

119TH CONGRESS
1ST SESSION

H. R. 4875

To amend the Solid Waste Disposal Act to establish a framework for the beneficial use of coal combustion residuals, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 2025

Mr. BARR introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Solid Waste Disposal Act to establish a framework for the beneficial use of coal combustion residuals, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Coal Ash for American
5 Infrastructure Act”.

6 **SEC. 2. BENEFICIAL USE STAGING UNITS.**

7 Section 4005 of the Solid Waste Disposal Act (42
8 U.S.C. 6945) is amended by adding at the end the fol-
9 lowing:

10 “(e) BENEFICIAL USE STAGING UNITS.—

1 “(1) APPLICATION.—

2 “(A) IN GENERAL.—An owner or operator
3 of a coal combustion residuals unit may submit
4 to a State operating a State permit program or
5 other system of prior approval and conditions
6 that is approved under subsection (d)(1)(B), or
7 with respect to a coal combustion residuals unit
8 in a nonparticipating State, to the Adminis-
9 trator, an application to designate the coal com-
10 bustion residuals unit as a beneficial use stag-
11 ing unit under paragraph (2).

12 “(B) CONTENTS.—An application under
13 this paragraph shall include—

14 “(i) an attestation that the owner or
15 operator of the coal combustion residuals
16 unit will comply, with respect to such coal
17 combustion residuals unit, with the appli-
18 cable beneficial use requirement under
19 paragraph (4);

20 “(ii) a measurement in cubic yards of
21 the volume of coal combustion residuals
22 stored in the coal combustion residuals
23 unit; and

24 “(iii) a beneficial use management
25 plan detailing—

1 “(I) the volume of coal combus-
2 tion residuals to be removed from the
3 coal combustion residuals unit for
4 beneficial use;

5 “(II) the schedule for such re-
6 moval;

7 “(III) any plan for the recovery
8 from such coal combustion residuals
9 of any critical mineral (as such term
10 is defined in section 7002(a) of the
11 Energy Act of 2020); and

12 “(IV) beneficial use markets for
13 such coal combustion residuals.

14 “(2) DETERMINATION.—

15 “(A) APPROVAL.—A State operating a
16 State permit program or other system of prior
17 approval and conditions that is approved under
18 subsection (d)(1)(B), or with respect to a coal
19 combustion residuals unit in a nonparticipating
20 State, the Administrator, may approve an appli-
21 cation submitted under paragraph (1) and des-
22 ignate the coal combustion residuals unit as a
23 beneficial use staging unit if such coal combus-
24 tion residuals unit—

1 “(i) is a surface impoundment or
2 landfill;

3 “(ii) is lined in accordance with sec-
4 tion 257.70, 257.71, or 257.72 of title 40,
5 Code of Federal Regulations (or any suc-
6 cessor regulations), or a State standard es-
7 tablished pursuant to a State permit pro-
8 gram or other system that is at least as
9 protective as the criteria under any such
10 section that applies to the surface im-
11 poundment or landfill;

12 “(iii) satisfies the groundwater moni-
13 toring requirements under sections 257.90
14 through 257.98 of title 40, Code of Fed-
15 eral Regulations (or any successor regula-
16 tions), or a State standard established pur-
17 suant to a State permit program or other
18 system that is at least as protective as the
19 criteria under such sections; and

20 “(iv) is in compliance with any Fed-
21 eral or State regulations that apply with
22 respect to such coal combustion residuals
23 unit.

24 “(B) DENIAL.—If a State operating a
25 State permit program or other system of prior

1 approval and conditions that is approved under
2 subsection (d)(1)(B), or the Administrator, de-
3 nies an application submitted under paragraph
4 (1), such State or the Administrator, respec-
5 tively, shall notify the applicant of the reason
6 for such denial.

7 “(3) LENGTH OF DESIGNATION; MULTIPLE
8 DESIGNATIONS.—

9 “(A) LENGTH OF DESIGNATION.—A des-
10 ignation under paragraph (2) shall expire on
11 the date by which removal from the beneficial
12 use staging unit of coal combustion residuals
13 for beneficial use is required under paragraph
14 (4).

15 “(B) MULTIPLE DESIGNATIONS.—

16 “(i) IN GENERAL.—A coal combustion
17 residuals unit may be designated as a ben-
18 eficial use staging unit under paragraph
19 (2) multiple times, except as provided in
20 clause (ii).

21 “(ii) LIMITATION.—A coal combustion
22 residuals unit that is designated as a bene-
23 ficial use staging unit under paragraph (2)
24 may not be subsequently so designated if
25 the owner or operator of such unit fails,

1 with respect to such unit, to comply with
2 the applicable beneficial use requirement
3 under paragraph (4).

4 “(4) BENEFICIAL USE REQUIREMENT.—The
5 owner or operator of a beneficial use staging unit
6 shall remove from such unit for beneficial use, or
7 enter into a contract for such removal—

8 “(A) for any such unit that stores fewer
9 than 1.5 million cubic yards of coal combustion
10 residuals, as specified in the application under
11 paragraph (1), at least 25 percent of the coal
12 combustion residuals stored in such unit, by not
13 later than the earlier of—

14 “(i) the date that is 5 years after such
15 removal begins; and

16 “(ii) the date that is 7 years after the
17 applicable designation date; and

18 “(B) for any such unit that stores 1.5 mil-
19 lion cubic yards or more of coal combustion re-
20 siduals, as specified in the application under
21 paragraph (1), at least 25 percent of the coal
22 combustion residuals stored in such unit, by not
23 later than the earlier of—

24 “(i) the date that is 10 years after
25 such removal begins; and

1 “(ii) the date that is 12 years after
2 the applicable designation date.

3 “(5) PROHIBITION ON ADDITION OF COAL COM-
4 BUSTION RESIDUALS.—A beneficial use staging unit
5 may not receive coal combustion residuals.

6 “(6) TREATMENT OF BENEFICIAL USE STAGING
7 UNITS.—A beneficial use staging unit—

8 “(A) shall be considered to be a sanitary
9 landfill for purposes of this Act, including sub-
10 section (a), if the beneficial use staging unit is
11 in compliance with the requirements of this
12 subsection; and

13 “(B) shall not be subject to section
14 257.102(e)(2) of title 40, Code of Federal Reg-
15 ulations (or any successor regulation), or any
16 Federal or State requirement to close for failure
17 of the owner or operator of such beneficial use
18 staging unit to remove from such unit coal com-
19 bustion residuals for beneficial use by a date
20 that is earlier than the date by which removal
21 from such unit of coal combustion residuals for
22 beneficial use is required under paragraph (4).

23 “(7) REVOCATION OF DESIGNATION.—The
24 State that designated a beneficial use staging unit,
25 or with respect to a beneficial use staging unit des-

1 ignated in a nonparticipating State, the Adminis-
 2 trator, may issue a revocation of such designation
 3 for failure of the beneficial use staging unit to main-
 4 tain compliance with the requirements of clauses (ii),
 5 (iii), and (iv) of paragraph (2)(A).

6 “(8) REPORTS.—

7 “(A) IN GENERAL.—Not later than March
 8 1, 2026, and annually thereafter, the Adminis-
 9 trator shall publish a report, broken down by
 10 State and year, that includes—

11 “(i) for each beneficial use staging
 12 unit, the volume of coal combustion residu-
 13 als stored in such unit and the volume of
 14 coal combustion residuals removed from
 15 such unit for beneficial use; and

16 “(ii) the number of revocations issued
 17 under paragraph (7).

18 “(B) STATE INFORMATION.—Each State
 19 shall provide to the Administrator any informa-
 20 tion necessary for the Administrator to publish
 21 the report under subparagraph (A).

22 “(9) FEDERAL PREEMPTION.—A State, or po-
 23 litical subdivision thereof, may not establish, main-
 24 tain, or enforce any State law, regulation, or execu-
 25 tive order that conflicts with this subsection, includ-

1 ing any such law, regulation, or executive order that
2 mandates the closure of a beneficial use staging unit
3 that is in compliance with the requirements of this
4 subsection.

5 “(10) DEFINITIONS.—In this subsection:

6 “(A) BENEFICIAL USE STAGING UNIT.—

7 The term ‘beneficial use staging unit’ means a
8 coal combustion residuals unit designated under
9 paragraph (2), for which such designation has
10 not expired under paragraph (4) or been re-
11 voked under paragraph (7).

12 “(B) DESIGNATION DATE.—The term ‘des-

13 ignation date’ means, with respect to a coal
14 combustion residuals unit, the date that such
15 unit is designated as a beneficial use staging
16 unit under paragraph (2).

17 “(C) NONPARTICIPATING STATE.—The

18 term ‘nonparticipating State’ has the meaning
19 given such term in subsection (d)(2)(A).”.

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