

Comment by the
League of Women Voters of Pennsylvania
Regarding Act 54 to the
Citizens Advisory Council of the PA Department of Environmental Protection
September 1, 2026

Good day, I am Roberta Winters. I appreciate the opportunity to speak on behalf of the League of Women Voters of Pennsylvania in regard to Act 54 amendments (1994) to the Bituminous Mine Subsidence and Land Conservation Act (BMSLCA) of 1966. Members of the League were involved in the original legislation and chose to remove themselves from the discussions when inadequate regulations were being proposed and eventually enacted. Based on decades of data, the reservations of our members appear to be confirmed: It appears nearly impossible to remediate some of the subsidence from coal extraction by long wall mining that inevitably results in damaged property and, most importantly, impacted water resources.

As a resident of Pennsylvania and a member of the League of Women Voters of Pennsylvania, I support Article 1, Section 27 of the State Constitution:

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

The results of six assessments, required by law every five years, document that long wall mining has jeopardized our land, structures and water resources and common sense indicates something is wrong. The coal industry is reaping the benefits of the additional coal obtained (20% to 30%) through long wall mining, a most thorough, extractive process. In the meantime, the public is paying the cost for problems created by the lack of support pillars traditionally left underground to prevent collapsed mines that result in subsidence.

The latest summary from Effects of Underground Mining in Pennsylvania 6th Report notes that active mines decreased from 49 to 31, land damage claims from 124 to 106, and stream miles affected from about 39 to 16. It is important to note that an independent investigation noted that this decrease was the result of a data-collection change, not necessarily an improvement. Indeed, during the same period, structural damage claims increased from 391 to 455 while water loss and contamination claims increased from 365 to 446. Claims ranged from cracks in foundations to sink holes and dry wells to lost springs. Some drinking water turned black, some cloudy with sediment, and still others smelled like sulfur. Further compounding the issues, non-disclosure

agreements obscured the full scope of the challenges and the remediation achieved after three years.

Currently, the mine operators self-monitor and share complaints with the DEP. The DEP staff, in turn, collects information from the field and uses its data base to update claims, incidents, and enforcement actions as well as stream and wetland impacts. While this has the potential to promote greater transparency and timeliness, self-reported data introduces the opportunity for mine operators to curate the data to demonstrate minimal impact. Moreover, data alone does not provide guidance. A thoughtful review and analysis of the data, coupled with reasoned recommendations, are needed.

Thirty years of assessing damages are thirty years too many! The DEP needs to focus on protection - not tallying claims and monitoring remediation. Siting long wall mining operations in unsuitable locations is prompting additional degradation. Understaffing, staff turnover, and outside contractors committed to speedy permitting simply translates into more environmental challenges and less possible remediation. It's time to move forward on our three recommendations:

- fund DEP properly to enable staff to protect our rights to clean air, pure water, and the preservation of natural resources;
- recommend legislative action to amend Act 54 to eliminate the permitting of known risks to our environment that cannot be remediated; and
- seek to modify similar, current regulations for existing industries and to avoid adopting such in the future.

Thank you for your consideration.