



ARGUS ENERGY WV, LLC.

June 26, 2012

Mr. Steve Young
Division of Water and Waste Management
West Virginia Department of
Environmental Protection
601 57th Street
Charleston, WV 25304

RE: Comments on 2012 Draft 303(d) List
East Fork of Twelvepole Creek - RM 4.4 to RM10.5 (East Lynn Dam) and
RM 41.3 to HW
Kiah Creek - RM 3.9 to RM 11.8
Parker Branch - Mouth to RM 1.4 (below impoundment)
Copley Trace Branch - Mouth to RM 1.5
Jims Branch - Mouth to RM 0.9

Dear Mr. Young,

Argus Energy WV, LLC requests the removal of the above mentioned streams and stream segments due to the States new regulations, policies, and guidance in regard to the States Narrative Water Quality Standards as noted in 47 C.S.R. 2 Section 3.2.e through Section 3.2.i.

As noted in many recent WVDEP documents the "WVSCI is a tool to be used as a primary indicator of stream health but not the sole criteria; if the WVSCI score suggests potential problem, DEP shall conduct an assessment of the health of the aquatic ecosystem as a whole." The WVDEP documents go on to explain that any listing of streams as biologically impaired pursuant to Section 303(d) of the Clean Water Act include "a holistic examination of the health of the aquatic ecosystem". As noted in previous comment letters from Argus Energy regarding past 303(d) lists and FOIA Requests the sole metric used in listing streams or segments of streams for CNA-Biological was in some cases a single WVSCI score and others several WVSCI scores but in no cases did the inclusion on the list result from a "holistic examination of the health of the aquatic ecosystem".

The current Draft 2012 303(d) list appears to only utilize WVSCI scores so according to current WVDEP regulations, policies, and guidance documents this is insufficient information for listing streams. Argus Energy is hereby requesting the immediate removal of the above mentioned streams and stream segments until the additional sampling has been conducted to determine the "Holistic" health of the aquatic ecosystem of the listed streams.

If you have any questions or need additional information please feel free to contact me.

Sincerely,

Randall R. Maggard/se.

Randall R. Maggard
Manager of Environmental Compliance

Cc: Randy Huffman, WVDEP
Tom Clarke, WVDEP
Scott Mandirola, WVDEP
Lewis Halstead, WVDEP
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Jason Bostic, WV Coal Association