

FOR NATIONAL AND OUT-OF-STATE ORGANIZATIONS

Bring Outside Expertise to Pennsylvania's Act 54 Review

The Citizens Advisory Council's Act 54 Report Committee is accepting public comments on PA DEP's sixth Act 54 report. After six reports and decades of documented damage, PA DEP still cannot show whether most damage was repaired. PA DEP describes the Act 54 report as an audit that gives the public and organizations an opportunity to comment, and the published materials do not state a residency restriction. Outside comments will be strongest when they explain a real connection, relevant expertise or a federal and national interest.

COMMENTS DUE SEPTEMBER 8, 2026
CAC meeting: September 1 at 12:30 p.m. | Organizational letters and individual comments are both needed.

What Act 54 promised

Act 54 of 1994 allowed longwall mining to deliberately subside the surface, even when that cracks foundations, drains wells or takes the flow out of streams. The bargain was that damage would be identified, tracked and repaired. The five-year report is supposed to show whether that happened. The sixth report does not.

THE CENTRAL FINDING
PA DEP has largely stopped recording whether damage was fixed. The report that should expose that failure is the first Act 54 report in twenty years written entirely in-house by the agency it evaluates.

From PA DEP's own records

459 of 467	3%	183 / 27.4 mi	0
Liabile structural-damage claims from 2013-2023 tied to longwall mining	Longwall-attributed damage ever documented as repaired	Documented stream impacts and minimum miles affected	Affected streams reported on Pennsylvania's impaired-waters submissions to EPA

What your organization can do

1. Write a short letter on your organization's letterhead. Introduce your work, choose two or three requests from page 2 and answer whether the five-year report should continue. CCC's position: keep the report and add better online data. Do not trade one for the other.
2. Email it by September 8 to Ian Irvin at iirvin@pa.gov with the subject "**Comment on the 6th Act 54 Report.**" Copy aimee@citizenscoalcouncil.org so CCC can document participation.
3. Ask for a field visit to longwall-affected areas in Greene and Washington Counties and an evening public hearing there. Contact Ian Irvin before the September 1 CAC meeting to request a speaking slot.
4. Invite members outside Pennsylvania to comment selectively when they have a clear connection, technical background or public-interest reason to participate.

SEND TO: iirvin@pa.gov
COPY: aimee@citizenscoalcouncil.org | **DEADLINE:** SEPTEMBER 8

Find the angle that matches your mission

Use the points closest to your organization's work. Two or three clear requests in your own words are enough. This is a menu, not a package.

YOUR ORGANIZATION	WHAT THE RECORD SHOWS	WHAT TO REQUEST
Watershed groups, riverkeepers and Clean Water Act advocates	None of the streams documented as mining-impaired in a full reporting period appeared on Pennsylvania's 303(d)/305(b) submissions to EPA.	Report mining-impaired streams to EPA and reconcile mining records with the Division of Water Quality.
Organizations that have fought for EV or HQ designations	Mining permit review does not specifically screen for Exceptional Value or High Quality designations before longwall operations are approved.	Screen for EV and HQ waters before permits are issued and give those designations meaningful protection.
State parks, public lands and outdoor-recreation groups	The Duke Lake dam at Ryerson Station State Park was damaged at a 66-degree angle, nearly twice the 35-degree presumption threshold.	Revise the 35-degree rebuttable-presumption zone to reflect modern longwall panel dimensions.
Land trusts and conservancies	An earlier PA DEP report found that half of documented water-supply damage occurred outside the presumption zone, at angles as steep as 85 degrees.	Adopt the 2019 USGS streamflow methodology that PA DEP helped fund and retire the 1980s flow-loss model.
Environmental-justice and rural-community groups	In one five-year period, 83 percent of liable claims closed through undisclosed agreements or operator buyouts, leaving no public repair record.	Record and publish repair outcomes, including privately settled claims and properties purchased by operators.
Legal advocacy organizations	The review identified an impaired-waters reporting gap, no antidegradation screening in permit review and stream guidance last substantively revised in 2005.	Revise Technical Guidance Document 563-2000-655 and make compliance a condition of permit review.
Open-government and accountability groups	The report is undated, written by the agency it evaluates and built on a 1990s database that cannot use mapping data operators already submit.	Restore independent authorship, publish the contractor-built databases and properly notice future comment periods.
Climate and energy organizations	A serious transition policy needs an honest accounting of coal's public costs. A record that no longer tracks outcomes cannot provide it.	Fund independent preparation of the seventh report. Federal cost-sharing has historically covered half the cost.

FOR THE SEPTEMBER 1 MEETING

Contact Ian Irvin before the meeting to request a speaking slot. The meeting is held in person and virtually. Check the Citizens Advisory Council meeting page for agenda and access information.

Sources: Independent technical review of the 6th Act 54 Report by Stephen P. Kunz and Dr. James A. Schmid, Schmid & Company, Inc.; Citizens Coal Council companion policy assessment; PA DEP Act 54 webpage.

Use outside voices where they add value

Out-of-state participation should supplement, not overshadow, comments from affected residents. Prioritize people and organizations that can explain why this Pennsylvania proceeding matters beyond state lines.

WHO TO REACH	National organizations with Pennsylvania members or programs; Clean Water Act and federal-reporting advocates; mining and hydrology experts; Ohio River watershed organizations; researchers; and people with family, land, work or recreation ties to Pennsylvania.
HOW TO FRAME IT	State the organization's or individual's location. Explain the connection plainly. Do not imply direct experience with a Pennsylvania mining impact unless that experience is real and can be described accurately.
WHAT TO REQUEST	Focus on federal impaired-waters reporting, independent scientific review, modern stream-monitoring methods, transparent repair outcomes and fair access for affected communities.
HOW TO SHARE	Use this page as a short outreach guide. Ask people to write in their own words, identify their connection, use one documented fact and make one or two requests.

Talking points to adapt

- **THE BARGAIN:** Pennsylvania allows longwall mining to intentionally subside the ground on the condition that resulting damage is repaired. That was the bargain made in 1994.
- **DAMAGE TO HOMES:** From 2013 through 2023, PA DEP found operators liable for 467 structural-damage claims. Longwall mining accounted for 459, or 98 percent.
- **REPAIRS:** Only about 3 percent of longwall-attributed damage is documented as repaired. That does not prove repairs never happened. It proves the public record does not say.
- **STREAMS:** PA DEP documented 183 impacts across at least 27.4 miles of streams. Ninety percent involved lost streamflow.
- **FEDERAL REPORTING:** None of those streams appeared on the impaired-waters list Pennsylvania submitted to EPA.
- **THE REPORT:** The sixth report is the first in twenty years written entirely in-house by PA DEP, the agency it is supposed to evaluate.

A SIMPLE OUT-OF-STATE COMMENT

1. State where you live or work.
2. Explain your connection or expertise.
3. Use one documented fact.
4. Ask for one or two specific changes.
5. Acknowledge the importance of hearing directly from affected Pennsylvania communities.

ASK PEOPLE TO SPEAK UP

Outside comments are most useful when they contribute expertise, a federal perspective or a genuine connection. They should reinforce the need to hear directly from Southwestern Pennsylvania residents.