

PERMIT FOR LARGEST SURFACE COAL MINE IN EASTERN U.S. INVALIDATED

Indiana groups celebrate victory protecting local waterways and environment

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INDIANAPOLIS - The State of Indiana has failed to comply with the Clean Water Act by allowing the Bear Run coal mine in Sullivan County to discharge toxic water pollution without first determining that local waterways would not be degraded, an environmental law judge has ruled.

The Bear Run mine is the largest surface coal mine in the eastern United States, producing between 8 and 12 million tons of coal annually. Environmental Law Judge Catherine Gibbs of the Indiana Office of Environmental Adjudication issued the ruling earlier this week in a case brought by the Environmental Law & Policy Center (ELPC), Hoosier Environmental Council, and the Sierra Club.

Gibbs sent the permit back to IDEM to conduct the required “anti-degradation” review, which must ensure there are adequate protections for existing uses of local waterways. In their challenge, ELPC, Hoosier Environmental Council, and the Sierra Club cited significant deficiencies in the state’s permitting process for the coal mine. “The Bear Run Mine is one of the least regulated coal mines of its size in the nation,” ELPC staff attorney Jessica Dexter said. IDEM’s general permit rule failed to ensure that significant pollution threats are not unduly increased. “The one-size-fits-all approach ignores that this mine and this watershed has its own set of potential pollution issues that need to be addressed,” Dexter said.

"If you’re digging the largest surface mine east of the Mississippi River, Judge Gibbs recognizes that you must protect local waterways for the use of residents and wildlife. It’s time for IDEM to start doing its job and protect the waters of Indiana from coal mine pollution, as the Clean Water Act requires," said Jodi Perras, Indiana representative for Sierra Club's Beyond Coal campaign.

“Indiana’s state environmental agency has rubber-stamped the Bear Run Mine using weak rules that aren’t on par with what we expect from other industries.” Dexter said. “IDEM needs to fix this broken permit program now.”

The environmental groups contend that the mine should have to fulfill its obligation to operate safely, including a thorough study of the mine’s wastewater and analysis of nearby waterways. Clean Water Act permits are intended to set meaningful limits on all pollutants that facilities discharge -- including

toxic pollutants discharged by coal mines. An individual permit -- like the ones issued to other large mines in the United States -- would require Bear Run owners, Peabody Midwest Mining, LLC, to study the mine's wastewater, analyze nearby waterways, determine the threat of toxic contamination, and obtain a permit that sets pollution limits based on the waterways' ability to handle the wastewater. The permit would also require regular water quality testing and reporting.

"IDEM's job is to protect the environment. There is simply no good reason for the agency to allow one of the largest coal mines in the country to get a pass in having to control its pollution discharges to the same extent required of other large industries." HEC staff attorney Kim Ferraro said.

Surface coal mining destroys local environments by bulldozing away earth and dredging waterways to extract coal buried near the surface. Surface coal mines like Bear Run pollute local waterways with toxic pollutants that can destroy habitats for fish and wildlife, and discharge toxic heavy metals that can contaminate surrounding waterways. Some of the toxic pollutants often found at surface coal mines include arsenic, lead, and mercury, which have been linked to serious health threats but are not required to be monitored under IDEM's general permit.

The ruling can be found [here](#).

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Campaign Name: