E.P.A. to Limit Water Pollution From Mining

By TOM ZELLER Jr.

The Environmental Protection Agency issued tough new water quality guidelines on Thursday that could curtail some of the most contentious coal mining techniques used across Appalachia.

In announcing the guidelines, Lisa P. Jackson, the agency’s administrator, cited evolving science on the effects of mountaintop removal mining, an aggressive form of coal extraction that uses explosives and vast machinery to tear off hilltops to expose coal seams, dumping the resulting rubble into streams and valleys below. The goal of the new rules, Ms. Jackson said, is to prevent “significant and irreversible damage” to Appalachian watersheds.

“Let me be clear,” Ms. Jackson said during a phone call with reporters. “This is not about ending coal mining. This is about ending coal mining pollution.”

The most substantial effect of the new guidelines — which the agency will promulgate to regional offices that issue permits — will be to benchmark the permissible levels of mining runoff likely to be introduced into the waterways surrounding a proposed project. Operations that would result in levels roughly five times above normal would be considered too damaging.

Ms. Jackson suggested that one practical result of the guidelines would be to make it far more difficult for so-called valley fill operations, where layers of soil and rock are removed from mountaintops and piled in nearby valleys and streams, to receive permits.

Also on Thursday, the E.P.A. published a pair of scientific reports that supported the new guidelines and announced plans for a new Web-based clearinghouse that will track mining permits under review.

Environmental groups hailed the guidelines as long overdue and an important step in bringing science to bear on environmental policy.
“I think it’s a very good day for people in Appalachia,” said Jon Devine, a senior attorney with the Natural Resources Defense Council. “E.P.A. is making clear that it is intending to follow the science when it issues permits.”

Mining industry representatives, however, said the guidelines threatened jobs in the region.

“America’s coal mining communities are deeply concerned by the impact of policy announced today by E.P.A. on coal mining permits, employment and economic activity throughout Appalachia,” Bruce Watzman, senior vice president for regulatory affairs at the National Mining Association, said in an e-mailed statement.

“The policy was announced without the required transparency and opportunity for public comment that is afforded to policies of this magnitude,” Mr. Watzman added.