

PUBLIC JUSTICE E-LERT

AMERICA'S PUBLIC INTEREST LAW FIRM

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Running a coal mine isn't cheap. And the costs don't end once a mine stops operating.

When mines are abandoned by private operators in West Virginia, the state's Department of Environmental Protection is supposed to take over and clean up the sites. But the state has never cleaned them up properly. Instead, it's taken these sites "off the books," evading requirements to obtain federal discharge permits and comply with water quality standards -- and giving tax breaks to the coal industry in the process.

Pushed to act by Public Justice Environmental Enforcement Director Jim Hecker, the state of West Virginia, in two consent decrees filed this past week, has agreed to obtain federal discharge permits and comply with water quality standards at 171 abandoned coal mining sites in the state. **This key settlement will finally compel the state to require the coal industry to pay the full cost of mining -- cleanup included.**

By taking the sites "off the books" and underestimating the total cleanup costs, the state enabled the coal industry to avoid paying the real costs of mining coal. This settlement will help put those costs where they belong (i.e., on the coal industry, not the public) and give the state the funds it needs -- through increases in coal production taxes -- to thoroughly clean up the polluted water.



Acid mine drainage from an abandoned coal mine

Water treatment equipment at these sites has not prevented acid mine drainage from killing aquatic life in downstream waters. This must change. As part of these consent decrees, the state will finally have to estimate the total cost of water treatment at all of the sites, which is necessary to obtain additional funding to pay the cleanup costs.

Last year, in an appeal Jim argued, the U.S. Court of Appeals for the Fourth Circuit required West Virginia to obtain federal discharge permits and comply with water quality standards at 21 sites. He then used that victory to pressure the state to agree to do the same thing at the remaining 171 sites.

Co-counsel in this case was Joe Lovett of the Appalachian Center for the Economy and the Environment in Lewisburg, W.Va.

To read the *Charleston Gazette's* blog post on the settlement, click [here](#).

Congratulations and thanks to Jim Hecker and Joe Lovett -- and to you for helping make this possible.

Arthur Bryant
Executive Director
Public Justice and the
Public Justice Foundation