

Citizens Advisory Council  
Public Meeting  
Department of Environmental Protection District Office  
25 Technology Drive  
Coal Center, PA 15423

March 27, 2015

Good afternoon. First off, I want to thank members of the Citizens Advisory Council for coming to the coalfields and hearing community members and my comments today. My name is Eva Westheimer and I live in southwestern Pennsylvania. I am also the Community Organizer for the Center for Coalfield Justice, however, I am providing comments today as an individual and community member. Although I do not currently live in the coalfields, no one deserves to be impacted in the ways the Act 54 Report discloses.

Throughout my time living in Pennsylvania, many things have become apparent and the recent Act 54 Report solidifies those findings. Today, I will talk about two of those aspects. First the Department of Environmental Protection's sourcing and maintenance of data and secondly stream impacts from longwall mining.

DEPs lack of management to data information is appalling to me. There are multiple references throughout the Act 54 Report that state the DEP is either not correctly using or analyzing data they have access to. In addition to this, the DEP does not make information they have readily accessible to residents and community members. This manifests itself in many ways throughout the coalfields.

It is very hard for community members to know when a new proposed mine or mine expansion is to come through their community. Although many of the communities in the coalfields are Environmental Justice Areas, and therefore should garner extra public participation in the decision making process, this rarely happens. Public Notices and Permit information is often very hard for community members to come by, and when it is found, it is hard for any lay-person to decipher the information disclosed. I have heard many stories of community members only hearing about a new mine or mine expansion after the entire commenting and public participation period is over. A democratic process can only happen if people are truly informed about their choices.

Another way that information is made inaccessible to community members is through the seemingly random way in which mines change their names and permit numbers. This creates issues with reporting and claiming damages for community members. A specific example of this is Consol's Bailey Mine. This specific mine currently maintains several different names, such as Bailey Mine, BMX, and Harvey when looking at DEP files.

In addition to information not being accessible or used correctly, the Report states that DEP is not collecting necessary information to correctly assess the cumulative impacts from longwall mining.

For example, the Report states there was not enough data reported to have a “clear understanding” of the role mining causes on water flow loss on the watersheds that were studied. Also, I have spent hours on DEP’s website, only to discover the information I am looking for is not available online. These are both unacceptable and embarrassing. DEP’s rampant disorganization of data severely hampers community engagement, enforcement actions, and meaningful review of mining impacts.

It is extremely important that the CAC recommend to the DEP the following actions:

- First, Coal Companies must be required to report all data collected to the State.
- Second, hydraulic data must be collected and reported of more frequently.
- And thirdly, the DEP must address its data management and organization systems so that information is accurate, reported often, and made available and accessible online.

Next, I want to move onto the Report’s findings of longwall mining’s impacts to streams. First and foremost- the water in Pennsylvania is one of our most valuable resources second only to the residents that inhabit our beautiful Commonwealth. We are lucky to have Constitutional and regulatory protections for our waterways in Pennsylvania, such as Article 1 Section 27 in our State Constitution and our Clean Streams Law. However, the ways in which the DEP interprets Act 54 enables the destruction of these streams and waterways within the Commonwealth.

This most recent Report shares with us just the tip of the iceberg of the impacts to streams from longwall mining. The Report found that longwall mining resulted in the harm or destruction of more than 39 miles of streams, which means that 77% of all streams undermined experienced some level of flow-loss or pooling. It is unacceptable for a single mile of stream to experience flow-loss or pool due to the coal industry. Any section of impacted stream harms the whole stream and therefore the whole ecosystem. Ecosystems are reliant on symbiotic relationships between living organisms and their environment, you can’t damage one without impacting the whole.

Although Act 54 requires the Company to repair damages to streams, the actual ability for these streams to be completely repaired remains largely undetermined. And in fact, the Report concludes that it was impossible to restore six streams that had been destroyed due to longwall mining subsidence. The Report also confirms that streams which have experienced longwall mining have an increase in conductivity levels that are over the U.S. EPA benchmark for aquatic life. Again, the waters in the State of Pennsylvania belong to the Commonwealth, and not to the industry. It is DEP’s responsibility to protect our streams and water, not permit their destruction.

With this in mind, and although this most recent Act 54 Report contains even more stunning facts than the ones I have just shared with you this afternoon, our streams of the Commonwealth remain under attack. In Greene County, DEP has just permitted Consol Energy to longwall mine underneath more than 23 miles of fourteen streams. Four of these streams lay within Ryerson Station State Park, a community resource that has already been severely damaged due to the impacts from longwall mining.

The DEP cannot maintain a cycle of destroying our community resources. The current mentality of "You Break It- You Fix It," may sound all good and well, but the realities are very different. The Department of Environmental Protection has a responsibility to use the precautionary principle, meaning that if the proposed activity from the Mining Industry poses any threat to the environment, structures, or human health, the activity should not be permitted.

Therefore, as a first step, I demand the CAC recommend to the DEP that full extraction longwall mining be prohibited under streams. Not only is it illegal to destroy these streams, but we cannot afford to continue to lose one of our most valuable resources. Water is life. Without water- we cannot survive.

Thank you for hearing my comments, concerns, and recommendations. I hope you take the impacts of the written Report, the comments of those who express concern today, and my own concerns and recommendations seriously into consideration when you make your own recommendations to the Department of Environmental Protection. Again, thank you for hearing my comments today.

Eva Westheimer  
8 Federal Ave, Apt 2  
Carnegie, PA 15106

