

US EPA ARCHIVE DOCUMENT

CCB PLACEMENT AND UTILIZATION

JURISDICTIONAL FRAMEWORK AND DIAGRAM

This document and related information outlines the state jurisdictional and regulatory framework concerning CCB placement and utilization. A jurisdictional diagram is also attached to the document. The diagram identifies the regulatory authority that is associated with each type of CCB placement or utilization activity.

Active Coal Sites

Placement of coal ash for any area on these sites will be regulated under the Federal SMCRA or under a state SMCRA and associated regulations in primacy states. Other state laws or regulations will also regulate or address the placement of coal ash in relationship to ground and surface water degradation or contamination, placement area restrictions, coal ash quality and/or leaching analysis, monitoring requirements, operational requirements, and other related areas. Any concerns that have been expressed in relationship to RCRA related requirements (Federal or State) should be covered by SMCRA and/or other state environmental acts or regulations. State jurisdiction on these sites will most likely be handled primarily by a mining regulatory authority, with joint regulatory oversight or input from other state regulatory authorities dealing with waste, water and air.

Abandoned Mine Lands

Placement of coal ash for any area associated with this type of site will more than likely be handled under the state waste regulatory authority, with joint regulatory oversight or input from other state regulatory authorities dealing with water and air. Depending on the state, a mining regulatory authority or one designated to deal with abandoned mine land reclamation, may be designated the lead regulatory authority overseeing the placement work, which is being conducted under an approval or authorization of the state waste regulatory authority. Any placement conducted on this type of site should also meet any RCRA related requirements; as it would be conducted in accordance with those state acts or regulations that address federal RCRA and other related regulatory requirements.

Noncoal Sites

Placement of coal ash on these sites would be handled by the state mining regulatory authority, with joint regulatory oversight or input from the state waste regulatory authority. The state water and air regulatory authorities will also have some input on placement at these sites, and they may have some regulatory oversight areas as well. All approvals for placement on these sites should also satisfy RCRA requirements via the state acts or regulations associated with the mining, waste, water and air regulatory authorities.

Beneficial Uses

Utilization of coal ash for beneficial purposes would be handled by the state waste regulatory authority in most circumstances. However, other state regulatory authorities may permit or approve the utilization via a waste authority approval. Most of the approved beneficial uses should meet all applicable RCRA requirements, and other related federal regulatory requirements, as many of them will be coproduct or product replacement approvals. All beneficial use approvals should also represent a minimal, if any, environmental risk, do to the actual use, the amount of ash utilized, normal pre-testing requirements and actual beneficial use guidelines and requirements.

The actual Jurisdictional setup for all scenarios will have to be determined on a state by state basis. The adequacy of each state's programs in relationship to meeting EPA's concerns can also be addressed at that time. In any event, every state should be able to address EPA's concerns by way of existing state act or regulations, and when they don't, a minor modification or addition to those existing acts or regulations, should solve the problem.

MS1-CoalAsh

CCB PLACEMENT
JURISDICTIONAL DIAGRAM

<u>TYPE OF SITE</u>	<u>REGULATORY COVERAGE</u>
ACTIVE COAL SITES: (with or without abandoned mine lands)	Federal SMCRA State SMCRA and associated regulations (in primacy approved states) State Clean Streams Act and/or Regulations State Solid Waste Act and/or Regulations State Drinking Water Act and/or Regulations State Air Quality Act and/or Regulations
ABANDONED MINE LANDS: (no active mine permit)	State Clean Streams Act and/or Regulations State Solid Waste Act and/or Regulations State Drinking Water Act and/or Regulations State Air Quality Act and/or Regulations
NONCOAL SITES:	State Noncoal SMCRA and associated regulations State Clean Streams Act and/or Regulations State Solid Waste Act and/or Regulations State Drinking Water Act and/or Regulations State Air Quality Act and/or Regulations
BENEFICIAL USES:	State Clean Streams Act and/or Regulations State Solid Waste Act and/or Regulations State Drinking Water Act and/or Regulations State Air Quality Act and/or Regulations