

July 31, 2019

Sent Via Electronic Mail to chaparonis@pa.gov

Chad Paronish
Cambria District Mining Office
District Mining Operations
PA Department of Environmental Protection Commonwealth of Pennsylvania
286 Industrial Park Road
Ebensburg, PA 15931

Re: Comments on NPDES Permit Renewal Application Permit No.
PA0223239

Dear Mr. Paronish:

Attached are my oral comments made July 17, 2019, concerning the above-referenced permit renewal. I respectfully request that each of my questions and concerns be addressed before any permit is renewed.

I also request that your office consider adopting the following groundwater management and protection stipulations as part of all NPDES permits to discharge into Toms Creek, its tributaries, and watershed:

- impose a ‘cradle-to-grave’ approach to legal responsibility and a financial provision for groundwater conservation through an ‘environmental liability’ clause as a condition of NPDES permitting.
- impose strict liability on SGI should private or municipal water wells be compromised due to any negative impacts. This would require mandatory well-testing by an independent hydrologist BEFORE mining proceeds.
- require more detailed studies and improved mitigation measures, including a study whether any outfalls/discharges are even necessary in view of SGI’s large land holdings.
- declare a moratorium on expansion of any mining enterprise in the most highly-vulnerable hydrogeologic settings, e.g., the “special protection watershed”.
- exert stricter control over mine water abstraction and discharge by providing citizen participation during water monitoring.

There are many ways in which you may fulfill your constitutional obligation to protect our common waters, including vital drinking water. Most notably, no mining operation should degrade groundwater under any circumstances, and that means these destructive operations must never approach a vital aquifer.

Thank you for protecting our water.

Very truly yours,

/s

Hazel Keahey
PO Box 328
Blue Ridge Summit, PA. 17214

ATTACHMENT (1)

ATTACHMENT

Oral Comments, July 17, 2019
Hazel Keahey
Monterey Historic District

“Water has been called “mining’s most common casualty” by James Lyon, Mineral Policy Center, Washington DC.

According to the website of the Mineral Policy Center, “Once a mine is in operation water protection must remain the highest goal of the company and our water regulators, even if it means reduced mineral productivity.”

Today, I question whether mineral productivity is SGI’s highest goal, and water discharge merely a means to that goal.

So, why are we here? There are many reasons why I personally oppose SGI operations: multiple nuisances and the negative economic impacts on the local community are high on the list. But, today the focus is on WATER: specifically, the renewal of a “NPDES” permit... short for National Pollution Discharge Elimination System. That permitting process has been delegated by national EPA to PADEP, and all eyes are on PADEP to protect our critical water resources.

The NPDES permit under consideration today was first issued in 1994 and has been periodically renewed over 25 years. I strongly suspect that past renewals have been rubber stamped with little regard for changing demographics, exponential expansion of SGI operations (including the advent of dying to create colorful roofs), changing weather patterns, and the degradation of surface waters, and more importantly, the impacts on ground water, the primary source for drinkable water in Fairfield and surrounding communities.

PADEP may be poised to rubber stamp this pending application. After all, SGI has made extraordinary efforts to reassure us that surface waters of Toms Creek and its unnamed tributaries will be protected from degradation. The

efforts include an elaborate, engineered pumping system that transports contaminated waste water from the Pitts quarries, and the proposed expansion onto Pine Hill, all the way to southern sediment ponds. But, history and current conditions show that southern Miney Branch Creek is a degraded mess. Will PADEP now permit northern, pristine waters to be degraded?

This permit application raises several serious concerns and questions in my mind:

Why is it OK to degrade Miney Branch?

Why are ANY discharges into Toms Creek and its tributaries allowed, or even necessary?

SGI operates on 800 acres. So, why are there any outfalls? My guess is outfalls enhance mineral extraction and corporate profits. But, with over 800 acres it is reasonable to deny outfalls of contaminated wastewater to the fullest extent possible. It is reasonable to require SGI to contain its waste water and direct its storm waters within its interior.

If there is a demonstrated need for outfall of contaminated wastewater — i.e., a legitimate need not tied to corporate profits — why would the outfall be allowed within an area that has been designated by the Adams County Planning Commission, and approved by Hamiltonban Supervisors, as a “Specially Protected Watershed” ?

Adopting a bright line that excludes all waste discharges into a “specially protected watershed” is the only way to ensure that SGI mining does not turn Toms Creek and its watershed into a poisoned stream and source of polluted groundwater. It is the only way to ensure that our ground water, the source of drinking water, is protected from harmful mining contaminants. Elaborate engineering goes only so far, and I must project into the future: what happens when the elaborate engineering fails or when the pumping stops? Presumably the ground water will leach back into the pits and combine with waste tailings. We know with certainty that long term, large scale mining modifies the circulation of air and water, and may damage or destroy stream-side habitat and ground water resources many miles from the actual mine site.

Protecting pristine surface waters of Toms Creek, its tributaries, wetlands and fragile ecosystem are all important, but what independent studies have been done to test the long term impact of this permit on surface waters. And what independent studies have been done to protect precious ground water resources?

I stress the word “independent”. It is not sufficient to accept SGI’s projected impacts. These impacts must be independently studied by PADEP. It’s been 25 years since the NPDES permit was first issued. It’s past time for a hydrogeology study, a study of Toms Creek High Quality Classification, and if the surface waters are not elevated to EV status, an updated social and economic justification.

SGI seeks to expand mining operations directly atop the aquifer that supplies drinking water to Fairfield and other communities. A 1999 hydrogeology report by the US Dept of Interior indicates the “Blue Ridge” aquifer is recharged, in part, by surface waters of Toms Creek and its multiple tributaries. The recharge happens, apparently over many years. Notably, the Fairfield municipal well (identified as Well AD 754 in the study) is less than five miles away from the points at which SGI seeks a permit to discharge pollutants! It is sheer folly to risk the purity of our drinking water to mining discharge.

More than 500 Pennsylvania citizens, many of whom live in the shadow of SGI operations, have petitioned Governor Wolf to stop intrusion of SGI mining into our “special protection watershed”.

The Adams County Water Plan describes four important ground water resources. In our area, the most important aquifer is located in the “Blue Ridge” region, right below our feet. That aquifer is threatened by mineral extraction and processing. Our community leaders have identified the boundaries that must be “specially protected”. The lines are clear.

This permit renewal must be denied to prevent pollutant migration into our ground water. Please respect the boundaries of our special protection watershed.

In summary, we must recognize that in some places mining should not be allowed to proceed because the identified risks to other resources, such as water, are simply too great. That is the point of designating a specially protected watershed.

Regulatory & Planning Considerations

There are ways in which groundwater management and protection considerations can be built into mining legislation, especially where they relate to vital drinking water supply and aquatic ecosystem sustainability including :

- imposing a ‘cradle-to-grave’ approach to legal responsibility and financial provision for groundwater conservation through an ‘environmental liability’ clause (or directive or similar) as a condition of licensing
- requiring more detailed studies and improved mitigation measures before mining approvals
- declaring a moratorium on the development of certain types of mining enterprise in the most highly-vulnerable hydrogeologic settings
- exerting stricter control on licensing mine-water abstraction and discharge
- including consideration of closure plans prior to mining commencement, so as to specify long-term needs for impact mitigation.