Proposed Rulemaking
25 Pa. Code Chapters 87, 88, and 90
Remining Requirements

Environmental Quality Board Meeting
May 20, 2015

Tom Wolf, Governor
John Quigley, Acting Secretary
Purpose

- Incorporate federal Re-mining Effluent Limitations
- Incorporate standard requirements
Pennsylvania has a robust re-mining program

- Basis is Best Professional Judgment (BPJ)
- Project XL
- Best Management Practices (BMP)
- Quick and annual triggers
• Chapter 87 – Bituminous Surface Mining
• Chapter 88 – Anthracite Coal Mining
• Chapter 90 – Coal Refuse Disposal
Federal Requirements (40 CFR 434)

- Definitions
- Sites where it is infeasible to calculate baseline
- Statistical methods-Appendix B
MRAB Collaboration

• Regulation, legislation, and technical committee
• Extensive engagement with MRAB through multiple meetings
• MRAB recommendation on October 23, 2014
Elements of the Rulemaking

- Definitions
- Applicability
- Application contents
- Operational requirements
- Treatment requirements
- Effluent limitations
- Statistical methods
• Delete
  – “Abatement Plan”
• Add:
  – “Coal remining operation”
  – “Encountered Discharge”
  – “Pollution abatement plan”
  – “Pre-existing discharges”
  – “Steep slope”
Applicability

- Sets the circumstances and time frame
- Existing permits can continue under the BPJ requirements
Application Contents

• Describes the required detail in a pollution abatement plan
• Includes the data used to determine the baseline
Operational and Treatment Requirements

• Operational Requirements
  – Description of the requirements for a monitoring program
  – Notification requirements

• Treatment Requirements
  – Notification when treatment is needed
  – Intercepted discharges
Effluent Limitations

- Pollution Abatement Plan
- Numerical Limits are baseline
- Includes a section about cases when it is infeasible to determine the baseline
- Stream monitoring requirements
- Exceptions to stream monitoring requirements
• Two methods
• Each has two triggers (quick and annual)
DEP recommends that the board approve the proposed regulation for re-mining with a 30-day comment period.
John Stefanko
Deputy Secretary for
Active and Abandoned Mine Operations

Tom Callaghan
Director, Bureau of Mining Programs

Joseph Iole
Bureau of Regulatory Counsel