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Environmental board rules on mining beneath Polen Run at Ryerson park

*By Bob Niedbala April 26, 2018 Publication: Observer-Reporter (Washington, PA)
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The state Environmental Hearing Board denied a petition filed by two environmental groups seeking to stop Consol Energy's Bailey Mine from mining beneath a segment of Polen Run within Ryerson Station State Park.

The Center for Coalfield Justice and Sierra Club had filed a petition for supersedeas to stop the company from mining beneath the stream in Richhill Township until an appeal could be heard on a permit revision that would allow that segment of stream to be undermined.

The permit revision, issued March 7 by the state Department of Environmental Protection, allowed the company to mine beneath the stream in the mine's 5-L longwall panel.

The groups maintained subsidence from mining would significantly damage the stream. The company's proposed remediation plan, they also said, would be ineffective in repairing any damage.

In a ruling issued Tuesday, however, the board ruled more recent hydrogeologic and monitoring data and other evidence presented at the supersedeas hearing supported DEP's issuance of the permit.

Though the groups raised important concerns, the board said, "Consol and the Department have presented strong evidence that Polen Run is not likely to be impaired and should any flow loss occur, it can be successfully restored."

The board cited recent data provided by the company that indicates more than a dozen other streams above the Bailey Mine have been successfully restored.

Veronica Coptis, Center for Coalfield Justice's executive director, said the groups are disappointed with the decision.

"Families in our region deserve to enjoy fishing and other recreational activities in and around Polen Run as they've done for generations," she said.

The ruling came on a petition seeking to prohibit mining beneath the stream pending an appeal of the permit. Coptis said the groups are still evaluating whether to continue with the appeal.

Consol Energy spokesman Zachary Smith called the decision "very favorable" to the company.

"It's good for mine employees, good for the company and good for Greene County," Smith said.

The mine is now mining in the 5-L panel and expects to be beneath the stream in the next few weeks. If the board would have prohibited the company from mining beneath Polen Run, the company likely would have had to move its longwall machine to a new panel and the mine would have been shut down for some time, he said.

The groups maintain subsidence would reduce water flow, impacting the stream's aquatic life and recreational uses. Stream bed grouting, called for in the company's remediation plan, they also said, has not been effective in restoring other streams in the area.

DEP had previously not allowed the company to longwall mine in the 5-L panel after having concluded the stream could not be successfully remediated, the groups said.

Nothing had changed since DEP's earlier determination.

The board, however, said more recent data submitted with the revision application "presents a very different picture" and indicates streams above the Bailey Mine are being restored.

The information shows 13 of the 16 streams, for which more recent data was provided and which had earlier experienced flow loss due to mining, have evidently recovered, the board said.

Testimony indicated Polen Run, "has comparable or, in some cases, more favorable hydrogeologic variables" than many of the streams included in the new data, the board said. Based on the new data, DEP and Consol concluded Polen Run would be able to recover in the event of any flow loss, the board said.

The company also maintained the need for stream bed grouting on Polen Run was unlikely, but should it be needed, it would take place during a two-week period and only in certain sections, not along the stream segment's entire length.

Evidence presented at the hearing indicates any flow loss would be minimal and short lived, the board concluded.

"Indeed, we believe based on evidence presented before us, that the actual effects on the stream and Ryerson Station State Park will not be noticeable and will not interfere with the use of the park by the public," it said.

The state Department of Conservation and Natural Resources had submitted comments questioning the hydrogeologic data submitted by Consol. However, no one from the department testified at the supersedeas hearing. Testimony indicated DCNR's concerns had been taken into consideration by DEP, the board said.

Consol previously mined beneath Polen Run in three other longwall panels.

In an earlier decision regarding the stream, the board issued a ruling defining when stream damage caused by longwall mining would be considered "unreasonable."

The board concluded DEP had been wrong to allow the company to mine beneath another segment of Polen Run while anticipating damage so extensive that the only method to restore the stream would involve rebuilding the stream bed. The work had involved installation of a synthetic liner.

In the same decision, the board said DEP correctly allowed the company to mine beneath other streams impacted by subsidence to a lesser degree, requiring less invasive remediation methods such as grouting.

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