



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Mining Programs

# **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

# Background

- Pennsylvania has a robust re-mining program
- Basis is Best Professional Judgment (BPJ)
- Project XL
- Best Management Practices (BMP)
- Quick and annual triggers

# Chapters

- 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

# Definitions

- 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

# Statistical Methods

- Two methods
- Each has two triggers (quick and annual)

# Recommendation

DEP recommends that the board approve the proposed regulation for re-mining with a 30-day comment period



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