



Pennsylvania Chapter

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NEW SCIENTIFIC REPORT: “PROTECTION OF WATER RESOURCES FROM LONGWALL COAL MINING IS NEEDED IN PENNSYLVANIA”

Report Cites Administrative Quagmire of Illogical Permit Monitoring, Baseless Decisions, and Lax Oversight of Coal Mining Companies by PA DEP

(Harrisburg, PA) – The Pennsylvania Chapter of the Sierra Club today joins the Citizens Coal Council, a national non-profit organization based in Washington, PA, in announcing the release of a new scientific report by the ecological consulting firm, Schmid and Company, Inc. of Media, PA: “Protection of Water Resources from Longwall Coal Mining is Needed in Southwestern Pennsylvania.”

The Citizens Coal Council’s report documents an internal administrative quagmire of illogical permit monitoring, baseless decisions, and lax oversight of coal operators by the Pennsylvania Department of Environmental Protection (PADEP). CCC’s report was made possible by Sierra Club grants from the Pennsylvania Chapter’s Bernheim Grant Fund and the Allegheny Group’s Huplits Wildlife Grant Fund.

Key among the report’s findings is that despite improved data collection requirements and strong state constitutional and regulatory safeguards, the PADEP has failed to adequately evaluate and protect against threats to valuable Pennsylvania streams and watersheds adversely affected by the longwall “full extraction” method of coal mining. As a result, exceptional value and high quality streams are being lost to longwall mining.

“This is an outstanding report, and we look forward to the Governor and the Environmental Quality Board responding with the appropriate changes to the DEP’s organizational structure which has sheltered the Mining Bureau from proper oversight,” said Tom Au, Chair of the Conservation Committee of the Pennsylvania Chapter of the Sierra Club.

In addition to pointing out significant improvements by PADEP in data collection, the report outlines and details serious and inexcusable chronic failures, errors, and omissions in PADEP’s Mining Bureau administration and enforcement:

There is no indication in the PADEP files that PADEP staff ever review any mining outfall DMRs [Discharge Monitoring Reports] for completeness or compliance with permit requirements....There is no mention of missing DMRs in the PADEP files

examined, and no explanation for gaps that appear in the record....PADEP appears to accept whatever permittee data are submitted, however defective.....

Report at p.66.

Among the many revelations published in the report:

Through its laws and regulations, even the Constitution itself, Pennsylvania has a strong framework for protecting water resources from the damages that can result from longwall mining. It is the administration and implementation of those laws and regulations that continues to be weak and is resulting in the loss or degradation of important surface waters and ground waters. Unfortunately, the health and wellbeing of coalfield residents suffer as a result.

Report at p.127.

The report also presents important observations concerning the threats and damages to Exceptional Value and High Quality waters and Special Protection wetlands in SW Pennsylvania which are not being protected by PADEP as required by law and by DEP's own regulations:

No special consideration is being given to EV and HQ waters when plans to longwall mine beneath them are being reviewed, and the resultant damage from subsidence-induced pooling or water loss, and efforts taken to correct that damage, are causing unlawful degradation of those special protection waters.

Report at p.55.

The report's critical analysis and findings also include many sad notes such as these:

Apparently there are no consequences either for isolated or for multiple or for repeated releases of wastewater in exceedance of permit limits....

It is ironic that a [coal mining] applicant must evaluate the effect on a wetland associated with repairing a stream damaged by mine subsidence, but not any damage caused to a wetland directly by [mining] subsidence.

Some of the coal mining-damaged and de-watered streams and associated springs and wetlands featured include Laurel Run, Duke Lake, and Roberts Run in Greene County, and Crafts Creek in Washington County – which is still dewatered in sections from mining subsidence in late 2008. Duke Lake in Ryerson State Park remains dry and empty from mining subsidence damage caused five years ago.

“Unless the PA Department of Environmental Protection begins to actually protect the environment from the ravages of longwall coal mining, the same fate looms over the Enlow Fork, Buffalo Creek and many other watersheds and communities in the region – and that's a disgrace, an illegal disgrace,” said Michael Nixon, the PA Sierra Club Mining Issues Committee Chair.

The implications are ominous as the report alerts in this passage about the ongoing expansion of Consolidation Coal Co.'s Enlow Fork Mine:

More than 90% of the Crafts Creek watershed is within the 9,688-acre Enlow Fork Mine expansion area. Longwall panels E15-E18 are located beneath the headwaters of Crafts Creek, which flows northeastward to its confluence with Tenmile Creek about one-half mile beyond the eastern edge of the mine permit area. The Enlow Fork Mine (originally known as Bailey No. 2 Mine) began operations in the 1980s near Enlow Fork and proceeded northward, generally progressing upstream along major tributaries including Robinson Fork, Templeton Run, and Rocky Fork. The current 9,688-acre expansion, by contrast, begins in the headwaters of two major stream systems (first Crafts Creek, and soon in Buffalo Creek) and proceeds downstream.

Presumably, the contention that these incidents could not have been predicted is supposed to exonerate Consol. Instead, it belies the assumption that the impacts of longwall mining are planned and predictable.

Report at pp. 115-116.

The many recommendations in the report include:

- Use of the room-and pillar mining method should be required wherever a mine passes beneath a sensitive feature (stream, pond, wetland, house or other structure, farm, cemetery, or highway) and there is a reasonable chance of damage because it would minimize, if not eliminate, subsidence.
- Backstowing technology should be optimized and should routinely be seriously considered as a component of longwall mines to reduce subsidence damages to surface resources.
- PADEP should require that all application materials be provided in electronic format.

The full report can be viewed and downloaded at
<http://www.schmidco.com/Final%20Report%2026%20July%202010.pdf>

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(MORE – SEE 7/26/10 CITIZENS COAL COUNCIL NEWS ADVISORY, ATTACHED)

News Advisory

July 26, 2010

For Immediate Release

MAJOR NEW REPORT: PENNSYLVANIA FAILS TO PROTECT STREAMS FROM COAL MINING SUBSIDENCE DAMAGE

The Citizens Coal Council (CCC) today released the results of a nine-month long investigation into the regulatory files of three major longwall mining operations in southwestern Pennsylvania: Bailey Mine (Consol), Enlow Fork Mine (Consol), and Emerald Mine (Emerald Coal Resources). The Citizens Coal Council report documents an internal administrative quagmire of illogical permit monitoring, baseless decisions, and lax oversight of coal operators by the Pennsylvania Department of Environmental Protection (PADEP).

Key among the report's findings is that despite improved data collection requirements and strong state constitutional and regulatory safeguards, the PADEP has failed to adequately evaluate and protect against threats to valuable Pennsylvania streams and watersheds adversely affected by the longwall "full extraction" method of coal mining.

"Water resource protection is not happening because the regulations are not being applied and the laws are not being enforced," said Stephen P. Kunz, co-author of the report with Dr. James A. Schmid of Schmid & Company, Inc., an ecology consulting firm based in Media, PA.

The problem of watershed damage from longwall mining is chronic. While the CCC report focuses on the past several years of mining records, subsidence damage to streams and watersheds has been allowed by PADEP since the now-infamous Act 54 of 1994 paved the way for widespread use of longwall mining in Pennsylvania. Communities impacted by longwall-related water losses and property damage have been raising their concerns with legislators and PADEP for the past 16 years since passage of Act 54 only to be ignored or ridiculed or offered "informal conferences" and patronizing "listening sessions." Meanwhile, state officials go on with "business as usual."

As CCC's Executive Director, Aimee Erickson, points out: "Coal is only 'cheap' because subsidence damage to our critical and valuable water resources is not factored into the equation. The Pennsylvania Department of Environmental Protection is supposed to protect the environment, but our investigation proves that PADEP only really protects the mining companies instead."

Like a slow-moving earthquake, longwall mining damages the complex and interrelated system of groundwater and surface water in streams and watersheds. A typical longwall mining panel is more than 1,000 feet wide and several thousand feet long and is usually between 200 to 800 feet below the surface. As the longwall mining shearer moves forward the roof supports move with it and the ceiling behind the supports collapses, generally 4 to 6 feet, causing ground movement and strata displacement and disrupting groundwater flow by creating cracks and fractures as the overlying rock drops into the void left after the coal is removed. See CCC's website [Longwall Mining](#) page.

Among the investigation's key findings:

- PADEP has consistently failed to enforce state and federal coal mining laws which protect the hydrologic balance, including the Cumulative Hydrologic Impact Assessment (CHIA), resulting in stream dewatering and widely-damaged aquatic systems.

- PADEP has consistently failed to enforce state water quality standards, for example, the anti-degradation requirements which can protect high quality water resources most at risk from longwall mining damage. Permit discharge limits are routinely exceeded.
- PADEP has consistently failed to consider critical data in its permit granting process. Longwall mining permits are routinely issued based on inadequate assessments of likely impacts to streams, wetlands, and the hydrologic balance.
- PADEP's oversight and enforcement of pre-mining mitigation and post-mining restoration are piecemeal and inadequate, and may in fact be illegal under the Clean Water Act and the PA Clean Streams Law.

The CCC report - which analyzed over 75,000 pages of PADEP mining files - concludes with a list of recommendations that, if implemented, would greatly improve the PADEP procedures and permit review process, and in so doing would protect the precious water resources impacted by longwall coal mining in Pennsylvania.

The full report can be viewed and downloaded at: [Protection of Water Resources from Longwall Mining is Needed in Southwestern Pennsylvania](#).

The Citizens Coal Council is a national alliance of social and environmental justice grassroots groups and individuals working to protect communities affected by the mining, processing, and burning of coal through advocating enforcement and strengthening of environmental laws as they relate to coal.

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