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Lawsuit Launched Over Illegal Air Pollution at Colorado Coal Mine

Arch Coal's Toxic Emissions Contributing to Climate Change, Toxic Smog

DENVER— Conservation groups filed a [formal notice](#) today of their intent to sue Arch Coal for failing to reduce dangerous pollution at its West Elk mine in western Colorado in violation of the Clean Air Act.

The West Elk mine, located in Gunnison County east of Paonia, vents massive amounts of methane, a potent greenhouse gas, from dozens of wells drilled above the mine. As methane gas is vented, it releases a toxic mix of gases that threaten the climate and clean air.

“The West Elk mine is in the process of expanding operations onto pristine public lands, directly impacting wildlife, old-growth forest and headwater streams of the Colorado River,” said Matt Reed, public lands director at High Country Conservation Advocates. “But it also presents a global problem. This mine contributes more to climate change from methane emissions than any other single industrial source in Colorado. Simply put, it’s time for the West Elk mine to comply with the requirements mandating reductions in methane emissions and smog pollution that others are subject to.”

At issue are volatile organic-compound emissions that are vented with methane during mining operations. The compounds are toxic gases that react with sunlight to form ground-level ozone, the key ingredient of smog.

“Arch Coal is destroying our clean air and our climate, and it’s illegal,” said Jeremy Nichols, climate and energy program director for WildEarth Guardians. “With the company thumbing its nose at our health and environment, we simply have no choice but to go to court to secure accountability.”

The law requires polluters to obtain a permit and comply with strict pollution-control requirements before releasing these dangerous compounds. Arch Coal has never applied for, or obtained, a permit allowing these emissions and has failed to take necessary measures to control its pollution.

“Public Justice is proud to stand with concerned residents and, using the courts, ask the owners of the West Elk coal mine to do what is required to operate in Colorado — comply with the law,” said Neil Levine, an attorney with Public Justice’s Environmental Enforcement Project. “Today’s suit is also a clear wake-up call to Colorado regulators that when they do not take action to enforce environmental laws that protect the air Coloradans breathe, the state’s citizens will come together to demand action. By taking these concerns seriously, Colorado has a chance to stand out as a national model for meaningful environmental enforcement that prioritizes families’ quality of life ahead of polluters’ profits.”

Methane venting at the West Elk mine has been a longstanding problem. Last month the conservation groups [won a lawsuit](#) challenging the federal government’s approval of the mine’s expansion. A federal judge ruled that the government had illegally ignored options to limit methane venting and toxic emissions.

“Arch Coal’s dirty pollution is harming the climate and the health of Coloradans,” said Alli Melton, an attorney at the Center for Biological Diversity. “No polluter should be immune from laws that protect the air we breathe and our environment. If coal-mining operations are going to continue, the company must comply with the law.”

“The reality is that the West Elk mine has been needlessly polluting the environment while the state did nothing,” said Nathaniel Shoaff, a senior attorney with Sierra Club. “There are legal protections in place that call for reasonable steps to limit air pollution and protect public health, and we intend to ensure these provisions work for Coloradans.”

The West Elk mine is the single-largest industrial source of methane pollution in Colorado. In 2017 it released more than 440,000 metric tons of carbon dioxide, equal to the annual emissions from more than 98,000 cars.

People exposed to excess ground-level ozone can experience reduced lung function, increased respiratory problems like asthma attacks, increased visits to emergency rooms and even premature death.

Under the Clean Air Act, citizens can file suit to enforce the law where states and the U.S. Environmental Protection Agency fail to do so. The groups sending today’s notice include WildEarth Guardians, High Country Conservation Advocates, the Center for Biological Diversity and the Sierra Club.

The notice starts a 60-day clock, after which the groups intend to file suit against Arch Coal in U.S. District Court.

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