



May 26, 2023

Richard Negrin
Acting Secretary, Pennsylvania Department of Environmental Protection
400 Market Street
Harrisburg, PA 17101

RE: 5th Report on the Impacts of Underground Coal Mining

Dear Acting Secretary Negrin,

Enclosed please find the Citizens Advisory Council's ("CAC") comments on the Department's 5th Report on the Impacts of Underground Coal Mining (commonly referred to as the "Act 54 Report"). Pursuant to the Bituminous Mine Subsidence and Land Conservation Act, the CAC, along with the Governor and General Assembly, is a named recipient of these reports.

We appreciate this opportunity and take it seriously. In addition to our own deliberation, we solicited both targeted and open input from the public, community and environmental stakeholders, and representatives of industry to help inform these comments.

While our comments address a considerable number of data points, issues, and questions, the top line findings include:

- The 5th Act 54 Report documents significant ongoing subsidence damage to the natural and built environment from longwall mining. This is consistent with previous Act 54 reports.
- Despite this knowledge, impact prediction and avoidance in permitting applications and revisions seldom occurs.
- Most subsidence damage to structures, water supplies, and environmental resources cannot be documented as having been fully repaired, and when repairs are made the process often is slow and the long-term success of those repairs is unknown.
- Major gaps still surround the recording and communication of data regarding mine subsidence impacts, although small improvements have been made in the Department's recordkeeping.
- The Department can better protect resources from subsidence damage through existing laws, regulations, and technical guidance, but it is not fully or consistently applying them.
- The Department's current plan to forego preparation of future 5-year Reports and instead periodically publish Bituminous Underground Mining Information System ("BUMIS") information on its website will likely provide less useful information about subsidence impacts to coalfield residents, policymakers, and others.
- Questions from the public and from the CAC on past Act 54 Reports remain unanswered by the Department, and most are not addressed in this 5th Report.

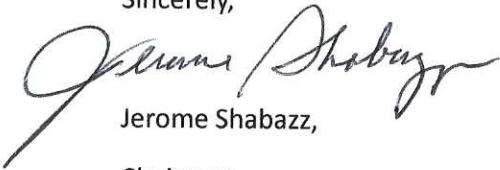
The CAC recognizes that these observations are critical, and we do not make them lightly. The Department should be commended for the considerable work that has gone into developing these reports. Our fundamental concern is that those efforts have not been met with the associated follow-through on the program implementation side, or in consistently applying the law.

When the Bituminous Mine Subsidence and Land Conservation Act was amended in 1994, the purpose of these reports was to help determine whether the law was working in both protecting the environment and providing assurance and certainty to the public and regulated community. The reports were meant to inform *and* result in adjustments as necessary. For the most part, that has not happened, thus making these reports merely observations at points in time.

We respectfully ask that you consider our comments and undertake a comprehensive review of the Act 54 reports and underground mining program – with a commitment to enact timely and meaningful changes to guidance or regulation as necessary and required by law. Inasmuch as there are ongoing (and avoidable) impacts and unanswered questions thirty years after initiation of this process, it is clear the status quo is not working.

The CAC stands ready to work with the Department on this effort. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerome Shabazz", written in a cursive style.

Jerome Shabazz,

Chairman

Cc: Office of Active and Abandoned Mine Operations