



COALEX STATE COMPARISON REPORT - 237

December 1992

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Department of Natural Resources
Executive Office
402 W. Washington Street, Room W256
Indianapolis, Indiana 46204

TOPIC: FUGITIVE DUST EMISSION REGULATIONS

INQUIRY: Indiana is considering revisions to its rules regulating fugitive dust emissions from surface coal mines. The state is particularly interested in fugitive dust emissions as a health, not a reclamation, problem. Please conduct a survey of IMCC members, requesting the following information:

1. Which agency in your state enforces fugitive dust regulations? Is it the same agency that enforces SMCRA regulations?
2. Do fugitive dust emission regulations for surface coal mining operations differ from the regulations for other industries? if yes, how do they differ?
3. Please send a copy of the state's fugitive dust regulations; include numeric and narrative management plans.

SEARCH RESULTS: Twelve IMCC member states, including two non-coal states, responded to the questionnaire. The responses follow. Copies of the state regulations are attached for nine states. The names and numbers of appropriate state contacts are provided for Kentucky and North Carolina. Virginia will send its air pollution control regulations under separate cover.

RESULTS OF THE SURVEY

ALABAMA

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
Alabama Department of Environmental Management (ADEM).	SMCRA regulations are the responsibility of the Alabama Surface Mining Commission.	Regulations are the same in similar industries -	22-22A-5(3) and 22-28-14 of the Code of Alabama, 1975 (Air Pollution



		335-3-4-.02 Fugitive Emissions and 335-3-1-.08 (Protection of Air Pollution) of ADEM regulations cover these type of emissions.	Control Act) and authorized regulations passed by ADEM.
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ARKANSAS

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
There are three state divisions that have authority over fugitive dust: Arkansas Department of Pollution Control and Ecology's Surface Mining Division (SMRD) and Air Division, and the Arkansas Department of Labor's Mine Inspection Division.	SMRD enforces SMCRA.	SMRD's regulations are coal specific and pertain to reclamation. Air Division's regulations are for protection of health and are related to coal and non-coal operations. Air permits are required for such activities as crushing and screening facilities on any type of mining operations. There is no difference from the standpoint of the Air Division and the Mine Inspection Division.	Arkansas Air Pollution Control Code.

ILLINOIS

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
Dual enforcement: Illinois Department of Mines and Minerals (IDMM) and Illinois Environmental Protection	No. IDMM enforces SMCRA.	Regulations differ, not sure what IEPA's regulations are. See attached letter from	62 Ill Adm Code 1780.15 and 1816.95.



Agency (IEPA).		IEPA.	
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INDIANA

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
Indiana Department of Environmental Management.	No. Indiana Department of Natural Resources enforces SMCRA.	Regulations do not differ, except the Division of Reclamation appears to have authority to regulate dust from coal mining operations to the extent that the dust damaged public or private property.	326 IAC 6-4 Fugitive Dust Emissions [Air Pollution Control Board Particulate Rules].

KENTUCKY

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
Department for Environmental Protection, Division of Air Quality	No. The Department for Surface Mining Reclamation and Enforcement enforces SMCRA. The Div. of Air Quality is the primary agency with jurisdiction over air quality in Kentucky. The Dept. for Surface Mining Reclamation and Enforcement has overlapping authority on surface mining operations, particularly regarding coal processing plants.	Contact Div. of Air Quality	SMCRA permitting requirements: 405 KAR 8:030, Sec. 35; 405 KAR 8:040, Sec. 35 & SMCRA performance standards: 405 KAR 16:170; 405 KAR 18:170 For additional information contact: John G. Hornback, Director, Division of Air Quality 316 St. Clair



			Street Frankfort, KY 40601 (502) 564-3382
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MISSOURI

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
Missouri Department of Natural Resources, Air Pollution Control Program	Yes. Same Department.	Regulations for coal and non-coal do not differ.	10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin [Air Conservation Commission].

NORTH CAROLINA [Non-Coal Only]

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
North Carolina Division of Environmental Management, Air Quality Section.	N/A	N/A	For copy of regulations contact: Mr. Dale Overcash (919) 733-3340

OHIO

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
Ohio Environmental Protection Agency	No.	Division of Reclamation enforces fugitive dust regulations resulting from erosion. Unsure what the EPA's regulations are.	OAC 1501:13-4-05(o) Air Pollution Control Plan.



PENNSYLVANIA

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
Pennsylvania Department of Environmental Resources.	Yes.	Fugitive dust regulations for surface coal mining operations are the same as for the non-coal mining industry.	77.575 Air Resources Protection regulations for non-coal; 87.137 Air Resources Protection regulations for coal mining; Chapters 121.123, 127 and 129, referenced in those sections.

SOUTH CAROLINA [Non-Coal Only]

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
South Carolina Department of Health and Environmental Control, Bureau of Air Quality Control. Under the South Carolina Mining Act, the South Carolina Land Resources Commission enforces general fugitive dust control requirements (not standards).	N/A	N/A	None.

VIRGINIA

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached.
Virginia Air Pollution Control Board is primary agency responsible for air pollution regulations.	No. Department of Mines, Minerals and Energy enforces SMCRA.	Air Pollution Control Board regulations are general in nature and cover about all fugitive dust situations. In regard to mining operations, only preparation plants are controlled under	VA.CSMRR 480-03-19.816.95(a) All exposed surface areas shall be



		permit.	protected and stabilized to effectively control erosion and air pollution attendant to erosion.
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WEST VIRGINIA

Emissions Enforcement Agency	Same Agency Enforces SMCRA?	Coal vs Non-Coal Emission Regulations	Regulations Attached
West Virginia Division of Environmental Protection (WVDEP), Office of Air Quality, enforces emission (numeric) standards.	WVDEP, OMR enforces WV SMCRA and its fugitive dust [from surface mining] provisions.	No.	38-2-4.8(a)(1)

ATTACHMENTS

A. ALABAMA

1. 22-22A-5(3) and 22-28-14 of the Code of Alabama, 1975 (Air Pollution Control Act) and authorized regulations passed by ADEM.

B. ARKANSAS

1. Arkansas Air Pollution Control Code.

C. ILLINOIS

1. 62 Ill Adm Code 1780.15 and 1816.95.
2. Letter from IEPA to IDMM.

D. INDIANA

1. 326 IAC 6-4 Fugitive Dust Emissions [Air Pollution Control Board Particulate Rules].

E. KENTUCKY

1. SMCRA permitting requirements: 405 KAR 8:030, Sec. 35; 405 KAR 8:040, Sec. 35
2. SMCRA performance standards: 405 KAR 16:170; 405 KAR 18:170

F. MISSOURI

1. 10 CSR 10-6.170 Restriction of Particulate Matter to the Ambient Air Beyond the Premises of Origin [Air Conservation Commission].

G. OHIO

1. OAC 1501:13-4-05(o) Air Pollution Control Plan.

H. PENNSYLVANIA



OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT
U.S. Department of the Interior

1. 77.575 Air Resources Protection regulations for non-coal; 87.137 Air Resources Protection regulations for coal mining; Chapters 121.123, 127 and 129, referenced in those sections.
- I. WEST VIRGINIA
1. 38-2-4.8(a)(1)