

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH DIVISION**

CITIZENS COAL COUNCIL,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. _____
)	
MATT CANESTRALE)	
CONTRACTING, INC.,)	
)	
Defendant)	
)	

COMPLAINT

NATURE OF THE CASE

1. This is a citizens’ suit brought to enforce significant and ongoing violations of the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. § 6972(a)(1)(B); the Pennsylvania Clean Streams Law (“CSL”), 35 PA. CONS. STAT. §§ 691.301, 691.1, 691.315, 691.401, 691.601(c); the Pennsylvania Air Pollution Control Act (“APCA”), 35 PA. CONS. STAT. §§ 4008, 4013.6(c); and the Pennsylvania Surface Mining Conservation and Reclamation Act (“PASMCR”), 52 PA. CONS. STAT. §§1396.18c(a),(c); 1396.18f.

2. Matt Canestrale Contracting, Inc. (MCC) owns and operates the LaBelle Refuse Site (“Refuse Site”), a historic mine dump, located in Luzerne Township, Fayette County, Pennsylvania.

3. The Refuse Site consists of an abandoned coal refuse pile made up of about 40 million tons of waste, two coal slurry ponds, and millions of cubic yards of coal combustion waste (coal ash) piled tens of feet deep on top of the coal refuse, which, together, form a large mound of toxic waste.

4. Coal refuse is acidic and contains high levels of environmentally toxic metals like iron and manganese. Coal ash waste is generally alkaline and contains high levels of environmentally toxic heavy metals such as arsenic, boron, lead, selenium, and hexavalent chromium. Water that contacts with coal refuse and coal ash waste creates leachate that enters ground or surface waters threatens the health of local communities, makes groundwater unsafe to drink, harms aquatic and other wildlife, and pollutes rivers and streams. Leachate from both types of waste also causes high levels of salts in water, which is harmful to aquatic and other wildlife and freshwater streams.

5. MCC also owns and operates a 25.4 acre area adjacent to the Refuse Site, which is used as a receiving and staging area for ash transported by barge en route to the Refuse Site. The two areas are permitted separately and divided by state road 4022. This second site is known as the “Prep Plant Site”, because it was used historically for coal washing and other coal preparation activities.

6. MCC’s operation uses coal ash waste from power plants to reclaim and fill the Refuse Site and treat the underlying coal refuse pile.

7. Drainage seeping from the Refuse Site at several locations is flowing to waters of the Commonwealth of Pennsylvania without a permit, violating the CSL.

8. These past and ongoing flows of polluted groundwater and seeps from the Refuse Site have caused and continue to cause pollution in the four streams close to the Refuse Site, violating the CSL.

9. Pollution of surface waters caused by the Refuse Site exceeds levels at which scientific studies have found harm to aquatic life; therefore, this pollution may present an imminent and substantial endangerment to the environment in violation of RCRA.

10. Because this pollution is occurring on a mining operation, the seeps and pollution of the streams also violates PASMCRRA.

11. MCC's failure to cover trucks hauling coal ash waste from the terminal to the Refuse Site, as required by permit conditions imposed under the APCA, violates the APCA.

JURISDICTION AND VENUE

12. This Court has subject matter jurisdiction over this action pursuant to 42 U.S.C. § 6972(a)(1)(B); 42 U.S.C. § 7604(a)(1),(f)(4); 28 U.S.C. §§ 1331 & 1367(a).

13. Pursuant to 42 U.S.C. §§ 6972(a) and 7604(c), venue lies in this District because the sources of MCC's discharges and emissions, and the endangerment the Refuse Site they are causing, are in this District.

14. Pursuant to RCRA, 42 U.S.C. § 6972(a)(2)(A), CCC gave notice more than ninety days prior to the commencement of this lawsuit to all required parties, including (a) MCC, (b) the United States Environmental Protection Agency (EPA), (c) the Pennsylvania Department of Environmental Protection (DEP), and (d) the Commonwealth of Pennsylvania.

15. Pursuant to the CSL, 35 PA. CONS. STAT. § 691.601(e); PA SMCRA, 52 PA. CONS. STAT. § 1396.18c(c), and the PA APCA, 35 PA. CONS. STAT. § 4013.6(d), Plaintiff Citizens Coal Council (CCC) gave notice more than sixty days prior to the commencement of this lawsuit to the required parties, including: (a) MCC, (b) EPA, (c) DEP, and (d) the Commonwealth of Pennsylvania.

16. Neither EPA nor the Commonwealth of Pennsylvania has commenced or is diligently prosecuting a civil or criminal action against MCC in a court of the United States or a state to require compliance with the laws, rules, regulations, permits, standards, limitations and orders at issue in this case.

PARTIES

17. Plaintiff Citizens Coal Council (CCC) is a Pennsylvania non-profit corporation that advocates for the abatement of pollution from mines, including full enforcement of the federal Surface Mining Control and Reclamation Act (SMCRA) and its delegated state programs, and challenging and changing the practices of the coal industry to protect both people and the environment. Their mission is to inform, empower and work for and with communities affected by the mining processing and use of coal. CCC maintains its principal place of business at 605 Taylor Way, Bridgeville, PA 15017.

18. CCC has many members nationwide, at least 49 of whom live or work within a mile of the Refuse Site. These members own homes and raise their families near the Refuse site, and would like to hunt, fish, and engage in other recreation on and along the Monongahela River and its tributaries near the Refuse Site in the LaBelle area, but refrain from doing so because of pollution from the Refuse Site. CCC's members are adversely affected by MCC's illegal ground and surface water discharges, fugitive dust emissions, and failure to comply with permit conditions.

19. In particular, CCC members used to hunt deer near the Refuse Site but no longer do so because they are concerned that the deer are contaminated with pollution from the Refuse Site.

20. Members of CCC also used to fish in the Monongahela River close to where the polluted streams near the Refuse Site flow into the river, but no longer do so because they are concerned that the fish are contaminated with pollution from the Refuse Site. In addition, some CCC members used to use the streams near the Refuse Site for various other purposes, such as bait storage, but no longer do so because the streams are too polluted. CCC members believe

that the abundance of the local wildlife has been affected by the stream pollution. Members of CCC also find the visible iron color of two of the streams aesthetically displeasing, reducing their use and enjoyment of their properties and the local environs.

21. CCC members have also repeatedly experienced fugitive coal ash pollution on their homes, cars, and other property from uncovered trucks hauling coal ash and have been exposed to additional dust when driving state road 4022 where trucks cross from the terminal area to the Refuse Site.

22. Finally, CCC members own property close to the Refuse Site, and the fugitive coal ash pollution and nearby contaminated streams have reduced their value of these properties.

23. Defendants' illegal discharges of leachate into the groundwater and local surface waters have caused high levels of pollution that impair the health of the aquatic ecosystem and can cause loss of critical biota, fish advisories, and fish kills. Defendants' illegal discharges have degraded and continue to degrade the quality of these waters, and thereby adversely affect the recreational, aesthetic, environmental, property and other interests of CCC's members. The interests of CCC's members have been and will continue to be affected by the Defendant's failure to comply with state and federal environmental laws.

24. The interests CCC seeks to protect are germane to the organization's purpose.

25. Neither the claims asserted, nor the relief requested, require the participation of the individual members of CCC in this lawsuit.

26. Defendant Matt Canestrone Contracting, Inc. (MCC) is a Pennsylvania corporation owned and operated by Matt and Lorraine Canestrone of Belle Vernon, PA.

LEGAL AND FACTUAL BACKGROUND

Refuse Site

27. The Refuse Site is a 506.7 acre site, of which 361.5 acres are currently affected, or are planned to be affected, by coal refuse disposal activities. The Refuse Site contains two garbage of bituminous (gob) piles filled with coal refuse slurry that together contain about forty million tons of refuse. MCC is disposing of coal ash on top of these piles for the purpose of “reclaiming” the site. The Refuse Site receives approximately 200,000 tons per year of coal ash from coal-fired power plants in southwest Pennsylvania.

28. According to permit filings, more than 50 families own property in the area adjacent to the Refuse Site. Four families own property that is contiguous with the Refuse Site.

29. The Prep Plant Site is adjacent to the Refuse Site and is where ash from barges is loaded onto trucks. The Prep Plant Site is also referred to as “the terminal” in the air permit files.

30. According to DEP files, the mining waste dump at the Refuse Site has a history of environmental problems, including stability issues, water pollution, groundwater infiltration, and fugitive particulate matter pollution.

31. In 1999, 2002, 2004, 2005, 2007, 2008, 2010, 2011, and 2012, DEP issued notices of violations to MCC associated with faulty erosion and sedimentation controls or exceedances of effluent standards or issues with compaction standards at the Refuse Site.

32. Although MCC’s 1997 permit application claimed that depositing the coal ash waste would form a cement-like hard cap on the Refuse Site, in fact the waste consistency is somewhat fluid and does not prevent water from reaching the underlying coal refuse. Mine Safety and Health Administration (“MSHA”) inspectors have expressed concern that the ash

material has a consistency “like toothpaste” and that there are “major erosions at the right groin” of Slurry Pond 3.

33. Coal ash contains sulfates, manganese, and other toxic substances, has a negative economic value and is often disposed in wet ponds or landfills. It is a generally alkaline waste that has contaminated ground and surface waters with toxic pollutants in Pennsylvania and across the U.S. For example, DEP has ordered FirstEnergy to close its Little Blue Run coal ash impoundment in southwest Pennsylvania in 2016 because the leaking impoundment may present an imminent and substantial endangerment to health and the environment.

Water Pollution: Violations of RCRA, CSL, and PA SMCRA

34. RCRA allows citizens to sue a solid waste facility operator who has contributed or is contributing to the treatment, handling, storage, transportation, or disposal of waste that “may present and imminent and substantial endangerment to health or the environment.” 42 U.S.C. §§ 6972(a)(1)(B), 6973(a).

35. The CSL prohibits discharges to waters of the Commonwealth that result in pollution. . .” 35 PA. CONS. STAT. § 691.401. It also prohibits unpermitted discharges of industrial waste and specifically any unpermitted post-mining waste discharges. 35 PA. CONS. STAT. §§ 691.301, 691.315(a).

36. Pennsylvania mining and waste disposal laws prohibit causing air or water pollution in connection with mining. 52 PA. CONS. STAT. § 1396.18f. More specifically, Pennsylvania regulations require that “surface mining activities shall be planned and conducted to minimize disturbances to the prevailing hydrologic balance in the permit and adjacent areas and to prevent material damage to the hydrologic balance outside the permit area.” 25 Pa. Code §

87.101(a). Pennsylvania regulations on the beneficial use of coal ash also state that coal ash may not be used in a way that causes water pollution. 25 Pa. Code § 290.101(f).

37. MCC has contributed to the handling of the underlying coal refuse by undertaking activities that directly move the waste, such as re-grading. It has also contributed to the handling of the waste in slurry pond 3 by dewatering the impoundment, and buttressing the refuse embankments. MCC plans to handle the liquid waste in slurry pond 2.

38. MCC is currently transporting, handling, and disposing of coal ash wastes from two other power plants and has been engaged in similar activities for over ten years. MCC is paid by the generator of the coal ash for this service.

39. MCC has entered into an agreement to dispose of the coal ash waste that is currently being disposed at Little Blue Run after that impoundment closes.

40. To the extent that the coal ash waste comes into contact with the coal refuse, it serves to neutralize the acidic refuse and the acidic leachate coming from the coal refuse, which is a form of treatment.

41. Coal ash waste, however, does not treat or neutralize the effects of heavy metals and other toxic substances entrained in coal refuse waste but adds additional pollution. Further, the addition of coal ash waste can alter the in situ geochemistry significantly and create conditions that allow for the dissolution and discharge of toxic materials that were previously immobile.

42. MCC's operations result in unauthorized discharges of polluted mine drainage to waters of the commonwealth that cause water pollution in violation of RCRA and the Pennsylvania state laws enacted to protect aquatic ecosystems.

43. This leakage also contributes to the disposal of waste from the Refuse Site.

44. Only a small part of the Refuse Site has a clay liner; thus, there is no effective barrier to prevent leachate from the waste from entering groundwater.

45. Four streams have their headwaters at or close to the Dump Site and run into the Monongahela River. All of these streams are polluted by ionic pollution (measured by conductivity and total dissolved solids) and sulfate leaching from the Refuse Site. These pollutants are associated with both coal refuse and coal ash waste.

46. These streams are designated as a cold water fishery. The Pennsylvania water quality standards applicable to these streams are contained in Pa. Code § 93.6 Table 3. These standards include a limit of 1.5 mg/L as a 30-day average concentration for iron and 1.0 mg/L as a maximum concentration for manganese.

47. Recent scientific studies since 2008 have linked increased conductivity and sulfate concentrations downstream from mining discharges to losses of sensitive aquatic biota in, and biological impairment of, streams throughout the central Appalachians. Substantial and increasing aquatic life impacts occur as conductivity increases beyond 300 $\mu\text{S}/\text{cm}$. The Refuse Site is located in an area with stream systems similar to those used as the basis for these studies.

48. One of the two orange colored seeps that originates at the Refuse Site flows into Meadow Run to the south of the Refuse Site just before it flows under a bridge for the public road. Meadow Run is discolored orange below this seep. The water flowing from this seep contains high levels of dissolved salts, iron, and manganese. On September 20, 2012, Plaintiff measured iron and manganese levels of 46.7 mg/L and 2.7 mg/L, respectively, which are over 31 times the applicable Pennsylvania standard for iron and 2.5 times the applicable Pennsylvania standard for manganese. In addition, the water flowing from the seep had a conductivity of 2300 $\mu\text{S}/\text{cm}$ and a sulfate concentration of 1190 mg/L.

49. The second of the two orange colored seeps that originates at the Refuse Site flows into a stream (Stream 1) to the east of the Refuse Site just before it flows under a bridge for the public road. Stream 1 is discolored orange below this seep. The water flowing from this seep contains high levels of dissolved salts, iron, and manganese. On September 20, 2012, Plaintiff measured iron and manganese levels of 12.2 mg/L and 1.3 mg/L, respectively, which are over 8 times the applicable Pennsylvania standard for iron and 1.3 times the applicable Pennsylvania standard for manganese. In addition, the water flowing from the seep had a conductivity of 2950 μ S/cm and a sulfate concentration of 1080 mg/L.

50. Neither of these seeps is mentioned in MCC's NPDES permit, nor were they specifically identified in MCC's NPDES permit application. The application stated that there were no seeps within 1000 feet of the permit boundary, but the seep into Stream 1 is within 1000 feet of that boundary.

51. In its 1997 permit application, MCC attributed seeps on the face of the coal refuse to the runoff that collects in slurry pond 3, which sits on top of the slurry pile, and stated that the site had been a source of water pollution for many years. The application stated that these seeps resulted from old dewatering facilities—their source was slurry pond 3—and they would be eliminated. Subsequent correspondence indicates MCC agreed to intercept at least some of these seeps and send them to treatment.

52. Stream samples taken by MCC in the last five years show that pollution from the Refuse Site continues to reach the streams. Meadow Run approaches from the south and then turns east running past the Refuse Site and into the Monongahela. At monitoring point SW-1, which is least affected by the Refuse Site, the conductivity level has hovered at about 1100 μ S/cm for the past five years. At monitoring point SW-3, where the stream passes closest to the

Refuse Site, the conductivity consistently reaches over 5,000 $\mu\text{S}/\text{cm}$. Downstream, closest to the Monongahela River at monitoring point SW-18, the conductivity is approximately 1,400 $\mu\text{S}/\text{cm}$.

53. Sulfate levels in Meadow Run exhibit a similar, but even more pronounced, pattern of becoming much more polluted as this stream approaches the Refuse Site and becoming slightly less polluted as it progresses towards the River. At SW-1, upstream of the Refuse Site, in September 2012 the sulfate level was 230 mg/L, while at SW-3, closest to the Refuse Site, it was over 2,000 mg/L, and at SW-18 it was approximately 430 mg/L.

54. Iron levels in Meadow Run are also high. At SW-3, iron concentrations were 33 mg/L in 2009 and 17.6 mg/L in September 2012. Further downstream at SW-18, iron levels were 8.88 mg/L in September 2012. These levels exceed the applicable Pennsylvania standard for this stream by up to 22 times.

55. Sampling at SW-3 in 2012 revealed potentially harmful levels of the following metals: antimony (0.26 mg/L); boron (4.31 mg/L); and lead (0.21 mg/L). These levels exceeded the EPA Criterion Continuous Concentration (“EPA CCC”) for antimony (0.005 mg/L); the Pennsylvania Chronic Water Quality Standard for boron (1.6 mg/L); and the EPA criterion maximum concentration (“EPA CMC”) and EPA CCC for lead (0.065 and 0.0025 mg/L, respectively). These metals are not monitored at SW-1 and SW-18.

56. Stream 1 has its headwaters to the east of the Refuse Site and flows slightly northeast to the Monongahela River. There is one monitoring point in this stream at SW-17. At that point, the conductivity level has ranged between 2340 and 4310 $\mu\text{S}/\text{cm}$ over the past five years.

57. At the same point, manganese concentrations ranged as high as 1.35 mg/L in 2012 and 1.81 mg/L in 2011. Iron levels ranged from 0.19 mg/L to 1.09 mg/L. Other metals are not monitored at this point.

58. The high levels of iron in the seep that discharges to this stream and the visible orange color indicate that the stream is polluted with high levels of iron below this seep.

59. Stream 2 has its headwaters to the north of the Refuse Site and flows slightly southeast to the River. There is one monitoring point in this stream at SW-8. At that point, the conductivity level in August 2012 was just over 2700 $\mu\text{S}/\text{cm}$ and the sulfate concentration was over 1900 mg/L.

60. Stream 3 has its headwaters to the west of the Refuse Site and flows northwest to the Mongahela River. There are two monitoring points in this stream. SW-15 is a downstream point that is monitored by MCC. DS27-5 is an upstream point that Plaintiff sampled on September 20, 2012. The upstream point is closer to the western face of Slurry Pond 3. Upstream at DS27-5, the conductivity level was just over 3850 $\mu\text{S}/\text{cm}$ in September 2012. Downstream at SW-15, the conductivity level declined slightly to just under 2037 $\mu\text{S}/\text{cm}$. With regard to sulfate, the upstream level was over 1870 mg/L, while downstream it was just over 950 mg/L.

61. At DS27-5, the manganese level was 2.85 mg/L on September 20, 2012. This is over twice the applicable Pennsylvania standard.

62. The types of pollutants observed in these streams are contained in the coal ash and mine waste. There is no other credible source of these pollutants in the area.

Fugitive Coal Ash Pollution from Uncovered Trucks: Violations of Permit Conditions and the APCA

63. MCC's Operating Permit for air pollutant emissions (Air Permit) states that "[a]ll trucks carrying bulk material shall be tarped when leaving the terminal"; "[a]ll roads shall be kept clean or watered as needed to minimize dust"; and "[a]t no time shall the terminal undertake any activity, even when in compliance with the ... work practices, such that it permits fugitive dust to cross the property line." Air Permit, ¶¶ C.VI. #009, #010.

64. A condition imposed under the APCA in MCC's Coal Waste Refuse Disposal Area ("CRDA") permit require that, "[a]ll trucks which transport coal ash shall be covered with a suitable covering to minimize dust emissions during transit from each generating station to the disposal site." CRDA Permit No. 26970702, Part B, Special Condition 25.

65. It is a violation of the APCA to "fail to comply with any order, plan approval, permit or other requirement of the department." 35 P.S. § 4008. .

66. According to the EPA, inhalation of fugitive air pollution associated with coal ash waste can "cause adverse human health effects . . . due to inhalation of small-diameter (less than ten microns) 'respirable' particulate matter that cause[] . . . a host of cardio and pulmonary mortality and morbidity effects." Hazardous and Solid Waste Management System; Identification and Listing of Special Wastes; Disposal of Coal Combustion Residuals From Electric Utilities; Proposed Rule, 75 Fed. Reg. 35,128, 35,171 (June 21, 2010).

Dust pollution can cause health effects, even if it contains no entrained toxic substances. When this dust, also known as particulate matter, is breathed in, it can irritate and damage the lungs causing breathing problems. Fine particles are easily inhaled deeply into the lungs where they can be absorbed into the blood stream or remain embedded for long periods of time.

67. MCC has consistently hauled coal ash in uncovered trucks from generating stations and the terminal to the Refuse Site, crossing State Road 4022.

68. When MCC hauls coal ash in uncovered trucks it creates visible dust clouds.

69. CCC members have repeatedly observed trucks hauling coal ash, crossing state road 4022, and creating visible dust clouds.

70. CCC members have documented trucks hauling coal ash from the terminal without cover, traveling from the terminal and across state road 4022 with photographs and videos. Among the dates that CCC members have documented these occurrences are at least January 23, 2013, February 12, 2012, and January 5, 2011.

71. Plaintiff CCC is unaware of any change in CCC's operations that will result in it complying with its permit requirements. Upon information and belief, MCC will continue to violate its permit requirements after the date this complaint is filed.

CAUSES OF ACTION

72. The allegations set forth in Paragraphs 1 through 71, inclusive, are incorporated herein by reference.

Count 1: Violations of Section 7002(a)(1)(B) of RCRA.

73. Pursuant to 42 U.S.C. § 6903(15), MCC is a "person" subject to the citizen suit provisions of RCRA, 42 U.S.C. § 6972.

74. MCC has contributed to and is contributing to the treatment, handling, transportation, and disposal of the wastes at the Refuse Site.

75. Pollution from those wastes is reaching the local streams via groundwater flow and visible seeps in levels that are environmentally harmful to the aquatic life in these streams. This pollution may present an imminent and substantial endangerment to the environment as that term is used in Section 7002(a)(1)(B) of RCRA, 42 U.S.C. § 6972(a)(1)(B).

76. In accordance with this provision, MCC is subject to injunctive relief requiring it to abate the endangerment.

Count 2: Violations of the Pennsylvania Clean Streams Law

77. MCC has allowed and is allowing mine drainage, which is an industrial waste, to flow from the Refuse Site to local streams via groundwater flow and seeps. These flows are not authorized by a permit, in violation of CSL Section 301. 35 PA. CONS. STAT § 691.301.

78. MCC is allowing unpermitted discharges to flow from its mine to local streams, in violation of CSL Section 315(a). 35 Pa. Cons. Stat § 691.315(a).

79. MCC's discharges of contaminated water from the Refuse Site via seeps and groundwater flow are causing pollution in local streams, in violation of CSL Section 401. 35 PA. CONS. STAT § 691.401.

80. Plaintiff has a right to compel compliance with the CSL. 35 PA. CONS. STAT § 691.601(c).

Count 3: Violations of Pennsylvania Mining and Waste Disposal Laws

81. MCC's mine and reclamation activities are causing water pollution in local streams and material damage to the hydrologic balance beyond the permit area in violation of Pennsylvania mining and waste disposal laws. 52 PA. CONS. STAT § 1396.18f; 25 PA. CODE § 87.101; 25 PA. CODE § 290.101(f); and 25 Pa. Code § 90.101(a), (d) and (e).

82. Plaintiff has a right to compel compliance with these mining and waste disposal laws. 52 PA. CONS. STAT § 1396.18c(a).

Count 4: Violations of the Air Permit, the CRDA Permit and the APCA

83. By failing to cover trucks hauling coal ash traveling from the terminal and across State Road 4022, MCC is violating the terms of its Air Permit and the terms of its CRDA permit authorized under the APCA. Violating these permits also constitutes violations of APCA.

84. Plaintiffs have a right to compel compliance with the Air Permit, the air provisions of the CRDA permit and the APCA. 35 PA. CONS. STAT § 4008; 35 P.S. 4013.6(c).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Court to:

1. Declare that MCC is in violation of RCRA, CSL, APCA, and PA SMCRA;
2. Enjoin MCC from further violating RCRA, CSL, APCA, and PA SMCRA;
3. Order MCC to assess and remediate the harm caused by its violations of the RCRA, CSL, APCA, and Pennsylvania mining and waste disposal laws, including but not limited to the following:
 - a. Preventing leachate from forming by preventing water from penetrating into the waste by placing an impermeable cap on the waste and cutting off any groundwater flow through the waste;
 - b. Preventing existing leachate from reaching the local streams; and
 - c. Conducting a Prompt and complete investigation and delineation of all contamination emanating from the Refuse Site;
 - d. Abating any contamination that could lead to further pollution of local streams.
4. Assess any appropriate civil penalties against MCC.;

5. Award Plaintiff the cost of litigation, including reasonable attorney's fees, costs, and expert fees and expenses;
6. Retain jurisdiction to ensure compliance with its decree; and
7. Grant such other relief as the Court deems just and proper.

DATED: June 26, 2013

Respectfully submitted,

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