



**NEWS RELEASE**  
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SEPTEMBER 3, 2010

## **Federal Court Orders Patriot Coal to Pay \$45 Million to Treat Toxic Selenium from W. Va. Coal Mines, Holds Patriot in Contempt**

In what environmental leaders are calling a “game changer,” a federal judge has ordered Patriot Coal to clean up selenium pollution from two West Virginia coal mines within two years and to set aside \$45 million to cover the costs of treating the discharge.

In his Aug. 31 ruling, U.S. District Court Judge Robert Chambers held Patriot in contempt of court for failing to comply with an earlier court order to treat the toxic pollution from the Ruffner mine in Logan County and the Hobet 22 mine in Lincoln County. Judge Chambers ordered the company to immediately post a letter of credit for the \$45 million.

Four citizens groups – the Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy, Coal River Mountain Watch and the Sierra Club – sued Patriot to force compliance.

Public Justice attorney Jim Hecker, who represented the citizen groups that sued over Patriot’s selenium violations, said the ruling has powerful implications for the mining industry.

"For future sites, it means that selenium-contaminated sites should not be permitted at all, because it is very expensive to treat selenium and treatment becomes a long term responsibility that could outlive the coal companies and then fall on the public," said Hecker. "For those sites that have already been permitted, it means that the coal companies can no longer seek indefinite compliance extensions by claiming that there is no feasible way to treat selenium."

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 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.

These groups are currently prosecuting additional cases against Patriot and its subsidiaries, as well as other coal mining companies including Arch Coal and Massey Energy, for discharges of selenium from their surface mines in excess of permit limits.

In addition to Hecker, the plaintiff groups are represented by Joe Lovett and Derek Teaney of the Appalachian Center for the Economy and the Environment.

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Public Justice is America's public interest law firm, supported by – and calling on -- a nationwide network of more than 3,000 of the nation's top lawyers to pursue precedent-setting and socially significant litigation. It has a wide-ranging litigation docket in the areas of consumer rights, worker safety, civil rights and liberties, toxic torts, environmental protection, and access to the courts. Public Justice is the principal project of the Public Justice Foundation, a not-for-profit membership organization headquartered in Washington, DC, with a West Coast office in Oakland, California. The Public Justice web site address is [www.publicjustice.net](http://www.publicjustice.net).