



west virginia department of environmental protection

Division of Water & Waste Management
601 57th Street SE Charleston, WV 25304
304-926-0499 Fax: 304-926-0496

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.wvdep.org

REMINEING VARIANCE REQUEST INFORMATION SHEET

1. APPLICANT

Carbon Resources Development, Inc.
3324 Pennsylvania Avenue, Suite 222
Charleston, West Virginia 25302

2. NAME AND LOCATION OF THE STREAM

The streams for which the revised water quality criteria are requested are Unnamed Tributary of Slab Fork and Slab Fork, a tributary of the Guyandotte River. The locations of these streams are near Maben in Wyoming County of West Virginia.

3. USE DESIGNATIONS OF THE STREAM

The designated uses applicable to the streams subject to the application are Category A, Public Water Supply; Category B1, Warm Water Fishery; Category B2, Trout Waters; and Category C, Water Contact Recreation.

4. PRE-LAW MINING DEMONSTRATION AND DEMONSTRATION OF NON-COMPLIANCE WITH ESTABLISHED NUMERIC CRITERIA

The application includes a map entitled "Pre-Law Qualification Map". This map is taken from portions of the McGraws and Lester 7.5 minute Quadrangles (dated 1967 and photo revised 1976) which shows areas of pre-law mining done as part of the old Westmoreland Coal Company Complex.

Table 1 includes the average values calculated from the baseline sampling data in Slab Fork (designated as DSSF) and the Unnamed Tributary (designated as UTSF3). Water sampling was conducted twice monthly at DSSF from October 2009 to March 2010, September 2011 through July 2012, and November 2012 through October 2013. UTSF3 was sampled from November 2009 to October 2013. The applicable numeric criterion for dissolved aluminum and pH established in 47CSR2, *Requirements Governing Water Quality Standards* (noted as "WQS" in the table) are listed in Table 1. The values recorded indicate non-compliance with the instream numeric criteria for dissolved aluminum (Al) and pH for UTSF3 and dissolved Al for Slab Fork.

TABLE 1



west virginia department of environmental protection

Division of Water & Waste Management
 601 57th Street SE Charleston, WV 25304
 304-926-0499 Fax: 304-926-0496

Earl Ray Tomblin, Governor
 Randy C. Huffman, Cabinet Secretary
 www.wvdep.org

	Slab Fork (DSSF) ¹	Unnamed Tributary of Slab Fork (UTSF3)	<u>WQS B1</u>	<u>WQS B2</u>
Average Dissolved Al (min/max) mg/L	.08 (0.010 to 0.342)	12.59 (0.046 to 36.98)	0.750	0.087
Average pH (min/max)	N/A	3.12 (2.50 to 5.70)	6.0-9.0	

¹ Data from Slab Fork shows compliance with pH water quality standards and a pH variance was not requested.

5. PROPOSED ALTERNATE CRITERIA (DISSOLVED Al AND pH)

**5.A. Slab Fork - Downstream of proposed permit project (DSSF)
 Dissolved Al**

A two-part alternate criterion for dissolved aluminum is requested. A maximum allowable daily limit (not to exceed) of 0.31 mg/l is proposed to apply in the stream at all times. This value is based upon applying a 10% reduction to the single highest instream dissolved aluminum concentration (0.34 mg/l) recorded during the baseline monitoring conducted at DSSF. A 12-month rolling average limit for dissolved aluminum of 0.087 mg/l, which corresponds to the current B2 WQS, is requested for this portion of Slab Fork. The baseline sampling data shows an average of 0.08 mg/L and a reduction is not warranted for the 12-month rolling average limit.

**5.B. Unnamed Tributary of Slab Fork (UTSF3)
 Dissolved Al**

A two-part alternate criterion for dissolved aluminum is requested. A maximum allowable daily limit (not to exceed) of 33.28 mg/l is proposed to apply in the stream at all times. This value is based upon applying a 10% reduction to the single highest instream dissolved aluminum concentration (36.98 mg/l) recorded during the baseline monitoring conducted at UTSF3. Additionally, the company proposes that the 12-month rolling average limit for dissolved aluminum of 11.33 mg/l, which represents a 10% improvement over the average value (12.59 mg/l) from the baseline sampling at UTSF3.



west virginia department of environmental protection

Division of Water & Waste Management
601 57th Street SE Charleston, WV 25304
304-926-0499 Fax: 304-926-0496

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.wvdep.org

pH

A two-part alternate criterion for pH is requested. A maximum allowable daily limit of 2.60 is proposed to apply in the stream at all times. This value is based upon applying a 20% increase to the single lowest instream pH value (2.50) recorded during the baseline monitoring conducted at UTSF3. Additionally, the company proposes that the 12-month rolling average limit for pH of 3.22, which represents a 20% improvement over the average value (3.12) from the baseline sampling at UTSF3.

6. ABSTRACT OF SUPPORTIVE DOCUMENTATION DEMONSTRATING THE REVISION IS APPROPRIATE

Carbon Resources Development, Inc. filed an application requesting a remining variance from WQS standards in October, 2012. Their application includes baseline sampling data taken for at least a 12-month period prior to submission of the NPDES Permit application with WVDEP. As noted above, the data demonstrate that the applicable numeric criteria for dissolved aluminum and pH are not being met in the streams as a result of the historic mining practices.

Section J (*Abatement Plan and Reasons Chosen*) of the application describes the reclamation practices to be instituted to improve water quality. The proposed adjacent permit areas are located in an area where pre-law mining took place that was part of the old historic Westmoreland Coal Company Complex. All of the surrounding areas consist of forestland and pre-law contour surface mining benches and roads. There are remains of an abandoned refuse disposal facility in the unnamed tributary of Slab Fork which is believed to be the major contributor to the deteriorated existing water quality in this area of Slab Fork. Best Management Practices (BMPs) have been chosen per federal guidelines outlined in *Management Practices Guidance Manual* (EPA-821-B-01-010, December 2001) and the application details rationale for the various BMPS utilized for abatement activities. Through the implementation of the abatement plan and the various BMPs, the applicant will be applying Best Available Technology (BAT) economically achievable using best professional judgment. The application further states that the abatement plan is the only practicable plan possible in the area. No known feasible options exist to improve water quality in the area that do not include the mining of additional mineral reserves in the area.

It should be noted that for portions of the area outside the remining area listed on the map, where no preexisting mining, seeps, or outfalls are located, the applicant

Promoting a healthy environment.



west virginia department of environmental protection

Division of Water & Waste Management
601 57th Street SE Charleston, WV 25304
304-926-0499 Fax: 304-926-0496

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.wvdep.org

will be required to meet applicable technology-based effluent limits if mining activities are initiated in the future.

7. IMPLICATIONS OF THE VARIANCE FOR THE COMMUNITY AND OTHER USERS OF THE WATERS

The application indicates that the abatement activities will result in lower instream concentrations of dissolved aluminum and higher concentrations of pH, which will bring concentrations for these parameters closer to compliance with the numeric water quality criteria outlined in 47CSR2, *Requirements Governing Water Quality Standards*.

It is believed that the potential to improve water quality in the regime of the proposed operation exists and it is felt that the plans set forth in the application will serve to help accomplish this goal.



west virginia department of environmental protection

Division of Water & Waste Management
601 57th Street SE Charleston, WV 25304
304-926-0499 Fax: 304-926-0496

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.wvdep.org

**NOTICE OF PUBLIC COMMENT PERIOD AND HEARING ON
APPLICATION FOR VARIANCE FROM WATER QUALITY
STANDARDS
FOR REMINING ACTIVITY**

In accordance with applicable state and federal requirements, the West Virginia Department of Environmental Protection (WVDEP) will hold a public hearing on February 6, 2014, at 6:00 p.m. in the Coopers Rock Conference Room at the WVDEP Headquarters located at 601 57th Street, SE, Charleston, WV. The purpose of the hearing is to receive comments on an application for a variance from water quality standards for dissolved aluminum and pH for an unnamed tributary of Slab Fork and Slab Fork River, a tributary of the Guyandotte River near Maben in Wyoming County West Virginia. The variance request was submitted by Carbon Resources Development, Inc.

Any person wishing to comment on the proposed remining variance is invited to be present or represented at the hearing. In addition to oral comments provided at the hearing, the agency will accept written comments at any time up to the conclusion of the public hearing. No comments will be accepted after that time. Written comments may be submitted to the following address:

Kevin Coyne
Water Quality Standards Program
WV Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304



west virginia department of environmental protection

Division of Water & Waste Management
601 57th Street SE Charleston, WV 25304
304-926-0499 Fax: 304-926-0496

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.wvdep.org

Comments may also be e-mailed to dep.comments@wv.gov

Copies of all written information pertinent to the proposed variance, including the variance application and the WVDEP's information sheet summarizing the proposed variance may be reviewed by contacting the WVDEP office at 601 57th Street, SE, Charleston, WV 25304. Telephone: 304-926-0499 extension 1110; Fax: 304-926-0496. E-mail: Kevin.R.Coyne@wv.gov Information is also available on our website at www.dep.wv.gov/WWE/Programs/wqs