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Army Corps Fails To Consider Human Cost of Two Proposed Coal Mines

Groups Contend Army Corps of Engineers Ignored Health Studies When Issuing Two New Mountaintop Removal Permits in Kentucky, West Virginia

The U.S. Army Corps of Engineers failed to account for the negative health impacts on people living near new mines in eastern Kentucky and West Virginia according to two separate lawsuits filed today by the [Sierra Club and Kentuckians For The Commonwealth in Kentucky](#) and the [Sierra Club, Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy and Coal River Mountain Watch in West Virginia](#).

The groups acted to block two U.S. Army Corps of Engineers permits – one that allows Leeco, Inc. to destroy more than 3 miles of streams and construct one enormous valley fill at the Stacy Branch mine along the Perry and Knott County border in eastern Kentucky and a second that allows Raven Crest Contracting to destroy nearly 3 miles of streams at the Boone #5 mine in Boone County, West Virginia.

The permits, a requirement under the Clean Water Act to begin mountaintop removal mining, were issued by the Corps on July 26th for Leeco and August 30th for Raven Crest. The organizations contend that the Corps was wrong in issuing the permits because it failed to consider the health impacts on people living near the mines.

"As a family physician and public health educator who practiced in rural Kentucky for over 30 years, I am concerned about recent research showing that cancer, cardiovascular disease, birth defects and low birth weight babies occur at higher rates in people living near mountaintop removal coal mining sites. These communities also experience a lower overall quality of life and a lower life expectancy. These medical and public health concerns make it extremely important that we take the human health cost of such mining into account in all decisions about such mining practices," said Dr. John Patterson.

An increasing body of published, peer-reviewed studies shows a correlation between mountaintop removal mining and serious public health concerns including higher rates of birth defects, certain forms of cancer, higher heart, lung and kidney disease rates and a lower life expectancy than for the average American^[1]. The groups filing the actions contend that the Army Corps of Engineers must, by law, take these factors into account when issuing permits for mountaintop removal mining – something it failed to do in the case of the Stacy Branch and Boone #5 mines.

Pam Maggard, a member of Kentuckians For The Commonwealth, lives near the Stacy Branch mine.

"This mine is going to ruin our neighborhood here in Sassafras. We have several people on my street who already have breathing problems and kids with asthma. Once again no one will be able to enjoy being outside on their porches and in their yards because of all the dust and mud. We lived through this a few years ago when coal trucks were hauling through Sassafras six days a week, hundreds of trucks a day. We hadn't heard anything about this proposed permit for a few years, I really thought and hoped they had decided to not mine that mountain," said Maggard.

Robin Blakeman, a Community Organizer for the Ohio Valley Environmental Coalition, has generations of family from the area around the Boone #5 mine in West Virginia.

"Growing up, I thought of Peytona and Racine as a timeless and unchanging place with beautiful free flowing steams and small communities where at least seven generations of my ancestors have lived healthy, productive lives. Unfortunately the increased strip mining by Raven Crest is now threatening the area with a variety of problems including dust, blasting damage and toxic water pollution so bad that I worry about the impacts on unborn children and others at risk of cancer, kidney disease and other major illnesses. It's time the Corps and other regulatory agencies begin to pay attention to the potential human health risks posed by this and similar mining, and deny their application for permits to expand their operations," said Blakeman.

The organizations made further claims in both cases about impacts on local streams. In the case of the Stacy Branch mine they argue that the Corps failed to take the required "hard look" at the environmental impacts from the mine because the agency relied on a flawed protocol for assessing whether the proposed stream mitigation can actually replace the streams destroyed by the mining.

At the Boone #5 mine, they argue that the Corps failed to consider the impacts of mining through high quality streams. Under the current permit, Raven Crest will be allowed to destroy almost three miles of streams because it claims it can rebuild them. However, due to the pristine nature of some of the impacted waterways, the citizen groups claim it would be impossible for the company to return the streams to a similar quality.

"Mountaintop removal mining has put the health of our mountain communities at risk for far too long. I have been exploring the streams in this region for many years and have seen many healthy streams degraded over time from mining impacts. I am greatly concerned for the people who live, fish and play downstream from these mining sites. It is irresponsible for the Corps to approve any permit that doesn't take the devastating health impacts of mountaintop removal mining into account," said Lane Boldman of the Kentucky Sierra Club.

The Leeco, Inc. complaint was filed against the U.S. Army Corps of Engineers in the U.S. District Court for the Western District of Kentucky. Sierra Club and Kentuckians For The Commonwealth are represented in this matter by Joe Lovett, Amy Vernon-Jones and Mike Becher of Appalachian Mountain Advocates, by Mary Cromer of the Appalachian Citizens' Law Center and by Emma Cheuse, Jennifer Chavez and Neil Gormley of Earthjustice.

The Raven Crest Contracting complaint was filed against the US Army Corps of Engineers in the US District Court for the Southern District of West Virginia. Sierra Club, Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy, and Coal River Mountain Watch are represented in this matter by Joe Lovett, Amy Vernon-Jones and Mike Becher of Appalachian Mountain Advocates.

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