

Comments to Citizens Advisory Council, 16 June 2015
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On behalf of the Citizens Coal Council, I'd like to briefly reiterate a few points that you should keep in mind as you finalize your comments and recommendations to DEP and the General Assembly regarding this 4th Act 54 Report:

1. Act 54 changed the framework for regulating underground mining --- from one where impacts had been **prevented** (through avoidance and minimization), to one where impacts were **allowed** with the expectation that any damages that occurred would be fixed. This latest Act 54 Report (and the previous ones) demonstrate that is not working. It might work for man-made things like homes, highways, and utility lines. It doesn't work, and it was arrogant to ever believe that it could work, for complex natural systems like aquifers and stream networks.

2. Act 54 specifically states that it does not supersede the Clean Streams Law (CSL) or other environmental laws, and it certainly doesn't supersede the PA Constitution which guarantees pure water and the preservation of the environment for current and future generations. The simplest way to dig out of this hole is to go back to the mode of strict environmental protection. That means avoid causing impacts as much as possible, then minimize any remaining impacts. If assurances cannot be made that irreparable damage will not occur --- such as the irreparable stream dewatering in 6 streams that occurred during the most recent 5-year period --- then the activity should not be allowed. If it is allowed and damage occurs, strict consequences must be applied.

3. Impacts have been disproportionately associated with one method of underground coal mining --- longwall mining. However, it does not matter what method is used --- the overriding goal should be to avoid or minimize damage.

4. As I mentioned a few months ago, this is the Department's Report. Does the Department acknowledge all of the problems pointed out in its Report, and does it agree with and intend to implement its recommendations? After you submit your comments, you are likely to hear vague promises by the Department that it intends to strengthen its regulations or re-examine its technical guidance or permitting requirements. That's what was said after each of the 3 previous Act 54 Reports. But that won't cut it any longer. We need specific actions to deal with specific problems.

And the truth is we really don't need more, or even stronger, regulations -- we need to find ways, including increased resources for the Department, to adequately administer and enforce the rules we have.

Thank you for the opportunity to provide these comments.