

General Correspondence, Incoming

Q

a



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

May 26, 2010

Mr. John Black
P.O. Box 753
Gunnison, UT 84634

Dear Mr. Black:

Subject: Response to Letter of May 5th Regarding New EPA Water Quality Requirement's for Coal Mining Operations in the Appalachian Region of the United States.

Thank you for your letter of May 5th expressing your concerns regarding new water quality requirements for surface coal mining being considered by federal regulatory authorities. The Office of Surface Mining has recently published a notice in the Federal Register of their intent to prepare an Environmental Impact Statement that will provide the groundwork for a very significant change in OSM regulations nationwide relative to improved protection of streams from the impacts of surface coal mining. In a related effort on April 12, 2010, EPA released a report entitled "A Field-based Aquatic Life Benchmark for Conductivity in Central Appalachian Streams". The intent of the study is to provide a sound scientific basis to help States in the Appalachian Region develop effluent limits that are protective of the aquatic environment in that region. Both the OSM notice and the EPA report are open for public review and comment at this time.

Our sister agency, the Division of Oil Gas and Mining, will be providing formal comment on these matters in the next week. We have requested that a copy of their comments be sent to you. At this time the Division of Water Quality will defer to DOGM for any comment or input on this matter but will stay engaged as proposed rules are developed.

We share your concerns regarding maintaining the economic viability of our coal mining industry here in Utah and appreciate your letter advising us of the potential impacts from these proposed changes. Please feel free to keep the Division advised for any further concerns you may have as these matters progress.

Sincerely,

John J. Whitehead
Assistant Director
Utah Division of Water Quality

c.c. Dana Dean, Assoc. Director, DOGM

U:\WQPERMITS\jwhitehead\wp resp to John Black-EPA coalmining.doc