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Board of Environmental Protection hearing on mining rules
September 15, 2016

Dear Chairman Parker and members of the Board of Environmental Protection:

Before approving the revised mining rules, ask yourself if you know of one single case, at any time and anywhere in the world, where extensive mining did not lead to any significant damage, or where there was full remediation and the responsible company fully covered all the costs. If you know of such a case, I would like to know about it.

I have personal experience with how mining works. I grew up in Scranton, Pennsylvania, once the coal capital of the country, within a block of an exhausted anthracite breaker and the huge pile of tailings (called culm) it left behind. It was ugly, but our neighborhood was fortunate in that it never caught fire. Many of the piles did, and the fires can burn for decades, stinking, causing respiratory disease, and peeling off house paint; some communities never recover. [See <http://thetimes-tribune.com/news/long-time-burning-mine-fires-widespread-hard-to-douse-1.1695663>]

I know that DEP and the mining companies will say, Oh, that was a different era, that was not Maine, and coal is not the resource here. All very true, yet the basics are the same. Corporations are machines made to make money, and when there is an activity that loses money, they drop it, and they find a way to avoid paying for the consequences, or they go bankrupt and leave the local jurisdictions holding the bag. That is what happened in the coal region. That is what happened with the Callahan Mine, closed to mining in 1972 and still fouling the beautiful Brooksville area. And that is what will happen to Bald Mountain. The only protection an area has is to get an irrevocable bond from the company that is more than sufficient to pay for ALL remediation that may be required. The safeguards in these regulations do not come close to doing that; it is an open question whether any upper bound can be put on the cost of environmental damage that mining could cause. Or whether a price can be put on permanent damage to an area's air, land or water.

The new version of DEP's mining rules is just a warmed over version of the first two, and will do nothing to prevent mining companies from coming in, squeezing out all the profits they can, and leaving a legacy of pollution for Maine to suffer from, and pay for, for generations. And the environment may never recover.

You are the Board of Environmental Protection. Please follow the lead of both the 126th and 127th Legislatures, and reject these mining rules, which protect no one except the mining companies.

The Times-Tribune, Scranton, PA

Long time burning: Mine fires widespread, hard to douse

BY BRENDAN GIBBONS / PUBLISHED: MAY 31, 2014

CARBONDALE — Crews worked for months to extinguish a coal refuse fire discovered in Fell Twp. late last year, racking up more than \$2 million in costs that the landowner says he cannot pay.

Instead, the money will come from the modern coal industry, which pays for the states and the federal Office of Surface Mining Reclamation and Enforcement to reclaim abandoned mine lands through a per-ton tax on coal. That tax flows into the Abandoned Mine Land Fund, a program created by the 1977 Surface Mining Control and Reclamation Act.

By using this fund, the state Department of Environmental Protection is letting those legally responsible for these fires off the financial hook, a tactic officials say is necessary because it costs so much to put them out.

During a visit to Carbondale in early April, John Stefanko, deputy secretary of active and abandoned mine operations, described how the Bureau of Abandoned Mine Reclamation approaches the situation.

“Persons responsible for dumping or burning of trash that causes a mine or coal refuse bank fire, if they are caught, could be prosecuted criminally, but would probably lack the means to address the resulting fires,” Mr. Stefanko said. Burning trash causes most coal fires, he said.

The DEP may request landowners to remove nuisances on private lands under Pennsylvania’s Surface Mining Conservation and Reclamation Act through section 1917-A of the Administrative Code, DEP spokeswoman Amanda Witman said.

“Under law, the landowner or mineral owner would ultimately be responsible for a fire on their property but would rarely have the means to address such a problem,” Mr. Stefanko said.

In December, Dunmore businessmen Louis and Dominick DeNaples, who through D&L Realty owns the land off Jefferson Street where the Fell Twp. fire burned, told the department exactly that.

“They indicated they did not have the means,” Mr. Stefanko said.

Millions spent

One known coal fire still burns on D&L Realty land — the Powderly Creek Northeast fire near Russell Park in Carbondale. Since the 1980s, the federal Office of Surface Mining and the DEP have spent about \$400,000 digging a trench to isolate the underground mine fire and doing other reclamation work, DEP records state.

The DEP has further plans for this site. In November, the department put out a roughly \$50,000 bid to work on the isolation trench. The DEP is scheduled to put out a bid near \$14.6 million in December this year for “mine fire extinguishment,” according to department records.

It’s not clear if D&L Realty plans to participate. A message left at the company’s Dunmore office was not returned.

The situation is similar with Davlisa Enterprises, which owns property near the Casey Highway in Olyphant. The most recent fire started in 2004 when vandals torched a stolen car, but earlier fires burned there as well. State and federal governments have poured more than \$9 million into fighting fires on the site since 1996, DEP records state.

Michelene Kennedy, president of Pagnotti Enterprises Inc., is listed on the Department of State’s website as president of Davlisa. A phone message left at Ms. Kennedy’s Wilkes-Barre office was not returned.

The third fire listed as active in DEP records lies between Summit Gardens Apartments and Carbondale Area High School. A staff member at the apartment said mining engineer David Philbin with the Office of Surface Mining inspected the site last summer and found no signs of an underground fire. Efforts to reach Mr. Philbin were not successful

‘Let ’em burn’

In Luzerne County, the nonprofit Earth Conservancy owns the land where most of the county's coal fires burn. The conservancy works to reclaim the abandoned coal lands acquired from the now-defunct Blue Coal Corp., president and CEO Mike Dziak said. Many of its projects deal with stream restoration.

Mr. Dziak summarized the DEP's position on the conservancy's fires as "Let 'em burn."

"It's not something that's easy to focus on because of the uncertainty," he said. "There's so much geology involved and information that's not available."

Three or four years ago, the conservancy worked with the New Jersey Institute of Technology to see if the underground heat could be harnessed to warm greenhouses, Mr. Dziak said. With the right customer, it would be feasible, he said, but no one was interested at the time.

The DEP is taking action on one of the Luzerne fires near Hanover Reservoir in Hanover Twp. Earlier this year, the DEP awarded Armstrong Drilling Inc. of Murrysville a \$266,765 contract to drill exploratory boreholes to define the boundaries of the fire before beginning reclamation efforts. The drilling is now underway. Mr. Dziak said it's the most activity he's seen with coal fires in Luzerne County for years.

Most of the Northern Anthracite Field's coal fires have already been extinguished. From the 1950s to the 1970s, the state and the federal mining agencies went on a spree of coal fire extinguishments in Lackawanna and Luzerne. They extinguished 23 of them in Lackawanna County and nine in Luzerne, according to DEP records. Today, eight coal fires still burn in Lackawanna and Luzerne counties.

The state gets enough money from the federal trust fund to isolate or extinguish one to two coal fires per year across the state, Mr. Stefanko said.

"DEP pursues fire abatement projects when it concludes the fire is a threat to public health and safety," he said.

Greenhouse gases

Scientists have identified coal fires as sources of greenhouse gases but have not conclusively linked fumes from U.S. fires to public health problems. In a 2004 paper in *Coal Geology*, Bob Finkelman, Ph.D., an expert on coal chemistry and professor at the University of Texas at Dallas, pointed to heavy metal poisoning associated with in-home coal use in China as an analogy to burning mines and waste dumps.

Two types of coal fires burn in Pennsylvania — deep, underground mine fires and surface coal refuse bank fires, Mr. Stefanko said. About 40 of each still burn across the state, he said.

Some of the deep fires started while mining operations were still active, caused by accidents or by mining equipment, he said. Sometimes, coal reacts with oxygen in the air, heating it until it spontaneously combusts.

Most of the time, trash dumping or open burning near a culm dump, abandoned mine or subsidence pit is to blame.

“Trash and tire burning have been the cause of numerous fires, including the fire in Centralia,” Mr. Stefanko said. The Columbia County community is all but a ghost town now; the mine fire there has burned steadily for nearly 50 years.

Once they get started, these fires can heat up to more than 1,000 degrees Fahrenheit. Engineers have a few options to deal with them: digging a containment trench, excavating and dumping water on burning coal, pouring grout into deep mines to smother them, or sealing the surface with a clay-like material to deprive them of oxygen, Mr. Stefanko said.

The last technique was once the most popular, he said.

“It proved relatively ineffective because the fires treated in that manner would often get oxygen from other sources, either from the deep mine workings or the shifting of the ground,” he said.

Today, the most popular form is excavating and extinguishing, he said, because it’s the best way to ensure total extinguishment. This method is also the most expensive.

The federal tax on coal will continue paying for such projects in Pennsylvania until 2021, when the fee collection will stop. Unless renewed by Congress, payments to Pennsylvania will end a few years later.

“We’ve seen a tremendous amount of help from that program,” Mr. Dziak said. “A loss of that is going to be very, very significant to the region for sure.”

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