

SOMERSET COUNTY CHAMBER OF COMMERCE
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September 12, 2022

Independent Regulatory Review Commission
333 Market Street
14th Floor
Harrisburg, PA 17101

RE: Regulation #7-553: Water Quality Standard for Manganese and Implementation

Dear Commissioners:

As Executive Director of the Somerset County Chamber, I write to express the Chamber's disapproval of the Environmental Quality Board's (EQB) Water Quality Standard for Manganese and Implementation Regulation #7-553 (IRRC #3260) and urge the Independent Regulatory Review Commission (IRRC) to reject the final-form rulemaking. This ruling would have a devastating economic effect on the county, as the coal and other related industries have a huge financial impact on our county to go with thousands of jobs, both directly and indirectly.

After a lot of research and outreach to the industries impacted by this ruling, I have compiled a list of questions and observations that need to either be answered or addressed before you make any decisions that will have such a catastrophic impact on Somerset County and the surrounding region.

- The regulation being proposed creates a new 0.3 mg/L toxicity standard for manganese and removed the 1.0 mg/L standard (which is for taste and odor). The 0.3 mg/L would be applied in stream (or end of pipe, at the discharge). This would pose significant, unnecessary chemical and construction costs on the coal mining industry with no real benefit to the overall water quality because operators are held to a higher standard than the state or any watershed groups, conservation districts, etc. They don't have to treat/aren't permitted as long as they "make it better."
- The final regulation being advanced is a double standard, one intended to economically harm the mining industry and will be impossible to meet. Placing one standard on the regulated community and no standard on sites that are treated by watershed group or the states does not address manganese loading in streams – it is unclear what the goal of the regulation is if not applied universally.

- Specific to Somerset County, according to MSHA, in 2021 Somerset county produced over 2 million tons of coal, mostly high quality metallurgical coal, from over 30 underground and surface mines. Even though coal mining is regulated (federal and state) at 2.0 mg/L, because of the many impaired waters in Somerset County and established Total Maximum Daily Loads (TMDL) for waterways, mine operators currently have to meet the 1.0 mg/L potable water supply standard for manganese.
- However, most if not all of the efforts to treat manganese by mine operators are negated by legacy acid mine drainage discharges, or even active treatment systems that do not treat to the regulated water quality standards.
- There are 27 unfunded pre-1977 (when coal mining was regulated, eligible for federal funds) AMD discharges in Somerset County, with an estimate cost to treat or reclaim of \$182,174,743. If these sites are eventually funded, how much will the treatment cost increase if manganese is toxic and must be treated at 0.3 mg/L?
- There are over 12 Alternative Bonding System (post-1977, DEP is responsible) sites in Somerset County, all of which discharge manganese over the 1 mg/L potable water supply standard and as high as 13 mg/L. How much would the cost to treat increase if manganese is toxic and must be treated at 0.3 mg/L?
- Somerset County is also home to the Shade Creek Watershed Association, which has constructed a DEP approved Good Samaritan project/passive treatment facility – Reitz No. 1 Laurent Run Passive Treatment Facility. While this is a good project, the treatment system does not treat for manganese to the current water quality standard. They don't even monitor for manganese.
- The Flight 93 Passive Treatment System has operating costs upwards of \$70,000 a year, and while it treats for manganese to around 1.0 mg/L, what would the additional costs, construction and treatment, if it were to treat to 0.3 mg/L?
- Strongly encourage the Commission to disapprove the misguided/irresponsible/careless regulation and encourage DEP to reassess their science and rationale.

Sincerely,



Ron Aldom
Executive Director
Somerset County Chamber of Commerce