

6/18/2008

Director
DEP
Mining and Reclamation
P.O Box 8461
Harrisburg, PA 17105-8461

Director:

I am requesting an informal review of the inspection conducted by SMCI George Kissinger, on April 23, 2008. I was given specific instruction by SMCI Supervisor Randy Shustack in making a request for an informal review and I will list my reasons in the order that I was instructed:

1. Complaint number referenced above. – Service Request No. 254386
2. Nature of complaint and location of the mining operation. – In November of 2004 I witnessed a large Coal Fly Ash Lagoon installed directly below a Coal Fly Ash dump operated by A/C Fuels leaking into a wet land. This wet land was created at the expense of \$10,000,000 under the Kelayres Strip Mine Reclamation Project, fact page included. SMCI Michael Wehr conducted the original inspection and concluded that “no violations” occurred. This determination was contrary to the dozens of photos submitted at the time demonstrating the spill in all phases of contaminating these wet lands. I have tried in vain to have this pollution cleaned up despite years of letters and photos submitted. It is my belief that SMCI George Kissinger and SMCI Randy Shustack falsified information and destroyed photo evidence that I submitted to DEP in order to give the illusion that this Coal Fly Ash dump is a “beneficial use” of this industrial waste. It is also my belief that the reason that SMCI George Kissinger and SMCI Randy Shustack failed to provide me with a report on surface water and soil samples is to delay the true severity of this contamination. Although there is continuing contamination of this wet land, the true severity after the initial toxic release will never be known because of this corrupt investigation.
3. How you are or may be adversely affected by the mining operation? – I am unable to use this \$10,000,000 reclamation project for simple pleasures like hunting or taking my dog for a walk without fear of toxic industrial waste contamination. It is with distress that I live knowing the wildlife is being contaminated.
4. Why you feel the Department’s decision is incorrect - I have witnessed this dump pollute the wet lands since November of 2004. The pollution is still there and all that is required is a few simple surface water samples to verify that this investigation is corrupt and bogus. I have roughly 1000 photos of the affected area as proof and documentation that SMCI George Kissinger and SMCI Randy Shustack are incorrect in their final determination that “no violations of the Coal or Non-coal Mining Regulations or Requirements were observed”.

5. If applicable, indicate portion(s) of the Department's investigation that was incomplete or was overlooked - A/C Fuels Permit No.54980201 Violations
- a) Violation of pH parameters (6.0-9.0), page A-1
 - b) "There shall be no discharge of floating solids or visible foam in other than trace amount", violation page A-2. Original 2004 photographs submitted show discharges of floating solids.
 - c) Failed to take samples "during a discharge". Discharge was plainly visible from 2004 and subsequent photographs submitted' violation page A-2
 - d) Falsified the location of the Erosion and Sedimentation Control Facilities as 40-55-28 Latitude and 76-00-15 Longitude, page A-2
 - e) Violation of section ll 3(a) (1) page A-3 "Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. 122.4 (j)(1)
 - f) Violation of section ll 3(a)(2) page A-3, Records Retention 122.41(j)(2)
 - g) Violation of section ll 3(a)(3) page A-3 Recording of Results 122.41(j)(3)
 - h) Violation of section ll 3(a)(4) page A-3 Test Procedures 122.41(j)(4)
 - i) Violation of section ll 3(b)(1)(2)(3) page A-3 Reporting of Monitoring Results
 - j) Violation of section ll 3 c (1)(a)(b)(c) page A-3 Non-Compliance Reporting
 - k) Violation of section ll 3 c(2)(a)(b)(3)(4) page A-3 Anticipated Non-Compliance Reporting
 - l) Violation of section ll 3(d)(1)(a)(b)(e)(f)(2)(a)(c)(d) page A-3 Specific Toxic Substance Notification
 - m) Violation of section ll 4(d) page A-3 Facilities Operation 122.41(e)
 - n) Violation of section ll 4(e) page A-3 Adverse Impact 122.41(d)
 - o) Violation of section ll 4(f)(1)(2)(a)(2)(b)(2)(c) page A-3 Bypassing
 - p) Violation of section ll 5(a) page A-3 Duty to Comply 122.41(a), (a)(2), (a)(3)
 - q) Violation of section ll 5(b)(1)(2) page A-3 Falsifying Information
 - r) Violation of Part B Page 1(8) "There shall be no point-source discharge..."
 - s) Violation of Part B page 2(9) "Should fugitive dust become evident..." Numerous photos were submitted that showed "fugitive dust" from this site. Numerous photos were submitted showing ATV activity in the Fly Ash; it is impossible to have ATV activity within this permit area without having "fugitive dust"
 - t) Violation of Part B Page 2 (12) "All coal ash conveyed or hauled to the coal ash disposal area must be spread and compacted in lifts of two (2) feet or less within twenty-four (24) hours of on site placement or disposal." Numerous photos taken and submitted to the Pottsville District mining Office showed mounds of fly ash over two feet that were left uncovered for weeks if not months if not years.

- u) Violation of Part B Page 2 (13)(a)(b)(c)(d) "Prior to disposal of coal ash at this site, the operator must complete the following site preparation work:"
 - v) Violation of Part B Page 2 (16) "Coal ash is not to come into contact with the regional groundwater table (i.e. mine pool). The operator is to keep the coal ash disposal area free of standing, running or impounded water at all times."
 - w) Violation of Part B Page 3 (19) "The permittee shall establish and commence monthly sampling of additional ground and/or surface water monitoring points ..."
6. Return address and telephone number - Steven Dreyer, 345 West Blaine Street, McAdoo, PA 18237, (570) 929-1776

Sincerely,

Steven Dreyer

cc: Senator James J. Rhoades
EPA

Enclosure: Letters mailed to DEP
Letters received from DEP
Inspection Site Photos 2004-2008