

State Perspectives on Regulation of Mine Placement of Coal Combustion Wastes

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KEYWORDS: State Regulatory Programs, Coal Combustion Waste, Mining

ABSTRACT

Beginning in May of 2001, the Interstate Mining Compact Commission (IMCC) has sponsored a series of meetings between the States and the Federal government. The purpose has been to discuss potential adjustments to existing State regulatory programs relating to the placement of coal combustion waste (CCW) into surface and underground mines. Discussions have focused on the various operational, environmental, and economic issues associated with the practice of placing CCW in mines, including how States can adjust or improve current regulatory practices and examining the impacts of various Federal regulatory proposals to existing State programs. This presentation will report on the progress of State/Federal discussions concerning placement of CCW in mines. The presentation will also address the regulatory requirements under SMCRA and RCRA that attend mine placement of CCW. The States believe that when a comprehensive comparison of the jurisdictional bases and the applicable statutory and/or regulatory requirements under these two national environmental laws is undertaken, it is abundantly clear that the States, pursuant to their regulatory programs under SMCRA and/or RCRA, currently and historically have managed the placement of CCW at mine 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 CCW at mines amounts to a beneficial use that generally enhances the environment and, in every case, is comprehensively and effectively regulated by the States.

Submitted for presentation in the OSM Forum in the 2005 World of Coal Ash, April 11-15, 2005, Lexington, Kentucky, USA.