



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Mining Programs

Final Rulemaking: Coal Refuse Disposal Revisions

**Environmental Quality Board Meeting
May 18, 2022**

Tom Wolf, Governor

Patrick McDonnell, Secretary

Background

- Regulations Promulgated Under the Coal Refuse Disposal Control Act of 1968
 - Chapter 88 (Anthracite Refuse)
 - Chapter 90 (Bituminous Refuse)
- 1 Year Limitation on Temporary Cessation
 - Conflicts with Federal Regulations
- Act 74 of 2019

Purpose

The final rulemaking will:

- Implement Act 74 of 2019
 - Triggers for Installation of System to Prevent Precipitation
 - Temporary Cessation Discrepancy
 - Connection of Coal Refuse Source
- Clarify existing regulations

Advisory Committee

- Consulted with the Mining & Reclamation Advisory Board (MRAB) and the Pennsylvania Coal Alliance.
- Discussed rulemaking at three Regulation, Legislation, and Technical committee meetings between March 2020 to October 2020.
- In January 2022, the MRAB agreed with the Department's recommendation to proceed with the final-form regulation.

Summary of Final-Form Rulemaking

- System to Prevent Precipitation:
 - Phases reach capacity
 - As specified in the permit
 - Temporary cessation (> 90 days)
 - Permanent cessation
- Remove one-year limitation

Summary of Final-Form Rulemaking

Temporary Cessation Requirements

- 30 Days or More
 - Acres Affected
 - Extent/Kind of Reclamation
 - Activities During Temporary Cessation
 - Status of the Source of Coal Refuse

Summary of Final-Form Rulemaking

Temporary Cessation Requirements

- 90 Days or More
 - All Items from 30 Days or More
 - Confirmation of Bond Amount
 - Installation of System to Prevent Precipitation

Summary of Final-Form Rulemaking

Temporary Cessation Requirements

- Operator must still comply
- Permit renewal
- Ending temporary cessation
 - Disposal Resumes
 - Permanent Cessation

Summary of Final-Form Rulemaking

Permanent Cessation Requirements

- Temporary Cessation Ends
- Failure to Comply
 - Final Adjudicated Proceeding
 - Permit Condition
 - Consent Order

Summary of Final-Form Rulemaking

A description of the operations that are proposed to be the source of the coal refuse to be disposed of at the coal refuse disposal facility and the types of refuse to be disposed.

Summary of Final-Form Rulemaking

Clarifications of Design Requirements for Coal Refuse Disposal Sites

- Terraces
- Surface Water Runoff
 - Diverted Away from Fill
 - Collected and Conveyed from the Fill

Summary of Final-Form Rulemaking

“For a new coal refuse disposal area that will support an existing coal ***mining activity***, the applicant shall examine the geographic area within a 1-mile radius of the existing coal ***mining activity***.”

Comments on the Proposed Rulemaking

- Two comments received from the public, generally supportive of the rulemaking
- One comment suggested publishing coal refuse disposal site status changes in PA Bulletin
 - Real-time status information available in eFACTS
- The Independent Regulatory Review Commission (IRRC) had no comments.

Changes from Proposed to Final

The only change from the proposed rulemaking to the final-form rulemaking was an update to the title of the technical guidance document referenced in § 90.50(c), “Liners and Caps for Coal Refuse Disposal Areas.”

Recommendation

The Department recommends the Board adopt this final-form rulemaking.



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Bureau of Mining Programs

John Stefanko

Deputy Secretary

Office of Active and Abandoned Mining Operations

jstefanko@pa.gov

Gregory Greenfield

Environmental Group Manager

Bureau of Mining Programs

grgreenfie@pa.gov

Christopher Minott

Assistant Counsel

Bureau of Regulatory Counsel

cminott@pa.gov