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**Yesterday, the coal industry's efforts to avoid the costs of treating their toxic pollution suffered a huge blow. A federal judge ordered Patriot Coal to install advanced pollution control equipment to treat toxic selenium discharges from two of its coal mines in West Virginia.** Judge Robert Chambers of the United



States District Court for the Southern District of West Virginia held Patriot Coal in contempt for the company's failure to comply with the terms of an earlier court compliance order, ordered the company to build a new fluidized bed reactor treatment system within approximately two and a half years, and ordered the company to immediately post a letter of credit for \$45 million to assure that the plant's construction costs would be paid.

"This is the bell-weather case," said Jim Hecker, Public Justice's Environmental Enforcement Director and co-counsel in the case. "Patriot is the first mining company that has been ordered by a court to install advanced treatment for selenium discharges. We proved it was technically and economically feasible to remove selenium."

Public Justice filed the two cases on behalf of the Sierra Club, Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy, and Coal River Mountain Watch.

"This court order is a game changer in our fight to protect streams and communities in West Virginia and to hold coal mining companies accountable for their pollution," said Ed Hopkins, Senior Washington, D.C. Director of the Sierra Club. "This sets the precedent that coal companies can and must treat their discharges of selenium and other toxic pollutants, and state regulators must do more than continually grant compliance extensions."

**To read the federal court order, [click here](#).**

To read a news article on the order from *The Charleston Gazette*, [click here](#).

Selenium, a toxic element that causes reproductive failure and deformities in fish and other forms of aquatic life, is discharged from many surface coal mining operations across Appalachia, and is commonly found in coal combustion byproducts like coal ash. Selenium bio-accumulates in the tissues of aquatic organisms, and experts predict that waterways across Appalachia could be on the brink of collapse due to increasing levels of the pollutant.

"This ruling should make clear to the coal industry and the regulatory agencies that mining coal in high-selenium seams is not economically viable and that the true costs of mountaintop removal mining are higher than the companies want us to think," said Dianne Bady, Co-Director of the Ohio Valley Environmental Coalition. "Let's hope the companies finally realize that they should just leave high-selenium coal like this in the ground."

"Coal companies have been saying for years that there isn't any way to treat the selenium that's coming out of their surface mines," said Cindy Rank of the West Virginia Highlands Conservancy. "They're going to have a much harder time making claims like that anymore, and will finally have to

start taking responsibility for their pollution."

"This is a huge victory for those who want to see clean streams and healthy communities in West Virginia," said Vernon Haltom, Co-Director of Coal River Mountain Watch.

Congratulations and thanks to Environmental Enforcement Director Jim Hecker and to Joe Lovett and Derek Teaney, our co-counsel at the Appalachian Center for the Economy and the Environment in Lewisburg, West Virginia, who took over twenty depositions in July in preparation for the August hearing on the contempt motion.

Congratulations and thanks to you, too, for helping make this important victory possible. Keep fighting!

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