

Government/Regulatory Panel

**Session Chair: Dan Wheeler, Illinois Dept. of Natural Resources,
Mines & Minerals Land Reclamation Division**

Each panel member will make a 10 minute presentation.
An interactive discussion will follow with questions from the audience.

Panel

Organization	Speaker
EPA – (Solid Waste Program Representative)	John Glenn
Environmental (National) (Clean Air Task Force)	Lisa Evans
Environmental (Regional) (Kentucky Resources Council)	Tom FitzGerald
Electric Utilities (Utility Solid Waste Activity Group)	Jim Roewer
American Coal Ash Association	Dave Goss
Combustion By-Product Recycling Consortium Research (DOE National Energy Technology Laboratory)	Lynn Brickett
Interstate Mining Compact Commission	Greg Conrad
State Solid Waste Regulatory Authority (Texas Commission on Environmental Quality)	Susan Ferguson
Office of Surface Mining	Kimery Vories

Panel members have been invited to submit an abstract of their presentation if they so choose.
The abstracts follow.

Power Plant Waste Minefilling: An Environmental Perspective

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ABSTRACT

The United States Environmental Protection Agency (EPA) is developing a draft rule to regulate power plant waste (PPW) disposal and use in coal mines. PPW minefilling is expected to increase greatly as a result of changes in combustion technology and the emergence of more minemouth coal-fired power plants. Both changes are promoted by new energy policies emerging from Congress and the Federal government under the Bush Administration. In addition, several States are aggressively pursuing PPW minefilling as a solution to acid mine drainage and as a means of reclaiming active and abandoned mines.

Consequently there is a critical need to determine whether minefilling is a beneficial practice or primarily a means of inexpensive disposal for power plant wastes that may substantially worsen the very water quality problems that the wastes are intended to address. Citizens and environmental organizations assert that data from several mines where PPW has been disposed indicate that contamination of mine waters by metals and other pollutants exceeds levels previously caused by acid mine drainage (AMD). They are concerned that safeguards at most PPW minefills are too lax to prevent a worsening pollution problem from coal ash disposal.

The presentation will discuss (1) the Clean Air Task Force's examination of minefill permits and its evaluation of the adequacy of safeguards imposed by State regulators; (2) the impacts to ground and surface waters discovered from the examination of permitted PPW disposal in mines and (3) the policy implications of these findings for EPA's upcoming rulemaking on PPW minefill.

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The Utility Industry Perspective Regarding
Coal Combustion Product Management and Regulation
Jim Roewer
Executive Director, USWAG

Abstract

Following extensive and comprehensive study, the U.S. Environmental Protection Agency (EPA) has twice, in August 1993 and May 2000, declared that coal combustion products (CCPs) do not warrant regulation as hazardous waste. As part of its Reports to Congress, issued in 1988 and 1999, and in their 1993 and 2000 Regulatory Determinations, EPA noted the soundness of utility industry management of CCPs and a strengthening of state regulation of CCPs. Utility management practices will continue to improve, and state regulatory programs will become more robust in the coming years. Rather than investing limited resources in the development of non-hazardous waste regulations for CCPs under RCRA Subtitle D that would duplicate and overlay existing state programs, EPA should defer to state regulatory controls to ensure that CCPs are managed in an environmentally protective manner. EPA's role in addressing the mine placement of CCPs should be similarly limited in light of existing comprehensive state programs addressing this practice, operating under authority of the Office of Surface Mining and in conjunction with state environmental authorities. The Agency will continue to play a pivotal role, however, in supporting the expansion of beneficial use of CCPs, by establishing additional comprehensive procurement guidelines, and reducing or eliminating barriers to CCP utilization.

Coal Combustion Products Opportunities for Beneficial Use

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KEYWORDS: Coal ash, coal combustion products, beneficial use

ABSTRACT

Annually, more than 117 million tons of coal ash, or coal combustion products (CCPs), are produced by coal-fired power plants in the United States. Approximately one-third of this material is used in many beneficial ways, such as a substitute for Portland cement in concrete, in asphalt paving, in soil stabilization and in structural fills. Coal combustion products can be used in numerous other applications. There is a need to increase its use.

Using CCPs has several environmentally sound benefits, including the reduction of green house gases, the conservation of natural resources and a decrease in the need for new landfill space. However, to increase usage, actual or perceived barriers to CCP use need to be addressed. These barriers include limitations by regulatory agencies or engineering specifications that may not be warranted. Often times these limits are not based on technical requirements but instead are present because of a lack of knowledge of the CCP or its intended use.

A new initiative by the US EPA, the Coal Combustion Products Partnership (C2P2), is an effort to clarify the misconceptions about CCPs and to provide information about their use, specifically in highway construction activities. C2P2 will disseminate information, encourage increased use by federal and state agencies and help plan and conduct workshops that will provide sound technical and environmental information.

State Perspective on Regulation of Mine Placement of Coal Combustion By-Products

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KEYWORDS: Mine Placement; Coal Combustion By-Products; State Regulation

ABSTRACT

Since May of 2001, the Interstate Mining Compact Commission (IMCC) has sponsored a series of meetings between the States/Federal government, including representatives from the Environmental Protection Agency, the Office of Surface Mining, and the Department of Energy, to discuss potential adjustments to existing State regulatory programs relating to the placement of coal combustion by-products (CCBs) into surface and underground mines. Over the past several years, the States have had the opportunity to learn from one another about their existing regulatory approaches. Discussions have focused on the various operational, environmental, and economic issues associated with the practice of placing CCBs in mines, including how States can adjust or improve current regulatory practices and examine the impacts of various Federal regulatory proposals on the implementation of existing State programs. This presentation will report on the progress of State/Federal discussions concerning placement of CCBs in mines including the regulatory requirements under SMCRA and RCRA that attend mine placement of CCBs. The States believe that, pursuant to their regulatory programs under SMCRA and/or RCRA, they currently and historically have managed the placement of CCBs at minesites in a safe, environmentally protective manner. There are no significant gaps in regulatory coverage and the States continually seek to improve and upgrade their programs where new requirements are identified through program benchmarking and/or Federal oversight. In the final analysis, the placement of CCBs at minesites amounts to a beneficial use that generally enhances the environment and, in every case, is comprehensively and effectively regulated by the States.

Texas Regulations Provide for Beneficial Reuse of Coal Combustion Ash (CCA)

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KEYWORDS: solid waste, exemption, land application

ABSTRACT

Historically, industrial wastes have been dealt with via disposal (e.g., landfilling, deep well injection, incineration, etc.). Early regulatory efforts were focused on the proper disposal of wastes. In recent years, the Commission has looked for alternative ways to manage wastes. The result has been an increased emphasis on source reduction, reuse, and recycling.

Beginning in 1995, the agency granted case-by-case exemptions from the definition of solid waste (DOSW) for materials applied to the land or used in products applied to the land provided they posed no significant threat to human health and the environment and were "co-products." In 2001, the Commission formally amended its rules to add a self-implementing exemption to the DOSW for such activities if they met specific criteria (e.g., legitimate market, protected from loss, quality of the product is not degraded by substitution, use is "ordinary", not burned for energy recovery, use is "as generated" w/o treatment or reclamation, no increased risk to human health or environment or waters in the state.) Examples - CCA used in concrete, concrete products, cement/fly ash blends, lightweight and concrete aggregate, soil cement, road construction materials, blasting grit, roofing material, insulation material, wall board/sheet rock, mineral filler, masonry, waste stabilization, and solidification.

Under state law, DOSW does not include man-made inert solid materials used as fill to make land suitable for the construction of surface improvements. Therefore, Class 3 CCA used as minefill under these conditions does not trigger waste regulations.

The Surface Mining Control and Reclamation Act: A Response to Concerns about Placement of Coal Combustion By-Products (CCBs) at Coal Mine Sites

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KEYWORDS: Coal Combustion By-Products, environmental protection, coal mines

ABSTRACT

The U.S. DOI, Office of Surface Mining (OSM) was created in 1977 as part of the Surface Mining Control and Reclamation Act to provide minimum levels of protection concerning public health, safety, and the environment and balance this with the need for a viable U.S. coal supply. Currently, there are less than 2 percent of the CCBs that are produced in the U.S. that are placed back at less than 2 percent of the coal mine sites where they originated. Most of the uses to date have been extensively researched. This research indicates that the placement of these materials on the mine site usually results in a beneficial impact to human health and the environment when it is used to mitigate other existing potential mining hazards. It can also be used to improve the economics of mining when used as a non-toxic fill within the spoil area prior to grading and final reclamation.

This paper will attempt to provide a response to criticism that SMCRA programs are not adequate to protect public health and the environment when CCBs are placed at a SMCRA permitted mine site.