

COMPREHENSIVE UNIFIED FEDERAL PLAN

Four federal agencies have developed a far-reaching agreement to thoroughly evaluate the environmental impact of mountaintop mining and valley fills in the Appalachian region, and to streamline the four agencies' work together. The four U. S. agencies are the Army Corps of Engineers, Environmental Protection Agency, Office of Surface Mining and Fish and Wildlife Service.

Over the next two years, the four agencies will conduct a comprehensive study of environmental impacts. By coordinating their efforts, the four agencies can ensure that all federal and state laws are being followed, and that adverse environmental impacts are minimized.

The study will provide information that will help the agencies improve the permitting process to help protect water quality and limit damage to other environmental resources.

The vehicle for this study is called a programmatic environmental impact statement (EIS). This process will examine how regulations of the four federal agencies interact, and what effect this interplay has on protecting the environment from negative environmental impacts of mountaintop mining.

The types of answers sought may include cumulative impacts of mountaintop mining; what kind of biological and habitat analysis should coal companies provide before mining begins; how effective is stream restoration; how viable are reclaimed streams compared to natural waters; what impact do filled valleys have on aquatic life, wildlife and nearby residents; and do companies satisfy their post-mining obligations.

The comprehensive study will include public meetings. Meanwhile, interim reforms will govern the way mountaintop mines are permitted during the two years while federal agencies complete their EIS study.

INTERIM PERMIT REFORMS

Any application for mountaintop mining which includes valley fills and which results in more than minimal adverse effects will require an individual U.S. Army Corps of Engineers permit regulated by Section 404 of the Clean Water Act.

In order to safeguard stream quality, such projects will also require National Pollutant Discharge Elimination System (NPDES) permits under Section 402 of the Clean Water Act for discharging treated wastewaters into U. S. waters.

As a general matter, any proposed fill which has an upstream watershed of 250 acres or more will be considered to have more than a minimal adverse impact and will require an individual Section 404 permit. Contiguous operations that add up to the critical 250 acres may be deemed to have more than a minimal adverse impact necessary and may require a permit under Section 404. Although some valley fills may be considered to have minimal impact under this agreement, this does not preclude specific requirements to ensure that impacts are minimized to the extent feasible.

The interim rules will apply to all pending and future permits.

Prepared by U. S. Environmental Protection Agency, Region III.

Additional information is available at EPA's Region III website: <http://www.epa.gov/region3/r3press/r3press.htm>

EPA REQUIREMENTS FOR HOBET PERMIT :

Reduced Scope of Project

1. Buried stream acreage scaled back by about 40 percent, from 12 acres to 7.4 acres.
2. The Clean Water Act permit to discharge from the site is limited to five of the 13 years that Hobet originally anticipated mining there.
3. The number of valley fills has been reduced from five to three, reducing the drainage area impacted by 1,200 acres, or 41 percent.
 - (A) Two valley fills totaling 783 acres of drainage area have been entirely eliminated: White Oak Branch (665 acres) and Fill #3 off Pigeonroost Branch (118 acres).
 - (B) Drainage area of Pigeonroost Branch fill is reduced from 1,100 acres to 849 acres, shortening the fill length by 3,000 feet.
 - © Old House Branch fill drainage area is reduced from 529 to 363 acres, shortening the fill length by 2,500 feet.
 - (D) Drainage area for right fork of Seng Camp Creek remains at 491 acres.

Mitigation for environmental damage

4. Hobet will provide 280 acres of forest to Chief Logan State Park.
5. 13 acres of perennial stream will be constructed on two reclaimed sites: nine acres at the Dal-Tex site and four acres on Hobet's No. 21 site.
6. A total of 14,000 feet of the Coal and Little Coal rivers, in three or more stretches, will be developed as enhanced fish habitat.
7. At least 15,000 hardwood trees will be planted on the Spruce No.1 site as part of the reclamation.
8. Two Indiana Bat habitats will be provided, one at Spruce and one at No.21 site.