From: Buteyn, Douglas J (DEC)
To: Lyons, Ellen H CIV USARMY CEPOA (US)
Subject: [Non-DoD Source] RE: State coal ash regulations
Date: Wednesday, March 14, 2018 10:00:48 AM
Attachments: 2017-11-07 18 AAC 60.pdf

Hi Ellen:

Yes, our new regulations became effective in late October and include new regulations on the beneficial use of solid waste (including coal ash) as either a fill material or as an ingredient in a manufactured product. In case you're interested, I'm attaching a copy of the solid waste regulations. The beneficial use regulations are in sections 60.007, 008, and 009.

Doug Buteyn

-----Original Message-----
From: Lyons, Ellen H CIV USARMY CEPOA (US) [mailto:Ellen.H.Lyons@usace.army.mil]
Sent: Wednesday, March 14, 2018 9:23 AM
To: Buteyn, Douglas J (DEC) <doug.buteyn@alaska.gov>
Subject: RE: State coal ash regulations

Hi Doug! I'm wondering if the new Solid Waste Program regulations have been finalized?

Thank you!

Ellen Lyons
907-474-2166

-----Original Message-----
From: Buteyn, Douglas J (DEC) [mailto:doug.buteyn@alaska.gov]
Sent: Thursday, January 12, 2017 4:36 PM
To: Lyons, Ellen H CIV USARMY CEPOA (US) <Ellen.H.Lyons@usace.army.mil>
Subject: State coal ash regulations

Ellen:

In response to our phone conversation yesterday, I'm providing information about the solid waste regulations relative to coal ash and its use as a fill material.

Under the current solid waste regulations in Title 18, Chapter 60 of the Alaska Administrative Code (18 AAC 60), coal ash is defined as an "inert waste", which is defined as "solid waste that has a low potential to pollute air or water, and that does not normally attract wildlife".

You also asked about our definition for solid waste. Our regulations actually reference the definition provided in the Alaska Statutes (AS 46.03.900) and that definition reads as follows: "garbage, refuse, abandoned, or other discarded solid or semi-solid material, regardless of whether subject to decomposition, originating from any source".

As an inert waste, coal ash is one of four specified solid wastes that can be used as a fill material with prior ADEC authorization. The regulation that establishes the standards for using solid waste as fill and sets the parameters for authorizing such projects is found in 18 AAC 60.007 ("Solid wastes used as fill"). A copy of the regulation is attached for your use. (The text shown in blue is simply the information an applicant has to provide to us in support of a request for authorization of a fill project.)

As I mentioned yesterday, the Solid Waste Program is in the process of revising our regulations and that effort includes revising the "Solid wastes used as fill" regulation and new regulations specific to the disposal of coal ash. New regulations specific to coal ash disposal are necessary to conform to new federal standards for coal ash disposal facilities that are included in regulations that took effect in October 2015. Those regulations are also motivating revisions to our "solid wastes used as fill" regulation because the federal regulations include specific standards for the "beneficial use" of coal ash, which includes using coal ash as a fill material.

Although the new federal regulations allow coal ash to be used as fill, they also establish a boundary between "small" and "large" fill projects and lay out strict criteria for allowable fill projects. We are working to incorporate similar concepts into the state regulations while still allowing coal ash to be used as fill. Although I can't say much more at this point since nothing is final, I'll be sure to send you a copy of the proposed regulations when they are released for public comment.

I hope I've answered your questions and provided you with the information you wanted. If I haven't, or if this raises more questions, please let me know.

Douglas Buteyn

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