

Regulation	Corresponding CRDCA sections that were previously approved
25 Pa. Code 90.302 definition of "abatement plan"	Section 30.53 Definitions (1): "abatement plan".
25 Pa. Code 90.302 definition of "actual improvement"	Section 30.53 Definitions (1.1) "actual improvement".
25 Pa. Code 90.302 definition of "best technology"	Section 30.53 Definitions (1.4) "best technology".
25 Pa. Code 90.302 definition of "pollution abatement area"	Section 30.53 Definitions (9.1) "pollution abatement area".
25 Pa. Code 90.303(a)(1)	Section 30.56b(b)(1).
25 Pa. Code 90.303(a)(2)(i)-(v)	Section 30.56b(b)(2)(i)-(v).
25 Pa. Code 90.305(a)(1)(i)-(ii)	Section 30.56b(c)(1)(i)-(ii).
25 Pa. Code 90.305(a)(2)-(4)	Section 30.56b(c)(2)-(4).
25 Pa. Code 90.305(a)(6)	Section 30.56b(c)(5).
25 Pa. Code 90.305(a)(7)	Section 30.56b(c)(7).
25 Pa. Code 90.305(b)	Section 30.56b(d).
25 Pa. Code 90.305(c)	Section 30.56b(c)(6).

The following section contains our evaluation of regulations that do not have substantively identical corresponding sections to those in the CRDCA. Pennsylvania has made changes to its regulations at Chapter 88 covering coal refuse disposal operations in the anthracite region as well as regulations at Chapter 90 covering operations in the bituminous region.

Chapter 88 Anthracite Coal

25 Pa. Code 88.281 Requirements. This section formerly required anthracite coal operators who conduct coal refuse disposal activities to comply with the performance standards and design requirements of this subchapter. Pennsylvania added references to the new coal refuse disposal regulations to insure that anthracite operators comply with these new standards. Although these references have no direct Federal counterparts, the Director is approving them because they do not render the Pennsylvania program inconsistent with SMCRA or the Federal regulations.

25 Pa. Code 88.310 Coal refuse disposal: general requirements. Pennsylvania added subsections (j) and (k) to this section. Subsection (j) requires that the system to prevent adverse impacts to the surface and groundwater shall 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. This section is essentially the same as 25 Pa. Code 90.122(g) that the Director is approving below. This section will assure that anthracite refuse disposal operations are conducted in conjunction with the same safeguards as those in the bituminous region. Although these subsections have no direct Federal counterparts, the Director is approving them because they do not render the Pennsylvania program inconsistent with SMCRA or the Federal regulations.

Subsection (k) provides the design and installation requirements of a system designed to prevent precipitation from coming in contact with the coal refuse. These requirements are essentially the same as those that the Director is approving at 25 Pa. Code 90.122(h) (see the discussion under 25 Pa. Code 90.122(h) below for more information). The addition of these requirements to Pennsylvania's anthracite regulations will insure that anthracite coal refuse disposal operations will be carried out with the same safeguards in place as those in the bituminous region. Although this subsection has no direct Federal counterpart, the Director is approving it because it does not render the Pennsylvania program inconsistent with SMCRA or the Federal regulations.

Chapter 90 Coal Refuse Disposal

25 Pa. Code 90.1 Definition of "coal refuse disposal". Pennsylvania defines "coal refuse disposal" in section 90.1 as "the storage, placement, or disposal of coal refuse." The term includes engineered features integral to the placement of the coal refuse including relocation or diversions of stream segments contained within the proposed fill area and the construction of required systems to prevent adverse impacts to surface water and groundwater and to prevent precipitation from contacting the coal refuse." While the term "coal refuse disposal" is not defined in the Federal regulations, Pennsylvania's definition is used in its regulations for meeting the requirements of 30 CFR 816.81(a)(1) which requires waste disposal areas to minimize effects of leachate and surface water runoff on surface and ground water quality and quantity. The Director finds that the definition of "coal refuse disposal" is not inconsistent with SMCRA or the Federal regulations.

25 Pa. Code 90.5 Site selection and permitting. Subsection (a) provides that an applicant for a permit to conduct coal refuse disposal activities shall

comply with Subchapter E (relating to site selection) and shall use Pennsylvania's Technical Guidance Document number 563-2113-660, titled "Coal Refuse Disposal—Site Selection" as guidance for selecting a coal refuse disposal site. Subsection (b) provides that after Pennsylvania has approved a site in accordance with Subchapter E, the applicant may apply for a permit for coal refuse disposal activities. There is no direct Federal counterpart for this regulation. However, this section merely describes the sequence of events that an applicant must go through to secure a permit for coal refuse disposal. Because this section is not inconsistent with SMCRA or the Federal regulations, the Director is approving it.

25 Pa. Code 90.12 Geology. Pennsylvania rearranged this section and also added and deleted some language. This section describes the geologic information that an application for coal refuse disposal must include. Former subsection (a)(1) was combined into subsection (a). Pennsylvania also deleted language from former subsection (a)(1) that described the information on the specific geologic stratum that operators are required to put in their permit applications. The deleted information required stratum information that was tied to the lowest coal seam to be mined. This information was replaced with the phrase, "The description shall include the strata down to and including any aquifer that may be affected." Pennsylvania made these changes because coal refuse disposal operations typically do not require the mining of coal. If coal mining does occur in conjunction with the refuse disposal operations, it will be regulated under Pennsylvania's surface coal mining regulations.

The Federal regulation most comparable to this section is found at 30 CFR 780.22(b)(1). This section requires geologic information in applications to include the deeper of either the stratum immediately below the lowest coal seam to be mined or any aquifer below the