

April 02, 2010

**The last week has been a very good week in our fight against the environmental devastation caused by mountaintop removal mining. On March 26, the U.S. Environmental Protection Agency released a detailed proposal to veto the permit for the mammoth Spruce Mine we have been challenging as illegal and blocking for 12 years. Then, on April 1, EPA issued a new policy on stream permits that will make it much harder for mine operators to obtain approval for the huge valley fills that dispose of the waste from these mines.**



We have been fighting since 1998 to force EPA and the U.S. Army Corps of Engineers to change their permitting policies to prevent environmental harm and to base those policies on the best available science. Scientific studies show that nine out of 10 streams downstream from surface mines are biologically impaired, with some species of aquatic life wiped out. EPA has identified stream conductivity (a measure of the dissolved chemical ions in salts like sulfate) as the primary cause of this impairment. When mine operators blast mountains apart and pile up the blasted rock in valley fills, the water running through these fills picks up more chemical ions and carries them downstream. The more fills, the greater the increase in conductivity. EPA is now setting a limit on how much conductivity can be present in streams, and forcing mine operators to prove that they can comply with it. This will likely force operators to reduce significantly the size and scope of surface mining and valley fills. In addition, EPA is requiring mine operators to monitor more chemicals in their discharges, rejecting a common practice of using stormwater drainage ditches on mine sites as compensatory mitigation for the burial of natural headwater streams, and acknowledging that surface mining raises environmental justice and health concerns for coalfield residents. In sum, EPA has finally taken the lead to match federal policy with science and the Clean Water Act, as we have long urged.

You can read news articles about EPA's action here:

<http://www.nytimes.com/2010/04/02/science/earth/02coal.html?scp=1&sq=mining&st=cse>

<http://www.wvgazette.com/News/201004010814>

**Our Environmental Enforcement Project has been at the fore of the court fights to stop illegal mountaintop removal mining, which has already buried more than 2,000 miles of streams and destroyed more than 387,000 acres of West Virginia forests and mountains.** Public Justice is joined in this effort by the [Sierra Club](#), [Ohio Valley Environmental Coalition](#), [Coal River Mountain Watch](#), the [West Virginia Highlands Conservancy](#), the [Appalachian Center for the Economy and the Environment](#), and [Earthjustice](#).

Once again, Public Justice is fighting for the little guy against a powerful industry and winning. This is precisely the kind of work that your support and contributions make possible. Thank you again.

Arthur Bryant  
Executive Director  
Public Justice and the

Public Justice Foundation

**P.S. Please forward this email to friends and colleagues who'd be interested. (When you do so, delete the information below about unsubscribing, or they could unsubscribe you.) To make a special contribution, renew your membership, or join us, please [click here](#).**

email: [abryant@publicjustice.net](mailto:abryant@publicjustice.net)

voice: 202-797-8600

web: <http://www.publicjustice.net>

Public Justice | 1825 K Street, NW | Suite 200 | Washington | DC | 20006