

## Citizen's Advisory Council Review of Act 54 Report Public Meeting

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I enjoy spending time in the outdoors, appreciating the natural beauty of our state; its flora and fauna, and pockets of unique ecosystems that develop around the natural features of the landscapes (streams, exposed rock hillsides, marshes, etc.). The remote Southwest corner of our state has few public green spaces to enjoy. Ryerson Station State Park was created to help meet the DCNR's goal of having a state park within 25 miles of every citizen of Pennsylvania so that they could enjoy and appreciate the natural beauty of our state within a reasonable distance of their home.

One of the main features of Ryerson Station was a lake that could be used for many types of water recreation by the citizens of Greene County. Almost a decade ago that lake was destroyed by longwall mining under the park, which damaged the dam and forced the DCNR to drain the lake because of safety concerns. After a litigation of 8 years, the mining company was finally forced through settlement to provide compensation to the state to allow repairs of the dam and restoration of the lake. Now the DEP is allowing longwall mining under major streams that would feed that lake.

The Act 54 report found that 74% of streams undermined by longwall mining have been impaired or destroyed. The Act 54 review also found that the ability to repair damage to streams that have been undermined and have experienced subsidence damage remains largely unknown. The mine permit application for the new longwall mining, which has been approved by the DEP, acknowledges that a number of the streams above the mined area will be "dewatered", a term that attempts to make the destruction of the stream sound technical and unimportant.

But the loss of the streams mean a great deal to people and the biological communities that live along these streams. Plants that need moist environments to grow will wither and die, animals that need the water to live will be forced to range further afield to find it or move out of the area entirely, possibly affecting the plant population of the area, since animals are a means of spreading the seeds of many plants. Even the insect populations of the area will be affected. And in the case of Ryerson Station, the lake that the DCNR and many residents fought so hard to restore may be a moot point. If there are no streams to feed the lake, there is no lake and the citizens in Greene County will be denied the enjoyment of the lake that the DCNR created for them.

**To alleviate this impact of longwall mining, the Citizens Advisory Council should recommend that full extraction mining be forbidden underneath streams, including streams that may not flow all year round. At a minimum, the DEP should be required to monitor the streams in a manner that provides adequate data and observations to determine what damage (including chemical damage from grouting) may have been done to the stream. This should also include a deadline for such investigations so they operator can be held responsible for their action in a timely manner that respects the rights of the citizens who live in the mined area.**

I live in Nottingham Township in Washington County, where a company has applied for a permit to open a new underground coal mine. I am concerned about the effects that this mine will have on me and on my neighbors.

The Act 54 Report found that *THIS MINE IS PROPOSED TO BE A ROOM & PILLAR MINE BUT THEY INTEND TO DO RETREAT MINING, AND THE DEPTH OF THE COAL SEAM IS ONLY 60 FEET IN SOME PLACES, SO ALTHOUGH THE COMMENTS IN THE ACT 54 REPORT REFERENCE*

- 230 cases of damage to homes and buildings were confirmed to be the result of longwall mining subsidence.
- Despite a reduction in the amount of surface acres undermined by longwall mining, which causes highest numbers of subsidence related impacts, over the last 5 years; the number of reported effects did not decrease.
- 176 of the 230 company liable structure effects, some with multiple problems, were located within either the tops of the hills, along the hillside slopes, or within the valley bottoms. And 69% of all company liable structure effects were located along hillsides.
- The average time to resolve structural effects on homes and buildings was 169 days.

*LONGWALL MINING, I BELIEVE THE SAME DAMAGE WILL OCCUR WITH A SHALLOW ROOM AND PILLAR MINE WITH RETREAT MINING.*

The CAC should recommend the following to the DEP so that people are not unduly burdened financially or emotionally by the damage longwall mining causes to their homes:

- Hillsides should be considered areas of elevated risk for subsidence-related structural damage due to the topography in western Pennsylvania.
- The DEP should recalculate the angle of influence to account for structural damage that may also be caused by mining, but not currently recognized by DEP.
- DEP should issue enforceable orders for timely repair or replacement of structures when the company is found liable for the effect.
- Require that companies report to DEP the purchase price of a property when they make an agreement with a homeowner to buy a property where the home has been damaged. Facilitate access to these records for other homeowners in the area.

In addition to the damage to structures that occur from longwall mining, a major issue for many property owners is that the water supply for their residence and livestock is groundwater; either a well, a spring, or a pond fed by a stream.

The Act 54 report showed that:

- Out of the total 201 reported water supply effects at the end of 2013, DEP's records showed that only three of them were actually in the process of having liability for the effect assessed.
- 51% of company liable water supply effects were outside the RPZ buffer.
- Many of the water supply effects which take the longest to resolve are Permanent Supplies, for which the average times to resolution can exceed two years.

It is inexcusable that citizens should have their groundwater supplies destroyed by a for-profit company which does not immediately provide an equitable restitution to those citizens.

**The CAC should recommend the following to the DEP so that people are not unduly burdened financially or emotionally by the damage longwall mining causes to their water supplies:**

- **DEP policy should be reformulated to take into account the finding that a company liable water supply effect can occur when a mine is in a non-active status and outside the Rebuttable Zone of Presumption.**
- **The DEP should immediately begin analyzing liability for the remaining 198 water supply effects.**
- **The DEP should issue enforceable orders for repair or replacement of water supplies within 6 months of a company being found liable for the impact.**

And finally, the Act 54 report contains multiple references to the need for DEP to address organizational and management issues with all of the data they collect. The DEP's disorganization of data severely hampers community engagement, enforcement actions and meaningful review of mining impacts.

The DEP is supposed to be the Department of Environment Protection. Their name implies that the DEP will help the citizens of our state protect the varied and unique environmental features of our state from being destroyed by business for their own profit, so that the natural beauty of this state can be freely enjoyed by its citizens.

**In order to do this more effectively, the CAC should recommend that the DEP:**

- **Address data organization and management issues by implementing an information management system and standards for data that are enforced to facilitate meaningful evaluation of information, accessibility, and transparency.**
- **Collect and report hydrologic data more frequently (i.e., at 15 or 30 minute intervals) rather than once daily. This is necessary to more accurately evaluate the impacts of underground mining by taking into account natural variability of streams, springs and other water supplies.**
- **Require the reporting of groundwater elevation measurements which are already being collected by the company, but not handed over to DEP simply because they are not required.**
- **Create a written procedure for tracking stream impacts and consistent recordkeeping.**
- **Coordinate and share data with other state agencies so that additive effects of mining with other industrial projects that are present (natural gas drilling and transportation, etc.) can be considered when determining the possibility of severe damage to the local environment or residents' property.**