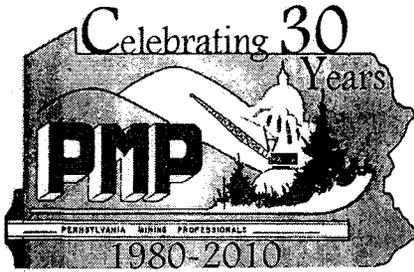


Pennsylvania Mining Professionals

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August 20, 2012

Environmental Quality Board
PO Box 8477
Harrisburg, PA 17105-8477

RE: Triennial Review

Dear Board Members,

Thank you for the opportunity to comment on the proposed changes to Chapter 93 Water Quality Standards as published in the *Pa Bulletin* on July 7, 2012.

The Pennsylvania Mining Professionals, are a group of engineers, geologists, surveyors and other scientific professionals involved in the preparation of various permits serving the mining industry. Organized in 1980 we have been working with various regulatory agencies to achieve a balance between the mining industry and protecting the environment of the Commonwealth.

We strongly object to the inclusion of sulfates, chlorides and molybdenum as part of the proposed rulemaking proposal, which would severely impact the mining (and other) industries in Pennsylvania. Currently there are no factual studies which would indicate that these changes to the regulations are needed, but rather these are regulations which are in search of a problem. The Department of Environmental Protection has not done it's due diligence in the proposal of these regulations by failing to document any threat to aquatic life or human health. There have been no studies which include chemical sampling and analysis, biological surveys or bioassays to actually document if, in fact, these parameters should be included in the Triennial Review package. To propose standards with far reaching consequences to the public and private sector and carrying with it the potential to stifle the creation of jobs in the Commonwealth is unconscionable.

While implementation is not part of this rulemaking, we would be remiss if we did not point out that to implement these standards on a state-wide basis is not good science. Pennsylvania is made up of numerous and varied terrains each with its own distinct chemical signature. DEP does the citizens of the Commonwealth a disservice by not only making a "one size fits all" standard, but further compounding the error by taking a study/standard set in Iowa/Illinois as the basis for the proposed regulation. The geology

and geochemistry of the two states are not comparable. Dr. Soucek, who was involved in the Iowa/Illinois toxicity testing has publically said that using the Iowa/Illinois standard in Pennsylvania would not be accurate.

There is no national standard for sulfates. While the EPA has indicated it would assist Pennsylvania is "studying" the potential for a state standard, the burden imposed on Pennsylvanians in implementing such a standard clearly violates the ability of our citizens to do business on a "level" playing field.

While the initial introduction to Chlorides was in all probability a response to the Marcellus Play in the state, this "problem" has been rectified by the Gas industry recycling 90% of the flow back waters which could have caused a problem. Again, there is no scientific evidence that this is a problem for which needs a state-wide standard set.

Molybdenum is even more of a "reach" by the Department to suggest that there is a problem in Pennsylvania with this element. Again, there have been no new scientific studies which would justify imposing a water quality standard for molybdenum. Additionally, there are no federal standards for Molybdenum and the Department is again forcing industry to another unneeded regulation which puts Pennsylvania in a competitive disadvantage.

Until there is solid scientific documentation of a NEED for such regulations to be implemented, we would strongly urge the Board to eliminate sulfates, chlorides and molybdenum from the proposed rule making.

Sincerely,

Michal Jones-Stewart

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