



# CENTER FOR COALFIELD JUSTICE

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December 6, 2021

## Submitted via eComment

Environmental Quality Board

Attention: Patrick McDonnell, Chairperson

P.O. Box 8477

Harrisburg, PA 17105-8477

**Re: Proposed Rulemaking - Coal Refuse Disposal Revisions  
25 Pa. Code Chapters 88 and 90  
Noticed in 51 Pa.B. 6914 (Saturday, November 6, 2021)**

Dear Environmental Quality Board Members,

On behalf of Center for Coalfield Justice (“CCJ”) and its more than 3,000 members and supporters, please accept these comments on the proposed amendments to Chapters 88 and 90 of the Pennsylvania Code noticed in the November 6, 2021 edition of the Pennsylvania Bulletin. CCJ is a 501(c)(3) non-profit organization founded in 1994. The organization’s mission is to improve policy and regulations for the oversight of fossil fuel extraction and use; to educate, empower, and organize coalfield residents; and protect public and environmental health. As such, and on behalf of our members, we are acutely aware of the impacts caused by coal mining and coal refuse disposal operations, and the need to adequately address those impacts.

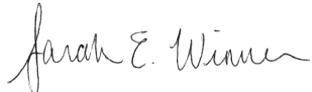
CCJ recognizes the current market challenges faced by the coal industry, and understands the limited purpose of this rulemaking. We also recognize that refuse disposal is a temporary use of land; so reclamation must take place once operations have stopped to ensure that the site can be used in an economically productive way after mining. CCJ supports proposed subsection (b) to Section 90.168, which provides a trigger for when a temporary cessation becomes a permanent cessation. The Department’s critical obligation under the Coal Refuse Disposal Act (and SMCRA) as the coal industry declines is to ensure that the applicable performance standards are enforced, ensure that inactive sites are reclaimed as quickly as possible, and ensure that water pollution is treated. The Department must use its authority to prevent operators from functionally abandoning their permits (the operator has stopped producing coal and is not conducting reclamation) when the coal market declines to ensure that coalfield communities are not left with the burden of un-reclaimed or poorly reclaimed coal refuse disposal sites.

CCJ believes that dependable access to information about industry's existing and proposed environmental activities is critical to the ability to coalfield residents to know what environmental risks they may face or are currently facing in their communities. Temporary

cessation of operations constitutes a change to the planned course of mining and reclamation. These changes should be made transparent. Upon receipt of a complete notice of intent to temporarily cease operations, the Department should publish notice of the temporary cessation in the Pennsylvania Bulletin.

Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Sarah E. Winner".

Sarah E. Winner, Esq.

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