

ACTION ALERT FOR PEOPLE OUTSIDE PENNSYLVANIA

Help Pennsylvania Act on Longwall Mining Damage

A practical guide to commenting on PADEP's 6th Five-Year Act 54 Report from outside Pennsylvania

The Citizens Advisory Council's Act 54 Report Committee is accepting public comments on PA DEP's sixth Act 54 report. The report is supposed to explain how PA DEP reviews the effects of underground coal mining on homes, wells and streams, and whether it follows up on required repairs.

PA DEP describes the Act 54 review as an opportunity for the public and organizations to review and comment. Its published information does not state that commenters must live in Pennsylvania. An outside comment is strongest when it explains a real connection, relevant expertise or a useful comparison.

COMMENTS ARE DUE

Tuesday, September 8, 2026

OUTSIDE VOICES CAN ADD VALUE

You may have lived in Pennsylvania, have family or property here, work on mining or water policy, study environmental enforcement, or live in another community affected by underground mining. State your connection clearly and use it to support the people living with longwall impacts.

WHY COMMENTS ON ACT 54 ARE NEEDED NOW

Act 54 has been in place since 1994. After six reports and decades of documented damage, PA DEP still cannot show whether most damage was repaired. Long-standing failures in stream protection, permit review and public reporting remain. Public comments are needed to build a clear record demanding corrective action, not simply another report.

Why your comment matters

The report evaluates a state program, but its findings also matter to people who work on federal mining law, scientific integrity, watershed protection and environmental accountability. Experiences from other mining-affected places can help show that Pennsylvania's unresolved problems are neither inevitable nor acceptable.

An outside comment can also demonstrate that PA DEP's performance is being watched beyond the Commonwealth. The goal is not to speak for affected residents. It is to reinforce their concerns and add information the committee can use.

KEEP IT RELEVANT

Say that you live outside Pennsylvania. Explain your connection in one or two sentences, choose one fact from this guide, and make one or two clear requests. A focused comment is more useful than a general message opposing coal mining.

Build your comment in six steps

Aim for 150 to 350 words. Shorter is fine if it is clear and specific.

STEP 1 Say who you are and where you live

Give your name, city and state. State plainly that you live outside Pennsylvania.

EXAMPLE

My name is _____, and I live in _____. I am writing from outside Pennsylvania because _____.

STEP 2 Explain your connection

Choose a connection that is true for you. Do not imply that you personally experienced Pennsylvania mining damage if you did not.

QUESTIONS TO HELP YOU START

- Did you previously live, work or study in Pennsylvania?
- Do you have family, property or professional ties in the Commonwealth?
- Do you work on mining law, water protection, environmental science or public accountability?
- Do you live in a community affected by underground mining?
- Does your organization work on federal mining oversight or national environmental policy?

STEP 3 Choose one fact and explain why it concerns you

Pick one documented finding and connect it to your experience or expertise. If you know how another state or agency handles a similar problem, explain the comparison briefly.

EXAMPLE

PA DEP documented 183 mining impacts across at least 27.4 miles of streams, yet none appeared on the impaired-waters list Pennsylvania submitted to the federal government. Accurate state reporting is essential to meaningful federal oversight.

STEP 4 Add the perspective only you can provide

Offer a relevant comparison, technical concern or policy perspective. If you do not have specialized knowledge, explain why transparent public records and accountable environmental enforcement matter beyond state borders.

STEP 5 Ask for one or two changes

Choose requests that match the reason you are writing. Put them in your own words.

- **Use independent experts for the next report.** Reports 2 through 5 were prepared by contracted university researchers. The sixth report is the first in twenty years written entirely in-house by PA DEP.
- **Record whether damage was repaired,** including cases resolved through private settlements. DEP does not need to see the agreement to record whether a repair was completed.
- **Adopt the 2019 U.S. Geological Survey stream-monitoring method** that Pennsylvania already helped fund.
- **Check for Exceptional Value and High Quality streams before approving mining permits,** not after damage occurs.
- **Update the 35-degree presumption zone for water-supply damage.** The standard is about thirty years old, and today's longwall panels are much larger.

STEP 6 Answer the committee's question about the report

Should the five-year report continue? Should information be posted online more often or presented more clearly? Citizens Coal Council supports better and more frequent online data, but not as a replacement for the five-year report.

EXAMPLE

Please continue publishing the five-year report and restore its independent preparation. More frequent online data should add to the report rather than replace the cumulative public record.

When an outside comment adds value

A comment from outside Pennsylvania is most useful when it contributes something specific and keeps affected residents at the center of the issue.

- **A Pennsylvania connection:** You formerly lived, worked or studied here, or you have family, property or another continuing connection to the Commonwealth.
- **Relevant expertise:** You work in hydrology, ecology, law, mining oversight, public administration, environmental justice or another field related to the report.
- **Experience elsewhere:** Your community has dealt with subsidence, damaged water supplies, stream loss, mine reclamation or similar regulatory failures.
- **A federal perspective:** You work on the Surface Mining Control and Reclamation Act, Clean Water Act reporting or another federal program that depends on accurate state information.
- **Organizational interest:** You are a member or supporter of a regional or national organization whose mission includes clean water, public lands, rural communities or government accountability.

What makes a comment useful

HELPFUL	AVOID
A clear statement about where you live	Pretending to have local experience
A genuine connection or relevant expertise	A generic anti-coal message
One or two accurate findings	Copying another letter word for word
A useful comparison	Unverified claims
A specific request	Speaking for affected residents
Respect for affected residents	A long list of unrelated demands

SUPPORT, DO NOT OVERSHADOW

People living in Southwestern Pennsylvania bring firsthand knowledge that no outside commenter can replace. Use your comment to reinforce their calls for accurate records, repaired damage, protected streams and meaningful PA DEP action.

Talking points

Use these ideas in your letter, at a public meeting, on a call to a legislator, or in a conversation with a neighbor. The figures come from PA DEP's records.

The promise

- Pennsylvania allows longwall mining to intentionally subside the ground. The law requires the company responsible for the damage to repair or replace what was affected.
- That was the agreement made in 1994. Mining was allowed to continue, and residents were promised repairs when damage occurred.
- Asking the state to enforce that promise is not the same as opposing mining or coal jobs.

What the record shows

- From 2013 through 2023, PA DEP found mine operators liable for 467 structural-damage claims. Longwall mining accounted for 459, or 98 percent.
- About 3 percent of longwall-attributed damage is documented as repaired. Across all underground mining, the figure is about 5 percent.
- That does not prove repairs never occurred. It shows that PA DEP cannot say what happened in most cases because the outcome was not recorded.
- In one five-year period, 83 percent of liable damage claims ended in an undisclosed agreement or a company purchase of the property. The public record does not show what happened afterward.

The water

- In one five-year period, PA DEP documented 183 impacts across at least 27.4 miles of streams. Ninety percent involved flow loss as water drained into fractured ground.
- When stream flow returns, recovery commonly takes five to ten years. Some streams have not recovered.
- None of the streams PA DEP documented as mining-impaired in that period appears on the impaired-waters list Pennsylvania submitted to the federal government.
- Exceptional Value and High Quality streams are supposed to receive additional protection, but mining permit review does not screen for them before approving a panel.

More facts you can use

The 35-degree line around a water supply

- If mining damages a water supply within 35 degrees of the mined area, the company is presumed responsible. Outside that line, the property owner must prove the connection.
- The 35-degree standard reflects mining practices from about thirty years ago, when longwall panels were much smaller.
- An earlier DEP report found that half of documented water-supply damage occurred outside the 35-degree zone. Some impacts were recorded at angles as steep as 85 degrees.
- The dam at Duke Lake in Ryerson Station State Park was damaged at 66 degrees. The lake was drained and has not returned.

Why many people have not heard about this

- Every five years, Pennsylvania must publish a report on the effects of underground mining. It is the only public accounting of these impacts over time.
- Reports 2 through 5 were prepared by independent university researchers under contract. The sixth report is the first in twenty years written entirely in-house by PA DEP.
- DEP cited a lack of money, while the Mine Subsidence Insurance Fund holds roughly \$100 million in surplus and federal cost-sharing has historically covered half of the reports' cost.
- The comment period was not announced in the Pennsylvania Bulletin and was not posted on PA DEP's website.

If someone pushes back

"Aren't you against coal jobs?" No. Act 54 allows the mining and requires the resulting damage to be repaired. Asking for the repair requirement to be enforced is not opposition to mining.

"DEP says the report contains a lot of data." It does. What it cannot show is whether most documented damage was repaired. A large amount of data is not the same as a complete accounting.

"The settlements are private." Citizens Coal Council is not asking to see private agreements. We are asking DEP to record whether the damage was repaired.

"Isn't this old data?" It is the most recent information Pennsylvania has published. The delay is part of the problem.

ACCURACY MATTERS

Do not say that PA DEP has taken no action or has never taken enforcement action against a longwall operator. The technical review does not establish either claim. A stronger and more accurate statement is that, despite decades of evidence, PA DEP has not corrected systemic failures in repair tracking, stream screening and federal impaired-waters reporting.

A simple outline for your letter

This is a starting point, not a form letter. Replace every bracketed prompt with your own words and delete the instructions before sending it.

To the Act 54 Report Committee of the Citizens Advisory Council:

[Your name, city and state. State plainly that you live outside Pennsylvania.]

[Why you are writing. Explain your connection to Pennsylvania, mining oversight, water protection, federal policy or a similarly affected community.]

[Choose one or two facts from this guide and explain why they concern you. Add relevant experience or a useful comparison if you have one.]

[Explain what you want PA DEP and the Act 54 Report Committee to do differently.]

I am asking PA DEP to:

[Choose one or two requests from this guide and explain why they matter to you.]

[Answer whether and how the five-year report should continue.]

Thank you for taking public comment.

[Your name]

[Your city and state]

[Your email or phone, optional]

Where to send it

EMAIL SUBMISSION

Email your comment on PA DEP's sixth Act 54 report to Ian Irvin at iirvin@pa.gov, Executive Director of the Citizens Advisory Council. Use "**Comment on the 6th Act 54 Report**" as the subject line.

Deadline: Tuesday, September 8, 2026

Send your comment to the Citizens Advisory Council's Act 54 Report Committee. You may copy PA DEP's Bureau of Mining Programs, but do not send it only to the Bureau.

Two more ways to help

- Send Citizens Coal Council a copy at aimee@citizenscoalcouncil.org so we can count how many comments were submitted. We will not publish or share your letter without permission.
- Use your networks to amplify comments from longwall-affected Pennsylvania residents, and ask the committee to hold an evening public hearing in Greene or Washington County.

Sources: Independent technical review of the 6th Act 54 Report by Stephen P. Kunz and Dr. James A. Schmid of Schmid & Company, Inc.; Citizens Coal Council companion policy assessment. Examples are illustrations, not actual letters.