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Groups Secure Another Key Victory in Fight to Stop Pollution from Coal Mines
Settlement Requires Patriot Coal to Install Treatment Facilities and Pay Penalties

Charleston, WV – Today, a coalition of conservation and environmental groups completed a legal settlement with Patriot Coal Corporation over high levels of selenium output at several of the company's West Virginia coal mines. The settlement requires that the coal mining company and its subsidiaries treat selenium pollution at 43 outlets, including outlets previously thought to be untreatable. In a 2010 order resolving a separate action brought by the groups against Patriot, a federal judge ordered the company to treat selenium at four outlets. The company has estimated the cost of treatment at just those four outlets to be nearly \$100 million. The suit resolved by today's settlement was brought by the Sierra Club, West Virginia Highlands Conservancy, and the Ohio Valley Environmental Coalition.

"Several years ago, the coal industry said that there was no way to treat selenium pollution from their mines," said Jim Sconyers, Chair of the West Virginia Chapter of the Sierra Club. "But now they're agreeing to treat that pollution. This settlement, and other recent actions against Arch Coal and Alpha Natural Resources, shows that mining companies can do far more than they admit to clean up their pollution. Water is life. Keep it clean."

The settlement requires Patriot to install treatment technology on a set schedule to bring selenium discharges within acceptable levels. In addition, the company will pay penalties of \$7.5 million, with the vast majority of those funds directed to the West Virginia Land Trust. Patriot will be subject to significant additional penalties for any violations that occur after the compliance date for each source of pollution. The company has also agreed to abandon its permits for the 8.5 million ton Callisto Surface Mine in Boone County.

"West Virginia coal mines are finally starting to address their legacy of selenium pollution," said Dianne Bady with the Ohio Valley Environmental Coalition. "Mine operators and regulators in Kentucky, Tennessee, and Virginia need to follow suit."

"Although treatment may be sufficient to address these existing selenium problems, ultimately the industry and regulators need to recognize that it's not appropriate to mine coal where disturbing selenium laden rock strata will release harmful amounts of pollution," said Cindy Rank with the West Virginia Highlands Conservancy.

Selenium, a toxic element that causes reproductive failure and deformities in fish and other forms of aquatic life, is discharged from many surface coal-mining operations across Appalachia. At very high levels, selenium can pose a threat to human health, causing hair and fingernail loss, kidney and liver damage, and damage to the nervous and circulatory systems.

The settlement was lodged with the U.S. District Court for the Southern District of West Virginia. The U.S. government will have an opportunity to review the settlement before its terms take effect.

The coalition was represented by Joe Lovett and Derek Teaney with the Appalachian Mountain Advocates. For more information on selenium visit www.sierraclub.org/seleniumfacts

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