From: Jon Capacasa
To: Shawn Garvin
Subject: Fw: Buffalo Mountain Press
Date: 01/26/2012 05:14 PM

FYI
▼ Gregory Peck

----- Original Message -----
From: Gregory Peck
Sent: 01/26/2012 04:18 PM EST
To: Nancy Stoner; Ken Kopocis
Cc: Arvin Ganesan; Bob Sussman
Subject: Buffalo Mountain Press

Obama EPA pushes state, company to reduce impacts of CONSOL's huge Buffalo Mountain strip mine

January 26, 2012 by Ken Ward Jr.

Here in West Virginia, most political leaders can't say enough nice things about CONSOL Inc.'s plan for the Buffalo Mountain Surface Mine, a project associated with construction of

the much-touted King Coal Highway from Bluefield to Williamson.

But officials from the U.S. Environmental Protection Agency have always had questions about this particular mining proposal, having objected to it from President Obama's first day in office. And now, top EPA officials have issued another major new letter about the Buffalo Mountain Surface Mine, basically challenging state regulators and the company to come up with ways to reduce the operation's projected environmental impacts:

The EPA's review of the mining operator's proposal indicates that feasible, cost effective steps are available to be incorporated into the operation to avoid and minimize the significant, adverse environmental and water quality impacts associated with the Buffalo Mountain mine. Unlike Buffalo Mountain's mine design, modern, technically feasible and cost-effective mining practices are being proposed and incorporated by many mining companies into their mine designs with the intent to significantly reduce the adverse effects to the aquatic ecosystem.

That's from this letter, sent last week to WVDEP mining director Tom Clarke by Jon Capacasa, director of EPA's water protection division at Region III headquarters in Philadelphia.

EPA said that this permit — a 2,308-acre proposal for the area between Belo and Delbarton in Mingo County — "is among the largest single mining projects ever proposed in Appalachia" and that "the scale and magnitude of environmental and water quality impacts from the mine as currently proposed are as significant as any mining operation we have reviewed in the pats 20 years."

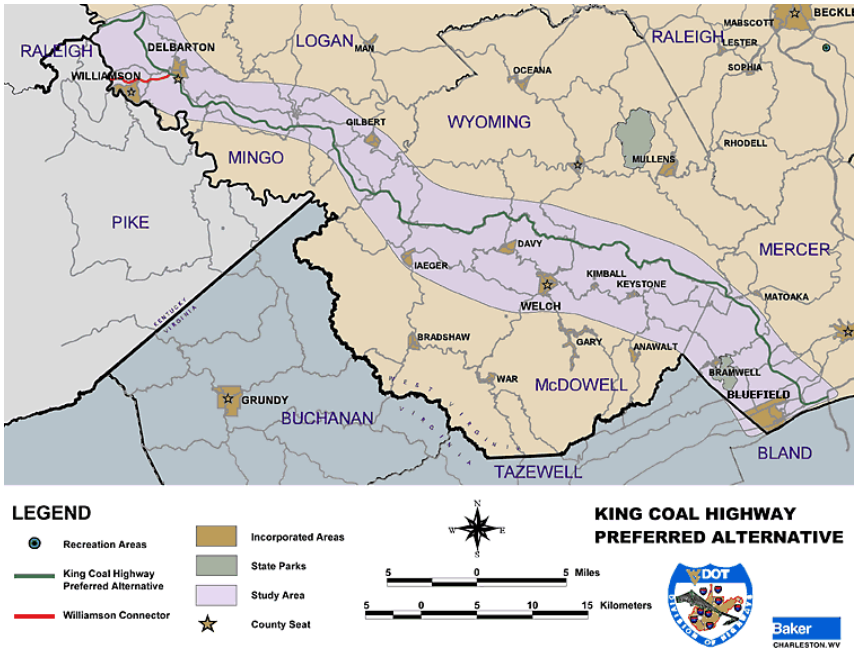
Federal officials noted that the mine will bury nearly 10 miles of streams with waste rock and dirt, and the Clean Water Act pollution discharge permit at issue in this letter (as opposed to the Section 404 permit from the Army Corps of Engineers, which EPA previously questioned) includes 159 water pollution outfalls, including 12 outfalls to handle discharges from the 13 proposed valley fills.

Citing its 2011 report, The Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems of the Central Appalachian Coalfields and the 2005 Environmental Impact Statement on mountaintop removal, EPA said in its letter:

The current scientific literature has increasingly documented the adverse water quality, environmental, and public health effects of Appalachian surface coal mining. Mountaintop mines and valley fills (MTM-VF) generally lead directly to five principal alterations to stream ecosystems: (1) springs, ephemeral, intermittent streams and small perennial streams are permanently lost with the removal of the mountain and from burial under fill; (2) concentrations of major chemical ions are persistently elevated downstream; (3) degraded water quality reaches levels that can be lethal to stream life; (4) selenium concentrations are elevated, reaching concentrations that have caused toxic effects in fish and birds; (5)

macroinvertebrate and fish communities are consistently and significant degraded.

(Not for nothing, but it's interesting that EPA noted in passing impacts on "public health," but provided no additional details, not citing the recent papers that link living near mountaintop removal to increased rates of birth defects and cancer. The agency has previously testified to Congress about these studies and cited them in rejecting the Spruce Mine permit.)



Interestingly, and as EPA notes in its letter, the Federal Highway Administration and the state Division of Highways have announced plans to conduct a supplemental Environmental Impact Statement to more specifically consider the impacts of the Buffalo Mountain Surface Mine. EPA observed:

The SEIS process will provide a helpful vehicle for agencies to work together to identify improvements in the mine design to reduce potential advese impacts to water quality, public health and the environment.

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