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**From:** Dennis Finotti [dennis-pclp@csonline.net]  
**Sent:** Wednesday, December 16, 2009 8:50 AM  
**To:** EP, RegComments  
**Cc:** Mary Jo White; doberlan@pahousegop.com  
**Subject:** Comments on Beneficial Use of Ash  
**Attachments:** Piney Creek Comments -Beneficial Use of Ash.pdf

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REVIEW COMMISSION

To Environmental Quality Board:

Please accept Piney Creek Limited Partnership's comments on the proposed rule making on "Beneficial US of Ash".

Sincerely,  
Dennis J. Finotti  
Piney Creek Limited Partnership

**Piney Creek Limited Partnership**

Kendall Reed, Plant Manager  
 428 Power Lane  
 Clarion, PA 16214  
 Phone: 814 226 8001, Fax: 814 226 7909 Cell: 814 221 0908  
 Email: [kendall-pclp@csonline.net](mailto:kendall-pclp@csonline.net)

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DEC 23 REC'D

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REVIEW COMMISSION

**Piney Creek Comments:** "Beneficial Use of Ash" as published in the November 7, 2009 Pennsylvania Bulletin (<http://www.pabulletin.com/secure/data/vol39/39-45/2062.html>)

**DATE:** December 16, 2009

**Submitted via e-mail to:** [RegComments@state.pa.us](mailto:RegComments@state.pa.us) The Environmental Quality Board P. O. Box 8477  
 Harrisburg, PA 17105-8477

**Subject:** Beneficial Use of Coal Ash Proposed Regulations

**Dear Environmental Quality Board:**

**Description of Piney Creek Facilities:**

Piney Creek is a waste coal-fired electric generating plant located in Clarion County, Piney Township, PA. The Piney Creek facility provides a unique environmental benefit in Pennsylvania by converting waste coal as fuel and utilizing circulating fluidized bed ("CFB") technology. Piney Creek's facility utilizes coal refuse from both past and current mining activities, and thereby reclaim abandoned strip mines and abate acid mine drainage from waste coal piles at no cost to Pennsylvania taxpayers. By converting waste coal into alternative energy, Piney Creek is removing one of the principal sources of contamination to surface water and groundwater in Pennsylvania.

In addition for the past ten years Piney Creek Limited Partnership has worked diligently with the PA DEP to test and permit various "Alternative Fuels" consisting of waste products from historical MGP plants, coking plants and various biomass products. Expansive testing, at significant cost to Piney Creek, has been provided to the PA DEP demonstrating that "co-firing these alternative fuels at levels of 20% or less has no significant impact on the coal ash.

Piney Creek does not oppose the promulgation of stringent Guidelines to ensure the adequate protection of human health and the environment within the Commonwealth. However, Piney Creek requests that the application of these Guidelines be equitable and consistent, and not unduly burden the beneficial waste-coal to alternative energy activities.

Piney Creek request that the PA DEP (Bureau of Mining and Reclamation) consider the previous extensive efforts and expense that Piney Creek has invested in testing and permitting Alternative Fuels as they review our comments.

**Comments:**

**§ 290.1. Scope.**

(a) This chapter sets forth requirements for beneficial use of coal ash.

(b) If coal ash is mixed with residual waste [~~or ash produced by co-firing coal or waste coal with an alternative fuel~~], the beneficial use must be authorized by a permit issued under this article and the requirements of this chapter must be met.


**(c) The beneficial use of ash produced by co-firing coal or waste coal with an approved (by the Department) alternative fuel must be authorized by a permit under this article and meet the requirements of this chapter. However if the alternative fuel represents less than twenty (20) percent of the heat input to the boiler, the resulting coal refuse will be defined and classified as coal ash under this article and meet the requirements of this chapter.**

(cd) If coal ash is mixed with construction and demolition waste, the beneficial use must be authorized under a permit issued under Article VIII (relating to municipal waste) and the requirements of this chapter must be met.

Regulations need to better address mixing and/or blending of waste coal with alternative sources. Mixing of waste coal (Anthracite or Bituminous from various sources is common...and needs to continue to be an available practice (relative consistency) Blending of waste coal with biomass and other sources should be encouraged by PADEP (Mod25...outlined in recently adopted PADEP General Permit) and should be allowed without expensive or unreasonable barriers

Thank you for the opportunity to provide our views on this proposed rule making.

Sincerely,



Kendall Reed  
Plant Manager



Dennis Finotti  
Controller



Philip Kiser  
Fuel Manager