



ALLEGHENY MINERAL CORPORATION

P.O. Box 1022, Kittanning, PA 16201 • Phone Kittanning (724) 548-8101
Plants in Harrisville, Slippery Rock, Murrinsville, Worthington and Rose Point

Miners and
Coal, Clay
and Limes



September 6, 2022

PA Independent Regulatory Review Commission

14th Floor

333 Market St

Harrisburg, PA 17010

RE: Final Rulemaking on Water Quality Standard for Manganese and Implementation (#7-553).

Dear Sir or Madam,

Allegheny Mineral Corporation welcomes the opportunity to provide comment in advance of the public hearing on the proposed final rulemaking to change manganese water quality standards and their implementation. I am writing today to urge your disapproval of this final rulemaking by the Environmental Quality Board, which would amend Chapters 93 and 96 of 25 PA Code.

Allegheny Mineral Corporation (AMC) was founded in 1953 by the Snyder family as a limestone producer. AMC continues to operate today as a licensed industrial mineral and coal operator located in Kittanning, with operations in Armstrong, Butler, Clarion, and Lawrence counties in Western Pennsylvania.

AMC is objecting to the decision of the Environmental Quality Board regarding the reduction of the manganese concentration from 1.0 mg/L to 0.3 mg/L at the point of discharge for all outfalls. AMC has testified before and continues to believe that more study should be completed to determine if manganese concentrations above 0.3 mg/L indeed poses a health risk to the public. The studies that were previously completed, and cited by the Board, are not appropriately conclusive and should be more rigorously reviewed. More recent studies are available for review and should be utilized. Several articles can be found mentioning the benefits of manganese in the human diet, in fact Manganese can even be found as a supplement on everyday multi-vitamin products at greater concentrations than the current discharge limits.

Operation at AMC involves the mining of the Vanport Limestone, which is found in the coal measures of Western Pennsylvania that contain many coal seams and carbonaceous shales in the overburden. To surface mine the Vanport Limestone, the overburden located above it must be removed. This overburden, depending upon the distance above the limestone, may contain one or more coal seams and carbonaceous shales. Depending upon the thickness of the coal seam, surface and/or underground mining of the coal may have previously occurred. On these sites, the certain past mining practices may have led to discharges that have manganese concentrations greater than 0.3 mg/L in the groundwater and/or surface waters. This is true of many of the watersheds where the Vanport Limestone is present in Western Pennsylvania.

AMC has several permitted operations in which the upstream sampling point above the NPDES discharge point has a manganese of greater than 0.3 mg/L. Even with the current monthly average limit of 2.0 mg/L and a daily maximum limit of 4.0 mg/L on many of our NPDES permits, there is no evidence of impairment at the downstream water intakes. A decision to cut the limits to less than 25% of what is currently allowable is solution to a problem that does not exist.

This regulatory reduction could potentially require larger treatment systems which would require more area to construct facilities. This could be a major problem at sites with size constraints. In addition, our current active chemical treatment costs will at least triple with this new regulation. It is important to also remember that chemical treatment is complicated process. One must raise the pH to a level at or above 9.0 to cause the manganese concentration to drop out of solution, then pH must drop below 9.0 before discharging. We would not just be treating down to a 0.3 mg/L, but potentially down to a 0.15 mg/L to ensure an overall average concentration that is within the legal limit, which will incur more costly treatment.

Alternatively, manganese can be passively treated with large-area facilities, and while this may work at some future sites, our existing operations simply do not have the room or suitable terrain for this type of treatment, as they were never designed to meet this proposed standard. Moreover, at sites that may qualify for passive treatment, there would be additional capital expenditures associated in building and maintaining systems, as well as land acquisition in cases in which land are not owned but leased, as the system must remain in place in perpetuity.

Whether treating passively or actively, these additional expenditures associated with this ruling could be crippling to a sales business. Operators either will have to sustain a greater amount of expense to produce products, many of whom already operate on thin margins, or increase the price of products and risk losing customers and sales in the process. In the latter scenario, ultimately the increased cost of

aggregate products will be passed onto the public and the State via higher costs for both private and state-funded construction projects, at a time when our region's infrastructure is failing.

AMC's current mine sites are slated for up to a 50-year life, with an average of 30+ years. Incurring extra treatment costs for this amount of time can destroy the feasibility of certain mining projects. Hence, this is simply not an achievable effluent limit in today's mining environment. Also, future re-mining in areas where background manganese levels exceed 0.3 mg/L may not be pursued as aggressively as in the past, meaning that lands in need of reclamation will not receive it, allowing these discharges to continue to flow affecting ground and surface waters in permanence.

This ruling does more than create problems for the mining/aggregate industry. This decision will be felt all throughout the industrial sector and lead to higher product prices in an already inflationary market. Furthermore, the State of Pennsylvania itself will be affected, as many of the current systems employed by DEP/BAMR for their abandoned mine treatment program will not be adequate to treat down to the proposed limit for manganese, leading to higher project costs and either a reduction in capacity to reclaim abandoned mine lands due to budgetary restraints or a greater tax burden on Pennsylvanians to make up the difference. That is unless, of course, the State should choose to selectively apply its own rulemaking to private industry, but not itself. Only where is the logic in that?

AMC is hopeful that the Independent Regulatory Review Commission will consider these statements and perform a worthwhile review of this proposed ruling. Thank you for taking the time to read and consider these comments. We look forward to working with the Commission on this urgent topic.

Sincerely,



Kenneth L. King, P.G.

Engineering Manager

Allegheny Mineral Corporation



Jordan Rodgers, E.I.T.

Civil Engineer

Allegheny Mineral Corporation