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Penn Ridge, LLC
James C. Ashby
Manager, Environmental Affairs

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477

RE: 25 PA. CODE CH. 95
Wastewater Treatment Requirements
TDS Proposed Rulemaking

Dear Board,

Penn Ridge, LLC submits the following comments on the Proposed Rulemaking proposing the establishment of new effluent standards for new sources of wastewaters containing high Total Dissolved Solids (TDS) concentrations. Penn Ridge, LLC is a coal mining entity with coal reserves and proposed underground mining operations in western Pennsylvania and will be affected by the proposed regulations.

Penn Ridge is concerned that inadequate data has been submitted by DEP in an attempt to justify the proposed rulemaking. Past and ongoing research by credible universities and others show that there is no real or sustained threat to streams across the Commonwealth from high TDS levels. In fact, the USEPA's STORET data for the south Pittsburgh mile point 4.5 monitoring station on the Mon River shows sulfates and chlorides levels have never been above 180mg/l for the past 10 years. Additionally, the West Virginia University Water Research Institute monitoring program on the Mon River at Point Marion[1] (PA mile point 90.8) from 1999-2006 shows declining trends in chlorides, sulfates and TDS concentrations over that period. It appears that the proposed rulemaking is designed to solve a perceived problem that does not exist or is at most an uncommon occurrence..

To solve the perceived problem in a mining, pharmaceutical, or any industrial context would require cost prohibitive treatment technology that has never been tested on such large scales as would be required to treat underground mining discharge flows.

CME Engineering performed an impact analysis of the proposed strategy for high TDS wastewater discharges in the fall of 2009. For the bituminous coal mining industry, the only technology able to reduce TDS to the levels proposed is reverse osmosis combined with evaporation and crystallization. Based on this study, the cost of the proposed regulation to the bituminous coal mining industry alone would be:

- $1.325 billion in capital costs.
- $133 million each year for operation and maintenance costs.
- Bonding costs (of one treatment facility) of $134 million.

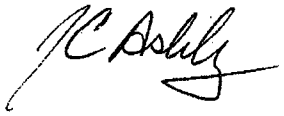
1 http://www.monwq.net/graphs.cfm

These costs do not include amounts for land acquisition, site development, utility extensions, etc. necessary to construct a treatment plant. These additional costs would severely hinder the competitiveness of the Pennsylvania mining industry and cost jobs in a very stressful economic time. Since Pennsylvania would be the only state to require such treatment, Pennsylvania mines would be placed in an economic disadvantage to neighboring coal producing states.

There are additional environmental concerns as well including but not limited to the disposal of the solid waste resulting from the treatment process. Where would industry put the crystallized solids ? It is estimated in the CME report that solid waste would be generated at rate of 237,000 tons per year and , if not evaporated all the way to the solid form, would result in a concentrated brine amounting to nearly one (1) billion gallons per year requiring disposal.

DEP needs to withdraw this regulation and take the necessary time to better understand the true nature of this perceived problem. Pennsylvania should not subject the regulated community with draconian treatment standards until it has better defined the issue and identified practical, achievable solutions. None of the TDS constituents are cumulative or toxic at the current reasonable concentrations. A managed, load-weighted discharge program would be far superior to an end of pipe TDS limit.

Sincerely,



James C Ashby

293 Table Rock Road Oakland, Maryland 21550 (301) 334-5336 Fax (301) 334-1602