



United States Department of the Interior

NATIONAL PARK SERVICE

NEW RIVER GORGE NATIONAL RIVER
GAULEY RIVER NATIONAL RECREATION AREA
BLUESTONE NATIONAL SCENIC RIVER
104 Main Street
P.O. Box 246
Glen Jean, West Virginia 25846



IN REPLY REFER TO:

January 22, 2009

N3617(NERI)
xA3815

Ed Wojtowicz
Permit Supervisor
DEP Regional Office
116 Industrial Drive
Oak Hill, WV 25901

RE: Powellton Coal Company, LLC 's application for renewal of Article 3 Permit Number S-3003-01

Dear Mr. Wajtowicz:

Please accept the following comments on the above referenced permit renewal application for the Powellton Coal Company LLC's Bridge Fork West Surface Mine. New River Gorge National River, the Gauley River National Recreation Area and the surrounding environs contain nationally significant aquatic, terrestrial, and recreational resources. The continued operation of Bridge Fork West Surface Mine, and its associated extensive violations for discharge of pollutants into waters of the United States causes us great concern for potential threats to these resources.

Associated with the mining permit is National Pollutant Discharge Elimination System (NPDES) Permit # WV 1019449 for discharging into Softwood Hollow, Grassy Lot Hollow and unnamed tributaries of Bridge Fork at Rich Creek. Rich Creek flows into the Gauley River just downstream of National Park Service administered lands of the Gauley River National Recreation Area (GRNRA).

Performance standards under the Federal Surface Mining Control and Reclamation Act (SMCRA) require that all discharges from permitted mining operations be made in compliance with all applicable State and Federal water quality laws and regulations and with the effluent limitations for coal mining. The West Virginia Surface Mining Rule states a similar standard that "Discharge from mining areas distributed by surface mining shall not violate effluent limitations or cause a violation of applicable water quality standards" 38 C.S.R. 2-14.5.b. According to Powellton's Discharge Monitoring Reports (DMR's) for WV/NPDES Permit WV1019449 including reports through September 2008, Powellton has been exceeding permit limits for discharge for daily and monthly averages at an extremely high frequency, registering a substantial number of violations for multiple parameters including suspended solids, iron, manganese, and aluminum.



These pollutants pose a threat to aquatic life and human welfare. Precipitates of aluminum, iron, and manganese can coat stream bottom substrate limiting the available habitat for aquatic life, suspended solids are also harmful to aquatic life through the erosion of gills, and aluminum is known to be toxic to aquatic life, and has been associated with neurological and bone diseases in humans. The frequency of exceeding permit limits indicates a lack of commitment on the part of the permittee to employ adequate controls that will limit the impacts of this operation on downstream resources. The proximity of these activities and discharges to GRNRA may limit the abundance and productivity of aquatic life in and around GRNRA, particularly mobile species that otherwise might use Rich Creek and its tributaries as refugia, spawning habitat or rearing habitat.

Prior to issuance of the original permit for this mining operation, it is assumed that a Probable Hydrological Consequences (PHC) determination and a Cumulative Hydrological Impact Analysis (CHIA) would have been required by the state. Considering the extent of violations to WV/NPDES Permit WV1019449 through operations of Bridge Fork West Surface Mine under Article 3 Permit Number S-3003-01 any rationale for determining "No Material Damage" to surrounding hydrology would no longer be valid since the determination would be dependent on discharge remaining within permit limits. We request that the PHC and CHIA be reconsidered and evaluated with the actual mine operations and associated discharges utilized instead of projected discharges or other now irrelevant measures.

The National Park Service is concerned about the continued operation of this mine as a stand-alone operation but is even more concerned about the cumulative impacts of this mine in association with other nearby mining operations (some operated by Powellton) within the same and adjacent watersheds. It appears that some of these operations have a propensity to grow beyond their original permit boundaries and/or scope of operations. Individual operations may be located within close proximity to other operations in a manner that they appear to be the same mine with extensive disturbance occurring concurrently within the same watershed. However, the permit process does not address these cumulative effects to the surrounding and downstream resources. When evaluated as a whole, the extensive mining operations in the vicinity of Rich Creek are jeopardizing the health of the watershed and the other values that are dependent upon it.

In consideration of the water quality violations at this site, apparent violations at other mine sites operated by Powellton, and the cumulative impacts to the environment, we request that DEP deny this permit renewal until a full evaluation of cumulative effects can occur with public input. In addition, site conditions, and current violations be fully investigated, and until Powellton can fully demonstrate compliance with all State and Federal standards throughout the site and all mine related activities.

If there are any questions please feel free to contact Scott Stonum, Natural Resource Specialist, at 304-465-6531.

Sincerely,

Don Striker
Superintendent

cc:

Laura Hill, Acting Field Supervisor, U.S. Fish and Wildlife Service, West Virginia Field Office, P.O. Box 1278, Elkins, WV 26241-1278

Ginger Mullins, Chief-Regulatory Branch, U.S. Army Corps of Engineers, Huntington District, 502 Eighth Street, Huntington, WV 25701