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west virginia department of environmental protection

## NEWS RELEASE

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### **West Virginia DEP Issues Order to Dunkard Creek Mining Facility**

The West Virginia Department of Environmental Protection has issued an order to Consolidation Coal Company (Consol) that establishes guidelines for the company to resume pumping water from its underground mining operations that straddle the border between West Virginia and Pennsylvania.

The order is a short-term order that would allow pumping under controlled conditions from the effective date of the order until it expires on April 30, 2010. It allows Consol to resume pumping to bring the mine pool to a level that creates possible storage capacity that can be used as a water management tool during low flow, high temperature months and ensure the safety of the approximately 400 miners working underground at its Blacksville No. 2 mine.

Consol voluntarily ceased pumping water from the mine works into Dunkard Creek in cooperation with the multi-state investigation of the cause of a major fish kill that spanned more than 40 miles of the stream.

Based on information concerning the conditions favorable to the growth of golden algae, the probability for an algae bloom increases when the water temperature rises above 50 degrees. Therefore, when the water temperature is 50 degrees or higher, the in-stream limit that must be met by Consol is 860 milligrams per liter, which is the acute water quality standard for chloride in West Virginia.

For temperatures between 40 and 50 degrees Fahrenheit the limits would decrease as the temperature increases. In the meantime, when the water temperature is below 40 degrees Fahrenheit, and the probability for an algae bloom is low, the company must meet an in-stream limit of 1,400 mg/l.

“What we have learned from golden algae experts from around the country is that this alga is less likely to bloom, and produce toxins in cooler water temperatures,” said Scott Mandirola, assistant director of the Division of Water and Waste Management. “So while the risk is low during the cold and wet season, we believe it is safe for the company to pump down the mine pool as much as possible. Once the temperatures begin to rise, more stringent limits will go into effect.”

The order calls for chloride and conductivity monitoring to be conducted at Blacksville No. 2's discharge point and downstream in West Virginia Fork of Dunkard Creek. The company will also conduct monitoring for additional parameters of concern identified during the fish kill investigation, including algae and selenium.

Although the order is considered a short-term one, it also addresses long-term issues. Under the order, Consol must complete and submit a proposal for the construction of treatment plants for its operations in northern and north-western West Virginia. The draft proposal is due to the WVDEP by April 15, 2010, and the project must be completed by May 31, 2013. The first treatment plant to be completed would remove problematic discharges from Dunkard Creek. Additionally, all other outlets that are the subject of WVDEP Order 133C would be addressed in the proposal.

The WVDEP sought input and concurrence from the Environmental Protection Agency and the Pennsylvania DEP prior to issuing the order to Consol.

“This order is a unilateral order by the state of West Virginia, which does not require approval by the Environmental Protection Agency,” said Cabinet Secretary Randy Huffman. “However, we have been working very closely with EPA and the Pennsylvania DEP from the beginning of this event, and it is critical that they have had a seat at the table. This is an important interstate issue.”

“While it is clear that total dissolved solids are a major factor in the puzzle, it's not the only factor,” Mandirola said.

The agency's biologists and engineers have learned a great deal about the algae, yet there is still more that is unclear including what combination of factors has to be in place for the algae to bloom, and what triggers the algae to produce the toxins that actually killed the fish.

“We, like everyone else familiar with this event, don't want this to happen again and with the input of our counterparts in Pennsylvania and at the EPA, and have put together a workable plan that is intended to prevent another toxic algae bloom,” Mandirola said.