



CONGRESS OF THE UNITED STATES

FOR IMMEDIATE RELEASE
March 4, 2009

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LAWMAKERS INTRODUCE BIPARTISAN LEGISLATION TO PROHIBIT DUMPING OF INDUSTRIAL WASTE INTO RIVERS AND STREAMS

Washington, D.C. --- U.S. Reps. Frank Pallone, Jr. (D-NJ), David Reichert (R-WA), and John A. Yarmuth (D-KY) were joined by 116 of their colleagues in introducing bipartisan legislation today that would prohibit the dumping of industrial waste into rivers and streams.

The *Clean Water Protection Act of 2009* protects the definition of 'fill material' in the Clean Water Act from being expanded to include mining wastes and other pollutants. The legislation restores the prohibition on using waste as "fill" that had been included in the U.S. Army Corps of Engineers' regulations since 1977.

The legislation will create a statutory definition of "fill material" that expressly excludes waste materials and will clarify environmental law consistent with the purpose of the Clean Water Act- to restore and maintain the chemical, physical and biological integrity of the nation's waters.

Since 1970, more than 470 mountains in central Appalachia have been blown to bits and a million and a half acres of hardwood forests have been destroyed due to mountaintop removal. The U.S. Environmental Protection Agency reported in 2003 that more than 1,200 miles of headwater streams were buried and polluted by the toxic waste from this destructive method of mining. The report also found that the impacts of mountaintop removal valley fills will ultimately have a "disproportionately large impact on the total aquatic genetic diversity of the nation."

The health problems caused by exposure to these chemicals and heavy metals include cancer, organ failure and learning disabilities. In addition, there have been multiple cases of children suffering from asthma, headaches, nausea and other symptoms likely due to toxic contamination from coal dust.

"This bipartisan legislation is a simple way to protect water quality and the quality of life for those affected by mountaintop mining," Pallone said. "It is unacceptable to allow the excess spoil from this type of mining to be dumped in mountain streams where it can pollute waterways, and in some cases potentially endanger the lives of area residents. The federal government should not continue to give massive mining companies a free pass to dump their waste into nearby streams, and should instead protect residents who have been negatively impacted by this activity for too long."

"We have a responsibility to be good stewards of our environment, and this legislation is a strong measure of good stewardship for our waterways, and the communities around them," Reichert said. "Our children – and future generations – will be protected through this bipartisan legislation."

"The damage being caused by mountain top removal is irreparable, and each day that we fail to act our water is poisoned, our land is destroyed, and our communities are harmed," Yarmuth said. "We must enact the Clean Water Protection Act and put an end to the destruction that is devastating the natural resources for families and communities in Kentucky and throughout the region."

Mountaintop removal is a mining method where the top of a mountain is blown off to extract thin seams of coal. It permanently destroys streams, forests and mountains. The broken rock, or "excess spoil" from this process is usually dumped into nearby valleys, creating "valley fills" that cover hundreds of acres of land and bury hundreds of miles of streams.

On February 13, 2009, the 4th Circuit Court of Appeals in Richmond, Virginia, overturned a federal judge's ruling that required greater environmental review of permits for mountaintop removal in West Virginia. The Court ruled that the U.S. Army Corps of Engineers can issue Clean Water Act permits for valley fills without more extensive reviews. This ruling was a reversal of a U.S. District judge's ruling that the Corps was not requiring enough environmental review before issuing these permits.

The lawmakers believe that while this decision was a great victory for coal mine operators in Appalachia, it was a terrible defeat for the communities in that region. The ruling will permit mining companies to conduct devastating mountaintop removal coal mining without acting to minimize stream destruction or conducting strong environmental reviews. Today, dozens of permits could be expedited as a result of this ruling.