



Musser Engineering

an EARTHRES company

7785 Lincoln Highway, Central City, PA 15926-7500
Engineers • Surveyors • Geologists



September 13, 2022

Sent via email

Chairman George D. Bedwick
Independent Regulatory Review Commission
333 Market Street
Harrisburg, PA 17101

**RE: Regulation #7-553: Water Quality Standard of Manganese and Implementation
IRC No. 3260**

Dear Chairman Bedwick and Commissioners:

My name is Ronald L. Musser, P.G. and I am Vice-President of Musser Engineering, Inc. As a professional geologist, I have successfully permitted over 200 surface mining and underground mining operations in the states of Pennsylvania and Maryland with the majority in Pennsylvania over the last 35 years.

I am requesting your disapproval of Regulation #7-553: Water Quality Standard for Manganese and Implementation, IRRC NO. 3260 for the following reasons:

- This regulation ignores the intent of Act 40 of 2017.
- This regulation is discriminatory as it only applies to permitted discharges and there are thousands of unpermitted discharges of manganese across the Commonwealth that are the responsibility of the Department of Environmental Protection (DEP).
- DEP has not developed a complete picture of the cost of this regulation. This regulation will cost my clients additional unnecessary expenditures with no significant measure of environmental or health benefits.
- The Department's use of the modifying factor of 3 is outdated and not legally or scientifically required to be used.
- I can document watersheds with downstream data that has not changed in manganese levels over the last 25 years despite successful active mining operations throughout the watershed. So I beg to ask, what is the problem that this costly and restrictive regulation is trying to fix?

If and when EPA develops a nationwide regulation for human health for manganese, DEP could then develop a regulation that is equitable across the Commonwealth and accounts for all discharges of manganese into PA waters.

Sincerely,

Ronald L. Musser, P.G.
Vice President