

November 15, 2004

Mr. Chuck Yingling
Office of Water Management
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 8555
Harrisburg, PA 17105-8555

**Re: Proposed Total Maximum Daily Load (TMDL) for Mahanoy Creek
Watershed, 32 Pa. Bull. 6208 (December 14, 2002)**

Supplemental Comments

Dear Mr. Yingling:

On February 12, 2003, Citizens for Pennsylvania's Future (PennFuture) submitted comments to the Department of Environmental Protection (DEP) on the Proposed Total Maximum Daily Load (TMDL) for the Mahanoy Creek Watershed. PennFuture presents these supplemental comments based on information it recently discovered, which was not discussed in the draft TMDL report, but which appears to be relevant to the matters addressed in that report.

Possible Additional Point Source Discharges of Mine Drainage

The only kind of impairment addressed in the draft TMDL report is mine drainage contamination. In Section 1 of its February 12, 2003 comments on the draft report, PennFuture explained that the unpermitted discharge of mine drainage into Mahanoy Creek from the "Gilberton pump" is properly classified as a point source discharge and therefore should receive a Wasteload Allocation in the TMDL. Records recently obtained by PennFuture suggest that in 2003, DEP's Bureau of Abandoned Mine Reclamation (BAMR) pumped an estimated 3.9 billion gallons of mine drainage from the Gilberton Pump Installation into Mahanoy Creek. The records also indicate that this mine drainage contains on average about 30 to 40 milligrams per liter of iron, essentially all of which is ferrous (dissolved) iron. At a concentration of 30 milligrams per liter, 3.9 billion gallons would contain over 1.3 million pounds of ferrous iron. This massive loading of dissolved iron into Mahanoy Creek highlights the second comment in PennFuture's earlier letter about the importance of applying the TMDL endpoint for dissolved iron in addition to the endpoint for total iron.

The BAMR records for the Gilberton Pump Installation also indicate that two other entities, Gilberton Power Company and B-D Mining Company, pump water from the mine pool at the Gilberton Pump Installation. According to a recent U.S. Department of Energy report, Gilberton Power withdraws 1.2 million gallons of water per day from the mine pool. Although the same DOE report says that Gilberton Power transfers its cooling tower blowdown to a coal preparation plant, Gilberton Power has a NPDES permit (No. PA0061697) that authorizes the

discharge of treated wastewater to Mahanoy Creek. The presence in that permit of a requirement to “monitor and report” the concentrations of total iron and total manganese in the effluent suggests that mine pool water is the source of at least part of the wastewater that is discharged pursuant to the permit. Although this point source does not carry a coal mining industrial classification (it is classified as SIC 4911, Electric Services), to the extent it contributes iron or manganese to an impaired segment of Mahanoy Creek, it obviously should be considered in the TMDL’s determination and allocation of the relevant wasteloads.

The same is true for any other facility that pumps or receives mine pool water and then discharges it, with or without treatment, into Mahanoy Creek. The most recent public notice for the renewal of B-D Mining Company’s large coal refuse reprocessing and disposal operation in Gilberton and surrounding municipalities (Surface Mining Permit No. 54850202R3) does not identify a separate NPDES permit number. It does, however, identify the “receiving stream” as Mahanoy Creek, 30 Pa. Bull 5188 (October 7, 2000), which suggests that Part A of the surface mining permit is a NPDES permit. Presumably such a permit would contain the standard mine drainage parameters and effluent limits.

In short, there may be two additional point source discharges of mine pool water into Mahanoy Creek that were not identified in the Proposed Mahanoy Creek TMDL. The final TMDL should include all sources that contribute loadings of the parameters of concern to the segments of Mahanoy Creek and its tributaries addressed in the TMDL.

Please feel free to contact me at 717-214-7920 if you have any questions about our comments.

Sincerely,

Kurt J. Weist
Senior Attorney
Harrisburg Office