

CENTER FOR COALFIELD JUSTICE

organizing educating empowering

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Staff:

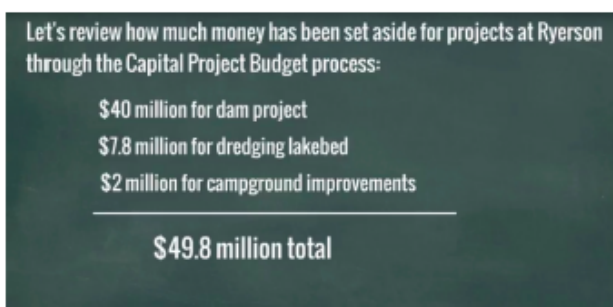
Patrick Grenter - Executive Director
Veronica Coptis - Deputy Director
Caitlin McCoy - Legal Director
Sarah Winner - Staff Attorney

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.

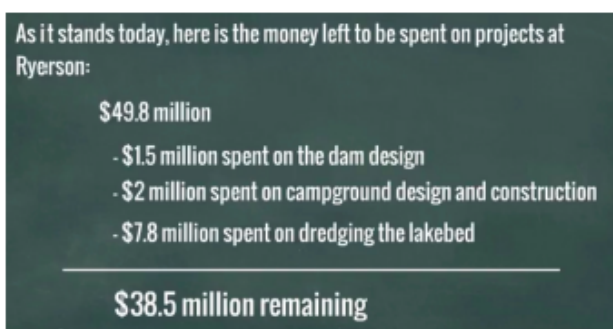
Where Has the Funding for Ryerson Gone and What is Left?

In the aftermath of Consol’s destruction of Duke Lake, it has been difficult to understand exactly how much money has been set aside for improvements at Ryerson Station State Park. Recently, the Center for Coalfield Justice met with staff from the Department of Conservation and Natural Resources to learn more about what money is available, and how it was committed to Ryerson.

Over the past ten years, there has been \$49.8 million allocated to Ryerson from the Capital Project Budget process.

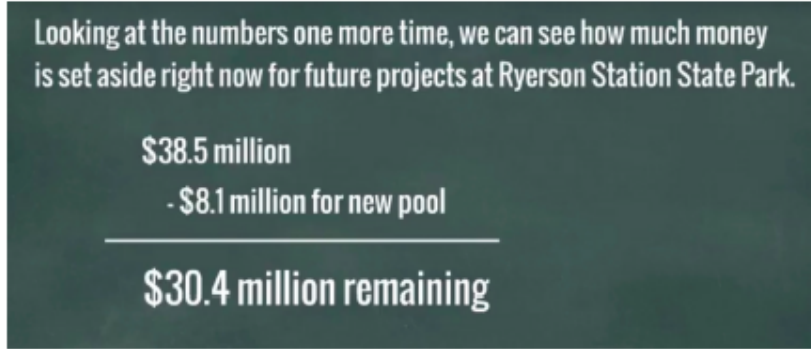


\$11.3 million has been spent on dam design, lakebed dredging, and campground improvements. Presently, \$38.5 million remains. More on page 2.



Where Has the Funding for Ryerson Gone and What is Left (Continued)

Once it was determined that the dam would not be rebuilt, the remaining \$38.5 million was reallocated for “Improvements at Ryerson Station State Park” generally. The Ryerson Task Force, tasked with soliciting community input in this process, has made clear that improvements to the pool are a priority. Accordingly, \$8.1 million has been set aside for that project. This leaves \$30.4 million remaining for additional projects at the park.



You can learn more about this budget process, as it unfolded over the last 10 years, by watching this helpful video we created. Check it out on our Facebook page, and let us know any ideas you have for how the remaining funding should be used for improvements to Ryerson.

DEP Response to Act 54 Report Presented to Citizens Advisory Council

On February 4, the Department of Environmental Protection presented its response to the most recent Act 54 Report on underground coal mining in Pennsylvania to the Citizens Advisory Council in Harrisburg. The report, conducted by the University of Pittsburgh, discussed a number of glaring deficiencies in the way that mining is regulated in Pennsylvania, and recommended a number of changes that must be implemented for DEP to fulfill its obligation to Pennsylvania residents.

Unfortunately, DEP is still either unwilling or unable to recognize just how out-of-control mining is and how much work it has to do in order to reign in this dangerous industry. DEP officials at the hearing consistently downplayed problems in the program and pronounced vague intentions of taking future steps to improve the Mining Department.

One rare mention of policy change mentioned during the meeting was an idea of revisiting guidelines for protecting streams from mining subsidence damage, but no specific time frame was placed on that process. In the meantime, it is essential for coalfield residents and allies to maintain pressure on the Department to ensure that a full reckoning and accounting of mining’s destruction of the region occurs and steps are put into place to stop the continuation of severe impacts with little to no accountability.

Survival Tip

Q: How should you treat a blister on your foot?

A: A hot-spot feeling indicates a blister is on the way. Stop. Remove anything irritating from your boot or sock. Shield the threatened area with athletic tape, moleskin, or Second Skin (sold at most drugstores). Don’t pop blisters smaller than a nickel; opened blisters invite infections. Cushion the area with a piece of moleskin, with a blister-size hole cut over the blister. Put antiseptic in the hole, and cover the whole thing with athletic tape. Big blisters will pop themselves, drain them with a sterilized (by match) needle. Wash the area, then proceed as above. Second Skin, or even two layers of plastic bag taped over a blister site will reduce friction and the chance of further irritation. Change dressing at least daily.

Exciting Next Step in Litigation

Today we filed a Motion for Summary Judgment in our appeal of the permit for the Bailey Mine's Lower East Expansion, which authorizes mining under part of Ryerson Station State Park and the surrounding area. We filed this appeal back in May 2014 against the Department of Environmental Protection for issuing the permit which will allow Consol to reduce and eliminate flow in certain streams and then try to rebuild the streams later. This is against the Clean Streams Law and the coal mining regulations that DEP is required to follow. The parties in our case are DEP, because they made the decision we are challenging, and Consol, because they have the permit we are challenging.

Discovery was recently closed for our case. Discovery is a period of time when parties in a legal case share information with each other by sending requests for information and documents back and forth. Now, the parties may submit motions to the judge, which are requests that the judge make certain decisions before the case goes into a hearing. A Motion for Summary Judgment is a request that lets the judge know that some or all of the facts of a case have been agreed upon by all parties during the discovery process (so there is no need to discuss those facts at a hearing) and the judge can make a decision on one or more issues in the case based on those agreed upon facts. A Motion for Summary Judgment presents these facts to the judge along with arguments for him to decide one or more of the issues in the case before a hearing needs to be held.

Our Motion contains two requests:

1.) During the discovery process, Consol and the DEP agreed that Consol's predictions of flow loss and stream dewatering in their permit application were true and accurate. Our Motion for Summary Judgment is a request for Judge Beckman to decide that DEP should not have issued a mining permit to Consol because the mining was predicted to cause stream flow loss and dewatering, and DEP cannot legally permit damage to streams. DEP has certain obligations when making decisions on whether or not to issue mining permits, one of those obligations is to find that the applicant will not cause stream flow to be reduced or lost because of mining. DEP is required to follow the Clean Streams Law and the mining regulations, which establish obligations for permitting decisions. It was clear that the amount of water lost from the streams would not allow the aquatic life, like fish, salamanders, frogs, and macroinvertebrates (such as, mayflies, dragonflies, and other bugs that live in streams) to exist.

2.) During the discovery process, we learned that DEP did not perform any extra evaluation of one of the streams in the permit area which is known to have very high quality water, known as an Exceptional Value stream. Under the law, DEP must perform an Anti-Degradation analysis of the impact of any permitted activities on a stream like that to ensure that the activity will not harm the water quality. We are requesting the judge order that analysis be undertaken by DEP immediately.

If the judge grants our Motion for Summary Judgment on the first issue, the permit will be withdrawn. If the judge grants it on the second issue, the permit will be sent back to DEP so they can perform the Anti-Degradation analysis.

CCJ is governed by a volunteer Board of Directors. The Board of Directors consists of: Robert East, Lauren Williams, Ken Yonek, Nicole Fifer, Chuck Hunnell, Tom Breiding, Joanne Kilgour and Kim Teplitzky.

Welcome Back Sarah!



We are thrilled that Sarah Winner has rejoined our staff after doing great work with Fair Shake Environmental Legal Services in Pittsburgh. Over the course of her career, Sarah has been fortunate to work on a variety of complex environmental issues. Sarah earned her law degree at the University of Pittsburgh School of Law. As a Certified Legal Intern at the University of Pittsburgh Environmental Law Clinic, Sarah worked on a variety of environmental matters involving coal extraction and natural gas development. After law school, Sarah was the Interim Legal Director at CCJ before joining Fair Shake as a Resident Attorney. When she's not working, Sarah enjoys hiking, running, and skiing. Sarah is our staff attorney and is representing us in the Environmental Hearing Board appeal regarding the streams in and near Ryerson Station State Park.

Energy Finance Conference 2016

Earlier this month, Executive Director Patrick Greuter travelled to Columbia University to participate in the Energy Finance 2016 conference hosted by the Institute for Energy Economics and Financial Analysis. The conference covered issues related to the financial wherewithal and future of fossil fuels and renewable energy sources in the domestic and international markets. Patrick was a part of a panel that discussed impacts on water sources from coal industry activities. Other experts detailed the recent downturn in the global coal market and identified it as a structural decline, rather than a cyclical downturn. In other words, coal is down and is irreparably damaged. It is not coming back.

Over the course of the three day conference, it became abundantly clear that we all must begin planning for the hard times to come. The coal industry has been an economic anchor in this region for many years, but often generated more harm than good with its neglect and disregard of the communities in which it operates. There will be pain in the coal industry's demise, but also opportunity. The Center for Coalfield Justice has been and will continue to be a voice for pushing responsible economic transition away from coal, and we need your help. Please get involved by joining our team of volunteers working to implement the vision from our Coalfield Listening Project Report, where we asked community members about economic transition.

CCJ just redesigned its website. Check it out at www.coalfieldjustice.org and let us know your thoughts.

6th Extreme Energy Extraction Summit to be in Pennsylvania

The Extreme Energy Extraction Collaborative (E3C) is a grassroots, frontline community-led initiative that brings together people who are fighting extreme energy extraction for annual summits. E3C is composed of over 100 groups working on different aspects of the climate justice and anti-extraction movement with a wide spectrum of diversity in identities, issue focus, tactics, geographic base, and type and size of organization. We meet annually to discuss our work, successful tactics, and strategies to highlight the interconnectedness of our struggles. Our goal is cross-sector collaboration, unifying groups that might otherwise be separated along lines of different issues, identities, and types of organizations. By sharing our knowledge and experiences, we hope to increase our power and collectively end the extreme energy extraction that irreparably damages our communities and the environment.

This year, CCJ is serving as one of the host groups for the Summit, which is being held on May 12-16 at the Laurelville Mennonite Retreat Center in Mt. Pleasant, Pennsylvania. The Summit will focus on extraction issues in northern Appalachia, such as coal mining and fracking. CCJ will be leading a tour showing people the impacts of fracking and mining occurring in the same area.

Come Bowl with Us!

Join Protectors of Mingo for the Third Annual Bowl-A-Rama on Sunday, April 17th from 12 PM - 2 PM at Legacy Lanes (5024 Curry Rd, Pittsburgh, PA). Tickets this year are \$20.00 per person for two hours of bowling, pizza, and pop. Get six

people to sign up for a whole lane and pay only \$110.00. Reserve your tickets now by calling 724-220-3550, mailing a check to the Center for Coalfield Justice with "POM Bowling" in the memo, or online here: bit.ly/POMBOWL16

April 17th from 12 PM to 3 PM join Protectors of Mingo for their Third Annual Bowl-A-Rama.



Don't be a turkey, this event will be right up your alley!

CCJ Participates in Fayette Health Campaign Panel at Progressive Summit

On February 20th, CCJ Legal Director Caitlin McCoy represented CCJ on a panel at the Pennsylvania Progressive Summit in Harrisburg discussing the health impacts of the toxic coal ash impoundment in LaBelle, PA. The panel, titled Uniting PA for Health Justice, Decarceration and a Just Transition, also featured representatives from Put People First, the Human Rights Coalition, and HOPE for LaBelle. The speakers were well-received by attendees who listened eagerly about our work at the intersections between mass incarceration, health justice and environmental justice. Bahjah and Richard from Put People First shared their experiences as the mother of an inmate currently held at SCI Fayette and a former inmate at SCI Fayette, respectively. Caitlin from CCJ shared a video from Jeremy from HOPE for LaBelle, who recorded a video message for the panel, and discussed CCJ's work with LaBelle residents over the years.

Devon from the Human Rights Coalition shared a history of the site and discussed her organization's work alongside the Abolitionist Law Center with people inside of SCI Fayette suffering from health issues. Nijmie from Put People First moderated the panel. Audience members offered enthusiastic support to the campaign's work to bring together impacted communities, including those currently and formerly incarcerated at SCI Fayette, family members of incarcerated people, residents of



LaBelle, prison employees, and others who are being impacted by the poisonous coal ash dump owned by Matt Canestrale Contracting in La Belle, PA. HOPE for LaBelle is continuing their health survey of the local community and will be preparing a report this summer.

U.S. Supreme Court Stays Clean Power Plan

Two dozen states and the coal industry are challenging the Environmental Protection Agency's authority to regulate carbon emissions under the Clean Air Act in the Clean Power Plan. A motion for stay was filed against the Clean Power Plan, which is a request to stop its implementation until the legal challenge is finally decided. The Court of Appeals for the District of Columbia denied the request for the stay, but set an accelerated schedule for hearing and deciding the case. The states challenged that ruling as well, taking it up to the United States Supreme Court. The Supreme Court then overturned the Court of Appeals and granted the stay, which pauses implementation of the plan until the legal challenge is decided this summer.

However, the court's decision does not overturn the Clean Power Plan as a whole, or decide the legal claims filed against it. It is a temporary pause and at CCJ, we are confident the Clean Power Plan and all of its benefits will ultimately be found to be well within EPA's authority and implemented nationwide. The Clean Power Plan may be on hold right now, but this will not bring the coal industry out of its decline. It is more important now than ever to begin planning for the transition beyond coal. We are thankful that the Pennsylvania's Governor Wolf is still committed to crafting a Clean Power Plan implementation plan for the our state, despite the stay, to move Pennsylvania beyond fossil fuels and towards clean, sustainable alternatives.

Welcome Spring Intern: Patrick Fredrick

Patrick is a junior at Washington and Jefferson College pursuing a degree in Environmental Studies with a minor in Sociology. At W&J, he had the opportunity to take part in the school-sponsored Magellan Project where he traveled to Perth, Australia to study wildfire management practices, including the use of GIS computer simulations to help firefighters predict where fires will go. He also studied the sociological attachment to place that influences how people prepare and respond to bushfires. Some of his other activities include being part of W&J's varsity Water Polo team, a member of the Beta Theta Pi fraternity and the campus Green Club. Growing up in California, Patrick developed a great appreciation for nature, outdoors, and community as a Boy Scout and earning the rank of Eagle Scout. At CCJ, he hopes to help with community organizing and further research in opportunities such as rainwater catchment and other environmentally friendly practices.



Fracking in the Coalfields Tours

Over the past several months, CCJ has given six tours to college students from all over the United States who spent their spring breaks doing Immersion Tours with the Appalachian Institute at Wheeling Jesuit University. The students came here to learn about the impacts of coal mining on communities in order to gain a perspective on the social and environmental costs of extracting fossil fuels



for energy. Most students were shocked at the amount of surface disturbance that occurs with underground mining. Many students shared that part of the tour which had the biggest impression on them was the destruction of land and streams for the six existing coal refuse disposal areas and the two proposed areas. Some students could not believe it was legal for a private company to destroy all of the trees, streams, and land for these massive, toxic facilities.



**We need your help to deliver a clean environment and brighter future to our families.
All donations are tax deductible and include a one-year CCJ membership!**

Name: _____	___\$5 Student/Senior
Address: _____	___\$10 Individual
City: _____ State: _____	___\$20 Family
Zip: _____ Phone: _____	___\$50 Defender
Township: _____ County: _____	___\$100 Advocate
Email: _____	___\$250 Steward
Make checks payable to:	___\$500 Guardian
Center for Coalfield Justice	___\$1000 Hero
PO Box 4023	___Other \$ _____
Washington, PA 15301	

___ Check here if you prefer email communications.

The official registration and financial information of the Center for Coalfield Justice may be obtained from the Pennsylvania Department of State by calling toll-free, within Pennsylvania, 1-800-732-0999. Registration does not imply endorsement.



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