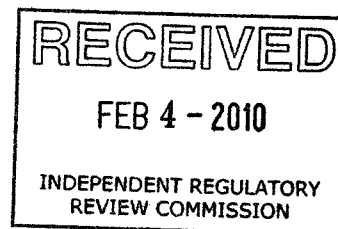


From: Russell Bolyard [rbolyard@mepcoinc.com]
Sent: Thursday, January 28, 2010 1:08 PM
To: EP, RegComments
Subject: Chapter 95 Proposed Changes
Attachments: Chapter 95 Personal Comment Letter.doc

January 27, 2010

Environmental Quality Board
Rachel Carson State Building, 16th Floor
400 Market Street
Harrisburg, Pa 17105-2301



Re: Objection to Proposed Amendments to 25 Pa. Code Chapter 95 and the establishment of new effluent standards for Total Dissolved Solids (TDS) concentrations.

To Whom It May Concern;

Please be advised that I am adamantly opposed to the proposed changes to 25 Pa. Code Chapter 95 regarding the establishment of new effluent standards for wastewaters containing high Total Dissolved Solids. My opposition is based on the following reasons:

1. The PA DEP submitted inadequate data to justify the rulemaking. There is nothing to show that there is a real sustained threat to streams across the state from high TDS.
2. The PA DEP claims to have data but has not made it available.
3. The PA DEP has based their request for rule change on marginal and incomplete data.
4. EPA's Storet data for the south Pittsburg mile point 4.5 monitoring station on the Mon River shows that sulfate and chloride levels were never above 180 mg/l for the past 10 years.
5. The West Virginia University Water Research Institute monitored the Mon River at Point Marion, PA mile point 90.8 (border of PA and WV) from 1999-2006. During this time frame, the Pt. Marion monitoring location showed declining trends in chlorides, sulfates and TDS concentrations.
6. DEP did not perform an economic impact analysis of this proposal; flatly acknowledging before WRAC that time constraints prevented this task from being accomplished.
7. Treatment options for these constituents are not cost-effective and if required could seriously damage the economy.
8. CME Engineering performed an impact analysis of the proposed strategy for high TDS wastewater discharges. For the bituminous coal mining industry, the only technology able to reduce TDS to the levels DEP is proposing is reverse osmosis combined with evaporation and crystallization and pretreatment.

Based on this study and treatment system, the cost of this proposed regulation to the bituminous coal mining industry is:

- \$1.325 billion in capital costs.
- \$133 million every year for operation and maintenance costs.
- Bonding for one treatment facility is estimated to cost \$134 million.
- Costs do not include dollars for land acquisition, site development, utility extensions, etc. necessary to construct plant.

- Note – does not include cost of treating abandoned discharges or discharges on sites with no active mining but discharges being treated under Trust fund. Trust funds contain escalator clause for increased payments due to increase in treatment limits. This regulation would dramatically increase these costs.
- Severely hinders the competitiveness of the PA mining industry. Since PA would be the only state to require such treatment, PA mines will be at an economic disadvantage to neighboring coal producing states.

There are additional environmental concerns:

- Power to reduce billions of gallons of wastewater to a solid is huge. Energy usage approximately 429,000 megawatts and cost is \$42.9 million.
- Disposal of waste not addressed in proposed regulations (salt big problem).
- Residual solid waste will be generated at rate of 237,000 tons per year.
- If not evaporated to solid form, residuals will be in the form of concentrated brine amounting to nearly 1 billion gallons every year.

Lead time – three years design/const/op – 2013; effective date 1/11.

Potential loss of thousands of stable mining jobs; staggering compliance costs, marginal companies are going to shut down and state will lose significant amount of water treatment now being done by active mining industry.

Since there is no proven, cost-effective technology to meet treatment limits associated with sulfates, this regulation could potentially end the surface mining industry in PA. It should be noted that this segment of the industry performs most of the reclamation on AML sites at no cost to the Commonwealth. As a result, this regulation could become a serious impediment to both water abatement and land reclamation activities in PA.

Recommendations:

DEP needs to withdraw this regulation and take the time to better understand the nature of this problem. I feel that this proposed regulation change could very likely eliminate thousands of jobs mine included.

Sincerely,
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Morgantown, WV 26501

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