

From: Steve Demczak
To: Mary Ann Wright; Pam Grubaugh-Littig; Priscilla Burton; Wayne Hedberg
Date: Wednesday, August 03, 2005 2:38:27 PM
Subject: Different States opinion of Preparation Plants not owned by coal Company

PA - Contact was John Meeham

Since 1992 Pennsylvania does permit these site due to a OSM losing a court case in 1992. He said prior these sites were not permitted reason was not in the permit area or not adjacent to mine.

Mr. Meeham will fax us internal documents but could not find any OSM documents.

Pennsylvania YES

Ohio - Mike

Any place that crushes or screens coal other than end user is permitted

Ohio YES

Virginia - Mr. Collins Engineering Dept.

If sites have crushing and screen or processing then it is a permitted site. Loading facilities are not permitted.

Virginia - Yes

Indiana

Crushing and screen therefore it is permitted

Indiana Yes

Finding:

Most of the states considered crushing, screening and processing as the main requirement to permit a site. Interesting is Pennsylvania considers "End User" only applies to Power Plants and must meet two requirements. See info I sent.

Mr. Siebert

January 11, 1978

Industrial Wastes
Coal Preparation Facilities

In reply refer to:
8-4.122

Stuart I. Gansell
Facilities Section
Williamsport Regional Office

C. L. Siebert, Jr., Chief
Facilities Section
Division of Industrial Wastes
and Erosion Regulation

I will answer as well as I can the questions raised in your memorandum of January 9, subject as above.

*See This
Register*

1. The Federal requirements appearing on page 21381 of the Federal Register of April 26, 1977 were intended as final requirements, but have been appealed, and therefore have at this time no authority or effect for us.
2. Surface runoff from a coal handling, storage or preparation area is not properly considered under the erosion and sedimentation control program, which relates to erosion resulting from earth moving.
3. When the Federal regulations are legally final, we will modify or delete the applicable portions of Chapter 97 of the Rules and Regulations, as we are now in the process of doing for those other industrial classifications for which our treatment requirements are inconsistent with the Federal regulations.
4. Our requirements of 200 mg/l suspended solids and 7.0 mg/l dissolved iron are both less restrictive than the Federal requirements for coal preparation plants and assorted areas. For that reason both will become powerless as soon as the Federal requirements become effective.
5. Revision of Section 97.34 has been under consideration for some time and is being handled by Mr. Giovannitti. This does not relate directly to preparation.
6. The practice of listing in permits specific effluent limitations is a practice promoted mainly by the Division of Water Quality, and one which I have felt we could do without so long as Module 4 is specific. The matter of establishing stream requirements is also within the purview of that Division. Stream requirements may, of course, affect whatever effluent numbers you put in the permit.

Much of the information necessary to make ownership determinations may be obtained from underground mining applications on file in the McMurray office and LUMIS. Where information is insufficient to make the ownership determination, the case should be forwarded to the Division of Permits in Central Office for further research and final determination.

2. Did the Department ever officially notify operators that "end use" preparation plants were exempt from regulation?

To the best of our knowledge no such notification was ever made.

3. What are the extent of reclamation obligations for coal preparation operations which have been abandoned prior to the effective date of the new regulations?

According to discussions under (52 FR 17728, May 11, 1987), OSMRE will use July 6, 1984 as the general dateline for enforcing reclamation obligations. In most of these cases all that should be involved will be structure demolition and site reclamation.

For purposes of program implementation, we will focus on those sites which are included on our inventory lists and any newly discovered operations which are actively processing coal. If during the process we become aware of any sites which operated and closed between July 6, 1984 and the present (including any permitted by BWQM), we will pursue action against them as a second order of business.

4. Who is responsible for permitting noncoal preparation plants?

If the facility is at a permitted mine site it should be included in the mine permit.

If the facility is not at an active mine site it is not subject to the requirements of the noncoal program, because noncoal processing is not included within the definition of noncoal surface mining. In these cases the facility is treated as an industrial site and is subject to separate air quality and NPDES program requirements, as applicable. BMR does not handle those facilities which are off active mining permit areas.


cc: Mr. Linnan
Mr. Giovannitti
Division Chiefs
Mr. Miller
File


Commonwealth of Pennsylvania
Environmental Resources

December 18, 1989

SUBJECT: Scope - August 26, 1989 Prep Plant Regulations

TO: William Plassio, Chief
Prep Plants & Coal Refuse Section
McMurray District Office

FROM: Peter T. Slack, Chief 
Permits Division
Bureau of Mining & Reclamation

THROUGH: Director, Bureau of Mining and Reclamation 

Following are answers to questions posed during a recent telephone conversation. These responses are intended to clarify the scope of regulatory coverage in light of the August 26, 1989 changes to Chapters 86 and 89.

1. Are "end use" preparation plants such as those at power stations covered under the mining program as a result of the recent changes to federal and state regulations?

Recent changes to coal preparation regulations focused on the types of processing which are considered "coal preparation" rather than criteria which are used to define "end use" preparation plants. However certain discussions under the federal preambles to these regulations do touch upon the "end use" issue. According to the preamble language, preparation plants are only exempt from SMCRA requirements if they are "end use" facilities, i.e., located at a power station and more directly associated with the power station than with a mining activity (52 FR 17726. May 11, 1987; and 48 FR 20393. May 5, 1983). No criteria are given to clarify the concept of "association".

There is no information to document how the Department distinguished between "end use" and SMCRA facilities in the past. For purposes of program consistency and SMCRA compliance, the Department will use location and ownership as the determining factors in evaluating all existing and future activities. The first criterion for "end use" classification is that the preparation plant must be located at the power plant site. The second criterion is that the preparation plant must be owned by the utility which operates the power station, or one of its subsidiaries. (Note that ownership rather than operating responsibility is the distinguishing factor.) In order for a plant to be classified as an "end use" facility, both criteria must be satisfied.

If a coal preparation plant does not meet the criteria for "end use" exemption, it should be treated as a SMCRA facility.

*Coal Prep Plants*COMMONWEALTH OF PENNSYLVANIA
November 25, 1987

SUBJECT: Informational Meeting on New Preparation Plant Regs

TO: District Mining Managers
Permit Chiefs
Compliance ManagersFROM: Karl K. Sheaffer, Chief
Division of Permits *KKS*

We will hold an informal informational public meeting for those persons affected by the new regulations for coal preparation plants. The meeting will be held in the large conference room at the Knox District Office on December 9, 1987 at 9:30 a.m. If you know of any potentially affected operators who may be interested please try to make that person aware of this meeting and, if possible, have them contact myself or Evan Shuster at 717-783-8845 prior to the meeting.

The impact of the new regulations is to expand the definition of coal preparation plants to include facilities which physically process coal, i.e. crushing and screening, without restriction as to size or tonnage.

* Any facilities performing crushing, screening, etc. must now obtain a preparation plant permit. Coal loadout facilities and prep plants located at power stations (final point of use facilities) will not be affected by these new regulations.