 F.3d 434, 449-450. Likewise, EPA does not dispute that CCRMU pose the risk of contaminating groundwater and therefore applying the logic of *USWAG*, EPA cannot fully rescind CCRMU regulations.

2. EPA's alternative CCRMU proposals would also fundamentally weaken existing protections

In the alternative to completely rescinding CCRMU requirements, EPA also proposes seven other approaches. The Agency's alternatives are not mutually exclusive and EPA stated that it could "select one or several of the options to finalize." Proposal at 18,989. However, the States oppose each of these alternative approaches and urge EPA to retain the CCRMU requirements as implemented by the 2024 Rule.

First Alternative

First, EPA proposes to defer compliance with CCRMU regulations (other than identifying and delineating CCRMU at a facility) until "a CCR permit authority is able to evaluate the risks posed . . . and determine which requirements are appropriate[.]" *Id*. at 18,989. The permitting authority would then make a "site-specific, risk-based decision as to what requirements are appropriate" on a "case-by-case basis to account for individual site conditions." *Id*. at 18,990. As in other instances where EPA would entirely rely on case-by-case permitting decisions to ensure that CCR units do not cause groundwater contamination, *see* section II.C *infra*, this approach does not provide an adequate baseline of minimum criteria that all permitting authorities must apply. In this way, the first alternative does not ensures there is no reasonable probability of groundwater contamination.

Furthermore, increasing the administrative burden on permitting authorities to make often challenging individual determinations for every CCRMU would add to their considerable burden and administrative backlog. While this backlog is addressed, any contamination from a currently leaking CCRMU will persist until the backlog can be resolved. This delay could even extend through any instances of litigation, as EPA acknowledges that "the issuance of a CCR permit . . . could be challenged administratively, and in federal or state court." Proposal at 18,991. EPA further recognizes this on-the-ground reality in the Proposal, admitting that "delaying potential compliance . . . for a comparatively short time until a permit authority evaluates these units is unlikely to dramatically change the environmental conditions or risks at these facilities" and "[s]uch an approach *could* still pose no reasonable risk of adverse effects to health or the

[20] *E.g.*, 90 Fed. Reg. at 8354.

environment." *Id*. at 18,990 (emphasis added). In this way, EPA admits that the alternative is possible, i.e., that its approach could in fact pose a significant risk.

Second Alternative

Second, EPA proposes to allow for "a CCRMU groundwater monitoring and corrective action zone that contains multiple CCRMU and would be monitored by a single groundwater monitoring system." *Id*. at 18,991. This approach would "essentially creat[e] a single CCRMU for the purposes of groundwater monitoring and corrective action." *Id*. at 18,992. EPA asserts that this would reduce the burden of monitoring certain kinds of CCRMU. For instance, CCRMU can form atypical shapes, such as a long road that contains CCR or numerous CCRMU scattered across a facility whose boundaries cannot be easily defined. *Id*.

However, these asserted difficulties in identifying groundwater contamination do not relieve EPA's obligation of ensuring no reasonable probability of adverse effects. *See USWAG*, 901 F.3d at 433–434. By monitoring a group of CCRMU rather than each individual CCRMU, regulatory blind spots are created where an individual CCRMU inside of a combined monitoring zone could begin to leak without detection up and until the contamination plume reaches the exterior of the large zone. Furthermore, without monitoring inside of the zone, the precise source of the contamination plume could be masked. EPA should reject the second alternative, which would allow for unmonitored and uncorrected plumes of pollution within a combined management zone.

Third Alternative

Third, EPA proposes to exempt CCRMU that meet the definition of beneficial use, unless it is actively contaminating groundwater. Proposal at 18,993. As described below, *see infra* section II.D, EPA is also proposing to remove the requirement that, to constitute beneficial use, the CCR placement must demonstrate any releases are below relevant environmental benchmarks. This modified definition would also be applied for this CCRMU exemption. For the same reasons that the States oppose modifying the requirements to demonstrate beneficial use of other CCR placement, the States also oppose this third alternative for CCRMU.

Fourth Alternative

Fourth, EPA proposes to expand the existing rule's stipulation that "roadbed and associated embankments is not considered to be a CCRMU." Proposal at 18,993. The proposed expansion would enlarge this stipulation and exempt "all use of CCR in construction of roads, railbeds, and embankments[.]" *Id*. EPA fails to explain how its original rationale in exempting roadbeds in the 2024 Rule also applies to the much broader exemption it currently proposes. The 2024 Rule explained that roadbeds, the foundation of traffic for vehicles below the surface of a road, are constructed in a way that limits groundwater contamination—for instance, "placement under the surface of a road limits the degree to which rainwater can influence the leaching of CCR." 2024 Rule at 39,044.

The States oppose expanding or reinterpreting this exemption in a way that would increase the risk of groundwater contamination. Rather than kept underneath the surface of a road, the expanded exemption would allow for "roads that are *entirely constructed* of ash or

blended with ash." Proposal at 18,993 (emphasis added). EPA fails to explain how its expanded reinterpretation of the existing roadbed exclusion is calculated to comply with the Agency's obligation to ensure there is no reasonable probability of adverse effects.

Fifth Alternative

Fifth, EPA proposes to expand the ability to defer compliance with the 2024 Rule's closure standards. Under the 2024 Rule, CCRMU that have previously closed under earlier federal or state regulations can defer compliance with the 2024 Rule's updated closure requirements until the permitting authority could make a site-specific determination. 2024 Rule at 39,074. The proposed alternative would remove several of those required demonstrations. No longer would CCRMU previously closed need to meet, for instance, "requirements for a groundwater monitoring system" or show that the regulatory authority that previously closed the CCRMU conducted a site-specific risk assessment. Proposal at 18,994.

The States oppose this alternative because the types of information that would no longer be required are the kinds of information that are likely to allow for regulatory authorities to efficiently and effectively determine that the previous closure also meets current standards. EPA argues that "delaying potential compliance with the federal closure requirements for a comparatively short time . . . is unlikely to dramatically change the environmental conditions or risks" *Id*. However, this supposition underestimates the potential permitting backlog created by the numerous site-specific determinations created by the Proposal and also does not ensure there is no risk of groundwater contamination.

Sixth Alternative

Sixth, EPA proposes to remove CCRMU at "other active facilities" from coverage by regulatory requirements. *Id.* at 18,995. As established under the 2024 Rule, "other active facilities" are those facilities which generate power for the electrical grid and have only CCRMU on site, lacking any other types of CCR units that were regulated before the 2024 Rule. *Id*., citing 2024 Rule at 39,053. EPA supports this proposal by asserting that commenters have expressed "persistent confusion regarding the scope of the intended 'other active facility' universe[.]" Proposal at 18,995.

The States oppose this alternative because confusion over the scope of a regulatory provision does not justify eliminating the regulation. CCRMU at these facilities continue to present environmental risk, potentially leading to groundwater contamination.

Seventh Alternative

Seventh, EPA solicits comments on an alternate weight threshold for applying certain CCRMU requirements. The 2024 rule deferred decisions about CCRMU between one and 1,000 tons to the permitting process and exempted placement under one ton. *Id*. EPA proposes to change these numeric thresholds, citing comments asserting that no evidence shows placement under one ton poses environmental risk and requesting comment on higher thresholds above one ton that would present no reasonable probability for adverse effects. *Id*. at 18,996.

The States oppose changes to both thresholds. In 2024, EPA found that data indicated individual quantities of CCR below one ton are "very unlikely to exceed" groundwater standards, while exceedances are possible for CCR placements below 1,000 tons. 2024 Rule at 39,048. EPA has presented no new data to change these conclusions in the Proposal, which reflects that the toxics found in CCR are harmful even at very low levels. If EPA receives any data that purports to show otherwise, it must be made publicly available for comment for EPA to rely on it for a regulatory change.

3. EPA has failed to account for substantial State reliance interests in CCRMU regulation

Illinois has strong reliance interests in maintaining the existing protections in federal regulations from groundwater contamination caused by CCRMU. As described above, when Illinois regulators assessed how best to manage the threat to health and the environment from CCRMU, they found that the best course of action would be to rely on federal rules. If EPA finalizes its Proposal, Illinois will be faced with a large quantity of CCRMU that are no longer subject to federal regulations, threatening to contaminate groundwater and aquifers. The lack of regulation leaves the communities surrounding those facilities exposed to potential harm.

To protect those communities and the surrounding environment, Illinois would need to fill the regulatory vacuum left by EPA and adopt its own CCRMU regulations. Adopting new regulations would require a large investment of time and resources across the state, potentially requiring a new allocation of resources or a substitution of resources currently being spent in other areas of environmental protection. EPA must consider the reliance interests of Illinois and other similarly situated states and retain the CCRMU provisions as adopted in the 2024 Rule.

B. Proposed permitting "flexibilities" for CCR undermine existing protections while imposing a major administrative burden on States

For those CCR units that EPA will continue to regulate, EPA proposes to relax the 2024 Rule's requirements in other ways. The existing regulations set a baseline standard governing CCR disposal, but EPA proposes to create a new compliance pathway allowing permit authorities (often state regulatory authorities) to deviate from those baseline standards and instead "approve a different combination of technical standards" that the Agency refers to as permit "flexibilities." Proposal at 18,997. These "flexibilities" are intended to accommodate "site-specific conditions . . . to allow for non-uniformity of the attainment of the statutory directive to prevent 'reasonable probabilities of adverse effects to health and the environment' from the disposal of CCR." *Id.*, citing 42 U.S.C. § 4004(a). However, these site-specific "flexibilities" undermine many important, uniformly applicable requirements of the 2024 Rule that protect against the potential for groundwater contamination. Rather, the permitting "flexibilities" seem calculated only to reduce the burden on regulated facilities, not to follow the Agency's statutory directive.

For example, EPA proposes to allow permit authorities to establish "alternative points of compliance no more than 150 meters from the waste boundary for locating groundwater monitoring wells and demonstrating compliance" with monitoring and corrective action standards. Proposal at 18,997–998. Under existing requirements, monitoring systems must "accurately represent . . . the quality of groundwater passing the waste boundary of the CCR

unit[,]" and each CCR unit must have its own groundwater monitoring system. *Id*. at 18,998. EPA's proposal disregards the effects on health and the environment from allowing potential groundwater contamination to flow as much as 150 meters from a CCR unit before being detected. Allowing contamination to spread before detection would cause cleanup to be more challenging and increase the likelihood of contaminating nearby sources of drinking water. As the Agency stated in the 2024 Rule, the waste boundary is the "most consistent and protective basis" to begin monitoring. *See* 2024 Rule at 38,974. The States urge EPA to retain the existing standards.[21]

EPA asserts that providing permitting authorities the "flexibility" to relax the protective standards on a site-specific basis is justified under the discretion granted by permitting provisions of the WIIN Act. Proposal at 18,998. That is, because EPA has new tools to enforce requirements, Congress intended it to employ that latitude to allow monitoring at points removed from the waste boundary. However, implementation of a permitting program is reason to retain the consistent protective baseline standards set by the 2024 Rule.

Removing baseline requirements and instead allowing individual CCR units to regulated on a site-specific, case-by-case basis will exacerbate the existing administrative burden in permitting and potentially impede progress on ensuring that CCR does not contaminate groundwater. It will also introduce the risk of inconsistent regulation. As described above, *see supra* section I.C.1.c, Illinois' state CCR regulatory program entails several layers of administrative and judicial review. EPA's Proposal would add to this already considerable demand on state resources to craft individual site-specific determinations from a wide range of options. These changes in the Proposal would thus require additional resources from state regulatory agencies with strong mandates to address any groundwater contamination from CCR units, while providing cover to laggard states that could simply maximize any "flexibilities" on offer.

C. The Proposal defers requirements on legacy ash ponds, increasing the risk of environmental harm and imposing an administrative burden on States

EPA also proposes to increase burden on permitting authorities by expanding criteria that allow for widespread deferral of closure for legacy coal ash ponds. The 2024 Rule adopted new requirements for closure of legacy ash ponds, with certain forbearance for legacy ash ponds that were previously closed under state or federal regulatory authority prior to the 2024 Rule. For those ponds that previously closed under other authority, if it can be shown that the legacy pond meets certain criteria, it did not need to be immediately closed again under the new 2024 Rule standards. Rather, in those cases the old closure can be relied upon until the permitting authority can make a case-by-case determination. *See* 2024 Rule at 39,030.

[21] The States also oppose options the Agency raises to adopt a point of compliance other than 150 meters, such as the property boundary, whether to combine individual monitoring systems into larger zones, and other means to ensure that contamination is detected when the point of compliance is removed from the waste boundary. Proposal at 19,001. For similar reasons, the States oppose allowing permitting authorities to set site-specific groundwater protection standards "to approve a unit closure [plan] that deviates from the existing standards" and "to extend closure timeframes for CCR units where CCR is being extracted from the unit for beneficial use during closure." *Id*. at 19,002.

The Proposal would distend this provision by removing three of the criteria that legacy ponds must meet to rely on an old closure. No longer would legacy ponds seeking to defer permitting requirements need to demonstrate compliance with, for instance, requirements on its groundwater monitoring system and the requirement that a regulatory authority conducted a site-specific risk assessment. Proposal at 18,985. Instead, the legacy pond would only need to show, to the regulator, that the regulator "played an active role" in closing the legacy pond and that a groundwater monitoring system was installed and used. *Id*. This is an illusory standard that essentially requires a regulator to find that it did not do its job properly to find the operator in noncompliance. EPA also proposes an alternative that would remove even the most basic requirements for groundwater monitoring systems, only requiring that closure was "actively overseen" by a regulator to qualify for deferral. *Id*. at 18,986. This similarly places the regulator in an untenable situation of only rejecting deferral if it effectively finds itself to have failed to oversee the closure.

This broadening of the deferral criteria threatens to allow contamination to persist in those states where existing closure procedures for legacy ponds were insufficient. As EPA noted in the 2024 Rule, preexisting state regulations governing legacy ponds were "on the whole . . . not sufficiently protective, and did not meet RCRA's standard." 2024 Rule at 38,985. EPA now relies on additional information newly provided by "several owners and operators of CCR units" on the adequacy of previous state closures to expand the criteria, including citing the Illinois program. Proposal at 18,984. However, providing specific examples of strong state regulatory programs does not absolve the shortcomings of other programs nationwide. Expanding the deferral criteria threatens to allow those legacy ponds to close under insufficient means to protect health and the environment, likely leading to additional harms through groundwater contamination. The States oppose both EPA's primary and alternative proposals.

D. EPA must retain protections on "beneficial use" of unencapsulated CCR

As described above, some types of "beneficial use" for CCR can lead to environmental harm, particularly when unencapsulated. Under the 2024 Rule, placement of unencapsulated CCR is considered beneficial use only if it can be demonstrated that "environmental releases to groundwater, surface water, soil and air are comparable to or lower than those from analogous products made without CCR, or that environmental releases to groundwater, surface water, soil and air will be at or below relevant regulatory and health-based benchmarks for human and ecological receptors during use" above a threshold of 12,400 tons. Proposal at 19,010–11.

EPA now proposes to eliminate this requirement, allowing "beneficial use" of CCR without demonstrating that any releases from CCR meet such a benchmark. EPA asserts, based on industry comments that it previously received during prior rulemakings, that other existing criteria in the definition of beneficial use—(1) the CCR must provide a functional benefit; (2) the CCR must substitute for use of virgin material; and (3) the CCR must meet relevant design standards—are sufficient to "prevent the CCR and any constituent thereof from entering the environment[.]" *Id*. at 19,010.

The States oppose this revision because design standards, which themselves are changeable by private parties and not codified into the regulations, are not independently sufficient to ensure that unencapsulated CCR meets the no reasonable probability standard.

Furthermore, EPA again failed to consider the States' reliance interests in the existing requirements. For example, Illinois regulations define "beneficial use of CCR" by reference to federal regulations. 35 Ill. Adm. Code 845.120, citing 40 C.F.R. 257.53. By relaxing the federal standard for beneficial use, EPA is imposing a regulatory burden on states to review and, if necessary, revise their own regulations to ensure continued environmental safety.

E. EPA obfuscates the significant environmental costs from its Proposal while ignoring many other harms to human health

EPA admits, albeit in a deliberately arcane fashion wrought with misleading double-negatives and contradictions, that its Proposal would harm water quality, contaminate fish that people eat with mercury and lead, and threaten releases of toxic coal ash, including through catastrophic failure of CCR units. In the Proposal's preamble, EPA does not identify "harms" from the rule changes, but instead "negative benefits" or "disbenefits," obfuscating the Agency's finding that these changes would harm health and the environment. Proposal at 19,018. The Agency's Regulatory Impact Analysis is no more transparent. For instance, a summary of "estimated benefit impacts" from rescinding CCRMU regulations monetizes "disbenefits" from "avoided IQ losses due to consumption of contaminated fish" at "($69.7)" (parenthesis indicating a negative value, meaning IQ losses that were not avoided). EPA, Regulatory Impact Analysis of Proposal ("RIA") at Exhibit 5-2, https://www.regulations.gov/document/EPA-HQ-OLEM-2020-0107-1495. It seems that, decoding the Agency's riddle, EPA found its CCRMU proposal will cause children who are exposed to toxics from contaminated fish to lose intelligence at a monetized cost of $69.7 million dollars. *Id*.

The Proposal also projects "negative benefits," (i.e., harms, in common parlance) from rescinding CCRMU requirements and the corresponding increased risk of catastrophic release events, consumption of fish contaminated with mercury, and harms to surface water. *Id*. EPA valued these harms from rescinding CCRMU provisions as high as $624 million dollars over the life of the CCR units. *Id*. Likewise, EPA estimates that extending closure for units where CCR is being extracted for beneficial use would lead to increased risk of CCR release events and harms to surface water, monetized as high as $92 million over the life of the CCR units. *Id*. at Exhibit 5-5, page 5-19. EPA also identified non-monetized harms from the Proposal's removal of CCRMU requirements and deferral of compliance for legacy ponds.[22], including "loading of metals such as arsenic" to nearby water bodies, "costly treatment upgrades and mitigating risks associated with disinfection byproducts," and foregone property value increases from failure to close CCR units. *Id*. at page 5-22.

As EPA knows, it is not uncommon for CCR impoundments to be located in economically depressed areas that are already subject to legacy pollution and other co-located current sources of pollution. However, EPA's Proposal fails to consider the heightened harm of removing health protections for these vulnerable communities. EPA previously determined that the 2024 Rule would "reduce existing disproportionate and adverse effects on economically vulnerable communities, as well as those that currently face environmental burdens." 2024 Rule

[22] EPA confusingly frames these not as harms, but simply as impacts estimated "relative to the 2024 Legacy Final Rule," again employing a misleading double negative to obfuscate its analysis. EPA, Regulatory Impact Analysis of 2024 Rule ("2024 RIA") at page 5-22.

at 39,095. For example, in Illinois, "the population living within one mile of legacy CCR surface impoundment sites is over three times as likely compared to the State average to have less than a high school education" and is already disproportionately exposed to many other environmental burdens, including particulate matter, air toxics, and other forms of hazardous waste. *Id*. In 2024, EPA also recognized effects from a CCRMU in Waukegan, Illinois that has been contaminating local groundwater: "65 percent of the community living within one mile of the facility identifies as Hispanic; this is more than twice the state average."[23] By failing to recognize these important impacts, EPA has ignored significant harms imposed by removing protective CCR regulations.

III. Conclusion

The protections on groundwater in the 2024 Rule are essential to our States. Because contaminated groundwater can often flow across state lines, the rollbacks in this Proposal cannot be easily remedied by stricter state regulation. Furthermore, many of the Proposal's changes are directly contrary to RCRA's directive to ensure that there is no reasonable probability of adverse effects to human health and the environment from CCR. For these reasons, the undersigned States urge EPA to retain the provisions as adopted in the 2024 Rule.

STATE OF ILLINOIS
KWAME RAOUL
ATTORNEY GENERAL

/s/ *Jason E. James*
Jason E. James
Assistant Attorney General
Joanna Brinkman
Complex Litigation Counsel
Matthew J. Dunn
Chief, Environmental Enforcement/
Asbestos Litigation Division
Roger Johnson
Mallory Meade
Assistant Attorneys General
Illinois Attorney General's Office
201 W. Pointe Drive, Suite 7
Belleville, IL 62226
(217) 843-0322
jason.james@ilag.gov
joanna.brinkman@ilag.gov
matthew.dunn@ilag.gov
roger.johnson@ilag.gov
mallory.meade@ilag.gov

[23] 2024 RIA at 6-20 (https://www.regulations.gov/document/EPA-HQ-OLEM-2020-0107-1067).

STATE OF ARIZONA
KRIS MAYES
ATTORNEY GENERAL

/s/ *Kirsten Engel*
Kirsten Engel
Special Attorney General
Environmental Protection Unit
2005 N. Central Ave.
Phoenix, AZ 85085
(520) 209-4020
Kirsten.Engel@azag.gov

STATE OF COLORADO
PHILIP J. WEISER
ATTORNEY GENERAL

/s/ *Carrie Noteboom*
Carrie Noteboom
Assistant Deputy Attorney General
Ralph L. Carr Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203
(720) 508-6000
carrie.noteboom@coag.gov

STATE OF DELAWARE
KATHLEEN JENNINGS
ATTORNEY GENERAL

/s/ *Vanessa L. Kassab*
Ian R. Liston
Director of Impact Litigation
Ralph K. Durstein III
Vanessa L. Kassab
Deputy Attorney General
Robin L. Jacobs
Assistant Attorney General
Delaware Department of Justice
820 N. French Street
Wilmington, DE 19801
(302) 683-8899
vanessa.kassab@delaware.gov

STATE OF MARYLAND
ANTHONY G. BROWN
ATTORNEY GENERAL

/s/ Steven J. Goldstein
Steven J. Goldstein
Assistant Attorney General
Office of the Attorney General of Maryland
200 Saint Paul Place, 20th Floor
Baltimore, Maryland 21202
410-576-6414
sgoldstein@oag.maryland.gov

STATE OF MINNESOTA
KEITH ELLISON
ATTORNEY GENERAL

/s/ Cat Rios-Keating
Cat Rios-Keating
Special Assistant Attorney General
Office of the Minnesota Attorney General
445 Minnesota St., Suite 600
St. Paul, MN 55101
651-300-7302
Catherine.Rios-Keating@ag.state.mn.us

STATE OF NEW MEXICO
RAÚL TORREZ
ATTORNEY GENERAL

/s/ William Grantham
William Grantham
Assistant Attorney General
408 Galisteo Street
Santa Fe, New Mexico 87501
(505) 717-3520
wgrantham@nmdoj.gov

STATE OF VERMONT
CHARITY R. CLARK
ATTORNEY GENERAL

/s/ Mark Seltzer
Mark Seltzer
Assistant Attorney General
Environmental Protection Unit
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
(802) 828-6907
mark.seltzer@vermont.gov