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Alpha Natural Resources

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

Dear Environmental Quality Board,

RE: Proposed Triennial Review of Water Quality Standards

Thank you for the opportunity to comment on the Proposed triennial review of the Water Quality Standards on behalf of Alpha Natural Resources. In Pennsylvania, Alpha operates under the affiliates of Pennsylvania Services and AMFIRE. Last year in Pennsylvania alone, our thousand employees produced an excess of fourteen million ton of clean coal. We estimate that thirty eight percent of this coal stays in the Commonwealth to supply electricity to its residents.

My name is Rob Bottegale and I'm the Director of Technical Services for AMFIRE Mining Company. I have reviewed the proposed Water Quality Standards and offer the following in response to the proposed rulemaking:

AMFIRE strongly opposes the inclusion of sulfates, chlorides and molybdenum in the proposed Triennial Review package for the following reasons:

1. The Pennsylvania Department of Environmental Protection (PA DEP or the Department) has failed to document any pressing threat to aquatic life or human health that would justify the need for establishing statewide standards for these three constituents at this time.

AMFIRE has concerns about the lack of specific scientific evidence to justify the inclusion of the constituents and the precedent such an action sets for the entire Triennial Review process.

The Department has conducted no correlated chemical sampling and analysis, biological surveys or acute bioassays to determine if these constituents should be in this Triennial Review package. Additionally, a review of DEP's Southwest regional website of chemical analysis data alone provides no support of the need for a statewide standard for chloride and sulfate.

In the July 7, 2012 PA Bulletin notice of the proposed rulemaking, the Department clearly states that it merely conducted a review/evaluation of the Iowa/Illinois standard. It is imperative that we have Pennsylvania specific data to properly analysis the need for the inclusion of sulfates, chlorides and molybdenum.

2. It is inappropriate to "drop" the Iowa/Illinois work into Pennsylvania's Water Quality Standards.

The proposed Iowa/Illinois standard is being inappropriately utilized. It is not appropriate to drop the Iowa/Illinois work into Pennsylvania "as is" due to the difference in the ionic makeup of our waters. While the natural ionic makeup of waters in Iowa and Illinois is sodium based, the natural ionic makeup of waters in Pennsylvania is calcium based. The Department cannot simply transfer studies done for midwest sodium-based waters to Pennsylvania's calcium-based waters.

This is reinforced by independent comments submitted by Dr. David J. Soucek, Ph.D. from the Illinois Natural History Survey who was contracted to conduct the laboratory toxicity testing on the Iowa/Illinois work. Dr. Soucek has submitted public comments regarding Pennsylvania's proposed rulemaking expressing concerns that if the ionic composition used to develop the Illinois sulfate standard is not reflective of the ionic composition of Pennsylvania streams (which it is not), using the Iowa/Illinois standard "as is" in Pennsylvania would not be accurate.

3. There is no national water quality criteria standard for sulfates.

EPA's May 15, 2012 letter to the Department with their initial input on the proposed Triennial Review indicated that EPA is working on a national standard. If indeed EPA is working on a standard (and their website indicates no such action), why is the Department taking unilateral action in setting such a standard?

4. There have been no new scientific studies which would justify imposing a water quality standard for molybdenum and the Department has offered no evidence that molybdenum is a problem in the Commonwealth waters.

As part of the rationale for proposing statewide water quality standards for molybdenum, the Department indicated a review of available stream sampling data maintained in its statewide stream monitoring system.

However, a review of that data, which was obtained through a FOIA request, shows that the molybdenum rarely exceeded the proposed statewide standards and, in the handful of instances where this did occur, it occurred almost exclusively in one location in the Commonwealth.

The Department claims that this same data shows that historic and current coal mining activities are the source of a statewide molybdenum problem. This is completely inaccurate as the data shows that molybdenum was NOT present at levels anywhere near the proposed standards and certainly not at levels that exceeded the proposed standards in areas where coal mining is, or has historically been conducted.

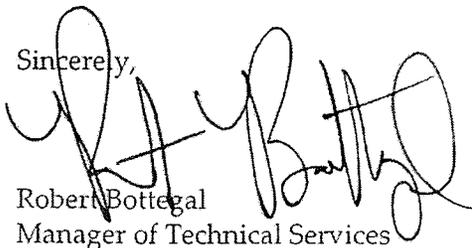
Given the lack of federal requirements for molybdenum and the absence of any evidence that molybdenum is a human health or aquatic life challenge, there is no need for a statewide standard.

5. The effects of the proposed rulemaking would have a direct impact on the economy by placing an unequal burden on Pennsylvania based coal mining companies.

AMFIRE Mining Company operates six deep mines, two coal preparation plants, two rail load-outs, and sixteen active surface mines. These operations directly support over 600 jobs across the Commonwealth. Because of Pennsylvania abundant natural resources, we have experienced lower electricity prices and a strong economy. The inclusion of the aforementioned constituents threatens our State's competitive advantages. It's possible; the compliance costs of the proposed rulemaking would directly contribute to closure of multiple site and operations. Many sites are currently able to operate economically but the substantial shift in policy, such as the policy changes contained in the proposed rulemaking, would make several sites uneconomical. The loss of production from those sites would almost certainly transition out of the state to another market where there are not the same policies or imposed limits.

In conclusion, AMFIRE hopes the debate around water quality is based in sound facts and clear science related to Pennsylvania. We are also committed to working with the key stakeholder groups to ensure that we are properly protecting the water quality related to our site. Simply put, we are committed to Pennsylvania economically and environmentally. At this point in time and because of the comments presented here, we cannot support the sulfate, chloride and molybdenum being included in the Proposed Triennial Review of Water Quality Standards. Even further after my review, I would ask that sulfates, chloride and molybdenum be remove until additional information and studies can be completed.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Bottegal', written over a printed name and title.

Robert Bottegal

Manager of Technical Services

