



COALEX STATE INQUIRY REPORT – 126
September 5, 1989

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TOPIC: FLY ASH DISPOSAL

INQUIRY: Locate state statutes and rules which regulate the disposal of fly ash (combustion waste from utilities) in coal mines.

SEARCH RESULTS: Research was conducted using, primarily, the COALEX Library on LEXIS. The full text of some sections are provided; for others, only excerpts or the citation of the section are included. The most relevant sections or sections whose language differs from the federal regulatory language are grouped separately from the materials which duplicate the federal language.

The disposal of fly ash [flyash] in coal mines appears in state sections which regulate the discharge of water into underground mines and the management and removal of solid, industrial or hazardous wastes. These state sections correspond to the federal SMCRA regulations found at 30 CFR 816.41 (Hydrologic-balance protection: surface mining) and 817.41 (Hydrologic-balance protection: underground mining). Specifically, subsections 816.41(I) and 817.41(h) regulate the discharge of water into an underground mine and were formerly codified at 816.55 and 817.55.

ATTACHMENTS

- A. **Sections whose language differs from the language of the federal sections** (Copies of these sections or excerpts from these sections are attached):
1. **LOUISIANA**, Reg. Sec. 4.0 (1979). Hazardous waste management; Scope of the program and general provisions.
 2. **LOUISIANA**, Reg. Sec. 9.0 (1979). Hazardous waste management; Standards applicable to facilities treating, storing and/or disposing of special waste.
 3. **MONTANA**, Reg. Sec. 26.4.508 (1980). Strip and underground mine; Departmental approval of final waste disposal plans.
 4. **LOUISIANA**, Reg. Sec. R23©29©01.600 (1980). Solid waste management; Permit to construct.
 5. **LOUISIANA**, Reg. Sec. 33©15©05©02 (1980). Air pollution control; Maximum allowable emission of particulate matter from fuel burning equipment used for indirect heating.



6. **LOUISIANA**, Reg. Sec. 33©15©14©01 (1980). Air pollution control; Designated air contaminant sources.
 7. **PENNSYLVANIA**, Reg. Sec. 87.100 (1982). Surface coal mining; Topsoil: Nutrients and soil amendments.
 8. **PENNSYLVANIA**, Reg. Sec. 88.290 (1984). Anthracite coal refuse disposal; Vegetation supporting material: Nutrients and soil amendments.
 9. **PENNSYLVANIA**, Reg. Sec. 90.100 (1082). Coal refuse disposal; Nutrients and soil amendments.
 10. **PENNSYLVANIA**, Reg. Sec. 88.185 (1982). Anthracite bank removal and reclamation; Nutrients and soil amendments.
- B. Sections of interest from non-SMCRA statutes and regulations available on LEXIS**
(Copies of these sections or excerpts from these sections are attached):
1. **LOUISIANA**, Rev. Stat. Sec. 30:1141.1 (1986). Hazardous waste control; Land disposal of hazardous waste; restrictions; prohibition.
 2. **MINNESOTA**, Reg. Sec. 7045.0120 (1989). Identification and listing of hazardous waste; Exempt wastes.
 3. **OHIO**, Baldwin's Code Sec. 6111.01 (1984). Water pollution control; Definitions.
 4. **OHIO**, Baldwin's Code Sec. 3734.01 (1989). Solid and hazardous wastes; Definitions.
 5. **WEST VIRGINIA**, Michie's Code Sec. 20©5E©6 (1988). Hazardous waste management; Promulgation of regulations by director.
- C. List of all state statute and regulation sections which mention fly ash. Examples of sections from the following six states are appear excerpted or in full text.** (NOTE: An "x" was placed on the list to indicate that the marked section was included in attachment "A"; a circle marks those sections listed below.)
1. List of the sections which contain references to "fly ash".
 2. **ARKANSAS**, Reg. Sec. 816.55 (1988). Hydrologic balance: Discharge of water into an underground mine.
 3. **KENTUCKY**, Reg. Sec. 405 KAR 16:060, Sec. 9 (1986). General hydrologic requirements; Discharges into an underground mine.
 4. **MISSOURI**, Reg. Sec. 10 CSR 40©3.200 (1988). Requirements for protection of the hydrologic balance for underground operations.
 5. **NEW MEXICO**, Reg. Sec. 20©55 (1980). Hydrologic balance: Discharge of water into an underground mine.
 6. **NEW MEXICO**, Reg. Sec. 74©2©2 (1980). Air pollution; definitions.
 7. **PENNSYLVANIA**, Reg. Sec. 89.60 (1982). Discharges to underground mines.
 8. **VIRGINIA**, Reg. Sec. 480©03©19.817.41 (1986). Underground mining; Hydrologic©balance protection.
- D. Excerpts from 48 FR 43956 (September 26, 1983).** (NOTE: This Federal Register entry provides excerpts from the preamble which discuss the implementation of final rules for Sec. 816.41(I) and 817.41(h) and the removal of Sec. 816.55 and 817.55.)