

## **THE HUFFINGTON POST**

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Author, "Reckoning at Eagle Creek: The Secret Legacy of Coal in the Heartland"

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### **Breaking: EPA Vetoes Largest Mountaintop Removal Permit: New Era of Civility in the Coalfields?**

It's been a long time coming. Now it's final. Lisa Jackson and the EPA have gone to the mountaintop and announced their veto of the largest mountaintop removal mining permit in Appalachia.

"This ushers in a new era of civility in the coalfields," said long-time coalfields justice leader Bo Webb. He added: "I think Judy Bonds just sent us all a little smile," referring to the recent passing of the "godmother" of the anti-mountaintop removal movement.

Invoking the rule of law and science in the central Appalachian coalfields, the EPA just announced its long awaited and extensively researched decision today to veto the 2,300-acre mountaintop removal mining permit at the Spruce No. 1 Mine in West Virginia. Basing their ruling on 404 (c) of the Clean Water Act, the EPA concluded that the proposed mine would have "unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas."

This final determination overrules the Army Corps of Engineer's earlier approval of the Logan County mine.

In addition, the EPA noted:

"The project, as permitted, will bury 6.6 miles of Pigeonroost Branch, Oldhouse Branch, and their tributaries under excess spoil generated by surface coal mining operations. These streams represent some of the last remaining least-disturbed, high quality stream and riparian resources within the Headwaters Spruce Fork sub-watershed and the Coal River sub-basin and contain important wildlife resources and habitat. The quality of these streams is comparable to a West Virginia-designated reference site, and the macroinvertebrate communities found in these streams, which are used as an indicator of quality, rank extremely high in comparison to other streams throughout the Central Appalachia ecoregion and the state of West Virginia. These streams perform critical hydrologic and biological functions, support diverse and productive biological communities, contribute to prevention of further degradation of downstream waters, and play an important role within the context of the overall Headwaters Spruce Fork subwatershed and Coal River sub-basin."

Charleston Gazette journalist Ken Ward has posted the EPA decision here. Ward quotes Peter S. Silva, EPA's assistant administrator for water, on today's decision:

"The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend. Coal and coal mining are part of our nation's energy future, and EPA has worked with companies to design mining operations that adequately protect our nation's water. We have responsibility under the law to protect water quality and safeguard the people who rely on clean water."

Living under a mountaintop removal operation in the Coal River Valley, anti-mountaintop removal movement leader Webb noted today:

"This is very good news to so many people who live directly beneath mountaintop removal operations. It is encouraging to see the EPA exercise their authority to enforce the Clean Water Act. I hope the EPA will continue its obligation to enforce the Clean Water Act and the Clean Air Act, to protect the people in Appalachia mountain communities."

This decision will not be without critics in the coal industry, including Big Coal-bankrolled political allies like Acting Governor Earl Ray Tomblin, who repeated his support for his state's current lawsuit against the EPA on mountaintop removal permits in his State of the Union speech last night.

During his recent US Senate campaign to replace the venerable Sen. Robert Byrd, West Virginia Senator Joe Manchin even fired a rifle in a campaign ad, declaring: "I'll take on Washington and this administration to get the federal government off of our back and out of our pockets. I'll cut federal spending and I'll repeal the bad parts of Obamacare. I sued EPA and I'll take dead aim at the cap-and-trade bill."

Noting the growing and deadly health care and water crises in the coalfields, Webb called for a new era of civil discourse in the debate over mountaintop removal mining, which has left the area in economic and environmental ruin, and a move toward a just transition to clean energy investment in his region.

Webb added: "Our children's future depends on it. I call upon the EPA, in the interest of public health to now issue an immediate moratorium on all mountaintop removal operations."