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INDEPENDENT REGULATORY
REVIEW COMMISSION

Sirs:

Pennsylvania is still paying for the effects of acid mine drainage due to the results of extracting coal. Please assure these regulations include tough measures to prevent additional public expense due to the development of the Marcellus Gas Formation.

DEP's proposed definition of large TDS sources is good. Do not change it. That proposed regulation is a good means to prevent impairment and regulation of TDS prior to having to utilize a TMDL process. The only suggestion would be to clearly state the 2,000 mg/L concentration threshold as a daily maximum rather than a monthly average. That daily maximum should not be allowed to be circumvented by dilution. **The solution to pollution is not dilution!**

All large TDS sources should be covered by the standard. New sources and new discharges at existing sources should be covered immediately. Existing sources of large TDS discharges should be eventually covered through the NPDES permit renewal process. How TDS will be measured and reported by dischargers should also be clarified.

DEP should include additional frequent Marcellus wastewater contaminants. DEP should add discharge standards for bromides, arsenic, benzene, radium, magnesium and Volatile Organic Compounds. Many of these contaminants are toxic to humans and aquatic life and are very difficult for drinking water systems to remove.

Due to the highly varying toxicity of both TDS discharges and especially Marcellus wastewater, **Whole Effluent Toxicity (WET) testing** should be required utilizing both an acute and chronic toxicity standard.

We need these regulations to be in place as soon as possible to protect aquatic life and drinking water sources. DEP should stop issuing more drilling permits, which increase existing wastewater loads in Pennsylvania streams, until Chapter 95 revisions are in place. DEP should also stop allowing existing or proposed wastewater plants to discharge TDS at levels above the standards established in these Chapter 95 revisions. The effective date should not be extended to accommodate the time frame necessary for a new facility to acquire all necessary permits (such as those for air quality).

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