

John Dawes *Administrator*

Phone: 814-669-4847

Fax: 814-669-1323

Email: RJDawes@aol.com



The Western Pennsylvania Watershed Program

www.WPAWP.ORG

9697 Loop Road, Alexandria PA 16611

September 6, 2007

Mr. Dennis G. Rice
Office of Surface Mining Reclamation and Enforcement
United States Department of the Interior
1951 Constitution Avenue, N.W.
Washington DC 20240

Attention Docket ID No. RIN 1029-AC04

Re: Request for Public Hearings and Extension of the Public Comment Period for the Proposed Rulemaking on “Excess Spoil, Coal Mine Waste, and Buffers for Waters of the United States,” 72 Fed. Reg. 48890

Dear Mr. Rice:

On August 24, 2007, your agency published in the Federal Register a rule which proposes to amend the regulations concerning stream buffer zones, stream diversions, and other aspects of OSM’s regulatory scheme as they pertain to surface coal mining operations. Given the widespread interest which this rule will generate among concerned citizens and environmental and community health groups across the United States, we are hereby formally requesting that a series of public hearings be held around the country to address possible impacts and concerns that this proposal raises. Public hearings on such an important proposed rulemaking will provide an additional opportunity for participation in the rulemaking process and result in a much more informed and comprehensive final rule. Furthermore, please also accept this letter as a formal request for a 90 day extension of time in which to submit electronic or written comments on the recently proposed rule.

This issue is of vital importance to the health of the nation's streams, wetlands, and other waterways and to the human and wildlife communities that depend on these resources. We are concerned with the potentially significant adverse impacts to the chemical, physical and biological integrity of our waters that will be associated with the changes to the regulatory provisions, provisions that were intended to protect our waterways from the very type of degradation which this proposed rule may allow. As a consequence, this proposed rule is of tremendous importance to our organization and many of our 150 watershed associations across the state.

The extension of the comment period is necessitated by the many complex issues raised by the proposed rule. Accordingly our organization and others will need to assemble a significant amount of data, as well as other pertinent information for your consideration, and address the complex policy and legal questions raised by the proposed rule involving surface mining wastes and its impacts on streams. Adequately addressing your agency’s request for information and comments from the public, the legal and scientific communities, federal and state resource agencies, as well as environmental and conservation groups and others, will require considerable effort and time – more than the 60 days proposed for this purpose in the Federal Register. In addition, the scheduling of public hearings and consideration of the comments offered therefore will require additional time for the open comment period. Therefore, we ask that your agency provide an extension to the deadline for comments by at least an additional 90 days.

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Thank you for your consideration of this request for an extension to the public comment period for the proposed rulemaking. Please contact us if you have any questions or would like to discuss this request.

Sincerely,

R. John Dawes, Administrator
Chairman, PA AML Campaign

Cynthia Carrow, Western PA Con.
Co-Chair, PA AML Campaign