



CENTER FOR COALFIELD JUSTICE

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RE: 13-00003

Thank you for the opportunity to provide input on the application to renew the Panther Creek Power Operating, LLC's (Panther Creek) air quality permit.

The Center for Coalfield Justice ("CCJ") is a Pennsylvania-incorporated not-for-profit organization with federal Internal Revenue Service § 501(c)(3)-status recognition located in Washington, PA. Our mission is to "improve policy and regulations for the oversight of fossil fuel extraction and use; to educate, empower and organize coalfield citizens; and to protect public and environmental health." CCJ has over three thousand members and supporters and is governed by a volunteer Board of Directors.

The communities we represent know all too well how life next to an industrial facility can be disruptive and harmful. In solidarity with community members who share these experiences across the state, CCJ offers the following comments.

The Pennsylvania Department of Environmental Protection (DEP) should not renew Panther Creek's air pollution permit because the facility no longer qualifies as an "Electric Utility Steam Generating Unit," which serves the public good by generating power for the grid. Instead, Panther Creek plans to stop sending electricity from this facility to the power grid while consuming far more electricity than the plant can generate. Only if DEP can prove Panther Creek sends an adequate amount of electricity to the energy grid should DEP allow the facility to retain that classification.

The Clean Air Act defines an "Electric Utility Steam Generating Unit" as "any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale."¹ Reading the plan language of this definition, the DEP cannot legally permit Panther Creek as an "electrical steam generating unit." This is because Panther Creek will soon be using all of the electricity it produces to generate cryptocurrency, rather than selling it to the energy grid. Again since Panther Creek does not supply "more than one-third of its potential electric output

¹ ecfr.gov/current/title-40/chapter-I/subchapter-C/part-60/subpart-A/section-60.2

capacity and more than 25 MW electrical output to any utility power distribution system for sale,” it cannot be permitted as an “Electric Utility Steam Generating Unit.” DEP must require Panther Creek to reapply for this air pollution permit under a classification that matches its actual use. DEP could consider evaluating whether it qualifies as a waste incinerator, which would require the plant to conduct increased heavy metal and air toxics testing. DEP should decide if the absence of any public benefit, grouped with the likely public harm from the facility, merits denying any permit that does not drastically reduce the facility’s air pollution.

Communities near the plant must deal with the repercussions of living near a facility that burns tires and waste coal, mines bitcoin, and does not benefit them. Exposure to facilities that [burn these](#) fuels [can damage](#) all of our organ systems and lead to cancer, heart disease, lung damage, kidney disease, respiratory problems, birth defects, nervous system impacts, and cognitive and behavioral issues.

In June 2024, DEP issued Panther Creek a violation for using dangerous electrical infrastructure to support its current Bitcoin mining (Violation ID: 8191111). However, DEP needs to exercise far more oversight regarding this facility’s electricity use.

Bitfarms has released plans to repurpose the facility’s electrical substation to consume electricity. The substation currently consumes 80 MW of electricity from the grid and the 80 MW the Panther Creek facility is capable of generating. Bitfarms aims to acquire another 320 MW of “additional potential PJM import power capacity.”

These plans are detailed [here](#).²

Bitfarms stated, “As far as we can tell no one has ever contemplated this kind of strategy and data center configuration. It is so novel that there is actually nothing in the PJM and FERC regulations that can be applied towards this structure.”

Please appropriately regulate this facility that is attempting to operate in a way that current power plant standards have not anticipated. Enforcing the Clean Air Act’s definition of an “Electric Utility Steam Generating Unit” is essential to protecting Carbon County from completely unnecessary air pollution that is not related to the production of electricity for public consumption.

Thank you for your consideration. If you have any questions, please contact me anytime.

Respectfully,

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Community Advocate

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² sec.gov/Archives/edgar/data/1812477/000121390024071531/ea021201207-425_bitfarms.htm.