

# COURT RULES TO PROTECT KENTUCKY WATERWAYS FROM COAL POLLUTION

Wednesday, September 11, 2013

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**Trimble County, KY** -- In a victory for clean water and public health, a Kentucky circuit court has overruled a lax permit that allowed Louisville Gas and Electric (LG&E) to dump large amounts of mercury, arsenic and other pollutants into the Ohio River from its Trimble County Generating Station coal-fired plant.

Kentucky had granted LG&E an exceedingly weak Clean Water Act permit in 2010 that left the Ohio River -- a hub for fishing and recreation -- in danger. Late Tuesday, the Franklin Circuit Court in Kentucky ruled in favor of Kentucky Waterways Alliance, Sierra Club, Valley Watch and Save the Valley, sending the permit back to the Kentucky Division of Water, a state environmental agency.

"This is wonderful news for Kentucky's rivers and means that LG&E will now have to put in place controls for toxic pollutants like arsenic and mercury," said Judy Peterson, Executive Director of the Kentucky Waterways Alliance. "It's been forty-one years since the Clean Water Act was passed by a bipartisan Congress over then President Nixon's veto. This decision reinforces that the Act does indeed require the Division of Water to write discharge permits that limit all pollutants in an industry's discharge."

This decision comes as the U.S. Environmental Protection Agency prepares a final standard protecting waterways against pollution from coal plants. Four out of five coal plants in the U.S. have no limits on the amount of toxics they are allowed to dump into our water. According to the EPA, more than half of all toxic water pollution in the country comes from coal-fired power plants, making coal plants the number one source of toxic water pollution in the United States.

“This decision is a landmark for clean water, and for sensible environmental regulation in Kentucky,” said Wallace McMullen, Energy Chair of Sierra Clubs Cumberland Chapter. “I applaud Judge Shepherd’s clear thinking, and hope that it will guide the Kentucky Division of Water in future permitting decisions.

The Trimble County Generating Station, which began operation in 1990, [made national news in February of this year](#) when its owner LG&E attempted to build a coal ash pond for waste from the plant near a cave believed to be part of the underground railroad. Markings inside the cave are believed by some to be from escaped slaves who used this cave as a weigh station in their flight to freedom. Most caves in the United States are protected from destruction under federal law.

“Valley Watch is thrilled that after all this time, the Kentucky Division of Water is having to deal with toxins like mercury and arsenic from a power plant,” said John Blair, president of Valley Watch located in Evansville, IN. “Most of our members live downstream and drink water from the Ohio River which has been referred to as ‘an open sewer’ for too long.”

Richard Hill of the Save the Valley said he was pleased with the decision. “We hope this leads to cleaner water in the river for the community,” Hill said.

For a copy of the decision visit

[https://docs.google.com/file/d/0B4xljUDF\\_SgsWGdDQ2QwTkfUms/edit?usp=sha...](https://docs.google.com/file/d/0B4xljUDF_SgsWGdDQ2QwTkfUms/edit?usp=sha...)

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