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January 19, 2010

Ms. Janet Pittman
Rules Development Branch
Office of Legal Counsel, MC 65-46
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

Re: Request for Extension of Comment Period on 2010 Draft List of Impaired Waters and Consolidated Assessment and Listing Methodology

Dear Ms. Pittman:

The Indiana Coal Council ("ICC") hereby formally requests that the Indiana Department of Environmental Management ("IDEM") allow an additional thirty (30) days to provide public comments on IDEM's 2010 Draft List of Impaired Waters and Consolidated Assessment and Listing Methodology ("2010 Draft List"). The public comment period currently will expire on January 26, 2010. We respectfully request that the comment period be extended until February 25, 2010.

An extension to the public comment period is needed to provide additional time to obtain and properly review the technical information your agency relied upon in developing the 2010 Draft List. On November 24, 2009, the ICC requested that IDEM provide Detail Report forms and data used by the Agency in preparing its 2010 impairment determinations for a specific set of assessment units. The ICC also requested the background information and calculations used to develop the water quality criteria for downstate waters for total aluminum and dissolved iron. In response, Ms. Jody Arthur of IDEM provided the following information in the weeks following our information request:

- Iron and aluminum criteria calculation fact sheet
- Chemical data files for requested assessment units (data from AIMS database)
- Detail Reports for selected assessment units
- Assessment Notes regarding listing rationale for TMDL segments

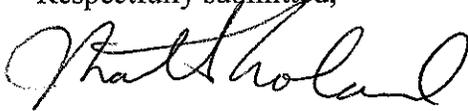
Although the ICC has focused on only a small subset of issues related to the 2010 Draft List, the information provided has proven to be voluminous. Additionally, some points have been unclear, prompting several follow-up technical inquiries to clarify IDEM's calculations and determinations and to obtain additional data. Indeed, in several instances, supplemental information was required to correct errors in the original data provided by IDEM, including

revised Assessment Notes. Finally, while we appreciate the efforts of IDEM, and Ms. Arthur in particular, to provide timely responses to the ICC's requests for information, we are still waiting for certain requested documentation from the Agency with only a week remaining in the public comment period.

Given the importance of this issue, as well as the size of the regulatory docket, the public comment period on the 2010 Draft List should be extended until as requested above. The ICC is working expeditiously to review the relevant information and data. To ensure that the ICC makes the most effective use of the time available, a prompt reply to this request would be appreciated.

Thank you for your consideration of this important request. Should you have any questions, please feel free to contact me.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Nathan Noland".

J. Nathan Noland