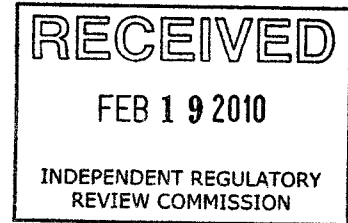


From: B DUNST [bdunst@verizon.net]
Sent: Friday, February 12, 2010 4:00 PM
To: EP, RegComments
Subject: DEP's Chapter 95 proposed revisions



February 12, 2010

Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17105-8477
RegComments@state.pa.us

Re: DEP's Chapter 95 proposed revisions
TDS Proposed Rulemaking

I am a licensed professional geologist and groundwater professional who has worked in the bituminous coal mining industry in Pennsylvania for over 25 years. I would like to object to the proposed 25 PA. CODE CH. 95 Wastewater Treatment Requirements.

The proposed regulations which include a total dissolved solids (TDS) limit of 500 mg/l, sulfate and chloride limits of 250 mg/l. are based on insufficient data consisting of two and a half months of sampling on the Monongahela River in the fall of 2008 and are not justified by the DEP. The information DEP provided in support these proposed limits are marginal, incomplete and misleading. Out of 36 active water quality networks, DEP declared 28 at risk, yet only 6 had concentrations of TDS and sulfate exceeding limits and no evidence of any exceeding the proposed chloride limits. DEP did not look at any other data including that available from the West Virginia University Water Research Institute or EPA's STORET data. To impose such restrictions based on such minimal data is irresponsible of the Bureau of Water Quality. Also, DEP did not perform an economic impact analysis of this proposal; flatly acknowledging before the Water Resources Advisory Council that time constraints prevented this task from being accomplished.

It should be recognized that the proposed limits are based on secondary drinking water standards established by the Federal Environmental Protection Agency (EPA) for aesthetic considerations like taste, color, and odor. EPA does not enforce these secondary standards but considers them guidelines to assist public water supplies in managing their drinking water. Typical treatment for these constituents is dilution but the new proposed standards are to be met at the end of pipe discharge point, which is clearly not the intent of the EPA secondary drinking water standards.

For the bituminous coal mining industry, the only other treatment option to reduce TDS is reverse osmosis combined with evaporation, crystallization, and pretreatment. The cost of this treatment method is astronomical and not proven on a large scale. This will create a significant negative impact on the mining industry at a time when good paying jobs are critical for Pennsylvania's economy. It will also put our state at a competitive disadvantage, with other surrounding states that are not imposing such costly treatment requirements. Additionally, these costs will become prohibitive to continued abandoned mine reclamation activities in the Commonwealth by local watershed groups and small surface mining operators. This will ultimately increase the burden of the state to reclaim abandoned mine areas. Power requirements for treatment of these discharges

will be counterproductive and disposal of concentrated residual waste estimated at 25% from reverse osmosis treatment will be a difficult problem to overcome and one that was not contemplated by the DEP.

The time for these proposed regulations to be put in effect (January 1, 2011) is also completely unrealistic. Even if industry could meet these standards at "end-of-pipe", the timeframe is too short to plan, redesign, permit, and construct these treatment facilities. DEP's permitting process alone can take over a year to complete.

I believe DEP's rush to regulate is based on very limited data, is unjustified, unscientific, and will cause irreparable harm to many industries within Pennsylvania. The timeframe is unrealistic for compliance and the end-of pipe standard will have a staggering compliance cost if it can be met with today's technology. This proposed regulation will cause the loss of thousands of stable mining jobs and the state will lose a significant amount of water treatment now being done by the active mining industry. DEP needs to withdraw this proposed regulation and take the time to study this issue, define the problem, and identify practical solutions.

Respectfully submitted,

Barbara J. Dunst

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