



WEST VIRGINIA RIVERS

Comment to WVDEP on changes to Surface Mining Rule

WVDEP is accepting comments on proposed changes to the State's Surface Mine Reclamation Rule (38CSR2) which regulates mining activities through July 18. View the proposed changes to the Surface Mine Reclamation Rule (38CSR2) on the [WVDEP webpage](#).

The changes to the Surface Mine Reclamation Rule would weaken compliance with water quality standards and reduce the bonding and reclamation requirements for coal companies.

The proposed rule opens the door to further large-scale degradation of stream life.

It appears to attempt to get coal companies off the hook by removing the requirement that mining discharges not cause violations of water quality standards. Allowing these violations to go unaddressed would be a clear violation of the Surface Mining Control and Reclamation Act and the Clean Water Act.

The proposed rule endangers restoration of streams damaged by surface mining.

It removes the definition of "completion of reclamation," which currently provides that reclamation is complete only when water quality standards are met. This deletion is inconsistent with the federal and state requirements that mining operators comply with all discharge limitations and water quality standards. It also removes the requirement that there be no violations prior to bond release.

Considering the high costs of reclamation and the potential for bond forfeiture in this challenging coal market, the state should be increasing bond amounts and making it more difficult to get bond release. Otherwise, taxpayers are being set up to bear the cost.

SUBMIT COMMENTS TO WVDEP BY July 18

1. At the [public hearing](#) July 18 at 6pm at the WVDEP headquarters in Charleston.
2. By email with the rule number in the subject line: dep.comments@wv.gov
3. By mail referencing the rule number in your letter:

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