



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION



**Bureau of Mining Programs**

# **Proposed Rulemaking: Coal Refuse Disposal Revisions**

**Environmental Quality Board Meeting  
June 15, 2021**

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

This proposed 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

# Collaboration with Mining & Reclamation Advisory Board

- Developed the proposed rulemaking in consultation 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.
- On October 22, 2020, the MRAB concurred with the Department's recommendation to advance the proposed rulemaking in the regulatory process.

# Summary of Proposed 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 Proposed 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 Proposed 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 Proposed Rulemaking

## Temporary Cessation Requirements

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



# Summary of Proposed Rulemaking

## Permanent Cessation Requirements

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

# Summary of Proposed 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 Proposed 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 Proposed 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***.”

# Recommendation

The Department recommends that the Board adopt this proposed rulemaking with a 30-day public comment period.



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