



**LEAGUE OF WOMEN VOTERS®  
OF PENNSYLVANIA**

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**Public Comment  
League of Women Voters of Pennsylvania  
On the Act 54 Report to the  
Citizens Advisory Council to DEP  
March 17, 2015**

Good morning, I am Susan Carty, President of the League of Women Voters and I am commenting on the most recent Act 54 Report.<sup>1</sup> As you may recall, members of the League of Women Voters were involved in the initial phases of Act 54 known as *The Bituminous Mine Subsidence and Land Conservation Act of 1994*. Our representatives withdrew from the process when the intent of the regulations moved from preventing environmental damage to restoring areas impacted by subsidence. The League continues to believe that an ounce of prevention is worth a pound of cure – particularly when, as in documented cases found in this report, there is no cure!<sup>2</sup>

The League recognizes the importance of coal in Pennsylvania's history and economy. At the same time, we have been long-standing advocates for natural resources stemming from our national positions.<sup>3</sup> This is reinforced through our Water Resource Educational Network (WREN) at the state level. In a nutshell, we believe that we should *promote an environment beneficial to life through the protection and wise management of natural resources in the public interest*. Long-wall mining, as currently being conducted in the Commonwealth, runs contrary to this position. Why?

First, there is a lack of protection as revealed by data in the most recent 5-year assessment. Forty percent of the streams undermined by coal mining suffered decreased flow or pooling. This resulted in negative consequences to the aquatic life (invertebrates), water chemistry (pH), and the overall ecology of the streams.<sup>4</sup> Eight of the fifty-five streams determined to be affected in the previous (2003-2008) report have yet to recover from the harmful impacts of underground mining. According to the study, *While mining companies are generally either able to repair,*

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<sup>1</sup> See *The Effects of Subsidence Resulting from Underground Bituminous Coal Mining, 2008-2013* (Act 54 Report) available at

<http://www.portal.state.pa.us/portal/server.pt?open=514&objID=1149978&mode=2>

<sup>2</sup> *Of the 10 cases in the 3rd assessment period that took over 5 years to resolve, 8 of these cases involve streams that the PA DEP ruled have not recovered from mining.* (Act 54 Report, Section VIII, p. 5)

<sup>3</sup> See <http://lwv.org/content/natural-resources>

<sup>4</sup> *Biological recovery does not appear to be a function of recovery in stream chemistry. There was no significant relationship between time since mining and conductivity .. or pH ... , indicating that water quality does not return to pre-mining levels following mining.* (Act 54 Report, Section VII p. 60)

*replace, or financially compensate for damages to structures, the ability to repair damage to streams remains largely unknown.* <sup>5</sup> The degradation of the waters of the Commonwealth as a result of long-wall mining has grown increasingly problematic over time. Although there was an 18% decrease in the area (6,913 acres) mined from the 3<sup>rd</sup> to 4<sup>th</sup> periods, there was a 25% increase in the total water supply effects (683 to 855). During the last decade of reports, 100% or all of the steam impacts were a result of long-wall mining. Such damage flies in the face of the Clean Streams Act and Article 1, Section 27 of the Pennsylvania Constitution.

Secondly, the existing regulations fail to provide for the wise management of not only our natural resources but also our man-made environment. In addition to surface waters, water supplies, state park lands, roads, homes, and businesses have been adversely impacted. While the intent of Act 54 was to repair or recover damages, resolutions most frequently result in agreements or property purchases by the coal mine operators. The report notes: *Legally, PADEP is not privy to the details of these private agreements, so the extent to which the damage was repaired or the structure was replaced is unknown.*<sup>6</sup> You cannot manage that which is not known.

Finally, the regulations, now more than twenty years old, and the monitoring system currently used by the Department of Environmental Protection (DEP) have not kept pace with technological advances.<sup>7</sup> This exacerbates both the lack of protection and wise management of natural resources. How can you assess the effectiveness of regulatory requirements, like those implemented a decade ago for surface water protection<sup>8</sup>, without the data needed to assess such changes? There are alternatives that must be considered if we are to manage our resources efficiently and effectively. The latest five-year assessment delineates problems inherent in the manner in which DEP identifies impacts, tracks these consequences over time, and monitors attempts to remediate them. The League implores the members of this Council to advocate for policies, staff and resources to implement the report's recommendations<sup>9</sup> Beyond monitoring, the long-wall mining process needs to be re-examined so that techniques can be adopted that prevent subsidence and protect surface features. While many know what is profitable, the League encourages the Department of Environmental Protection to develop and implement a process for deciding and implementing what is safe. In this way, you can help restore public trust and fulfill your responsibility to protect our rights to clean air, pure water, and the preservation of our natural resources.

Thank you for your consideration.

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<sup>5</sup> See Act 54 Report, Section V, p. 7.

<sup>6</sup> See Act 54 Report, Section XI p. 4.

<sup>7</sup> For an overview of technological changes in the industry see [http://www.undergroundcoal.com.au/pdf/Longwall\\_Mitchell.pdf](http://www.undergroundcoal.com.au/pdf/Longwall_Mitchell.pdf)

<sup>8</sup> PADEP. (2005) "Surface Water Protection – Underground Bituminous Coal Mining Operations," Technical Guidance Document 563-2000-655, October 8, 2005.

<sup>9</sup> See Act 54 Report, Section X.