



U.S. Office of Surface Mining

News Release



March 14, 2007
For immediate release

Contact: Ben Owens
(202) 208-2565
Bowens@osmre.gov

OSM Plans to Propose Regulations to Control the Use of Coal Combustion Byproducts to Reclaim Coal Mines

(Washington, DC) The US Office of Surface Mining Reclamation and Enforcement (OSM) is asking for public comment before it begins drafting rules to control the use of coal ash and sludge to reclaim coal mines.

OSM's actions come after a National Academy of Sciences committee researched the issue and recommended OSM take the lead in regulating the use of this material in mines.

Those substances, called "Coal Combustion Byproducts (CCBs)," are various types of waste left over when coal is burned to produce electricity. CCBs include fly ash, fluidized bed combustion materials, flue gas desulfurization sludge and bottom ash, all of which are captured by pollution control equipment.

OSM plans to propose regulations that would specify requirements necessary to protect the public and the environment when these byproducts are used to reclaim coal mines.

A recent independent report by the National Research Council concluded that putting CCBs into coal mines as part of the reclamation process is a viable way to dispose of them if measures are taken to protect the environment and public health. The recommendations were contained in the Council's 2006 report "Managing Coal Combustion Residues in Mines."

The report stated, "The committee believes that OSM and its (Surface Mine Control and Reclamation Act) state partners should take the lead in developing new national standards for (Coal Combustion Residue) in mines because the framework is in place to deal with mine-related issues."

The report strongly recommended that enforceable federal standards be established for disposal of CCBs in mines. It proposed that OSM regulations be changed to address CCBs specifically or that joint rules be developed by OSM and the U. S. Environmental Protection Agency under the authority of the Surface Mining Act and the Resource Conservation and Recovery Act.

In response to the study, OSM plans to consider new rules that would regulate the use of CCBs for the reclamation of active surface coal mines or Federally-funded reclamation at abandoned coal mines. The agency announced its intention by publishing an Advance Notice of Proposed Rulemaking in the Federal Register March 14, 2007.

The Federal Register notice explains how OSM thinks it could carry out the Council's recommendation – specifically by adding language to existing Federal rules (30 Code of Federal Regulations VII) to include specific permit requirements and performance standards that would have to be satisfied before CCBs could be used in reclaiming coal mines.

To address using CCBs at Federally-funded abandoned mine reclamation projects, OSM would propose changes to existing rules (Part 874) to require that appropriate data would have to be provided and evaluated before CCBs could be used for reclamation of these abandoned mines.

"Our objective with this advance notice is to get the public involved early in the process, before we begin drafting proposed rules," said Brent Wahlquist, Acting Director of OSM. "This will help the agency scope and frame the proposed rules."

The public has 60 days to submit comments on the Advance Notice of Proposed Rulemaking. Mail or hand carry comments to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 252, 1951 Constitution Avenue, NW, Washington, DC 20240. Comments may also be submitted by email to **rules_comments@osmre.gov**.

-OSM-