

# **Recent Regulatory Developments Impacting Mine Backfill Management Practices of Coal Combustion Products**

**R. James Meiers<sup>1</sup>, C.H.M.M. and David B. Barnard<sup>1</sup>, Esq.**

<sup>1</sup>Indianapolis Power & Light Company, 1230 West Morris Street, Indianapolis, IN. 46221

KEYWORDS: backhaul, minefill, and mine reclamation

## ABSTRACT

The management of coal combustion products (CCP) in surface coal mining activities has come under regulatory scrutiny in recent years. Most states with federally authorized programs implement the management requirements of CCP in coal mines through operating permits issued under policy guidelines and not regulations. In the State of Indiana, environmental groups have continued to litigate permit after permit issued by the Indiana Department of Natural Resources (IDNR) under the policy guidelines developed by the IDNR. The Governor's office in Indiana has responded to the public objection and has initiated a rulemaking process in an effort to end the continual litigation of permits. At the federal level the Environmental Protection Agency (EPA) in Washington D.C. has included the management of CCP in mine related activities in their review of management options related to the second phase of the Bevil amendment regulatory determination on CCP.

This paper will address the recent regulatory developments and discuss the future impacts on the management of CCP in mining activities, both for disposal and utilization. The issues that will be discussed include CCP characterization, management controls, and corrective action/financial assurance. Accurately classifying CCP requires the appropriate testing methodology to be implemented. Management controls vary, those with the most impact include CCP classification, CCP volume restrictions in a mine, placement location the of CCP in the mine (backfill and monofill placement and above or below the water table).