

US EPA ARCHIVE DOCUMENT

**Joint IMCC-EPA Summary Meeting Notes
from the
States/Tribes/Federal Meeting on Mine Placement of Coal Combustion Waste
Golden, Colorado
April 15-16, 2002**

Opening Remarks

(Greg Conrad, Executive Director, IMCC)

Greg Conrad welcomed attendees and explained that the purpose of this meeting was to discuss EPA's and OSM's reactions to the States's Outline of Coal Ash Management and to discuss EPA's regulatory concerns regarding the minefilling of coal combustion wastes (CCW).¹ He noted that the aim is to move away from general discussions and, instead, look more programmatically at the issues in order to find some agreement on a common protocol and baseline for CCW mine placement programs and policy.

Part I: Update on EPA's Mine Risk Assessment/Modeling ("MRAM") Project
(Greg Conrad, Executive Director, IMCC)

Robert Wahlstrom (DPRA) provided an overview of the MRAM Project at the last CCW meeting in San Antonio, Texas (November 2001) and requested comments and data from the States. Mr. Conrad explained that little activity has occurred since then beyond processing the information submitted by several States and reformatting the database. He provided notice that Andrew Wittner (EPA) was scheduled to provide a more extensive MRAM update at the Coal Combustion By-Products and Western Coal Mines: A Technical Interactive Forum ("OSM Forum") later in the week.

Part II: Update on EPA's Reports on State Regulations
(Truett DeGeare, EPA Office of Solid Waste)

EPA distributed the following draft reports on State regulations at the San Antonio meeting:

- "Regulation and Policy Concerning Mine Placement of Coal Combustion Waste in 26 States"
- "Mine Placement of Coal Combustion Waste – State Program Elements Analysis"

Both reports are available on EPA's website at www.epa.gov/epaoswer/other/fossil/index.htm. Truett DeGeare explained that these reports try to accurately capture the key elements of existing State regulatory programs for CCW mine placement. The States were invited at the last meeting

¹ Throughout this meeting, speakers used various terms to refer to the solid materials generated as a result of the combustion of coal, including: coal combustion waste, coal combustion byproducts, coal combustion products, and coal ash. For ease of presentation, these notes use the abbreviation "CCW" throughout, except in cases where the speaker was making a point regarding distinctions between the terms used. The use of "CCW" in these notes is not meant to imply a preference for the categorization of these materials as "waste."

to comment on the reports and six States have responded: Oklahoma, Pennsylvania, Illinois, Colorado, Ohio and Indiana. The reports soon will be revised to reflect State comments and to incorporate information from the recent OSM report titled "An Overview of SMCRA Regulations Applied to CCBs." Additional comments from the States may be submitted (preferably electronically, not by mail) by May 31st to:

Bonnie Robinson (EPA Office of Solid Waste)
Phone: 703-308-8429
Fax: 703-308-8686
Email: robinson.bonnie@epa.gov

Ms. Robinson estimated that revised versions of the reports would be available by June and will be provided to States to review before they are uploaded to the EPA website.

Part III: Update on EPA's Program of Site Visits and Interviews with Individual State and Tribal Offices

(Truett DeGeare, EPA Office of Solid Waste)

Mr. DeGeare provided an update on EPA's site visit and interview efforts with State and tribal offices that regulate mine placement of CCW. He explained that the goals are to learn the reality of how CCW is handled at coal and noncoal mines and to better understand the activities in the field. To aid this effort, EPA has developed a detailed discussion guide to structure the interviews. The guide is available at www.epa.gov/epaoswer/other/fossil/index.htm. EPA has completed visits to two States (Illinois and Indiana) and the Navajo Nation so far and plans to visit Ohio and Pennsylvania in mid-May. EPA is also considering visits to Maryland, North Dakota, West Virginia, New York, and possibly Oklahoma. EPA will prepare a site visit report for each State and will share the draft report with the host State for review and comment to ensure accuracy. The reports will eventually be combined into a single report that will be placed in the docket as public information and made available to the IMCC States, but not made publicly available on the EPA website.

Before moving on to the next agenda item, Kim Vories announced that Lisa Evans, of the Clean Air Task Force (CATF), would be making a presentation at the OSM Forum that week. In January 2002, the CATF along with the Hoosier Environmental Council (HEC) sent a letter to Marianne Horinko, EPA's Assistant Administrator for Solid Waste and Emergency Response, requesting a meeting. A copy of the letter to Ms. Horinko was provided to the States in the meeting packet. Mr. Conrad also distributed a copy of a letter dated February 22, 2002, that he sent to Ms. Horinko regarding the States' perspective on the regulation of CCWs at minesites. Although a potential meeting between the States and Ms. Horinko was suggested in the letter, Mr. Conrad reported that this decision has been delayed pending developments over the coming months.

Part IV: Presentation by Indiana Department of Natural Resources on Coal Combustion Waste Data Management System

(Bruce Stevens, Indiana Department of Natural Resources)

Bruce Stevens presented an overview of the Indiana Department of Natural Resources' CCW and surface and ground-water databases that were developed in-house over the last few years. A copy of his PowerPoint presentation is attached. For additional information, contact Mr. Stevens at 812-665-2207. The following are Mr. Stevens' responses to comments from the States:

- In regards to QA/QC, there is currently no electronic submission or formal review of the data but there are several steps in the process where something out of place could be caught and corrected.
 - < Mr. Conrad added that Virginia, West Virginia, Wyoming, and Kentucky have electronic permitting and he envisions matching up that effort with the database effort and working together in the future. Virginia helps smaller companies without computers or Internet access work with consultants that do have the necessary capabilities.
- If a number is placed into the database that exceeds the permit limit, the lab is contacted to see if there was an error in reporting. If not, Indiana gives an order to cease CCW disposal operations (mining may continue) and re-analyze. This has happened in the past, but the reassessment showed the parameter well below the limit. Disposal of CCW may resume after resampling and analysis (that demonstrates the CCW is again within the allowable limit) is conducted, submitted, reviewed, and approved by the Department. The exceedence stays in the database, but there is an area for commentary to explain the outcome of the resampling and analysis.

New York noted that they are about to roll out a new database and electronic permitting system with separate databases for mines, solid waste, etc. New York has thousands of mines, mostly aggregate.

Illinois suggested that OSM develop a generic/prototype database based on the proven systems in use by a few states. Mr. Conrad surveyed the States as to whether they would be interested in a prototype database. The response was positive, in general, but there was great concern that even with a good, workable prototype, there was enormous effort and cost involved in organizing paper (i.e., historical data), populating the database, and performing the necessary QA/QC.

Part V: Reaction of Federal Agencies to States' Discussion Outline on Coal Ash Management

Mr. Conrad explained that at the last meeting in San Antonio, he requested of EPA and OSM that they provide their reaction to the "States' Discussion Outline on Coal Ash Management" and responses were received from both. He summarized for the group the States' Discussion Outline which categorized coal ash management into four areas (three categories of beneficial use plus one for disposal), laid out management principles and regulatory principles for beneficial use of CCW, provided conclusions, and addressed disposal of CCW. He emphasized to the States that,

as they listen to the EPA and OSM responses, they need to agree which elements are critical to a regulatory program for CCW mine placement and highlight whether each element is found in existing regulations or will need to be addressed through regulatory changes.

EPA's Reaction (Truett DeGeare, EPA Office of Solid Waste)

Mr. DeGeare walked through EPA's document titled "EPA Response to IMCC Discussion Outline," March 15, 2002 Draft, a copy of which is attached. Because EPA was not present when the State Discussion Outline was prepared, he noted that EPA's draft response is based on EPA's best interpretation of what the States' Discussion Outline was trying to say.

Categories

- EPA's Regulatory Determination identified the same management practices as those in the States' Discussion Outline but grouped them differently into: (1) beneficial use, (2) minefill, and (3) landfill or impoundment disposal.
- EPA determined that regulations under RCRA Subtitle D are necessary for landfill/impoundment disposal.

Management Principles for Beneficial Use

- Because EPA's Regulatory Determination retained the exemption for CCW from Subtitle C hazardous waste regulations, there is no legal need under RCRA to test via TCLP for hazardous waste. However, consistent with the States' outline, EPA agrees testing should be done to see if the ash may pose a problem on a site-specific basis.
- EPA agrees with the benefits identified by the States. However, EPA doesn't generalize that mines are safe environments (for several reasons outlined in the paper); rather, case-by-case determinations are needed.

Regulatory Principles for Beneficial Use

- Much of EPA's draft paper is consistent with the States' Discussion Outline.
- EPA is concerned that it has found damage cases in sand and gravel pits and wants to ensure similar problems don't occur in other mines.
- Mines are a challenge for ground-water modeling and monitoring efforts.
 - < Mr. Conrad explained that the public interest groups' allegations are that not enough time has passed to really determine impacts or that monitoring hasn't been sufficient to determine full impact. He stated that, at some point, EPA wants to be able to adequately respond to those allegations. He advised the States to help EPA with this issue by addressing the passage of time issue and the monitoring issue.

State and Federal Regulatory Programs

- Varying programs and approaches make it difficult for the public to know what is going on and where accountability rests, even where CCW minefilling is adequately addressed.
- EPA agrees with States that everyone needs to work together (EPA, OSM, and the States) to address the issue.
- EPA is being strongly encouraged by interest groups to ensure public and ecosystem health.

Public Involvement

- There are several assurances which need to be made for the public (outlined in the paper).

Beneficial Use at Minesites

- EPA acknowledges that ash can be strategically placed at minesites so as to provide a benefit to mine operations and/or reclamation. EPA's interest, however, extends beyond the benefits to the potential adverse impact of the ash on the environment.
- Need to clarify beneficial uses, especially in terms of monitoring.
- Does a beneficial use definition and delineation help?
- Are mine environments "safe" for CCW mine placement?
- EPA agrees with States that a determination must be made that ash placement at selected sites will not exacerbate problems or cause new problems.

Disposal/Placement at Minesites

- This section of EPA's paper is very similar to the States' Discussion Outline.
- EPA is soliciting help from OSM and State regulatory authorities to document the appropriate/applicable elements of the regulations.

Conclusions

- EPA hopes any national regulations will reflect States' capabilities.

State Comments

- Indiana asked what States can do to assist EPA with their review of sites and the water quality associated with mining. Reliable data already exist from which a determination can be made as to whether there are water quality impacts or not.
- Mr. Conrad stated that if the group can agree on what an adequate monitoring program is, then they don't need to focus on the results now. The public will say the problems have yet to be revealed, so it is not so much related to monitoring as to corrective action. The public may want a mechanism in place to take care of water quality problems down the road and SMCRA doesn't necessarily fit that well. The States may want to think about a corrective action/financial assurance program that looks more like RCRA. If States believe this is not necessary, they need to articulate a good reason why it is not necessary.
- Colorado questioned how much time is enough for a corrective action period. In response, EPA noted that RCRA Subtitle D regulations require 30 years for municipal solid waste landfills.
- Indiana pointed out that the critics will never be satisfied with a SMCRA approach because they want more RCRA. Since they will never be satisfied, it is a matter of convincing EPA that we can provide these assurances under SMCRA.
- Ohio suggested that EPA take a closer look at beneficial uses and decide which minesite uses can be added to the list of non-regulated activities. EPA commented that they feel all minesite practices need controls of some sort.
- Indiana stated that regardless of whether a mine is regarded as safe, minesites are as good as, if not infinitely better than, any other sites for placing this material. Also, we shouldn't think of CCW as a "foreign material" to minesites.

OSM Reaction (Randall Mills, Office of Surface Mining)

Randall Mills distributed two documents outlining OSM's response: "An Overview of SMCRA Regulations Applied to CCBs" and "EPA/SMCRA CCB Overview." Copies of each are attached. Mr. Mills noted that he has been meeting with EPA to discuss how SMCRA addresses/can address CCW mine placement and will continue to do so at EPA's request. The discussion began with the issue of corrective action. Mr. Mills stated that if a problem occurs after bond release, it is conceivable that it can be addressed through SMCRA by saying the company falsified information at bond release. Indiana added a caveat that this argument can only be used if there was an intent to deceive/defraud, it cannot be used if the bond was released in good faith. It was then suggested that if a CCW-related impact is found after SMCRA bond release, perhaps CERCLA can address it.

- EPA clarified that, so far, all EPA has done is to exempt CCW from RCRA Subtitle C – that doesn't automatically bring into play existing RCRA Subtitle D requirements, including corrective action. The purpose of EPA's research and these meetings is to determine what regulations, if any, are needed for CCW minefilling. EPA does not have in mind a prohibition on CCW minefilling.
- Mr. Conrad added that if there are elements of a RCRA Subtitle D approach that EPA believes should be present in a minefill regulatory program, those elements need to be balanced with what the States are doing under SMCRA. That is for coal mines only – still have question of what additional controls are needed for noncoal mine placement.

Kim Vories (OSM) stated that OSM wants to see scientific proof that says what the States are currently doing under SMCRA is a problem, is not adequate, and is not protecting the environment. Since this proof does not exist, OSM feels that a new program or new regulations are not needed. Mr. Vories admits, however, that there can be some improvements, such as in designing characterization and leachate tests that would be more CCW-type and site-specific. OSM supports more research and placement scenarios, but they don't see a valid reason to change the regulatory framework currently in place.

DOE Reaction (Lynn Brickett, U.S. Department of Energy)

Lynn Brickett explained that she oversees the utilization of by-products from electricity production and it is likely that the quantity of CCW generated will increase in the future and may have characteristics making it less useable. Ms. Brickett also stated that, as an example, the impact on CCW characteristics of additional control of mercury from stack emissions is of concern to EPA, in addition to arsenic, selenium, and cadmium. She said that the States should expect to hear more about these co-pollutants. In the next 10 years, Ms. Brickett predicts the industry will be overwhelmed with material and will increasingly need to find new ways to dispose or utilize it. For this reason, her main concern is with any regulation that detracts from any form of CCW utilization (i.e., beneficial use). Ms. Brickett concluded by saying that, in her experience in researching the environmental effects of mining, CCW minefilling is a win-win situation.

**Part VI: Review and Discussion of EPA's Draft Report on Minefill Regulatory Concerns
(April 9, 2002, Draft)**

(Truett DeGeare, EPA Office of Solid Waste)

Mr. DeGeare stated that EPA's Minefill Regulatory Concerns report (copy attached) was born out of a RCRA mindset and is the result of previous CCW meetings, visits to mines and to State offices, reviews of SMCRA and RCRA laws and regulations, and review of public interest group concerns. He noted that the concerns are applicable to both SMCRA and non-SMCRA facilities. Mr. Conrad explained that the idea of EPA's report is to get on the table some of EPA's concerns from the RCRA perspective and see what they might be looking for as a bottom line, including a deeper discussion of technical requirements. Mr. DeGeare provided an overview of the draft report. After States debated briefly the need for further discussion on whether SMCRA addresses EPA's concerns, Mr. Conrad walked the States through the report in the order of priority chosen by the States.

Preliminary State Comments

- Indiana felt that EPA had an odd combination of performance-based and design-based criteria that don't mix well. Under SMCRA, this level of detail is provided not in regulations; rather, it is provided on a permit-specific basis in each permit.
- Another State said that you can't take RCRA Subtitle D requirements and use them at a minefill. For example, a monitoring well 150 meters from a CCW site makes no sense, particularly if that distance places the well in spoil or spoil-contaminated ground water.
- Colorado noted that if States document their selection of well locations in the CHIA and PHC (which is subject to public comment and hearings), then they don't need prescriptive requirements.
- Indiana suggested that States might want to start including in CHIAs and PHCs, a write-up addressing EPA concerns and providing their rationale for their choice of controls. The States need to make the connection for EPA between EPA's concerns and SMCRA controls. Toward this end, it was further suggested to create a team of OSM, States, and EPA to go through SMCRA to find out where connections/elements are missing and come up with a strategy to address those gaps. The result could be a guidebook on how to do permit write-ups that include proper justification.
- The problem is communication. The specifics EPA is looking for are in the permits so EPA should consider looking at the permits to see what they lack.
- States know what is acceptable to OSM through OSM oversight (off-site damage cases and bond release process). With a guidance document from EPA, we will know what is or is not acceptable, so we can adjust our program to meet the minimum standards.
- EPA's paper seems to be their checklist already. If States address these concerns in permit write-ups under SMCRA, will that be enough?
- In Pennsylvania, the water group approved the mining group's monitoring program for CCW minefilling.
- During discussion the question arose, why are there no SMCRA regulations specifically addressing ash placement. OSM responded that no problem has ever been identified that would call for such regulations.

Before walking through EPA's report, Mr. Conrad reminded the States to think about whether and how the elements are covered under SMCRA and what, if anything, do we need to do to enhance our efforts to address them.

I. Ground-Water Monitoring

A. Well Design and Deployment

- Change title to “monitoring point.” Include springs as possible monitoring points.
- Would no monitoring be acceptable if there is a justification for it?
- Monitoring on-site spoil water would be meaningless.
- PHC and CHIA explain why wells are located and designed as they are. These are available for public review, comment, and hearing.

III. Prohibitions

B. Unacceptable Ash Characteristics

- Supplemental information regarding the ash is required under SMCRA.
- Define a baseline...“no worse than other on-site materials.”

1. Method

- Provide a rationale for method chosen.
- Methods include: TCLP, ASTM, synthetic precipitation (SPLP), synthetic ground water, actual ground water, and acid-base accounting.
- Testing is consistent within each State, but one test does not fit all nationally due to variety of mining environments.
- Suggest looking into research currently being done on a method for ash characterization. EPA is working on a method because they think TCLP is not the appropriate test, but each proposed test costs \$30K per sample.
- In Indiana, some tests do exceed the MCLs. Mine spoil often does not meet MCLs. States should be able to use a material that is no worse than the mine spoil.
- Much depends on the use of the aquifer and background levels.
- Assume comments are all the same for non-coal mines.
- Pennsylvania and Illinois have ash acceptance criteria based on drinking water standards.

2. Frequency

- Suggest a quarterly minimum unless otherwise justified.
- In Pennsylvania, the metals don't change much but the pH does. They test initially and then biannually.
- Coal source may impact frequency.
- Assume comments are all the same for non-coal mines.

C. Location Restrictions

- Dislike term “restriction”; instead be aware of “sensitive areas” – and allow placement with justification.
- Possible use of buffer zones and setbacks.
- In any area where subsidence is expected, the paper says we can't do it, but we use ash to stabilize and to prevent subsidence.
- Ash can benefit wetlands.
- Blasting areas are not of concern. Blasting is designed to be very limited in impact because the owner/operator wishes to fragment only the overlying spoil and not fragment the coal or underlying material. Fragmenting the coal would cause operational problems.

VI. Risk Assessments

- What type of risk assessment is envisioned by EPA? This can be a big undertaking and is often considered a formal process. For this reason, don't use the term "risk assessment" -- use "impact assessment."
- If a State has looked at it in a way that it believes is sufficient under its laws, is this sufficient? When States do a CHIA, they make an assessment that there will be no hydrologic damage off-site and assess material damage, is that good enough?
- EPA stated that doing an assessment with specific findings related to material damage as defined by established standards for air and water may be sufficient. (The standards reflect risk analyses conducted when the standards were developed.) However, we can't just say a project meets "all existing standards," because this is vague and there is trouble in understanding what this really means – for example, for what parameters?
 - < Some standards include: NPDES, stream standards (TMDLs), ground-water standards, drinking water standards, air quality (fugitive dust and other)

III. Prohibitions

A. Aquifer Avoidance

- All agree that "aquifer avoidance" should go under "sensitive areas" under Limitations.
- Consider use and quality of water (background/baseline), e.g., spoil water (characterize it).
- Have to replace original (pre-mining) water use with equivalent quantity and quality?:
- No generic ban. -The States want the flexibility to allow placement in or near an aquifer and then be able to justify why they feel the placement will not result in any significant impacts to the aquifer.
- It may be important to differentiate among "aquifers" and address impacts to "water table."
- Mine is to be designed to minimize hydrologic impact, but there will be some – SMCRA recognizes that. Can mitigate but can't eliminate. The CHIA describes it all in great detail.

IV. Planning/Permitting

B. Deed Recordation

- There is RCRA authority for it, but need to put SMCRA statutory authority in place to require it.
- Pennsylvania and North Dakota do this already, but as part of their waste requirements.
- If not done for surface mining coal refuse disposal, why is it necessary for coal ash?

C. Baseline Monitoring

- SMCRA regulations set forth minimum monitoring requirements for the permit application. SMCRA sets minimum parameters, but can ask for more parameters specific to ash and more extensive monitoring.

A. Acid-Base Balance

- Fully addressed by SMCRA.
- It belongs under ash characterization and not as a separate thing. However, EPA states that it needs to be addressed separately because ash characterization was for disposal, but this issue addresses the quality of ash and its intended use.
- There are two issues: (1) good to get for background, but (2) if using to treat acid, need to make sure have the right balance.

Financial Assurance [Note: This is not a section in EPA's draft report]

- SMCRA bonding regulations – bonds typically held for longer than the five-year minimum.
- It may depend on the postmining land use: (1) if a landfill, RCRA regulations would apply and (2) if agriculture, look at productivity and bond release regulations.
- Differentiate between closure (SMCRA jurisdiction) and post-closure (continuing RCRA and CWA jurisdiction).
- Potential use of State trust funds for future corrective actions, to be paid for by generators
- Should monitoring regulations be dependent on size/amount of ash placement?
- Financial assurance does not exist under SMCRA. Need to put in place a mechanism that kicks in assurance, but not under SMCRA.
- SMCRA has no provision for long-term monitoring.
- Following SMCRA bond release, there are no owner/operator responsibilities under SMCRA. This is true also for acid mine drainage.
- In North Dakota, ash placement in coal mines is permitted under North Dakota's solid waste law, while the mining is permitted under the North Dakota SMCRA program. After SMCRA bonding ends, solid waste financial assurance requirements continue.

II. Performance StandardsA. MCLs

- SMCRA requires compliance with applicable State and federal air and water standards (These help to define "material damage," but the term hasn't actually been defined). Over the years, the definition of "material damage" has been heavily debated. Historically, it has not been defined in order to preserve flexibility.
- Indiana, Illinois, and Pennsylvania are, in practice, looking at MCLs.

B. Non-degradation

- Relative to baseline.
- For all parameters.
- Key to this is effective monitoring, especially with regard to off-site migration.
- Under SMCRA, the quality of on-site ground water is open; SMCRA is concerned mostly with off-site water quality.

V. Operational RequirementsA. Fugitive Dust Controls

- Required as part of SMCRA permits (as well as MSHA and CAA permits).
 - Apply to entire minesite (ash, roads, cover, spoil, etc.). Requires temporary cover of ash-stockpiles if not controlled by other methods.

VII. Public ParticipationA. Planning and Permitting

- Under SMCRA, public participation is provided for at time of permit application and for significant permit revisions. In Pennsylvania, for ash as soil amendment or additive or for adding a new source of the ash, there is no public participation unless requested.

- In Colorado, the proposed SMCRA permit DECISION is available for public review/comment. Most States don't do this; rather, the permit APPLICATION is the focus of public review/comment. Colorado's process is similar to that under RCRA.
- Several opportunities are provided to comment throughout the life of a SMCRA permit. One impression is that SMCRA has more opportunity for public involvement than other statutes – for example, a single person can request a hearing. Comments are addressed in a findings document.
- Following SMCRA permit issuance, the public has the right to object, comment, and request hearing.
- A citizen can send a letter to say there is a violation and the State is obligated to investigate. If the citizen complains to OSM, the State receives a letter from OSM and must give a rationale for whether or not a violation was found.
- SMCRA permits are for five years only and then must be renewed with opportunity for public participation at each renewal. At mid-life of the five-year permit, the State conducts a mid-point review.
- SMCRA provides opportunity for the public to participate in site inspections.

B. *Monitoring Information*

- All public information, unless proprietary, is maintained at State offices. Some information is also available on-site.

C. *Citizen Suits*

- SMCRA's is identical to RCRA's.

VII. Next Steps

(Greg Conrad, Executive Director, IMCC)

Regulatory Gaps Document Workgroup

Based on the comments of the States, Mr. Conrad proposed that a smaller workgroup develop a document that clearly shows the connection or inter-relatedness between SMCRA and RCRA regulations in addressing mine placement of CCW with:

- A side-by-side analysis, and
- Potential standardization of terms and protocols.

The workgroup would make an attempt, using EPA's Regulatory Concerns Report, to bridge the gaps between RCRA and SMCRA requirements and create a document that says how to do it. This may result in a supplemental procedural document for the mining permit that addresses the critical program elements and shows how RCRA-type procedures are already being done under SMCRA. It would be a two-day working session to develop a document to circulate to States and then to EPA and OSM. This document would then be the basis of the next meeting. In forming the workgroup, Mr. Conrad expressed the desire to have at least eight States that represent East/Central/West, coal/noncoal, RCRA/SMCRA (see below) and requested volunteers. He stated that RCRA representation from Pennsylvania, Texas, and North Dakota is key.

NY	\$	noncoal	TX	\$	RCRA/SMCRA
SC	\$	noncoal	ND	\$	RCRA/SMCRA
IN	\$	SMCRA	MO	\$	RCRA
PA	\$	RCRA/SMCRA	IL	\$	SMCRA
CO	\$	coal/noncoal			

Future Meetings

- The workgroup meeting is tentatively scheduled for mid-July 2002 in the Washington, DC area at the IMCC offices.
- The next meeting of the Mine Placement of Coal Combustion Waste group will be in the September/October 2002 timeframe.
- The next IMCC meeting is in November 2002 in Annapolis, Maryland.

Action Items

- States should submit comments on EPA's Reports on State Regulations by May 31st to Bonnie Robinson (EPA).
 - EPA will provide revised versions of the Reports on State Regulations by the end of June.
 - EPA should make any changes to the Minefill Regulatory Concerns Report within 30-45 days.
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Meeting Summary Attachments:

- Meeting Agenda
- Meeting Attendees

Available on EPA's web site at www.epa.gov/epaoswer/other/fossil/index.htm:

- Indiana's Data Management Systems Presentation—PowerPoint Overheads
- EPA Response to IMCC Discussion Outline, March 15, 2002 Draft
- An Overview of SMCRA Regulations Applied to CCBs, April 10, 2002
- EPA/SMCRA CCB Overview, April 10, 2002
- EPA's Minefill Regulatory Concerns, April 9, 2002 Draft

AGENDA

**State/Tribal/Federal Meeting on Mine Placement of Coal Combustion Waste
April 15 and 16, 2002
Golden, Colorado**

- I. Welcome and Introductions**
- II. Update on EPA's Mine Risk Assessment/Modeling (MRAM) Project**
- III. Update on EPA's Reports on "Regulation and Policy Concerning Mine Placement of Coal Combustion Wastes in 26 States" and "Mine Placement of Coal Combustion Waste – State Program Elements Analysis"**
- IV. Update on EPA's Program of Site Visits and Interviews with Individual State and Tribal Offices**
- V. Presentation by Indiana Department of Natural Resources on Coal Combustion Waste Database**
- VI. Reaction of Federal Agencies to States' Discussion Outline on Coal Ash Management**
 - EPA
 - OSM
 - Others
- VII. Review and Discussion of EPA's Draft Report on Minefill Regulatory Concerns**
- VIII. Next Steps**

ATTENDEES LIST

**States/Tribes/Federal Meeting on Mine Placement of Coal Combustion Waste
Marriott Denver West - Golden, Colorado
April 15-16, 2002**

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