

## Press Release Earth Justice

### Bush Admin Seeks to Lock Down Destructive Mountaintop Removal Mining Rule

*Coalfield residents face continued destruction of their communities and natural resources*

**October 17, 2008**

**Washington, DC** -- The Bush administration is announcing today plans to finalize a major environmental rule change before the end of its term. This afternoon, the Office of Surface Mining (OSM) will release its final Environmental Impact Statement (EIS) that recommends effectively repealing one of the key programs at issue in the ongoing battle over the controversial coal mining practice known as mountaintop removal.

The specific regulation the OSM is proposing to overturn is the Stream Buffer Zone rule, a Reagan-era restriction on surface coal mining activities that protects a 100-foot corridor around flowing streams in order to preserve water quality. The new rule, which is expected to be finalized in 30 days, will allow coal companies to dump massive waste piles called "valley fills" directly into streams, permanently burying them. Already, more than 2000 miles of Appalachian streams have been buried or degraded by waste from mountaintop removal mining.

Mountaintop removal coal mining -- the most environmentally damaging form of coal strip mining -- has received increased national attention in recent weeks as both Presidential candidates have expressed opposition to the practice.

Statement by Joan Mulhern, Earthjustice senior legislative counsel:

"The final EIS is a sham. The agency did not even study, among available alternatives, the option of enforcing the stream buffer rule that has been on the books since 1983. Instead, they pretend that the existing stream buffer law does not apply to valley fills and sludge impoundments, so any minutely incremental effort to 'minimize' those waste dumps is, in their version of this, a net benefit to the environment. Of course this is completely backwards.

"They claim their rule is better for the environment when the exact opposite is true. What they are calling a treat is nothing other than a trick.

"This latest move is the capstone to the devastating legacy the Bush administration has left to the communities in Appalachia and to all Americans who care about our nation's mountains and streams. In just 8 years this administration has allowed coal companies to obliterate mountain ranges that have existed for millennia. Today they are announcing plans to accelerate that destruction into the future and spread it nationwide."

**Contact:** Joan Mulhern, Earthjustice, (202) 667-4500