

**REMINING VARIANCE FOR DISSOLVED ALUMINUM IN
UNNAMED TRIBUTARY OF THACKER CREEK, MAUCLINVILLE BRANCH OF
THACKER CREEK AND THACKER CREEK
Central Appalachia Mining**

RESPONSE TO COMMENT

On September 2, 2011, the West Virginia Department of Environmental Protection (DEP), Division of Water & Waste Management (DWWM) commenced a 30-day public comment period and subsequently held a public hearing on October 3, 2011 to accept oral comments on the remining variance application for site-specific instream criteria for dissolved aluminum. The site-specific dissolved aluminum criteria would be applicable in Unnamed Tributary of Thacker Creek, Mauchlinville Branch of Thacker Creek and Thacker Creek, which is a tributary of Tug Fork River. Only one written comment was received and DWWM addresses this comment below.

1. COMMENTER: Danny Lutz

COMMENT *Industry Impunity and duress to domestic jobs*

The commenter states that this action is due to industry pressure to receive impunity due to duress of taking jobs to China. Remining variance procedures do not consider industry pressure or impacts to jobs both foreign and domestic.