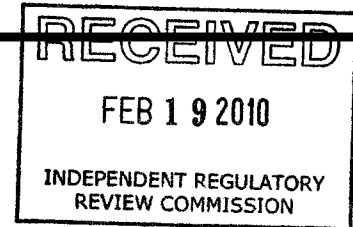


From: Tom Davidock [TDavidock@delawareestuary.org]
Sent: Friday, February 12, 2010 11:53 AM
To: EP, RegComments
Subject: TDS Comments- Schuylkill Action Network
Attachments: SAN TDS regulatory changes comments.pdf



<<SAN TDS regulatory changes comments.pdf>>

Below are the comments on behalf of the Schuylkill Action Network. They are additionally included as a .pdf attachment.

The comments below are being submitted on behalf of the Schuylkill Action Network (SAN) for *Wastewater Treatment Requirements Proposed Rulemaking* public comment period. The comments focus on the impact that the proposed changes may have on AMD remediation efforts. If clarification is needed for any of the comments, please contact:

Tom Davidock

SAN Coordinator

Partnership for the Delaware Estuary

One Riverwalk Plaza

110 South Poplar Street, Suite 202

Wilmington, DE 19801

800.445.4935 x109

The following text, which is included in the proposed regulatory language, identifies that the changes should not negatively affect remediation efforts for AMD discharges. Although the intent is clear, the below text may not be sufficient to address the complex conditions of abandoned mine discharges.

The term "new discharge" is also defined in subsection (a). This definition is intended to make it clear that a new discharge from an existing facility, an additional discharge from an existing facility or an expanded discharge from an existing facility are included. It is not intended to include discharges from treatment facilities for abandoned mine discharges (AMD), which existed on April 1, 2009, where new treatment facilities are installed or existing facilities are modified. This is important to assure that efforts to treat AMD by third parties (watershed groups, trustees or the government) are not thwarted by imposing limits on these projects with overwhelming positive environmental benefits. Remaining projects authorized under Chapter 87 Subchapter F or Chapter 88 Subchapter G are also not included in this definition because the discharges associated with them existed as of April 1, 2009.

(a) For the purpose of implementing this section, a new discharge of High-TDS wastewater is a discharge that did not exist on April 1, 2009, and includes a TDS concentration that exceeds 2,000 mg/L or a TDS loading that exceeds 100,000 pounds per day. The term "new discharge" includes an additional discharge, an expanded discharge or an increased discharge from a facility in existence prior to April 1, 2009.

The comments below highlight concerns that are not clearly identified in above text.

Comment 1 (discovery of existing discharge when reining): If an operator was to alter or remove a culm bank, either in an approved reining or reclamation activity, and uncovered an existing discharge after 4/1/09, would this discharge be subjected to the new TDS regulations. Reining activities are often encouraged and supported in certain areas to alleviate pollution associated with legacy mining problems.

Comment 2 (mine pool discharge consolidation or relocation): It is feasible that some mine discharges, which currently discharge at numerous points or an inconvenient location for treatment, will need to be consolidated or relocated by a watershed group, operator, or BAMR to effectively treat it. Would such a project result in a new discharge and be subject to the TDS regulations?

Comment 3 (definition of "new discharge"): The term "new discharge" is a bit ambiguous. Does it identify "discharges from treatment facilities for abandoned mine discharges" or "discharges from abandoned mine discharges" that existed before April 1, 2009. Is the intent of the referenced waiver only to absolve AMD remediation projects that were on the ground prior to April 1, 2009 or is to absolve existing discharges that will require treatment after April 1, 2009?

Comment 4 (natural changes of a discharge): Due to the instability of many underground minepools, existing discharges can disappear from its current location and subsequently reappear in a new location. If this was to occur and required immediate treatment, the current language of the regulatory changes suggests that it would fall under the new TDS regulations, which would make treatment very difficult and likely result it in not being treated.

Comment 5 (Challenges in treating TDS): There is currently no cost-effective way to treat for TDS and sulfates in large volume AMD discharges. A discharge that meets the criteria requiring treatment may never get treated due to the TDS and Sulfate, although the other typical parameters that have a significant impact (acidity, iron, aluminum) may be treatable. Based on past observations, many AMD water samples exceed 250 mg/l of total sulfates. There is rarely much difference in SO₄ pre and post treatment at most AMD treatment facilities. A treatment limit on either of these parameters, although well intended, may impede reining and treatment of discharges in the future.

Comment 6 (determining TDS limits): What criteria are used for determining an exceedance of 2000 mg/L TDS. Is it one sample, a daily average, or a yearly average? If the discharge is over 2000 for a short period of time and then improves, will the operator of a treatment system be bound to limits for life of the discharge?

Comment 7 (Clarification of term "Discharge"): Does the term "discharge" refer to a discharge from the treatment facility or the raw water discharge?

***Example**

Below is an example to demonstrate water quality concerns using a water sample at that was collected on January 21, 2010 at a coal company with a treatment obligation. The treatment requirements have stringent limits on Iron (4.5 mg/l) and Manganese (2.5 mg/l). The flow is between 5,000 and 10,000 gpm.

Raw Water pH=6.7, Fe 9.507 mg/l, Mn 6.243 mg/l, Sulfate 581.2, TDS 1028

Treated Water pH=8.1, Fe 0.38 mg/l, Mn 0.748 mg/l, Sulfate 585.2, TDS 992

The company is effectively treating to meet the stringent water quality based limits that we imposed. The company's cost for treatment was over \$164,000 for October - December. The Sulfate and TDS show very little improvement. The treatment system consists of lime addition and a 4 acre pond for settling. If there were TDS and Sulfate limits imposed they would have to put in some type of additional treatment that could be totally cost prohibitive or impossible.

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"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

Margaret Mead

**Schuylkill Action Network Comments on the Wastewater Treatment Requirements Proposed Rulemaking
February 3, 2010**

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