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INDEPENDENT REGULATORY  
REVIEW COMMISSION

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FEB -9 2010

ENVIRONMENTAL QUALITY BOARD

January 29, 2010

Environmental Quality Board  
PO Box 8477  
Harrisburg, PA 17105-8477

RE: 25 PA Code Chapter 95 Waste Water Treatment Requirements

Dear Environmental Quality Board:

Please be advised that I am opposing the "25 PA Code Chapter 95 Waste Water Treatment Requirements" as the treatment requirements will greatly impact my business, my employees and my customers.

My customers working in the coal industry will be impacted and the impact ramifications will trickle down to thousands employed throughout the Commonwealth of Pennsylvania. Again, I am opposing the treatment requirements unanimously as a result of and the fact that your data does not show that there is a real sustained threat to streams across the state from high TDS levels. The DEP claims that they have data to support rule making, those in the coal and mineral industry have not seen it. Some of the data was based on two and a half months of sampling in the Mon River basin in the Fall of 2008, historically; this time period provides exceptionally low-flow which results in a significantly less assimilative capacity to absorb TDS concentrations.

Also, the EPA's STORET data for the south Pittsburgh mile point 4.5 monitoring station on the Mon River shows sulfates and chlorides were never above 180mg/l for the past 10 years. The West Virginia University Water Research Institute monitored the Mon River at Point Marion, PA mile point 90.8 from 1999 - 2006, during this time frame, the Point Marion monitoring location showed declining trends in chlorides, sulfates and TDS concentrations. Additionally, the DEP did not perform an economic impact analysis of the proposal; flatly acknowledging before WRAC that time constraints prevented this task from being accomplished.

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Ramifications from 25 PA Code Chapter 95 Waste Water Treatment Requirements could seriously damage the economy. Treatment options for these constituents are not cost effective. 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. Again, not cost effective and seriously damaging the economy, the mining industry and thousands of jobs. Furthermore, the suggested technology to be used for these treatments has never been operationally tested on such a large scale.

The cost and impacts of this proposed regulation will escalate into billions in capital costs. Millions of dollars will be spent each year for operation and maintenance, bonding, cost for land acquisition, site development, utilities extensions to construct such treatment systems will hinder the competitiveness of the Pennsylvania Mining Industry.

In summary, the regulation is opposed and I ask the Environmental Quality Board to reconsider.

Thank you.

Sincerely,



Charles L. Echnoz