



NEWS RELEASE

FOR IMMEDIATE RELEASE

March 29, 2010

EPA Releases Proposal to Veto Permit for Huge Mountaintop Removal Mine

Public Justice won a major victory against the environmental devastation caused by mountaintop removal mining. The U.S. Environmental Protection Agency has released a detailed proposal to veto the permit for the mammoth Spruce Mine we have been challenging as illegal and blocking for twelve years.

We have been fighting since 1998 to stop the Spruce Mine in West Virginia, one of the largest mountaintop removal mines ever proposed in Appalachia. Our lawsuit stopped the mine in 1999 and forced the Army Corps of Engineers to prepare an environmental impact statement (EIS) on the project—the first one ever done on an Appalachian mine. After the EIS was completed, the Corps reissued the permit in 2007. We sued again to stop it, and succeeded in blocking most mining at the site. But the Fourth Circuit reversed our victory in early 2009 and, on remand in the district court, the mine operator has been pushing for an unrestricted green light to go forward and bury seven miles of headwater streams.

Last October, before that damage could occur, the US EPA announced that it planned to take the extraordinary step of vetoing the Army Corps' permit. On March 26, 2009, after negotiations with the mining company failed, EPA issued a 46-page decision and an accompanying 33-page technical document that adopt many of the same legal and scientific arguments that we have been making against mountaintop mining, including significant degradation of water quality, unacceptable adverse effects on wildlife and forests, lack of adequate mitigation for these effects, harm to coalfield residents, and irreversible cumulative effects on natural resources in Appalachia. This is the first time in the history of the Clean Water Act that EPA has ever proposed to veto a Corps permit for a coal mine. This is a huge vindication of our long twelve-year battle against this mine.

The most telling fact about how much the world has changed in twelve years -- and what a difference our efforts have made -- is that this enormous mine was initially permitted by the Corps in 1998 as a routine, three-page, rubber-stamped nationwide permit that would have only "minimal environmental effects," but now EPA has proposed to veto even the Corps' subsequent, more rigorous 2007 individual permit, which was supported by a 41-page record of decision and

a 1459-page environmental impact statement, because it would have "unacceptable adverse effects" on the environment.

Environmental Enforcement Project has been at the fore of the court fights to stop illegal mountaintop removal mining, which has already buried more than 1,200 miles of streams and destroyed more than 387,000 acres of West Virginia forests and mountains. Public Justice is joined in this effort by the Sierra Club, Ohio Valley Environmental Coalition, Coal River Mountain Watch, the West Virginia Highlands Conservancy, the Appalachian Center for the Economy and the Environment, and Earthjustice.

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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.