



Pennsylvania Department of Environmental Protection

Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063

October 5, 2009

Secretary

717-787-2814

Mr. John Capacasa, Director
Water Protection Division
United States Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029

Re: Underground Injection Control Permit No. PAS2D210BGRE Morris Run Borehole
Blacksville No. 1 Mine Greene County

Dear Mr. Capacasa:

The Pennsylvania Department of Environmental Protection (DEP) is requesting the Environmental Protection Agency (EPA) to revoke the above-referenced Underground Injection Control (UIC) Permit held by CNX Gas Co., a subsidiary of Consol Energy to eliminate this source of total dissolved solids (TDS) and chlorides into the Blacksville No. 1 Mine. The pollutants associated with this activity may flow into in the Blacksville No. 2 mine through seepage between the two mines and are being discharged to the West Virginia Fork of Dunkard Creek through mine facilities owned and operated by Consol. As you are aware, there's been a massive fish kill and damage to aquatic life and the resources within Dunkard Creek. This fish kill started on the West Virginia Fork of Dunkard Creek and persists for nearly thirty miles through Dunkard Creek in West Virginia and into Pennsylvania. Not only did these levels of pollutants destroy aquatic life but also currently threaten water quality in the Monongahela River which is a source of potable water for nearly 850,000 people in southwestern Pennsylvania. DEP suspects that the activity at the Morris Run Borehole of the Blacksville No. 1 Mine contributed to the fish kill and impairment to aquatic life in West Virginia and Pennsylvania. The conveyance of the Blacksville No. 1 Mine water into the Blacksville No. 2 Mine maybe through leakage in the barriers between the mines due to the head or pressure from Blacksville No. 1.

The EPA issued an Underground Injection Control Permit for this operation. The UIC permit authorizes disposal of up to 150,000 barrels/month coal bed methane wastewater containing up to 25,000 mg/l TDS into this borehole and into the Blacksville No. 1 Mine. The application for the UIC permit also states that this water is also hydraulically connected with several Consol-owned mines which also discharge at Flaggy Meadows and Sears AMD plants in West Virginia. Further work is needed to determine if there are any other mines affected by the water from the Morris Run Borehole disposal activities that may discharge into Dunkard Creek or the Monongahela River.

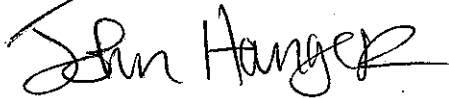


Based on the field samples DEP has collected, the discharge from Outfall 005 at Blacksville No. 2 Mine is the primary immediate source of the fish kill on Dunkard Creek. High levels of TDS, sulfates and chlorides in the discharge from Outfall 005 causes in-stream concentrations of those pollutants in Dunkard Creek that are far in excess of Pennsylvania's Water Quality standards. The levels of total dissolved solids in the Blacksville No. 2 mine discharges make the water similar to sea water and cannot support the fresh water aquatic community that previously existed in the creek. Interestingly these levels of total dissolved solids and chlorides are higher than those typically found in discharges associated with mine wastewater treatment systems and create a brackish water environment in a fresh water stream allowing the halophilic (salt loving) golden brown algae to flourish in the stream. West Virginia DEP believes this algae and the toxins it produces may have been a contributing factor to the fish kill. This would of course be in addition to the detrimental affects on aquatic life caused by high Osmotic Pressure associated with these TDS levels in stream.

Accordingly, the UIC permit authorizing Consol to dispose coal bed methane wastes at the Blacksville No. 1 Mine should be revoked. We are hereby requesting that EPA take this necessary action. In addition, Consol may need to install treatment or take other steps to reduce TDS levels to assure compliance with Pennsylvania's instream Water Quality Criteria. The affects of eliminating this high TDS load to the Blacksville No. 1 Mine can be evaluated through monitoring of the discharges from the Blacksville No. 2 Mine and the Shannopin Mine into Dunkard Creek. In order to further the discussions concerning this matter, DEP suggests a meeting with EPA and West Virginia DEP as soon as possible to discuss the method by which Consol can be directed to address the contamination that it has allowed to occur in the mine pools along the Pennsylvania-West Virginia boundary.

If you have any questions, please contact Mr. Michael D. Sherman, Deputy Secretary for Field Operations, by e-mail at msherman@state.pa.us or by telephone at 717-787-5028, or Mr. Ronald Schwartz, Acting Regional Director, DEP's Southwest Regional Office, by e-mail at roschwartz@state.pa.us or by telephone at 412-442-4000.

Sincerely,



John Hanger
Secretary