



Union of Concerned Scientists
Citizens and Scientists for Environmental Solutions

January 6, 2004

Mr. John Forren
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Re: Draft programmatic Environmental Impact Statement on mountaintop coal mining and associated valley fills in Appalachia

Mr. Forren –

Thank you for the opportunity to offer comments on behalf of the Union of Concerned Scientists (UCS) on the Draft programmatic Environmental Impact Statement (draft EIS) on mountaintop coal mining and associated valley fills in Appalachia. Established in 1969, UCS is an independent nonprofit alliance of 65,000 committed citizens and leading scientists across the country. We augment rigorous scientific analysis with innovative thinking and committed citizen advocacy to build a cleaner, healthier environment and a safer world. The UCS Clean Energy Program focuses on developing a sustainable energy system—one that is affordable, uses non-depletable resources, and does not degrade natural systems or public health.

While UCS appreciates the considerable interagency effort that went in to developing the draft EIS, we must express our alarm in the Agency's decision to exclude consideration of any alternatives for more strict limits on mountaintop mining and valley fill, and instead largely ignore sound science by supporting a "preferred alternative" that weakens existing environmental protections, and ultimately eases the permitting process for coal mining companies.

There is strong empirical evidence in the over 30 technical studies conducted in association with the draft EIS that indicate the pervasive and permanent impact to the environment, and to the public health and culture of communities near mountaintop mining and valley fill operations. For example, the data show that over one thousand miles of headwater streams have been destroyed or degraded, including 724 miles of streams that have been buried forever under huge piles of waste. The report also states that it is difficult if not impossible to reconstruct free flowing streams on or adjacent to mined sites. Current reclamation efforts are simply converting what had been biologically diverse native hardwood forested mountaintops to grassland plateaus. Downstream of mountaintop removal operations, stream chemistry monitoring efforts show significant

increases in conductivity, hardness, sulfate, and selenium, which is highly toxic to aquatic life at relatively low concentrations.

Despite the considerable evidence of the environmental and social harm caused by mountaintop removal, the draft EIS does not include any meaningful actions for reducing its impact. There is no consideration for restrictions on the size of valley fills, nor are there any limits proposed on the number of acres of forest and other ecosystems that can be destroyed. There is also no consideration of new safeguards for the communities of people that value and depend on the region's ecological heritage.

According to the economic analysis prepared for the draft EIS in 2001 by Hill & Associates, even the most severe restriction on valley fills studied in their report (a 35-acre limit on the size of valley fills) would not cause serious economic harm. The report found that a 35-acre valley fill limit would raise the price of coal by only \$1 per ton and would have virtually no impact on the cost of electricity. A separate EPA draft study from April 2002 concluded that the 35-acre restriction would have very little average annual impact on statewide employment (less than 0.3% of total year 2000 employment) in Kentucky and West Virginia.

Rather than focusing on alternatives that strengthen restrictions on mountaintop removal and valley fill, the Agency's "preferred alternative" is to weaken existing environmental laws, and streamline the permitting process by shifting approval and administrative responsibilities among government agencies. The environmental and economic studies prepared for the draft EIS do not lend sufficient evidence to warrant support for this proposed "preferred alternative" as a means for limiting the impact of mountaintop coal mining.

The preliminary version of the draft EIS considered several alternatives that would limit the size of mountaintop removal valley fills. These alternatives represented more effective strategies for reducing the widespread impacts of mountaintop mining. They also more appropriately reflected the cumulative impact study that analyzed the effects on aquatic and terrestrial ecosystems of several different scenarios for future mountaintop removal mining. Yet, all alternatives for restrictions on valley fills were excluded in the draft EIS finally released. We urge the EPA to include these alternatives in the final EIS.

These alternatives should be considered for their own environmental merits. In addition, we note that the administration has been increasingly advocating the use of advanced coal technologies, in conjunction with carbon sequestration, as a potential carbon-free resource for electricity and hydrogen production. In this context, coal will compete with other carbon-free alternatives, such as the increased use of wind, solar and other renewable energy resources. To the extent the administration hopes to win support from the environmental community and public for advanced coal technologies as a potential climate solution, it is critical that the administration require progress in reducing the upstream environmental impacts of coal mining, to place coal on a more level playing field with renewable alternatives over the life cycle of these resources. Permitting hidden

subsidies for coal by way of allowing increased upstream impacts and external environmental costs can only diminish the likelihood of public support for advanced coal technologies.

We thank you for the opportunity to comment, and respectfully request the EPA to consider the recommendations proposed above.

Respectfully submitted,

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Kevin Knobloch
President
Union of Concerned Scientists