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COUNCIL
March 10, 2010

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

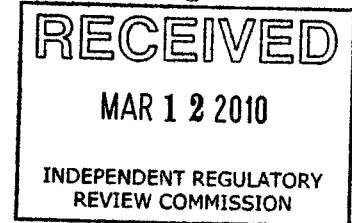
PENNSYLVANIA ANTHRACITE COUNCIL

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RECEIVED

MAR 12 2010

ENVIRONMENTAL QUALITY BOARD



Re: 25 PA Code Chapters 92 and 92A, National Pollutant Discharge Elimination System (NPDES) Permitting, Monitoring and Compliance

Dear EQB:

I writing on behalf of Pennsylvania's Anthracite coal mining industry and am submitting comments to the proposed rulemaking referenced above. Specifically, I am commenting on Public notice of permit applications and draft permits. 92a.82b.§ which states:

"A public notice of every new draft individual permit, or major amendment to b) an individual permit, will be published in the Pennsylvania Bulletin. This public notice will also be posted by the applicant near the entrance to the premises of the applicant, and at the facility or location where the discharge exists, if the facility or location is remote from the premises of the applicant. The contents of public notice for draft NPDES permits will include at least the following in addition to those specified in subsection (a):"

We fully support the public's right access and review all permits including mining permits. However, we believe that this portion of the regulation as written is impractical at best and at worst a potential safety hazard.

Nearly all mining operations utilizing NPDES permits are located in remote areas that are often difficult to access. Because of the many potential hazards involved in mining, these sites are subject to strict safety laws and regulations. Anyone entering an area must first make their presence known to the operator.

We believe a better solution is to have the permits on file at the respective DEP District Mining Office where the public can safely access and view such permits.

We respectfully request that you eliminate the requirement to post the permit near the entrance of a mine site, but rather require that the permit be made available on file at the DEP District Mining Office.

Thank you for your time and attention to our comments.

Sincerely yours,

Duane C. Feagley
Executive Director