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June 14, 2010

Division of Water and Waste Management  
WV Department of Environmental Protection  
Attn: 2010 Draft 303(d) Comment – Steve Young  
601 57<sup>th</sup> Street, S.E.  
Charleston, West Virginia 25304

Re: Comments to 2012 West Virginia 303(d) List  
Specific to Wet Branch (WVK-61-C)

Mr. Young,

We are providing this letter, and attached information, as comments to the Draft 2012 West Virginia 303(d) List (Draft List) and specifically on the listing of Wet Branch (WVK-61-C). The Draft List includes 3.3 miles of Wet Branch as “CNA- Biological” impaired by mining. This is based upon two benthic samplings at the mouth of the stream completed in 1996 and 2001 indicating WVSCI scores of less than 60.6. Information provided by the WVDEP on the listing of Wet Branch also included various water sampling data from 1996 through 2003. All of this data has been included as Attachment C in the following pages.

Patriot Coal through its subsidiary Panther LLC has operated a Preparation Plant and Coal Refuse Facility along Wet Branch since 2006. These facilities were previously operated by other companies. As part of on-going and proposed operations Panther LLC has conducted benthic and water quality sampling along the length of Wet Branch in 2008 and 2010, with another round completed the week of May 10, 2010 (not included due to time constraints). The benthic sampling data is included as Attachment A in the form of a “Letter Report – Benthic Macroinvertebrate Sampling and Stream Characterization 2006, 2008, 2010 Combined Report” prepared by Alliance Consulting, Inc. of Beckley West Virginia. The water quality sampling data has been included as Attachment B.

Benthic sampling was completed at 5 sites along Wet Branch with WB-1 at the mouth of the stream, WB-2 approximately 1,000 feet upstream, WB-3 another 700 feet upstream, and WB-4 and WB-5 just below and just above the existing coal refuse disposal area. Sampling was conducted at all sites in March and May (not available by Comment date) 2010 and at sites WB-1, WB-4, and WB-5 in January 2008. The table bellow is a summary of the WVSCI scores for each sampling site.

The 2010 Water Quality Data and Benthic Summary are included as Attachment B.

**Summary Table of WVSCI on Wet Branch:**

	<b>WB-1</b>	<b>WB-2</b>	<b>WB-3</b>	<b>WB-4</b>	<b>WB-5</b>
January 2008 WVSCI	51.4	NS	NS	74.9	86.6
March 2010 WVSCI	61.35	70.02	65.41	75.77	84.37
May 2010 WVSCI					

Additional benthic sampling was conducted in 2006 along the headwaters of Wet Branch and its tributaries as part of Panther LLC proposed Wet Branch Refuse Disposal Area (SMA O-3010-08). Data from this sampling is included in the Alliance Consulting, Inc. Report referenced above with all sites grading as “unimpaired”.

Water quality sampling was also completed at the 5 sites along Wet Branch. Sampling was conducted at all sites in March and May (not available by Comment date) 2010 and at sites WB-1, WB-4, and WB-5 in January 2008. The table below is a summary of the WVSCI scores for each sampling site. Sampling Sites WB-1 through WB-4 are located below existing mine operations with Site WB-5 having only beltline and punch-out disturbance above its location. The 2010 Water Quality Data and Benthic Summary are included as Attachment B.

**Summary Table of March 2010 Water Quality on Wet Branch:**

	<b>WB-1</b>	<b>WB-2</b>	<b>WB-3</b>	<b>WB-4</b>	<b>WB-5</b>
pH	7.74	7.87	7.79	7.81	8.20
Specific Conductance	379	355	287	306	173
Total Sulfates	99.99	98.17	97.96	92.24	69.22
Total Dissolved Solids	184	170	197	165	95
Selenium	<1.0	<1.0	<1.0	<1.0	<1.0

Information provided by the WVDEP on the listing of Wet Branch also included various water sampling data from 1996 through 2003 which indicated much higher levels of Specific Conductivity, averaging around 1,000 umhos. Again, the WVDEP Water Quality Data and Benthic Information are included as Attachment C of this document.

Sampling site locations taken by Alliance Consulting, Inc. are shown on the following maps.

In summary, throughout our sampling along Wet Branch only WB-1, located at the mouth of the stream, had a one time WVSCI score of less than 60.6. In the March 2010 re-sampling of this site the WVSCI score was 61.35. All but one of the upstream sampling sites scored in the “Good” to “Very Good” categories, with site WB-3 being in the “Gray Zone at 65.41. Water quality sampling resulted in Specific Conductivities ranging from a High of 379 to a low of 179 umhos, Sulfates all less than 100 mg/l, Selenium all less than 1 ug/l, and a ph averaging around 6.5. These results are from main stem sampling only.

Through these comments and attached data we are requesting that Wet Branch be removed from the WVDEP 303(d) list. As shown by the information above and the attached data the stream is far from “Biologically Impaired” with sites below existing mining operations (listed as the reason for impairment) scoring in the “good” category for WVSCI. We acknowledge that WVDEP sampling in 1996 and 2001 indicated impairment: although we believe it should not have listed the entire 3.3 miles of stream, at the mouth of Wet Branch but believe this to be a stream of good to very good quality based on the more recent information

If you have any questions concerning this information or require additional information please contact me at (304) 380-0242.

Sincerely,



Earl L. Moles

Environmental Manager