

[← Back to Document](#)

Center again seeks damage reports

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The Center for Coalfield Justice plans to file another right-to-know request seeking release of reports that were prepared regarding damage to the dam at Ryerson Station State Park.

Now that an order has been issued by the state Department of Environmental Protection requiring Consol Pennsylvania Coal Co. to repair the dam, the center believes those reports should be made public, said Raina Rippel, center executive director.

Previous right-to-know requests made by the center, the last joined by the Observer-Reporter and state Rep. Bill DeWeese, D-Waynesburg, were denied on the basis the information was related to a noncriminal investigation and part of “predecisional deliberations.”

The center has filed countless right-to-know requests in an effort to obtain public disclosure of the studies done showing the cause and extent of damage to the dam as a result of longwall mining, Rippel said. Now that a decision has been made, the center again intends to seek release of the information, she said.

The center has requested materials associated with a DEP interim report on the Duke Lake damage claim. In that report, issued in February, DEP concluded damage to the dam was caused by mining activities associated with Consol's Bailey Mine.

The DEP order issued Wednesday requires the company to pay \$1,042,625 to the state Department of Conservation and Natural Resources for work it has completed in relation to the dam and to repair the structure, a cost estimated at \$20,291,340.

The center believes release of the reports could prove mining-related impacts have exceeded DEP's formula for calculating subsidence damage.

In issuing mining permits, DEP presumes surface structures will not be damaged outside a 35-degree angle of influence above an underground mine. The center believes these permitting assumption are incorrect and state mining law is based on this faulty assumption.

"We are disappointed that this process lacked meaningful public participation and engagement," Rippel said. "All along, we suspected the final decision would be made behind closed doors, and that appears to be exactly what has happened."

Consol has denied its mining activities damaged the dam. It said it would appeal the order to the state Environmental Hearing Board.

In a statement, the company said the mine was operating with an approved DEP mining permit, "based on sound engineering studies including consideration by both DEP and Consol of any possible mining impacts on the dam."

The company noted an appeal could take several years and the company is willing to pursue an "amicable and reasonable solution" to the matter.

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Page: B1

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