

**For Immediate Release**  
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**GOVERNOR TOMBLIN APPLAUDS COURT RULING AGAINST  
EPA;  
MINE POISED TO PUT PEOPLE BACK TO WORK**  
*Governor Tomblin Calls on EPA to Play within the Rules and Issue  
Permits*

CHARLESTON, W.Va. -A federal judge today reversed the U.S. Environmental Protection Agency's January 2011 ruling that revoked Mingo Logan Coal Company's Spruce No. 1 Mine ("Spruce") permit in Logan County.

The permit was issued by the U.S. Army Corps of Engineers in 2007 after the company worked 10 years to address environmental concerns outlined by the EPA, only to have the EPA revoke it years later. Mingo Logan then sued to get its permit back.

Ruling in favor of Mingo Logan, U.S. District Judge Amy Berman Jackson concluded today that the EPA did not have the authority to invalidate an existing permit, and that the EPA had exceeded its authority under the Clean Water Act.

"This is a huge victory for West Virginia and our coal miners," Gov. Earl Ray Tomblin said. "I want to thank Judge Jackson for recognizing that the EPA and the federal government were completely wrong in revoking this permit. I now call upon Lisa Jackson and the EPA to admit that they have gone too far -- enough is enough. Issue our permits so that we can put our people back to work and provide the resources that will power America."

Spruce is the most heavily studied and scrutinized surface mining operation in the history of West Virginia. At full production, the mine is expected to employ 235 miners and create approximately 300 indirect and induced additional jobs.

In 2007, the Army Corps of Engineers issued a Clean Water Act Section

404 permit for for Spruce. Almost three years after the Corps had issued the permit, the EPA revoked it -- even though the state had certified that Spruce, for this permit, was in compliance with the state's water quality standards and all applicable federal laws.

The EPA's action in revoking the permit was unprecedented in the history of the Clean Water Act, and was described by Gov. Tomblin as "devastating to the southern coal fields and our entire state." To fight this action, West Virginia had submitted a "friend of the court" brief in support of Mingo Logan's challenge to the EPA's actions in D.C. federal court, arguing that the EPA should not be allowed to revoke the Spruce permit after the fact.

The Court concluded that nothing in the text or legislative history of the Clean Water Act provides the EPA the power to render a permit invalid once it had been issued by the Corps. The Court vacated EPA's action in its entirety, and ordered that Mingo Logan's Section 404 permit issued by the Corps remains valid and in full force.

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