

Public Comment on Act 54 Five Year Study Report: The Continued Ineffectiveness of Act 54

While the academic arena should be commended for producing the requisite analyses of longwall mining impact dictated by the statutes of Act 54 over the past fifteen years, which incidentally appears to be the only statute of the law being enforced, these five-year reports lack credibility as they have yet to include ALL data related to the impact of longwall mining activity. As much of the information is never collected, or is not required to be submitted to the government agency charged with analyzing the data by the mining operator collecting the data, full disclosure of data is critical in a TRUE analysis of the impact of longwall mining that occurs above and below the Pennsylvania landscape.

If one cares to look closely enough, one can see that violations of Act 54 occur every second of every minute, every minute of every hour, every hour of every day, every day of the year, and remedies required by Act 54 for these violations do not occur even remotely close to that rate of timeline, if at all. For nearly three decades, Act 54 has been the crown jewel in the coal industry's efforts to secure record profits while granting the industry impunity while it "undermines" democracy, and the constitutional rights of tax-paying residents and landowners in southwestern Pennsylvania.

At this juncture, preparing and submitting a detailed analysis of the Act 54 Five Year Study Report at the behest of a token advisory council is simply an exercise in futility, as to reiterate the same comments for the fourth time about the continuing obscene level of damage and destruction that longwall mining activities have breached on human life and natural resources, most notably the complete loss of water resources, in regions held hostage for decades by longwall mining activities, seems to be quite a disingenuous, even disrespectful request of a public continually disgraced by bureaucratic apathy and corporate zealotry.

After four cycles of reports, the public has become immune to the fleeting calls for public engagement, aware that their personal comments that detail the disparaging losses of a continuously disenfranchised minority of the electorate and fill the limited public hearing rosters, will be simply filed away in the "requisite box" required by law and preserved by government bureaucrats in their redundant duties to maintain all non-deleterious records of public input in perpetuity, allowing future generations of bureaucrats to attest to the fact that those charged with protecting the health and safety of the public continued to uphold the status quo by inviting public comment, but ultimately doing nothing for the taxpaying citizenry in yet another cycle long etched into the fragmented political schism of the 21st century; when technological advancements could easily alter the destruction of an archaic status quo if power and greed were not the defining factors.

Therefore, this comment will shift its focus from the usual legless Act 54 Five Year Study Report comments reiterating the despairing findings about the miles and miles of stream loss in a once thriving region of agriculture and tourism, the loss of jobs by non-coal related taxpaying constituents who have garnered their livelihood directly and indirectly through agricultural and tourism related businesses and industries for decades, the complete loss of federally protected wildlife and wildlife habitats, the ongoing violation of federal clean air and clean water standards, and the continued violation of constitutional rights of landowners and residents; AND instead focus on the more esteemed Act 54 legacy claims of those inflated industry statistics of coal-driven economic prosperity, legislatively gutted state budgets for environmental protection, and lack of publicly disclosed mining activity data in state files, that all so conveniently ensure and protect the dividends of industry's wall street shareholders, record profits of international mining and mining-related companies, and mining jobs (read miner) filled by non-Pennsylvanians.

While Pennsylvanians have continued to fight an uphill battle to ensure the enforcement of regulations in protecting landowners' rights while also mitigating environmental impact, Act 54 has remained a steadfast tool in the industry's arsenal that has provided openings for other violations. As concerned citizens and appointed

advisory councils focus their attention on the loss of miles and miles of water resources caused by longwall mining without any due recourse, the mining industry, never willing to accept its full responsibility for the loss of water resources due to longwall mining, is constantly seeking to expand its control and subsequent use of water resources in the region.

For example, one mining operator has begun pumping exponential amounts of water from mining operator owned property in Washington County's Wheeling Creek watershed to adjacent Buffalo Creek watershed for use in mining operation activities on property or properties that are non-adjacent to the original water source.

While the rules pertaining to water usage do allow for unregulated amounts being used on the source property, the rules DO NOT provide allowance for the transfer of that water source to a non-adjacent property for use. Such withdrawals and redirections of water resources are denying critical access to water resources to riparian landowners downstream of withdrawal stations in the Wheeling Creek watershed. This unilateral action conducted by a mining operator is an action reserved only for permitted municipal authorities, and not private corporations.

In addition to the above issue that is continually overlooked by state agencies when permitting water management plans of mining operators, there is the issue of mining operators' violations of Act 54 impact on diminishing water resources now being compounded by violations inherent to Act 13 (the other crown jewel in the fossil fuel industry's curriculum vitae of state regulations) and is related to wastewater disposal associated with hydrofracturing. While Act 54 does not specifically address issues related to hydrofracturing wastewater and coal refuse disposal areas (CRDAs) or slurry ponds, I believe that since the following activity has potentially lethal impact on water resources in longwall mining regions, it warrants comment here as well as in other forums.

Having witnessed a year-long convoy of residual waste trucks hauling thousands of gallons of contaminated wastewater between mining operator's gas drilling subsidiary's well pad and mining operator's slurry pond, confirmed when I personally followed trucks from a well site in Morris Township in Washington County to the site of a slurry pond in Richhill Township in Greene County.

Though still unable to confirm whether wastewater was being hauled from the well site to the slurry pond, or wastewater was being hauled from the slurry pond to the well site, the environmental and public health impact remains the same, as there were either lethal amounts of toxic compounds that possibly included radium being deposited in a slurry pond that might be leaching into underground water resources; or toxic compounds such as arsenic and mercury from the slurry pond were being injected into wells drilled atop water sources of Ten Mile Creek, which is a drinking water source and recreational venue for local communities, as well as a significant tributary to the drinking water resources of the Monongahela River. As a result of the above activity, I would encourage further investigation be conducted to determine the safety of associated water sources; as well as requesting routine testing be conducted on water sources of tributaries of Ten Mile Creek in Greene County, where catastrophic levels of radium, usually associated with hydrofracturing activities, have been reported.

The only action that can be advanced now that will truly serve to protect the landowners and the environment of Pennsylvania from greater degradation from years of non-enforcement of a virtually legless law is tied to the global energy shift from fossil fuels to renewable energy sources, and though that completed shift cannot come fast enough for the coal-choked citizens of southwestern Pennsylvania, many local citizens celebrate each and every closure of coal-fired power plants in this country and around the globe; and are very encouraged that a once stupefied nation finally grasps what citizens living and breathing in the coalfields have known for decades.

As one whose ancestral farm estates sit atop the largest longwall mining complex in North America, it has become very apparent after having been directly impacted by mining activities, and hearing for years the damning comments of downtrodden landowner after downtrodden landowner that relief through remedies provided for by the regulations in Act 54 for incurred losses due to longwall mining can never be fully recovered within the state.

Thus, the greatest action that the taxpaying citizens and landowners of southwestern Pennsylvania can take presently to protect their rights and property is to forego the perpetual submission of useless comments to a broken state legislature and a token protection agency, and seek relief for damages and injustices through federal forums, bypassing the toxic cesspool of government apathy and corporate zealotry that so blatantly hinders constitutionally-guaranteed legal protections and the true enforcement of regulations in protecting the environment and the livelihoods of non-coal related taxpaying citizens, who not only have lost their livelihoods and good health due to longwall mining, but who continue to be marginalized and disenfranchised on every legal and regulatory front by a self-serving and impotent Harrisburg.

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