

## **Beneficial Use of Coal Ash at Active Mine Sites**

The beneficial use of coal ash regulations published on December 11, 2010, (25 Pa. Code Chapter 290) describe the process and requirements for using coal ash for reclamation purposes at mine sites. This document provides the ash generator and mine site permittee with the basic information from those regulations regarding the approval and maintenance of required authorizations.

Use at mine sites is a two-pronged process involving certification of the ash and approval for use at the site.

### **Certification**

Only ash derived from the approved process is considered certified. Only certified sources can be used at mine sites. Certified sources will receive a "CA" number to use as identification of the source.

Certification for a source is accomplished by sending a request (a completed form 5600-PM-BMP0011) to the Bureau of Mining Programs (BMP) Permits Section. Certification must include all the background sample results. An ash source can be certified if it is derived from a fuel source containing 100 percent coal or coal refuse, or up to 20 percent of an alternate fuel source as long as the alternate fuel source does not constitute greater than 10 percent of the ash. This latter provision allows some ash sources that were previously authorized under Bureau of Waste Management general permits to be approved as certified coal ash.

Certification is granted based on quality and consistency of the ash. The ash must consistently meet the certification standards and demonstrate that it will not cause pollution if used in the appropriate manner for mine site reclamation - whether for placement or for a soil amendment/substitution.

Maintenance of the certification requires quarterly submittal of results from representative samples of ash. These results are submitted on form 5600-PM-BMP0012 to BMP no later than 30 days after the last day of the respective quarter. A new sample is also required whenever there is a significant change in the fuel source. The certification information submitted to BMP must be kept up to date to adequately reflect the process in which ash is generated. (§ 290.201(d) and (e))

If any sample results show exceedance of the certification standards, the generator must address this in a timely manner by retesting or resampling as described in § 290.203 and following any additional instructions from the Department of Environmental Protection (DEP).

A yearly report of volumes (dry tons) of ash delivered to each beneficial use site is required to be submitted to BMP no later than January 31 of the following year. (§ 290.201(d)(3))

All certification information and supports should be sent to the Bureau of Mining Programs in Harrisburg.

### **Mine Site Approval**

To obtain approval to use a certified source at any mine site, the permittee must have approval for beneficial use of coal ash in the specific mining permit. All site approvals are issued by the District Mining Office as part of the mining permit and must meet the requirements of the Clean Streams Law, Surface Mining Control and Reclamation Act of 1977, Coal Refuse Disposal Control Act and 25 Pa. Code Chapters 86-90 and 290. Ash beneficial use is not authorized at noncoal mining permits.

The initial approval for beneficial use requires public notice. If a new certified source is being added, no public notice is needed; it is considered a minor permit revision.

Ash use must be integrated as part of the site reclamation plan. Volumes of ash and plans for use must be identified in the mining permit documents.

Each ash use site requires a water monitoring plan. This plan consists of (usually) one or more upgradient and (typically) three or more downgradient monitoring points. There may be an alternate plan allowed for those sites where under 10,000 tons per acre or 100,000 tons overall is approved. The requirements for a water monitoring plan are described in § 290.301-290.303.

Water sampling must be done on a quarterly basis and submitted on form 5600-PM-BMP0013 no later than 30 days after the end of the quarter to the appropriate District Mining Office for each permit site. Sampling continues for 10 years after the date of final placement of coal ash at a site. The operator should notify DEP when ash will no longer be used at a site to start this 10-year clock.

The site operator is required to submit a representative sample of the ash material placed at the mine site on a quarterly basis in accordance with § 290.201. This requirement may be waived if the ash generation and delivery system is a closed system as described in § 290.104(i).

If the ash is used for placement, results from a Proctor density test must be submitted semi-annually. A test representing the first half of the year is due by July 31 and one representing the second half of the year is due January 31 of the following year.

An annual report of ash volumes (dry tons) placed at the site by source is required by January 31 of the following year. The operator should check their permit special conditions to determine if additional monitoring requirements were specified for the permit.

All mine site related submissions should be sent to the District Mining Office.

## **Fees**

Each year, every permittee that plans to utilize coal ash for that coming year must submit a fee for each coal ash usage site. The fee (currently \$2,000) for the upcoming year should be included with the annual report of volumes submitted on January 31. For a new ash beneficial use authorization, the fee is submitted along with the application and will constitute the permit review fee. If the permit application is issued after the next January 31 has passed, the fee for that current year will also be required prior to issuance. There will be no prorating of the fee. A lower fee per year (currently \$1,000) can be applied when the permittee has notified DEP that ash is no longer being actively used at the site. The permit fee continues each year until final bond release occurs for the site.

The regulations are available at [www.pacode.com](http://www.pacode.com), Browse: 25: Environmental Protection, Chapter 290.

For more information, visit [www.dep.pa.gov](http://www.dep.pa.gov).