

October 20, 2009

Public Justice has just won a major victory against the environmental devastation caused by mountaintop removal mining. The U.S. Environmental Protection Agency has just proposed to veto the permit for the mammoth Spruce Mine we have been challenging as illegal and blocking for eleven years!



Mountaintop removal mining converts Appalachian forests into grasslands, and fills adjacent streams and valleys with mining waste. (Photo courtesy of U.S. News & World Report.)

We have been fighting since 1998 to stop the Spruce Mine in West Virginia, one of the largest mountaintop removal mines ever proposed in Appalachia. Our lawsuit stopped the mine in 1999 and forced the Army Corps of Engineers to prepare an environmental impact statement (EIS) on the project—the first one ever done on an Appalachian mine. After the EIS was completed, the Corps reissued the permit in 2007. We sued again to stop it, and succeeded in blocking most mining at the site. But the Fourth Circuit reversed our victory earlier this year, and on remand in the district court, the mine operator has been pushing for an unrestricted green light to go forward and bury seven miles of headwater streams.

On October 16, before that damage could occur, the US EPA took the extraordinary step of proposing to veto the Army Corps' permit. This is the first time in the history of the Clean Water Act that EPA has ever proposed to veto a Corps permit for a coal mine. This is a huge vindication of our long eleven-year battle against this mine.

You can read a news article about EPA's action and our case here:

<http://blogs.wvgazette.com/coaltattoo/2009/10/16/huge-mtr-news-epa-moves-to-veto-spruce-mine-permit>

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 1,200 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 for being there for us so that we, in turn, can continue to be there for the wronged, the poor and the powerless.

Arthur Bryant
Executive Director
Public Justice

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