

**PENNSYLVANIA CODE**  
**TITLE 25. ENVIRONMENTAL PROTECTION**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**CHAPTER 88. ANTHRACITE COAL**

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**§ 88.281. Requirements.**

A person who conducts coal refuse disposal activities shall comply with the performance standards and design requirements of this subchapter, AND CHAPTER 90, SUBCHAPTER E (RELATING TO SITE SELECTION), SUBCHAPTER F (RELATING TO COAL REFUSE DISPOSAL ACTIVITIES ON AREAS WITH PREEXISTING POLLUTIONAL DISCHARGES), SUBCHAPTER G (RELATING TO EXPERIMENTAL PRACTICES) 90.5 (RELATING TO SITE SELECTION AND PERMITTING), § 90.23 (RELATING TO DESIGN CRITERIA: GROUNDWATER AND SURFACE WATER PROTECTION SYSTEM), AND §

90.49 (RELATING TO STREAM BUFFER ZONE VARIANCE).

(1) Disposal of coal refuse in an active surface mine shall comply with the performance standards set forth in Subchapter B (relating to surface anthracite coal mines: minimum environmental protection performance standards); and § 88.315 (relating to coal refuse disposal: active surface mines).

(2) Disposal of coal refuse in an active bank removal operation shall comply with the performance standards of Subchapter C (relating to anthracite bank removal and reclamation: minimum environmental protection performance standards).

(3) Disposal of coal refuse in an abandoned or active underground coal mine shall comply with the performance standards set forth in Subchapter F (relating to anthracite underground mines).

**§ 88.310. Coal refuse disposal: general requirements.**

(a) Coal refuse shall be hauled or conveyed to and placed in designated disposal areas authorized for such purposes. The refuse shall be placed in a controlled manner to ensure the following:

(1) That the land mass designated as the disposal area is suitable for reclamation and revegetation compatible with the natural surroundings.

(2) Stability of the disposal area.

(3) That leachate and surface runoff from the disposal area will not degrade surface waters or groundwaters or exceed the established effluent limitations.

(b) The disposal area shall be designed using recognized professional standards and approved by the Department. The design shall be certified by a registered professional engineer.

(c) All trees, grasses, shrubs and other organic materials shall be removed for a distance of 50 feet from the current disposal area concurrent with the placement of refuse.

(d) Slope protection shall be provided to minimize surface erosion at the site. All disturbed areas, including diversion ditches that are not riprapped, shall be vegetated upon completion of construction.

(e) The coal refuse to be placed in full shall be hauled or conveyed and placed in horizontal lifts in a controlled manner, concurrently compacted as necessary to ensure mass stability and prevent mass movement, covered and graded to allow surface and subsurface drainage to be compatible with the natural surroundings, and ensure a long-term static safety factor of 1.5 and seismic safety factor of 1.2.

(f) The final configuration of the disposal must be suitable for the approved postmining land uses.

(g) Terraces may be utilized to control erosion and enhance stability if approved by the Department.

(h) If the disposal area contains springs, natural or manmade water-courses, or wet-weather seeps, an underdrain system consisting of durable rock shall be constructed from the wet areas in a manner that prevents infiltration of the water into the spoil material. The underdrain system shall be designed and constructed using standard geotechnical engineering methods.

(i) Coal refuse may be returned to underground mine workings, but only in accordance with a disposal program approved by the Department and MSHA.

(j) THE SYSTEM TO PREVENT ADVERSE IMPACTS TO THE SURFACE WATER AND GROUNDWATER MUST BE CONSTRUCTED IN ACCORDANCE WITH DESIGN SCHEMATICS, TEST RESULTS, DESCRIPTIONS, PLANS, MAPS, PROFILES OR CROSS-SECTIONS APPROVED IN THE PERMIT AND SHALL FUNCTION TO PREVENT ADVERSE IMPACTS TO SURFACE WATER AND GROUNDWATER.

(k) THE SYSTEM TO PREVENT PRECIPITATION FROM COMING IN CONTACT WITH THE COAL REFUSE MUST BE CONSTRUCTED IN ACCORDANCE WITH DESIGN SCHEMATICS, DESCRIPTIONS, PLANS, MAPS, PROFILES AND CROSS-SECTIONS APPROVED IN THE PERMIT AND SHALL FUNCTION TO PREVENT PRECIPITATION FROM CONTACTING THE COAL REFUSE. THE SYSTEM SHALL BE INSTALLED AS PHASES OF THE DISPOSAL AREA REACH CAPACITY, AS SPECIFIED IN THE PERMIT, WHEN THE OPERATION TEMPORARILY CEASES FOR A PERIOD IN EXCESS OF 90 DAYS (UNLESS THE DEPARTMENT APPROVES A LONGER PERIOD, NOT TO EXCEED ONE YEAR) OR WHEN THE OPERATION PERMANENTLY CEASES. THE SYSTEM SHALL BE DESIGNED TO ALLOW FOR REVEGETATION OF THE SITE IN ACCORDANCE WITH THE STANDARD OF SUCCESS UNDER § 88.330 (RELATING TO REVEGETATION: STANDARDDS FOR SUCCESSFUL REVEGETATION) AND FOR PREVENTION OF EROSION.

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**§ 88.332. Cessation of operations: temporary.**

(a) As soon as it is known that the operation will temporarily cease for more than 30 days, the operator shall submit a notice of intention, in writing, to temporarily cease the operation. The notice shall include a statement of the exact number of acres which will have been affected in the permit area, the extent and kind of reclamation of those areas, and identification of the backfilling, regrading, revegetation, monitoring and water treatment activities that will continue during the temporary cessation. THE SYSTEM FOR PREVENTING

PRECIPITATION FROM CONTACTING THE COAL REFUSE SHALL BE INSTALLED WHEN THE TEMPORARY CESSATION EXCEEDS 90 DAYS. THE DEPARTMENT MAY APPROVE A LONGER PERIOD, NOT TO EXCEED ONE YEAR, UNDER SUBSECTION (b) OF THIS SECTION.

(b) Temporary cessation of an operation may not exceed 90 days unless the Department approves a longer period for reasons of seasonal shutdown or labor strike.

(c) Temporary cessation shall not relieve the operator of the obligation to comply with any provisions of the permit.