

**BMP-Based Remining Permit
DEP/EPA Pilot Project**

- ? Pilot study authorized under EPA Project XL**
- ? Up to eight Pennsylvania sites for pilot studies**
- ? Uses a whole watershed approach**
- ? Pilot studies on TMDL (303d) AMD-impacted waters**
- ? Water –quality performance measured at in-stream monitoring point**
- ? Operator must implement best management practices (BMPs)**
- ? Discharge-specific load limitations do not apply**
- ? Multiple options for remediation if in-stream quality degraded**

BMP-Based Remining Permits Pilot Study Sites

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|----------------------------------------------------------------|--------------------------|--------------------------------|--|-------------------------------|
| 1. Amerikohl – Rathmel Operation | Butler County | Soldier Run | | Issued |
| 2. Al Hamilton – Surveyor Run/Ridge
Road Operations | Clearfield County | Surveyor Run | | Issued/
In Process |
| 3. River Hill – Mid Penn Operation | Clearfield County | Pine Run | | Bond
Reg. |
| 4. River Hill – New Florence Operation | Indiana County | UNT Conemaugh
River | | In
Process |
| 5. Opal Ind. - (Conventional Sub F) | Indiana County | Sulfur Run | | Withdrawn |
| 6. Alvin Gearhart – (GFCC) | Jefferson County | Soldier Run | | *Withdrawn |
| 7. Operator T/BA- | Elk County | Dents Run | | Not Submitted |
| 8. Pottsville D.O. Site – TBA | | | | Not Submitted |

***Submitted as GFCC or conventional Sub-F**

**Best Management Practice (BMP)
Remining Permits
Project XL Pilot Study**

Background

DEP, in cooperation with the EPA Office of Water and IMCC-member states, has been exploring a new approach to writing coal remining (Subchapter F) permits. This approach will base compliance on the implementation of best management practices (BMPs) instead of specific NPDES effluent limitations and will monitor performance based on in-stream water quality, instead of through pollution loading rates from individual discharges. To do this, remining projects in up to 8 different watersheds throughout Pennsylvania will be selected to serve as pilot projects. Pilot projects must be on AMD-impacted watersheds on the 303(d) list, have adequate reminable coal reserves, and have good potential for water quality improvement through remining.

Permits for the pilot projects will be written as conventional Subchapter F permits, but will include a consent order and agreement. The CO&A allows DEP to supercede loading limits from individual discharges, so long as monitoring data shows that in-stream water quality has not been adversely impacted. If in-stream quality is degraded, we look at loadings from individual discharges. If loadings have increased, then the operator can take any measures (including but not necessarily treatment of the discharge with increased load) that are effective in restoring in-stream water quality. Failure to implement BMPs will cause cancellation of the CO&A, and the permit will become a conventional Subchapter F permit.

Although EPA verbally authorized the pilot projects, they further suggested that Pennsylvania apply for inclusion in EPA's project XL program. The purpose of project XL is to provide flexibility and encourage innovation in writing non-conventional permits, so long as they are still consistent with federal statute. Pennsylvania submitted a project XL pre-proposal in May, 1999. EPA responded with an invitation to submit a full proposal which was submitted in September. After numerous requests for revisions and conference calls with EPA region III and Washington staff, Region III Deputy Administrator Thomas Voltaggio formally accepted the "PADEP Coal Remining and Reclamation Project XL proposal" on January 10, 2000.

Current Status

The next step in the project XL process is to execute a final project agreement with EPA. EPA gave us a draft agreement which is currently in review. EPA is also looking for significant stakeholder involvement in the pilot projects and program development. This will be done through the conventional public notice process for individual surface mining permits, as well as discussions with MRAB, notice on the DEP web site, and possibly two public meetings in the western portion of the state.

As of March 1, 2000, one of the pilot project sites in Jefferson County (Amerikohl's Rathmel Operation) has been issued. Two other proposed projects, both in Clearfield County, (Al Hamilton Surveyor Run and Ridge Road Operations and River Hill Mid Penn #1 Operation) are close to being ready to issue. Two other projects are pending in Elk and Indiana counties. One project has been reserved for the Pottsville District, although no candidate has yet been selected. Two other pilot sites have been dropped from consideration, because they have already obtained a conventional Subchapter F permit or a GFCC. Therefore, there are two openings still available for consideration among the 8 pilot sites.

Analysis

At some point after the pilot sites have been started and enough time has elapsed to provide meaningful results, we will do a thorough analysis of the impacts on water quality as well as an inventory of all the additional reclamation activities which resulted from the pilot program. The following criteria will be used to assess the success of the pilot projects:

1. Acreage of abandoned mine lands mined and reclaimed that wouldn't have been under conventional Subchapter F program.
2. Additional reclamation or remediation projects done in the watersheds as a result of pilot projects.
3. Effects on in-stream water quality.
4. Effects on pollution loads from Subchapter F preexisting discharges.
5. Additional BMPs implemented that wouldn't have been required under conventional Subchapter F permitting.

Surveyor Run BMP – Based Remining Permit Example

