

# Oppose Effort By the Bush Administration to Blow Up Mountains and Destroy Streams in Appalachia

## Introduction:

On January 7, 2004, the Bush administration proposed repealing another longstanding environmental protection law in order to let the coal mining industry accelerate "mountaintop removal" mining. In this form of mining, coal companies actually blow up entire mountaintops and dump millions of tons of waste into nearby streams, burying them forever.

The Bush administration has already relaxed Clean Water Act safeguards that protected mountain streams. Now, the administration is targeting a Reagan-era rule known as the "buffer zone rule" that prohibits coal-mining activities from disturbing areas within 100 feet of streams. If the new Bush rule goes forward, coal companies will be allowed to dump massive amounts of waste directly into streams, destroying them completely. Already, over 1200 miles of streams in Appalachia have been buried by mountaintop removal waste, wiping out these streams and causing flooding and destruction in the surrounding communities.

**Written comment Deadline: April 7, 2004**

## Sample written comments to the agency:

Office of Surface Mining Reclamation and Enforcement  
Administrative Record, Room 101  
1951 Constitution Avenue, NW  
Washington, DC 20240

Comments by email: [osmrules@osmre.gov](mailto:osmrules@osmre.gov)  
(Note that OSM's e-mail was recently shut down.)

I am opposed to any attempt to weaken or eliminate the stream buffer zone rule that has protected streams from coal mining activities for 20 years. The changes to this rule proposed by the Bush administration would eliminate important protections for streams and allow Mountaintop Removal coal mining companies to further destroy and degrade waters in the Appalachian region with their waste. The Bush administration should withdraw this attempt to weaken stream protections and, instead, leave the existing stream buffer zone rule in place.

According to the administration's own recently released studies on mountaintop removal coal mining, the immediate and long-term environmental impacts of this form of coal mining are severe and irreversible. Lapses in the enforcement of the buffer zone rule, which prohibits coal-mining activities from disrupting areas within 100 feet of streams unless those activities in no way impact water quality or quantity, have allowed more than 1200 miles of streams to be buried or degraded by mining waste.

The proposed rule changes would weaken stream protections that have been in effect for over two decades. The administration should not go forward with any rulemaking that would weaken these protections. Instead, it should enforce the rules as they are currently written, as this is the best way to protect streams from the destructive effects of Mountaintop Removal mining.

## Background information:

**The Buffer Zone Rule:** A 1983 rule which prohibits coal mining activities from disturbing areas within a 100-foot “buffer” of an intermittent or perennial stream. The buffer zone rule states that coal mining activities cannot disturb these sensitive areas unless water quality and quantity will not be adversely impacted.

**Bush’s ‘No Buffer’ Rule:** The Bush proposal is a much weaker regulation that would allow Mountaintop Removal coal mining companies to construct massive valley fills upon showing that they have merely minimized the amount of waste they produce and minimized adverse impacts to streams. It does not provide the same “no adverse impact” standard as the existing buffer zone rule. By getting rid of the ban on disturbing areas within 100 feet of streams, this proposal takes the “buffer” right out of the “buffer zone” rule and **allows coal companies to dump waste directly into streams.**

**Mountaintop Removal Mining:** Mountaintop removal mining takes place in many states in the Appalachian region, including West Virginia, Kentucky, southern Virginia and Tennessee. In this destructive process, entire peaks, hillsides and mountaintops are literally blown off in order to reach the coal seams that lie underneath. The resulting millions of tons of waste rock, dirt, and vegetation are then dumped into the neighboring valleys and streams. These valley fills bury streams and aquatic habitat under piles of rubble hundreds of feet high, destroying the entire surrounding ecosystem and disrupting nearby communities. Rather than enforce the law against this kind of destruction, the Bush administration is repealing protections like the buffer zone rule.

### **This Sounds Familiar:**

The Bush administration is relentlessly pursuing anti-environmental policies to allow coal companies to continue to bury hundreds of miles of streams in Appalachia under enormous piles of rubble created by Mountaintop Removal coal mining.

In May 2002, the Bush administration eliminated a 25-year-old Clean Water Act regulation that prohibited the Army Corps of Engineers from allowing industrial wastes to bury and destroy U.S. waters. Then, one year later, the administration released a draft Environmental Impact Statement detailing the harm caused by this practice, including:

- Over 1200 miles of streams have been damaged or destroyed by mountaintop removal
- Case studies demonstrate that direct impacts to streams may be greatly lessened by reducing the size of the valley fills where mining wastes are dumped
- When past, present and future areas that have been or will be effected are added together, the estimated area of forest impacts is 1.4 million acres
- Forest loss in West Virginia alone has the potential of directly impacting as many as 244 vertebrate wildlife species
- Even if hardwood forests can be reestablished, which is unproven and unlikely, there will be a drastically different ecosystem from pre-mining forests for generations, if not thousands of years
- Without additional limits, an additional 350 square miles of mountains, streams, and forests will be flattened and destroyed by mountaintop removal.

Despite these findings, the administration recommended easing the permitting process to allow even more destruction. The most significant weakening of existing standards they are pursuing is the repeal of the Buffer Zone rule.

The Bush administration is weakening environmental limits on mountaintop removal despite receiving over 82,000 comments in the comment period on the Environmental Impact Statement that ended January 21, 2004, the vast majority of which opposed weakening environmental safeguards restricting mountaintop removal coal mining. We must keep up the pressure to protect the environment and communities of Appalachia.