



Pennsylvania Department of Environmental Protection

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P.O. Box 2063  
Harrisburg, PA 17105-2063

November 8, 2007

Secretary

717-787-2814

Ms. Mimi Filippelli  
Administrative Director  
Center for Coalfield Justice  
90 E. Chestnut St.  
P.O. Box 1080  
Washington, PA 15301

Dear Ms. Filippelli:

Thank you for your recent letter inquiring about the preparation of the next five-year report on the surface effects of underground bituminous coal mining. As you correctly note, this is the fourth year of the five-year reporting period that began in August 2003. In response to your inquiry, Department of Environmental Protection (DEP) has assembled information to apprise you of some of the changes it has made since the release of the last report (i.e., report covering the period 1998-2003) and the status of the preparation of the next report.

In your letter, you express hope that DEP has implemented changes recommended by the California University of Pennsylvania researchers who prepared the last report. Let me assure you that DEP has implemented numerous programmatic changes that fulfill many of the researchers' recommendations. Some of the more significant changes include:

- The release of Technical Guidance 563-2000-655, *Surface Water Protection – Underground Bituminous Coal Mining Operations* in October 2005. This guidance sets forth basic guidelines for the collection of pre-mining information on streams and wetlands, monitoring, and responding to mining induced effects. It also references standards used by our water quality program as the basis for identifying adverse effects and evaluating the effectiveness of restoration measures. The procedures outlined in this guidance will serve to satisfy many of the researchers' concerns about the need for better information on streams and wetlands.
- The implementation of an improved system for tracking the resolution status of water supply and structure damage claims. This system, which operates within the framework of DEP's Bituminous Underground Mine Information System (BUMIS) database, tracks individual steps in the claim resolution process and alerts DEP staff of approaching and missed deadlines. This tracking capability has led to the orderly and timely resolution of damage claims and helped reduce the large backlog of unresolved water supply claims that existed at the time of the last report.



- The release of Technical Guidance 562-4000-102, *Increased Operation and Maintenance Costs of Replacement Water Supplies* in December 2006. This guidance establishes a uniform approach to settling cases where a replacement water supply is more costly to operate and maintain than the previous water supply. It eliminates many of the uncertainties that previously led to disputes between mine operators and landowners and led to delays in the settlement of claims.
- Improved data collection procedures. The California District Mining Office has increased its efforts to ensure that damage reports submitted by operators contain complete information. The availability of complete information on damage incidents has greatly improved DEP's ability to retrieve information from the BUMIS database and perform analyses using complete data sets.

In addition to the aforementioned changes, DEP has undertaken many other initiatives involving data clean up, use of standardized resolution codes, and improved internal communications. Collectively, these improvements address most of the concerns and recommendations expressed by the California University researchers.

With respect to your concerns about the interim review and analysis of information, please be advised that this work is being performed by staff in the Bureau of Mining and Reclamation and the California District Mining Office. The original plan was to have California University review and analyze incoming information on an annual basis, leading to the preparation of the next report. Unfortunately, the two researchers who led the previous reporting effort have retired and no one from the University has stepped forward to assume this responsibility. During the past two years, DEP has extended invitations to other colleges and universities through the Pennsylvania Environmental Resource Consortium but has had no success in securing a commitment.

Separate from DEP's inability to stimulate interest within the academic community, DEP is experiencing a funding shortfall that prevents the hiring of an outside institution to perform any sort of review and analysis at this time. This shortfall is due to insufficient state and federal grant funds from the U.S. Office of Surface Mining Reclamation and Enforcement (OSM). Unless this situation improves between now and the end of the reporting period, it may be necessary to forgo the preparation of the next report or have mining program staff prepare the report as time allows. An option under consideration is to have OSM technical experts review and analyze portions of the information. DEP is open to your suggestions on how it might move forward recognizing the lack of funds.

Thank you for your continued interest in Pennsylvania's underground mining regulatory program and the opportunity to apprise you of the improvements made since the release of the last report and the status of the preparation of the next report.

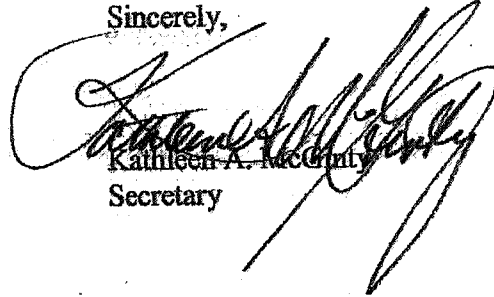
Ms. Mimi Filippelli

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If you have any questions or recommendations, please feel free to contact Mr. Joseph Pizarchik, Director of the Bureau of Mining and Reclamation, by e-mail at [jpizarchik@state.pa.us](mailto:jpizarchik@state.pa.us) or by telephone at 717-787-5103.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathleen A. McCarty". The signature is written in a cursive style with a large, looping initial "K".

Kathleen A. McCarty  
Secretary