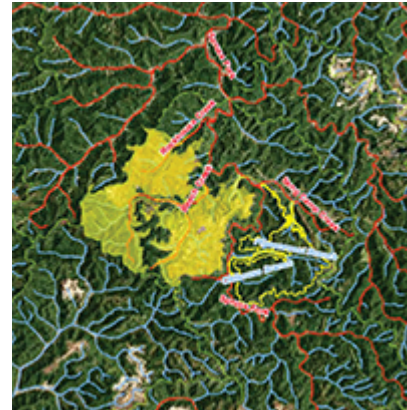


March 29, 2010

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

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 in early 2009 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.



Spruce Mine site outlined in yellow, next to existing Daltex Mine shaded in yellow, and surrounded by impaired streams marked in red
(Source: EPA)

Last October, before that damage could occur, the US EPA announced that it planned to take the extraordinary step of vetoing the Army Corps' permit. On March 26, 2009, after negotiations with the mining company failed, EPA issued a 46-page decision and an accompanying 33-page technical document that adopt many of the same legal and scientific arguments that we have been making against mountaintop mining, including significant degradation of water quality, unacceptable adverse effects on wildlife and forests, lack of adequate mitigation for these effects, harm to coalfield residents, and irreversible cumulative effects on natural resources in Appalachia. 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 twelve-year battle against this mine.

The most telling fact about how much the world has changed in twelve years -- and what a difference our efforts have made -- is that this enormous mine was initially permitted by the Corps in 1998 as a routine, three-page, rubber-stamped **nationwide** permit that would have only "minimal environmental effects," but now EPA has proposed to veto even the Corps' subsequent, more rigorous 2007 **individual** permit, which was supported by a 41-page record of decision and a 1459-page environmental impact statement, because it would have "unacceptable adverse effects" on the environment.

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

<http://www.washingtonpost.com/wp-dyn/content/article/2010/03/26/AR2010032603080.html>

<http://www.wvgazette.com/News/201003260859>

<http://blogs.wvgazette.com/coalattoo/2010/03/26/breaking-news-epa-issues-proposed->

[determination-to-block-clean-water-act-permit-for-the-largest-mountaintop-removal-mine-in-w-va-history/](#)

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 and the
Public Justice Foundation

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