

RE: Request for Information

Monday, June 02, 2008

5:25 PM

Subject	RE: Request for Information
From	Steven Dreyer
To	'Ryczak, Ronald'
Cc	'(White.Brad@epamail.epa.gov)'; 'David G. Argall (dargall@pahousegop.com)'
Sent	Monday, June 02, 2008 5:24 PM

Hello Ron,

I disagree about this project accomplishing it's goal. The project did accomplish the goal by reclaiming the land that resulted in the unfortunate death of a young child but according to my neighbor these young boys were swinging out over the high wall with a homemade swing made out of a garden hose; where was the fence to protect these young lives?

This was a business and a very profitable one, especially if we are talking about the land being owned by Pagnotti Enterprise, Inc. The proceeds to reclaim this land should have been funded by the owner of that business. At the very least this business should have been held liable as most businesses from not installing a fence around this property. If I as a homeowner build a pool and a child dies because I failed to install a fence then I am liable for negligence. The government does not bail me out of jail and spend \$10,000,000 to fix my property.

If Pagnotti Enterprise, Inc. decides to ignore the destruction of this \$10,000,000 project and the reclamation work erodes back to its original state will our government now give Pagnotti Enterprise, Inc. another \$10,000,00 to reclaim the land all over again?

I never did receive an answer from my invitation to walk this property but I guess if we just gave Pagnotti Enterprise, Inc. \$10,000,000 to do as he pleases then the point is moot.

I realize that you are a busy man but I would appreciate just this answered because I am in still in disbelief that our government could just throw away \$10,000,000 without some sort of say in the long term protection of that sort of investment. Is it still possible for Pagnotti Enterprise, Inc to reopen this strip mine and create another high wall or create a land fill with the proper permits and nullify this \$10,000,000 public expense and I as a tax payer have no say in this?

There was no mention in your last email about the wet lands created by this project. Does Pagnotti Enterprise, Inc. have the jurisdiction to destroy wet lands created by public funds by turning a blind eye to the destruction?

If AML stands for Abandoned Mine Land program then how is a land still owned by Pagnotti Enterprise, Inc. still classified as abandoned? My Webster pocket dictionary gives the definition for abandon as "give up; leave: forsake; cast away". The PA DEP should really change the name of this program since it is misleading the public and their funds.

Please send contact information for Pagnotti Enterprise, Inc. so that I can send a copy of this Email to voice my concerns. If need be consider this a Right-to-Know Law request.

Steve

What we're saying today is that you're either part of the solution or you're part of the problem. [1968 E. Cleaver Speech (in R. Scheer, Eldridge Cleaver (1969) 32)]

-----Original Message-----

From: Ryczak, Ronald [<mailto:rryczak@state.pa.us>]

Sent: Monday, June 02, 2008 8:18 AM

To: Steven Dreyer

Subject: RE: Request for Information

I'll have the drawings and invoice prepared and sent to you. There is information on the invoice how to make the check out and to who. The package should go out today or tomorrow.

Here is how the AML program works. The thrust of the program is to eliminate AML features, like a high wall, that present a danger or hazard to the public. Once this type of feature is identified and our funding agency, the Federal Office of Surface Mining, concurs that the site is eligible for funding, we approach the property owner and ask if they will sign an easement allowing the Department to reclaim the site.

Providing they sign the easement, the Department will design and construct a reclamation project. When we are finished with the work, the property owner is free to do with the property whatever he wants. The state does not own or take the property we work on.

The problem with the ATV's is universal. Essentially, the ATV's are trespassing and it is up to the property owner to post and patrol his property to guard against trespassers. I agree, the ATV's definitely create damage. Its next to impossible to keep them out because they can circumvent any gates or road blocks that a property owner might construct. Some property owners are more aggressive than others in patrolling their land and prosecuting trespassers. We were having vandalism problems at one of our sites and the police were very cooperative, even having officers hiding in the woods at night in order to catch people. It was also publicized in the newspapers and yes they did catch some trespassers and things quieted down after that.

As far as the dumping, again, its really up to the property owner, although any citizen who witnesses someone littering can call the police and have them respond. You could also possibly get license numbers.

However, most times people do not want to get that involved. At particularly nasty sites, I know that the Department has the ability to install cameras to monitor the site and record anyone dumping. The dumpers are then prosecuted. This is really the only way to curtail this type of activity but you need a willing and cooperative property owner who wont allow this kind of activity to take place on his property and who is willing to take the steps necessary to stop it.

The money spent on the reclamation was not wasted, it accomplished the program goal of eliminating the high wall that existed at the site so that there will no longer be any fatalities there like what happened with that young boy so many years ago.

Ron

-----Original Message-----

From: Steven Dreyer [<mailto:mytoxichome@verizon.net>]

Sent: Saturday, May 31, 2008 8:16 AM

To: 'Ryczak, Ronald'

Cc: 'Thomas Callaghan'; White.Brad@epamail.epa.gov

Subject: RE: Request for Information

Hello Ron,

The "As-Builts" Drawings sound like they will show all of the necessary property boundaries. Let me know the exact cost including shipping and where to address the check.

I purchased the home that borders this reclamation project on the McAdoo side. Since 2004 I have had three major problems associated with this site.

- 1) A major release of Coal Fly Ash waste water into the wet lands created by this project from the bordering A/C Fuels Fly Ash Dump. Since that time the Coal Fly Ash Lagoon has been reduced in size to a large sump area that is never pumped out but continually allowed to leach into these wetlands. I have over 1000 photos since 2004 documenting this pollution and discharge. To this date the Pottsville District Mining Office has determined that this pollution never existed even though I can physically see the pollution and damage to this day.
- 2) The slow and progressive destruction of this reclamation project that was reported to have cost around \$10,000,000. This destruction is from two sources. The main problem is the ATV activity; not the large sportsman type ATVs but these two stroke ATVs that dig up the land like the rotor tiller in my garden. They have turned this project into a playground destroying the wetlands and the fragile vegetation growing along the hillsides. This gouged out land is now slowly eroding and undermining the project. I have also reported this several times to the Pottsville District Mining Office but heir response was that it is not their problem.
- 3) The area has become a dumping ground. I have witnessed this dumping along with my neighbor but there is no one who really cares to report

this illegal activity too.

My question to you is if this property was forfeited for the reclamation project, who is the current owner? Also why is it that \$ 10,000,000 is being wasted by ignoring this problem and no one seems to care? Who funded the money for this project?

If you would like a guided tour of your project to see what could have been vs. what it has become just ask. I would suggest parking near my home and taking the tour on foot as opposed to a ride by inspection.

Thank You,
Steven Dreyer

What we're saying today is that you're either part of the solution or you're part of the problem. [1968 E. Cleaver Speech (in R. Scheer, Eldridge Cleaver (1969) 32)]

-----Original Message-----

From: Ryczak, Ronald [<mailto:rryczak@state.pa.us>]
Sent: Friday, May 30, 2008 2:42 PM
To: mytoxichome@verizon.net
Subject: FW: Request for Information

Steve,

I have a set of Drawings that was issued to the contractors for bidding and a set of "as-built" Drawings, which are the original drawings on which have been denoted any changes that were made in the original work. Do you want both sets or just the "As-Builts"? Again, I can give you 8-1/2 X 11 size but you wont be able to see much. The full size drawings are \$1.00 per sheet and there are 14 Sheets in the set plus postage.

Ron

-----Original Message-----

From: Ryczak, Ronald
Sent: Friday, May 30, 2008 10:44 AM
To: 'Steven Dreyer'
Subject: RE: Request for Information

Hi Steve,

Sorry your experience with DEP hasn't always been positive. Generally I like to talk to people so they understand what it is I have available and to make sure that's what they are looking for. Oftentimes I have people come right here to the office so they can see for themselves and

then decide what they need.

At any rate I'm in the process of trying to look for what I think you are asking for. I have some files coming from a warehouse here in Wilkes-Barre. These would be copies of the original files. If they don't contain what I want, I will have to call Harrisburg and have the official files retrieved from the archives and then sent up here. By the way, our project was completed in 1992, so I wouldn't have anything after that date. What happens is that once the project is done, we go back after one year to check it out and the contractor is obligated to correct any defects in workmanship or material, like for instance, the grass not growing. Once that's done, we are done with that site.

I have the capability of scanning in the full size drawings and then reducing them to an 8-1/2 X 11 size, but I have to tell you, you probably won't be able to glean much from them at that scale. Our drawing will show the contractor's limit of work (CWA) and we do note any of the property owners on whose property the work was performed, but we don't indicate any property owners outside of our work area because they aren't germane to our work. As far as a lat/long, I can't say for sure until I look at the drawings myself. I can tell you there will be information on the location of the baseline that was used for construction. So, give me a chance to get the material together and see what we can find. Depending on the number of documents sent to you, I may have to charge you for the reproduction costs.

Be talking to you.

Ron

-----Original Message-----

From: Steven Dreyer [<mailto:mytoxichome@verizon.net>]

Sent: Thursday, May 29, 2008 4:10 PM

To: 'Ryczak, Ronald'

Cc: White.Brad@epamail.epa.gov

Subject: RE: Request for Information

Hello Mr. Ryczak;

Thank you for your inquiry on my behalf. I would prefer to keep this the format of communication vs. a phone call. I have had several bad experiences with DEP and the twisting of facts of what was said over the phone. I am not saying that this would be this case now but once bitten, twice shy. I would appreciate knowing to whom I am speaking with or where Mr. Callaghan forwarded my Right-to-Know Law Request. I am interested in knowing the exact border between the A/C Fuels property listed on Permit No. 54980201 and where it ends or begins with the adjacent property referred to as the KELAYRES STRIP MINE RECLAMATION

PROJECT. I will send a copy of the fact page that I have concerning this parcel.

I am requesting project maps that show the original borders and any maps that show revisions, if any that would have recently redefined those original borders. I will also include a satellite image of the area in question.

Since November of 2004 I have repeatedly reported that the fly ash dump located at the A/C Fuels Fly Ash Dump has leached fly ash waste water into the wet lands created by the KELAYRES STRIP MINE RECLAMATION PROJECT. Each time that the Pottsville District Mining Office inspects this site there are "no violations". This is an unacceptable response since I can see the pollution that existed then and still exists to this date. I believe that the DEP has tried to cover up this initial release of waste water into these newly created wetlands to continue with their illusion that this fly ash dump is operated under the law and is beneficial to my family.

I will be requesting an informal review in Harrisburg followed by a formal review if necessary. I need these documents to prove that this pollution did in fact migrate from the source and from the land specified under permit No.54980201. I also need to prove that the DEP did not shrink the borders of the KELAYRES STRIP MINE RECLAMATION PROJECT in order to compensate for their corrupt investigation.

It is not necessary to send detailed copies of original size blueprints. I am requesting copies that would fit on a 8.5 by 11 inch paper and normally would be found in a folder or report. Hopefully these photos would include longitude and latitude reference points.

Thank you,
Steven Dreyer

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-----Original Message-----

From: Ryczak, Ronald [<mailto:rryczak@state.pa.us>]
Sent: Thursday, May 29, 2008 2:38 PM
To: mytoxichome@verizon.net
Subject: Request for Information

Hi Mr. Dreyer,

The letter you sent to Tom Callaghan concerning Kelaryes Strip Pit was forwarded to me for response. Please give me a call so I can pinpoint what documents you are interested in. My number is 570-830-3195

Ron Ryczak