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An Affiliate of Thompson Creek Metals

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INDEPENDENT REGULATORY
REVIEW COMMISSION

The Honorable Arthur Cocodrilli
Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

RE: "Triennial Review of Water Quality Standards (7-421)"

Dear Chairman Cocodrilli:

I am writing to comment upon that portion of the above proposed rulemaking which would include molybdenum ("Mo" or "Moly") as a "toxic substance" and impose very stringent limitations on the levels of Mo that can be discharged from facilities into "waters" of the Commonwealth.

The proposal would have an immediate and very drastic impact upon the business operations of Langeloth Metallurgical Company ("LMC"), a metals producer located in Langeloth, Washington County, Pennsylvania.

LMC operates a metals roasting facility, where among other activities, it roasts molybdenum ore to produce molybdenum-based products for use by others. LMC employs 153 local residents, including over 130 of whom are members of the United Auto Workers of America in high-paying, skilled jobs. It is the main source of molybdenum-based products in the Eastern United States.

LMC currently is authorized to discharge industrial waste water to an unnamed tributary of Burgetts Fork pursuant to an NPDES Permit which contains effluent limits for Mo of 30 mg/L (monthly average) and 60 mg/L (instantaneous maximum). Although not directly relevant to its comments, Burgetts Fork is a "warm water fishery" (which has been degraded by both point and non-point sources not associated with LMC's activities) that has not, in recent memory (if ever), been used by any human as a source of potable water.

Mo is not "toxic" to aquatic life and has never before been considered for designation as a "toxic" subject to regulation under Chapter 16 and no "in-stream" water quality criteria designed to protect "human health" has ever been promulgated for this metal.

This is not surprising because Mo is not considered a "priority pollutant" by EPA, has never been classified as a carcinogen, and is a substance for which EPA has never seen the need to establish a Maximum Contaminant Level ("MCL"), or Maximum Contaminant Level Goal ("MCLG") pursuant to the Federal Safe Drinking Water Act. There is also no basis to conclude that Mo, ingested at any levels, has a teratological impact. Instead, Mo is an essential nutrient.

As a result, and although a Mo limit has been placed in LMC's current NPDES Permit, at no time has LMC been faced with having to reduce the Mo concentration in its effluent to levels sufficient to meet an in-stream criteria designed to protect "human health."

However, the above proposed rulemaking imposes a standard that would require DEP to reduce the levels of Mo which LMC could have in its industrial discharge from the current levels (30/60 mg/L) to approximately 3/6 mg/L, a drastic reduction.

Because there is **no known** method for removal of Mo to levels such as those which may be imposed if the proposed Rulemaking(s) relating to Mo are adopted, the Rulemaking(s), if implemented, will threaten LMC's ability to continue to operate its facilities.¹

At present, there are no scientifically supportable health or environmental justifications for imposing the new Mo limitations set forth in the above rulemaking.

LMC urges the Independent Regulatory Review Commission ("IRRC") to disapprove the Mo portions of the proposed rulemaking. Alternatively, if the IRRC concludes some regulation of Mo might be appropriate it should still disapprove the regulation as currently worded and recommend that discharge limitations for Moly be calculated not at the point of discharge (as would be the case under the above rulemaking), but at the first point downstream where the use of alleged concern (intake of water for human consumption) occurs. This later alternative (which is in use for other substances such as phenols and chlorides) while not necessary to "protect" either aquatic life or humans would nevertheless reduce somewhat the burden on LMC and the few other industries that will be directly affected by the Moly aspects of the above rulemakings.²

Respectfully,

Langeloth Metallurgical Company



Robert R. Dorfler
Vice President and General Manager

RRD:ds

em: D. Himmel, T. Ondrejko, T. Reed,
J. Smydo, S. Zofchak

¹ In connection with a pending application to renew its NPDES Permit, LMC and DEP have investigated whether there exist technologies which can reduce the levels of Mo present in its effluent. Initially, DEP believed that an ion exchange treatment unit in use at another company's Washington County, Pennsylvania facility could be successful in reducing Mo concentrations (although not to levels sufficient to meet an in-stream water quality standard of .210 mg/L). However, after studying the effectiveness of Molycorp's system, DEP eventually concluded that system "showed little or no removal of molybdenum," and authorized Molycorp to suspend use of the treatment system being evaluated. LMC's own investigation of available treatment technologies also confirms that there exists no currently available technology which would remove Mo to levels sufficient to comply with the proposed in-stream standard.

² At most, only a handful of industries currently have more than trace amounts of Mo in their industrial water discharges. LMC submits that it is bad "policy" to enact a "statewide" regulation simply to regulate a few isolated industries whose industrial discharges have been (as evidence by the fact that LMC has a current Mo limit in its NPDES Permit), and can continue to be regulated, under existing regulatory authority.