

Commonwealth of Pennsylvania
Department of Environmental Protection
Bureau of Mining and Reclamation
December 14, 2010
717-783-5105

To: Sue Wilson
Executive Director
Citizen's Advisory Council

From: Gregory Shuler, P.G.
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Subject: Citizen's Advisory Council Meeting (November 16, 2010).

Prior to the start of the November 16, 2010 meeting, the Center for Coalfield Justice offered remarks on the Act 54 Report and Ryerson Station State Park. From my notes and your email, I was able to prepare responses regarding the Act 54 Report. Ryerson Station State Park is the subject of litigation. All questions relating to the park should be directed to Department of Environmental Protection legal staff handling the case.

1. Did the University of Pittsburgh review any of the reports used in the Ryerson Investigation while researching the Act 54 Report?

The Ryerson Station Dam Interim Report was forwarded to the University of Pittsburgh (University) on February 16, 2010 for their use in the Act 54 Report.

2. The Act 54 Report is two years late, it should have been completed in August 2008.

The contract with the University took approximately five months to finalize, and was in place by February 2009. Under the contract, the University had approximately 18 months to review and evaluate the five year's of data and assemble the report. After an internal review of the draft report by the Department was completed in October 2010, the University had 45 days to address all comments. The current report covering the period from August 2003 through August 2008 was received by the Department on December 9, 2010 and is being forwarded to the statutorily required recipients prior to general distribution.

The Department is reviewing the current five-year report process to ensure that future contracts are in place prior to the expiration of the five-year period. This will allow work to begin prior to end of the data period. This will save some time by allowing data evaluation and report preparation during the assessment period and will provide the contractor with a "head start" in preparing the final report. Regardless, data collection must continue to the end of the respective five-year period in order to maximize the

amount of usable data. A sufficient amount of time must also be allowed to evaluate and analyze the data prior to it being integrated into a final report.

3. Did the University have access to better information concerning streams and wetlands to evaluate for the current Act 54 Report?

Since the development and implementation of Technical Guidance “Surface Water Protection – Underground Bituminous Coal Mining Operations (563-2000-655)” in October 2005, the Department has been receiving and collecting more detailed data on stream and wetlands. This data was used by the University in preparing the streams and wetland sections of the Act 54 Report.