

FRIENDS of BLACKWATER

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Director, Division of Water and Waste Management, DEP
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Notice that the Draft Permit 1564160_1_Parsons to Davis for Core Drilling for Corridor H May Not be Legally Considered by WVDEP

1. The Permit Request Has Not Received Required Public Notice Under the Clean Water Act

Public participation requirements of the NPDES program, including Construction General Permits, as cited by the EPA Public Notice Comment Rules, include this language: “Public notice of the preparation of a draft permit as required under [paragraph \(a\)](#) of this section shall allow at least 30 days for public comment.” The practice of the WVDEP is to put notices about draft permits in the local paper, so that the public can comment on them. The local paper in Tucker County is the Parsons Advocate. It appears that no draft permit information appeared in this paper despite the fact that these proposed activities will have a substantial impact on public lands and resources. Numerous citizens have interest and concern about core drilling in the Parsons to Davis section of Corridor H. We believe the failure to advertise this draft permit violates the Clean Water Act. The permit request must be withdrawn.

2. The Request Fails to Address Toxic Substances Under the Clean Water Act

Under: § 122.41 Conditions applicable to all permits (applicable to State programs, see [§ 123.25](#)): “The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.” This permit description does not address the potential for the well-known toxic pollutant acid mine drainage pollution that may result from core drilling on the Buffalo Coal bond forfeiture site, the North Fork of the Blackwater Coketon deep mine sites, and the Long Run/Tub Run reclamation sites, where core drilling is planned. This deficiency is also in violation of the Clean Water Act. See [https://www.ecfr.gov/current/title-40/part-122/section-122.41#p-122.41\(a\)\(1\)](https://www.ecfr.gov/current/title-40/part-122/section-122.41#p-122.41(a)(1)). The permit must be withdrawn.

Judith Rodd, Director, Friends of Blackwater, Inc.

Go North Campaign

