



January 14, 2010

MARTIN K. BANKS
Direct (801) 578-6975
mkbanks@stoel.com

VIA ELECTRONIC MAIL

Dave Wham
Utah Department of Environmental Quality
Division of Water Quality

**Re: Consolidation Coal Company
Public Comment: Proposed Change of Rule (Site-Specific TDS Standard)**

Dear Mr. Wham:

As you know, for some time now Consolidation Coal Company ("Consol") has been in discussions with the Utah Division of Water Quality ("DWQ") regarding the potential creation of a site-specific water quality standard for TDS in Quitchupah Creek. On January 15, 2009, we submitted to you a draft copy of Consolidation's proposed Technical Rationale for a New Site-Specific Criterion. After receiving feedback from DWQ on that draft, we made various revisions, and on April 20, 2009, we submitted our revised, final Technical Rationale.

In connection with DWQ's recent Proposed Change of Rule (No. 33233) for R317-2, relating to Standards of Quality for Waters of the State, Consol hereby submits its comment requesting that the Proposed Change of Rule include a site-specific standard for TDS (3,800 mg/L) starting in Quitchupah Creek at State Highway 10, continuing to Quichupah Creek's confluence with Ivie Creek, and further continuing to Ivie Creek's confluence with Muddy Creek.

Very truly yours,

/s/

Martin K. Banks

cc: Jeff Ostermiller
Chris Bittner
Kim Shelley