

Western Pennsylvania Coalition for Abandoned Mine Reclamation

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November 12, 2009

Mr. Matt Hale, Director
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Mr. Hale:

We thank EPA for the opportunity for Western Pennsylvania Coalition for Abandoned Mine Reclamation¹ (WPCAMR) to provide comments in advance of your agency's efforts to develop regulations on the management of coal combustion waste (CCW).

The responsible management of CCWs is environmentally and economically important to Pennsylvania. We understand an option EPA is considering is the re-classification of CCW as a hazardous waste. MRAB opposes such a re-classification because it is environmentally unnecessary in a suitably managed regulatory program. Further, significant adverse environmental and economic consequences stemming from such a re-classification would likely follow.

We support Pennsylvania's successful CCW regulatory program as carried out by the Pennsylvania Department of Environmental Protection (DEP). We concur with an April 10, 2009 letter to you from Deputy Secretary Thomas K. Fidler of DEP's Office of Resource Conservation and Recovery. A copy of that letter is enclosed for your convenience. Key points made by Mr. Fidler include:

- Having an environmentally sound regulatory program to oversee and manage CCWs is prudent.
- Pennsylvania has a strong history of management of CCWs covering storage, disposal and beneficial use including successful use at mine reclamation sites throughout PA.
- No indication of ground water degradation attributable to the placement of CCWs at reclamation sites has ever been found through groundwater monitoring or data collection.
- Regulation of CCWs as hazardous waste is unnecessary, as wastes generated by PA power plants has not been observed to exhibit characteristics of hazardous waste.
- Classification of CCW as hazardous would likely end its beneficial use without any tangible increase in environmental protection.
- Pennsylvania has no existing or proposed commercial permitted hazardous waste disposal facilities. Therefore, all coal combustion waste generated in Pennsylvania would need to

¹ WPCAMR is a nonprofit organization founded in 1984. Our purpose is to encourage and implement the reclamation of abandoned mine lands and degraded waters of Western Pennsylvania. This includes returning abandoned mine lands to productive use, improving water quality, and reducing hazards to health and safety, thereby improving the local economy and enhancing the quality of life. WPCAMR will work in alliance with individuals or organizations, public or private.

“Take a stand for reclamation”



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be transported to other states for disposal causing the power industry to incur significant costs for transportation and disposal.

Beyond Mr. Fidler's points, we believe it's worthwhile to highlight a remarkable Pennsylvania environmental and economic success story made possible by cooperative efforts among industry, government, and environmental groups. That story revolves around legacy waste coal piles and the waste coal power industry.

Pennsylvania, by far, has more legacy problems from the unregulated days of coal mining than any other state. Significant among those problems are the thousands of waste coal piles throughout Pennsylvania's coal regions. These piles pose many hazards to health and safety to local communities and, more often than not, are prolific producers of acid mine drainage which pollute neighboring streams and rivers. The great expense involved with their removal, disposal and or remediation has largely thwarted traditional reclamation efforts.

Fortunately, the advent of circulating fluidized bed (CFB) technology in power plant boilers has enabled the direct use of waste coal as a feedstock, using the residual energy value of waste coal to produce electricity and the economic impetus to remove and reclaim waste coal piles. A burgeoning CFB power industry in Pennsylvania has emerged from the widespread availability of waste coal.

To suppress the formation of atmospheric SO_2 during CFB combustion, limestone is injected along with pulverized waste coal, consistently resulting in an alkaline combustion product having cementitious properties desirable in mine reclamation activities. The CCWs from CFB power plants are the most commonly used in beneficial placement for mining reclamation in the Pennsylvania regulatory program and practically all of the CFB ash produced is used beneficially. The alkaline nature of this ash generally means that trace amounts of heavy metals are chemically tightly bound within the ash as opposed to the mobility more generally exhibited with dissolved ions in acidic conditions. Additionally, strategies employing the cementitious properties of the ash to limit water infiltration and migration in placements where acidic soils are being remediated results in encapsulating and isolating pollution. These properties are a one, two punch in successful reclamation placement and making the CCWs of CFB power plants very desirable for reclamation purposes.

Pennsylvania's regulatory program for the beneficial placement of CCW ash for mine reclamation applications has proven to be a successful model program, positively demonstrating that CCW ash can be safely and responsibly used for environmental improvement. Additionally, because of the higher overhead of operating CFB power plants versus conventional coal fired plants, the waste coal power industry depends on the placement program for its CCW in order to remain competitive; without the beneficial placement program, the waste coal CFB power plants would likely have difficulties surviving.

The resulting environmental benefits of waste pile removal, acid mine drainage mitigation, and reclamation of abandoned mine lands are measured in hundreds of millions of dollars, all at no cost to taxpayers. The economic benefits of producing over a thousand megawatts of electricity and hundreds of well-paid jobs statewide are substantial. A fact hardly mentioned is that coal recovered from waste piles and burned in CFB boilers has already been mined... no new coal mining is involved. Pennsylvania environmental groups, i.e. watershed groups, involved in voluntary abandoned mine reclamation and acid mine remediation efforts are generally quite supportive of the beneficial placement of CFB ash (with a few vocal exceptions). All reputable



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peer-reviewed science-based studies of Pennsylvania's CCW beneficial placement program overwhelmingly show its effectiveness and safeness.

The tremendous environmental success story of the roles played and positive accomplishments made by the Pennsylvania's waste coal power industry in cleaning up some of the most intractable of abandoned mine problems while providing among the cleanest of all coal-generated electricity is unparalleled. While it will take many more years of continued work before we are able to finally say waste coal piles are a memory of another era, the waste coal power industry is providing the practical and safe means of ridding our landscape of these unsafe, polluting eyesores known as waste coal piles.

To bring this to a conclusion, the re-classification of CCWs as a hazardous waste has the potentially disastrous effect of stopping this environmental success dead in its tracks... and with precious little to show for it. We therefore strongly urge that EPA take the recommendations made in Mr. Fidler's letter as a just and prudent course of action.

Sincerely,

Bruce Golden
Regional Coordinator