

**FOR IMMEDIATE RELEASE:**

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## **WV Advocacy Groups Threaten Litigation over Clean Water Act Violations at 15 Coal Facilities Across Region**

*Some facilities are discharging pollutants hundreds of times above their permitted limit*

CHARLESTON, WV -- A coalition of West Virginian advocacy groups including the West Virginia Highlands Conservancy, the West Virginia Rivers Coalition, the Ohio Valley Environmental Coalition, Appalachian Voices, and the Sierra Club sent “notice of intent to sue” letters to the parent companies operating 15 coal facilities -- including mines, preparation and processing facilities, and a power plant -- and one chloride plant alleging egregious violations of the Clean Water Act (CWA) and the Surface Mining Control and Reclamation Act (SMCRA).

One facility, the Harrison County Coal Mine, operated by Murray Energy, is discharging 220 times its permitted limit of aluminum into tributaries of the West Fork and Ohio Rivers. Another facility, the Red Fox Mine in McDowell County, is discharging twice as much selenium and 10 times as much aluminum as it is permitted into the Tug Fork River. That mine is owned by a subsidiary of the Justice Group, which is controlled by the family of West Virginia Governor Jim Justice.

These data were provided to state and federal regulators by the facilities themselves. The notice of intent letters were also sent to the West Virginia Department of Environmental Protection and the U.S. Environmental Protection Agency. If in 60 days the companies are not in compliance with the CWA and SMCRA, the coalition will seek relief in federal court to hold the companies accountable for their violations and to clean up the streams that receive the pollution.

The companies and their facilities that are subject to the letters are as follows:

MURRAY AMERICAN ENERGY <ul style="list-style-type: none"><li>● Marshall County Mine/ Conner Run Impoundment</li><li>● Arkwright Mine #1</li><li>● Marion County Mine (Loveridge)</li><li>● Harrison County Mine</li></ul>	SOUTHEASTERN LAND, LLC <ul style="list-style-type: none"><li>● Ike Fork #2 Surface Mine</li><li>● Taywood West Surface Mine</li><li>● Peg Fork Surface Mine</li><li>● Peachorchard Surface Mine No. 5</li></ul>
LEXINGTON COAL CO. <ul style="list-style-type: none"><li>● Low Gap Surface Mine #2</li><li>● No. 10 Mine</li></ul>	BLUESTONE COAL/ JUSTICE GROUP <ul style="list-style-type: none"><li>● Red Fox Surface Mine</li></ul>
AMERICAN BITUMINOUS POWER PARTNERS <ul style="list-style-type: none"><li>● Grant Town Power Plant</li></ul>	MEPCO INC. <ul style="list-style-type: none"><li>● Dana Prime #1 Deep Mine</li></ul>
BLACK CASTLE MINING COMPANY	EAGLE NATRIUM LLC

<ul style="list-style-type: none"> <li>• Laxare East Surface Mine</li> </ul>	<ul style="list-style-type: none"> <li>• Eagle Natrium</li> </ul>
<p>CONSOL</p> <ul style="list-style-type: none"> <li>• Renton (Pennsylvania)</li> <li>• Robena (Pennsylvania)</li> </ul>	

**The citizen groups involved added the following statements:**

“These notice letters make clear that every stage of the coal cycle is irredeemably dirty,” said **Peter Morgan, Senior Attorney for the Sierra Club’s Environmental Law Program**. “Worse, the notice letters also make clear that federal and state regulators continue to look the other way while communities suffer.”

“Citizen suits like these are necessary to enforce the law and make companies internalize the costs of non-compliance that they inflict on their neighbors and the environment,” said **Jim Hecker, Environmental Enforcement Director of Public Justice**.

"After unsuccessfully objecting to the original permitting of these and similar mines, neighbors and citizens groups are left to seek recourse through legal remedies to achieve necessary clean-up of polluting discharges," said **Cindy Rank of the West Virginia Highlands Conservancy**. "We are saddened by the necessity, but grateful for the ability to seek accountability through the citizen suit provisions of the federal Clean Water and Surface Mining Control Acts and for attorneys who are willing to assist us."

"Illegal pollution harms not only the rivers and streams that receive the pollution, but also the communities living nearby," said **Erin Savage, Central Appalachian Program Manager for Appalachian Voices**. "A clean, healthy environment is an integral part of diversifying West Virginia's economy beyond a reliance on fossil fuel extraction."

“This chronic and widespread problem of unfettered illegal activity has already stacked up too much harm to our waters,” said **Angie Rosser, Executive Director for the West Virginia Rivers Coalition**. “We simply can’t stand by and watch coal companies get a free pass while our streams, and the residents that depend on them, pay the price. Something has to change.”

The groups sending today’s letters are represented by attorneys with Appalachian Mountain Advocates and Public Justice.

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