



Cumberland Chapter

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News Release

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Contact: Betsy Bennett, State Conservation Chair, (859) 846-4905
Lane Boldman, State Mountaintop Removal Taskforce Chair, (859) 552-1173
Sherry Otto, State Coordinator & Conservation Mgr., (859) 296-4335

JIM HECKER AND JOE LOVETT RECEIVE 2009 NATIONAL SIERRA CLUB AWARD

SAN FRANCISCO, CA – Jim Hecker and Joe Lovett have been selected to receive the Sierra Club's 2009 William O. Douglas Award. This award recognizes those who have made outstanding use of the legal/judicial process to achieve environmental goals, particularly those with national significance. The award will be presented in San Francisco at the Club's annual dinner on September 26, 2009.

Lovett and Hecker are both lawyers who have been on the front lines of the fight against the destructive practice of mountaintop removal mining in Appalachia. Hecker is the Environmental Enforcement Project Director at Public Justice, a public interest law firm in Washington, D.C., that marshals the skills and resources of the nation's top lawyers to fight for justice through precedent-setting and socially significant litigation. Hecker also represented the Sierra Club in a lawsuit challenging a mountaintop removal mine in east Kentucky known as the Thunder Ridge mine. That action led to the Army Corps, in an unprecedented move, temporarily suspending its permit authorization for that mine. The lawsuit also effectively resulted in a moratorium (until very recently) on permitting for new mountaintop removal mines in Kentucky.

Lovett is the founder and executive director of the Appalachian Center for the Economy and the Environment, a public interest organization in Lewisburg, W. Va., that carries out litigation in Central Appalachia to protect the environment and the health of communities. He has served as counsel in several legal challenges to mountaintop removal, including Bragg v. Robertson and Kentuckians for the Commonwealth v. Rivenbaugh, and through additional legal challenges added millions of dollars to the West Virginia Coal Mining Special Reclamation Fund. In a nationally precedent-setting case, he succeeded in stopping the U.S. Environmental Protection Agency from illegally weakening a central portion of the Clean Water Act in West Virginia.

Lovett and Hecker have worked together since 1998. Among their many notable victories, the two have secured:

- The first Programmatic Environmental Impact Statement under NEPA for mountaintop removal mining;
- The first injunction blocking a mountaintop removal mine;
- Two separate orders vacating the nationwide permit issued for mountaintop removal mining under the Clean Water Act's section 404;
- An injunction requiring a state to obtain NPDES permits for discharges from 18 acid mine drainage sites;
- An order vacating state anti-degradation rules exempting coal mining general permits from anti-degradation review;
- An order requiring a state to increase the funding for its alternative bonding system to clean up abandoned mines;

Lovett and Hecker have represented Sierra Club pro bono in numerous challenges to mountaintop removal mining, including:

- A challenge to the Bush administration's "Stream Buffer Zone" rule which permits coal mines to bury streams with mining waste;
- Two lawsuits against coal mining companies who destroyed streams without the required permits;
- A challenge to a mine's unpermitted discharges of selenium, a toxic heavy metal – this case has the potential to provide a powerful precedent for challenging the discharges of other mines;
- A challenge to the proposed expansion of the largest mountaintop removal mine in West Virginia

"Joe Lovett and Jim Hecker have been indispensable allies in the Sierra Club's campaign to fight mountaintop removal mining," said Aaron Isherwood, senior staff attorney with the Sierra Club Environmental Law Program. "About two and a half years ago, I traveled to southwest Virginia to meet with local residents who were suffering from horrendous dust problems associated with trucks that haul coal from nine mining operations in the small community of Roda, Va. During that trip, I also learned about a massive, proposed mountaintop removal mining operation – known as the Ison Rock Ridge mine – that would have destroyed nearly 1,300 acres of forested, mountainous terrain and would have buried over 14,000 linear feet of streams in nine valley fills. Joe and Jim graciously agreed to work with the Sierra Club, and they have been our closest allies ever since in our legal campaign to end mountaintop removal mining. This campaign simply would not have been possible without their assistance."

"Joe Lovett and Jim Hecker's work has been instrumental in protecting Kentucky's waterways from the effects of radical mining practices such as Mountaintop Removal," said Lane Boldman, volunteer leader for the Kentucky Sierra Club and Chair of its Mountaintop Removal Taskforce. "Their work led to an unprecedented move by the Army Corps to temporarily suspend new mountaintop removal permits in Kentucky until very recently. While Kentucky still now faces the threat of 90 pending mine permits that will result in over 400,000 feet of streams being buried, we are grateful for volunteers like Joe and Jim who are fighting for Kentucky's waterways."

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