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Virginians Act to Protect Rights of Citizens in Mining Communities

Local Residents Being Shut out of the Process.

Appalachia, Virginia – The State of Virginia’s Division of Mined Land Reclamation (DMLR) has continuously failed to notify the public when it grants certain mountain top removal mining permits. The DMLR is the state agency in charge of carrying out parts of the federal Clean Water Act that relate to pollution from mountain top removal mining. The agency is required by federal law, before it grants a permit, to inform residents that a permit process has begun and give residents the ability to comment. The agency has failed to do so. Despite multiple attempts by advocates to urge the DMLR to change course, Virginia has failed in its responsibility to uphold this portion of the Clean Water Act. In order to protect the public participation rights of residents affected by Virginia's mishandling of these protections, the Sierra Club, Southern Appalachian Mountain Stewards and Appalachian Mountain Advocates have asked the Environmental Protection Agency to strip Virginia of the ability to grant Clean Water Act discharge permits for surface mines, effectively ending Virginia's ability to allow mountain top removal mining to move forward.

In August of 2011 the Appalachian Mountain Advocates requested to be placed on a list of people and organizations informed when pollution permits for surface mines are requested. The DMLR replied that no such list exists despite requirements in the Clean Water Act that require the agency to maintain such a list. The coalition of organizations filing this request has asked the EPA to take back control of the water permitting process in Virginia.

“Communities badly affected by mining are being muzzled by sheer negligence,” said Glen Besa, Director of the Virginia Chapter of the Sierra Club. “Does the McDonnell Administration's Department of Mines, Minerals and Energy regulate the coal industry or does the coal industry run DMME? The agency's failure to meet public participation requirements suggests to me the latter.”

“The Virginia Department of Mines Minerals and Energy public notification system is completely inadequate and leaves people in the dark when it comes to mining permits,” said Matt Helper, Water and Enforcement Organizer for the Southern Appalachian Mountain Stewards. “ Furthermore, freedoms of information act requests are prohibitively expensive due to inefficiencies at the DMME. Other states, such as West Virginia and Kentucky allow for basic mine permit information to be found online. Virginia permit system needs to be brought into the 21st century.”

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