
NATURAL RESOURCES COMMISSION
Information Bulletin #24
(First Amendment)

Subject: Beneficial Utilization of Coal Combustion Waste at Surface Coal Mines

I. History and Publication

This information bulletin was approved by the Natural Resources Commission as a nonrule policy document during its April 1999 meeting. The document was published in the Indiana Register beginning at 22 IR 2951 (June 1, 1999). This information bulletin is amended to reflect new uses of coal combustion waste (CCW) as added by [IC 13-19-3-3](#) and supersedes the previous information bulletin printed at 22 IR 2951.

II. Introduction

The disposal of CCW at permitted surface coal mines has become the subject of a considerable public policy debate within the state of Indiana. While this issue is still being resolved, legitimate beneficial usage of the CCW has been recognized by state agencies including the Indiana Department of Environmental Management ([IC 13-19-3-3](#)).

III. Policy Statement

To ensure that legitimate beneficial uses of CCW are identified and distinguished from regulated disposal operations, the Natural Resources Commission requested the Department of Natural Resources, Division of Reclamation, to develop a nonrule policy with regard to allowable beneficial uses at coal mines. In accordance with the request, the Division of Reclamation prepared a draft nonrule policy, and the policy is now approved by the Commission. To be noted initially is that CCW used beneficially in accordance with this information bulletin must not be mixed with any substance classified as hazardous that would result in a failure of the material to demonstrate an exemption from regulation as a hazardous waste under 42 U.S.C. 6921.

The Director will not regulate the use of CCW on permitted sites regulated by [IC 14-34](#) provided the waste is utilized for legitimate beneficial use(s). Such beneficial use(s) will not require reporting beyond the notification described herein or subject to other rules applicable to the disposal of CCW. The following are recognized as legitimate beneficial uses authorized under [IC 13-19-3-3](#):

1. The extraction or recovery of materials and compounds contained within the CCW.
2. Bottom ash as an antiskid material.
3. Raw material for manufacturing another product.
4. For use in:
 - (a) mine sealing;
 - (b) mine subsidence control; or
 - (c) mine fire control.
5. Structural fill, when combined with cement, sand, or water, to produce a controlled strength fill material for uses including, but not limited to:
 - (a) parking lot base; or
 - (b) building base.
6. A base in road construction.
7. Cover for coal processing waste disposal locations to inhibit infiltration at surface and underground mines subject to [IC 14-34](#), so long as a demonstration is made in concurrence with the Department of Natural Resources that the materials and methods to be employed are appropriate for the intended use.
8. Providing buffering or enhancing structural integrity for refuse piles at surface and underground mines subject to [IC 14-34](#), so long as a demonstration is made in concurrence with the Department of Natural Resources that the materials and methods to be employed are appropriate for the intended use.
9. Agricultural applications, when applied using appropriate agronomic amounts to improve crop or vegetative production.

The permittee shall notify the Director in writing prior to the planned use of the CCW. The notification shall be signed by a company official authorized to verify permit applications under [312 IAC 25-4-8](#). The notification shall include:

1. the name, address, and telephone number of the permittee;
2. the mine name and permit number at which the usage is proposed;
3. the generator of the CCW;
4. a brief narrative explaining the beneficial use(s);
5. a brief narrative description of the area in which the permittee intends to utilize the CCW (a map depicting the area(s) may be submitted in lieu of the narrative);
6. the estimated proposed volume of CCW per beneficial use; and
7. an estimated timetable for the proposed usage(s).

Within 15 days of receipt of the notification, the Director will notify the permittee if the Department does not

believe the notification received describes a beneficial use of CCW as allowed under [IC 13-19-3-3](#). This acknowledgment does not exempt the permittee from compliance with all requirements of the Surface Mining Control and Reclamation Act (SMCRA) or other state or federal laws. Inspection staff will monitor beneficial use to assure the differentiation between use and disposal are adequately maintained.

*Where applicable in accordance with [312 IAC 25-6-20](#), [312 IAC 25-6-45](#), [312 IAC 25-6-50](#), or [312 IAC 25-6-66](#), necessary documentation may be required to demonstrate that the material will meet or exceed the stability requirements of these regulations when the use of CCW materials has not otherwise been specifically reviewed for use in the permit. Underground mine regulatory counterparts at [312 IAC 25-6-84](#), [312 IAC 26-6-108](#), [312 IAC 25-6-112](#), or [312 IAC 25-6-130](#) to the above-referenced rules are likewise applicable.

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