

IMMEDIATE RELEASE

Citizens Coal Council: Governor Shapiro & the General Assembly Must Direct DEP to Fix a Broken, Non-Compliant Coal Mining Oversight Program

Independent review finds DEP's 6th Act 54 Report violates the law it was written under, abandoning two decades of independent expert analysis and leaving mining damage to homes, streams, and water supplies undocumented, unrepaired, and hidden from the public

WASHINGTON/GREENE COUNTIES, Pa. — July 30, 2026 — The Citizens Coal Council (CCC) today called on Governor Josh Shapiro and the Pennsylvania General Assembly to intervene directly in the Department of Environmental Protection's (DEP) coal mining oversight program, after CCC's independent technical review '[Broken Streams, Broken System, Broken Trust - PA DEP's Failure to Protect Southwestern Pennsylvania from Widespread Longwall Coal Mining Damage](#)', found that DEP's own 6th Act 54 Report — a document the law requires DEP to send to the Governor, the General Assembly, and DEP's own Citizens Advisory Council — fails to comply with the statute that created it.

Act 54 of 1994 is the only law standing between coalfield families and unchecked damage from underground coal mining. It requires DEP to compile and analyze the effects of mining on structures and water resources every 5 years and to report the results to Pennsylvania's top elected officials. The independent review — conducted by senior ecologists Stephen P. Kunz and Dr. James A. Schmid of Schmid & Company, Inc. — found that DEP's most recent report to the Governor and Legislature is, in the reviewers' words, “a haphazard compilation of selected raw [database] statistics,” riddled with data errors and containing virtually no analysis of trends. It is the first Act 54 report in 20 years that DEP did not have independent university researchers prepare — a reversal CCC says the Governor and Legislature funded and expected DEP not to make.

“The Governor's office and the General Assembly have been receiving these reports for thirty years. They already have everything they need to know that this program is failing,” CCC said. “What's been missing is the political will to demand better — from DEP, and for the people living over these mines.”

What the independent review found

- For the first time in 20 years, DEP prepared the five-year report entirely in-house, without the independent university researchers who authored the 2nd through 5th reports — a change reviewers call “a major step backward.”
- Longwall mining is linked to 98% of mine-liable structural damage claims (459 of 467) reported between 2013 and 2023, yet historically only about 5% of underground mining damage has been documented as repaired.
- Room-and-pillar mines declined 38% in number between the 5th and 6th reporting periods, while structure-damage claims attributed to room-and-pillar mining rose 96% over the same period — a discrepancy DEP's report does not explain.

- Widespread use of non-disclosure agreements to settle damage claims prevents DEP, the public, and lawmakers from knowing whether homes, water supplies, and streams damaged by mining are ever repaired or whether property owners are treated fairly.
- Stream damage from longwall mining subsidence — including flow loss and pooling — has affected dozens of miles of Pennsylvania streams; restoration often takes five to ten years, and some damage has never been restored. None of the streams found impaired by mining in the most recent full analysis were listed in the state's official impaired-waters report to the U.S. EPA.
- DEP continues to rely on outdated, decades-old models — including a 35-degree “rebuttable presumption zone” and a 1980s-era flow-loss model — even though prior Act 54 reports documented real-world mining damage occurring at angles extending outward as much as 85 degrees.
- Nineteen specific questions CCC raised directly with a previous DEP Secretary in February 2021, and discussed over seven subsequent meetings with the Department staff, remain substantively unanswered.

“That is the weakening of the coal mining law by agency dysfunction. It makes a DEP permit easier to get and Pennsylvania's water and property less protected -- the Department prefers after-the-fact mitigation to actually preventing the damage,” said Michael Nixon, board member of the nonprofit Citizens Coal Council.

CCC's companion report that is included in this release today, [‘Act 54 and Longwall Mining in Pennsylvania: Impacts, Oversight, and the Case for Reform’](#), lays bare three essential problems with the DEP's inexcusable decades-long poor performance:

- 1. Lack of Impact Prediction and Enforcement by DEP**
- 2. DEP's Failure to Address Known Stream Impacts**
- 3. DEP's Lack of Transparency and Accountability**

“Act 54 was built on a simple promise: if underground mining damages your home, your water supply, or a stream, it gets fixed,” said Aimee Erickson, longtime Executive Director of Citizens Coal Council. “DEP is not keeping that promise, and its own reporting is getting worse, not better, in telling the Governor, the Legislature, and the public whether it's being kept. Coalfield families deserve better than that — and so far, only DEP has been asked to fix it. It's time for Harrisburg to act.”

CCC's demands

Governor Shapiro must:

- Direct DEP to secure dedicated funding — from the federal Office of Surface Mining Reclamation and Enforcement, the roughly \$100 million surplus in the state's Mine Subsidence Insurance Fund, and/or the U.S. EPA — to contract independent experts for the 7th Act 54 Report, restoring the standard his administration inherited from the 2nd through 5th reports.
- Publicly commit to enforcing Act 54's “*you damage it, you fix it*” standard, including requiring disclosure of repair status even where non-disclosure agreements are used to settle claims.

The General Assembly must:

- Hold oversight hearings on DEP's 6th Act 54 Report and the Department's failure to fund or staff its own mining program adequately.
- Update Act 54's 30-year-old damage-prediction assumptions, including the 35-degree “rebuttable presumption zone,” to reflect the size of modern longwall mines and the real-world damage documented in DEP's own reports.
- Appropriate dedicated funding for the 7th Act 54 Report rather than leaving DEP to claim, as it has for a decade, that it cannot afford to comply with the law.

DEP must:

- Contract qualified independent experts to prepare the 7th Act 54 Report and never again substitute raw, unanalyzed data for the comprehensive analysis the law requires.
- Replace its outdated BUMIS tracking system and predictive models with modern, transparent GIS tools and updated science, including USGS streamflow methodology completed in 2019 but never adopted for permit applications.
- Enforce a firm three-year deadline for stream restoration, suspending mining permits when that deadline is missed, and give Pennsylvania's highest-quality streams heightened protection from longwall mining.
- Track and publicly report the repair status of every mine-labile damage claim — including those settled privately — so the Governor, the Legislature, and the public can see whether the damage was actually fixed.

About the Citizens Coal Council

The Citizens Coal Council (CCC) is a 501(c)(3) nonprofit environmental organization with deep roots in Southwestern Pennsylvania's coalfield communities. For decades, CCC has worked alongside residents and property owners whose homes, farms, water supplies, and streams have been damaged by underground coal mining — helping them understand their rights and demand real accountability from regulators and lawmakers. CCC has participated in every Act 54 five-year reporting cycle since the 4th report (2008–2013) and works closely with DEP's Citizens Advisory Council to document and elevate community concerns.

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