

Mountaintop Removal Mining under Scrutiny

by Erika-Marie S. Geiss

Coal is one of the most important energy sources that fuel our lives. Most electricity in the United States is generated from coal-fired plants. But in the wake of government concerns about climate change, as evidenced by the Intergovernmental Panel on Climate Control, the Kyoto Protocol, the recently passed House Bill H.R. 3221 and heightened public concern about energy and the environment, the coal industry has come under much scrutiny. Coal is considered “dirty energy” as it produces carbon dioxide, sulfur and other environmentally harmful emissions. Between calls for a cap-and-trade system and carbon sequestration, the coal industry is being pressed to find cleaner alternatives to producing the energy that this country demands (and that energy experts predict will increase by 40 percent by 2030). But those are not the only environmental issues the industry faces.

A Jan. 14 press release from Massey Energy, the fourth-largest U.S. coal mining company, touted the environmental achievements of three of its southern West Virginia operations. Three days later, however, the Environmental Protection Agency (EPA) announced that Massey was fined a record “\$20 million civil penalty in a corporate-wide settlement to resolve Clean Water Act violations at coal mines in West Virginia and Kentucky.” The violations were based on Massey’s use of mountaintop removal mining (MTR).

The process of MTR involves “clear cutting native hardwood forests, using dynamite to blast away as much as 800-1,000 feet of mountaintop, and then dumping the waste into nearby valleys, often burying streams,” according to Appalachian Voices, a conservation organization. MTR is used in the mines of the Appalachians in West Virginia, Kentucky, Virginia and Tennessee. While MTR does not require a coal company to return the land to “its original contour to achieve a specific land use following mining,” the company must comply with the Clean Water Act and other standards set forth by the government. Massey Energy did not.

A nearly decade-long battle that the Coal River Mountain Watch group has been fighting against Massey Energy shows that the environmental impact is strong and outweighs any labor efficiencies or financial benefits to the company. The EPA’s October 2005 Final Programmatic Environmental Impact Statement describes studies done in the region in 2002. Among other impacts, according to the studies, “of the largely forested study area [in Appalachia], approximately 6.8 percent has been or may be affected by recent and future (1992-2012) mountaintop mining.”

The report continued: “Compacted backfill material [for reclamation] hindered tree establishment and growth; reclaimed soils were more conducive for growing grass; and grasses, which out-competed tree seedlings, were often planted as a quick growing vegetative cover. As a result, natural succession by trees and woody plants on reclaimed mined land

(with intended post-mining land uses other than forest) was slowed. ... Approximately 1,200 miles of headwater streams (or 2 percent of the streams in the study area) were directly impacted by MTM/VF [mountaintop mining/valley fills] features including coal removal areas, valley fills, roads, and ponds between 1992 and 2002. An estimated 724 stream miles (1.2 percent of streams) were covered by valley fills from 1985 to 2001. Certain watersheds were more impacted by MTM/VF than others.” Residents also reported contaminated water and other health problems related to runoff from the MTR process.

The EPA’s Jan. 17 report about Massey’s recent fine stated: “In a complaint filed on May 10, 2007, the government alleged that Massey violated its Clean Water Act permits more than 4,500 times between January 2000 and December 2006. The complaint alleged that Massey discharged excess amounts of metals, sediment, and acid mine drainage into hundreds of rivers and streams in West Virginia and Kentucky. Many of the pollutants were discharged in amounts 40 percent or more than allowed. Some pollutants were discharged at levels more than 10 times over the permit limits.”

The government’s complaint, continued the report, “also alleged that Massey spilled large amounts of slurry, which is waste containing metals and sediment, into local waterways numerous times. Sediment can clog streams and harm fish habitats. The spills occurred as a result of failures in the processing, storage, and transportation of coal slurry.”

Baxter F. Phillips Jr., Massey Energy’s executive vice president and chief administrative officer, said Massey “will be setting a new standard for environmental compliance in the coal industry” when it performs 20 water-quality improvement projects on the Little Coal River in West Virginia and sets aside 200 acres of riverfront property to protect the land from future development through conservation easements.

Possible Precedent

The ruling against Massey Energy may be the first among others against companies using MTR. According to the Department of Energy’s Energy Information Administration, 32 major mines are engaging in surface mining. At the very least, the MTR process will probably come under greater public scrutiny. It could prompt more companies to move to the western states to harvest the lower-sulfur coal found there to achieve cleaner coal and avoid the potential for MTR-related problems. It could also lead to higher energy costs for the consumer as companies protect themselves from the financial hazards of MTR and protect communities from its environmental hazards.

In the quest for ease, efficiency and lower-cost production, Massey Energy may have delivered the coal industry a black eye, but balancing the industry’s environmental impact with the growing need for energy is a complex issue that cannot easily be resolved. ♦