

PARTIES AGREE TO MORATORIUM ON ASH PLACEMENT AND BETTER PROTECTIONS AGAINST DUST AND WATER POLLUTION

One-year Stay in Citizen Coal Council Lawsuit Against Owner of LaBelle Coal Refuse Disposal Site

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PITTSBURGH, Pa. -- Citizens Coal Council (CCC), whose members include residents living near a coal refuse disposal site with a long history of pollution in LaBelle, Luzerne Township, agreed to a one-year stay in their lawsuit against the owner in return for treatment of some of the polluted water, a one-year moratorium on more coal ash being accepted at the site, and continued controls to prevent dust from blowing from the site.

In addition, CCC, represented by attorneys from Public Justice and the Environmental Integrity Project, will receive a small payment to help the community in a way it sees fit, and local members of CCC will get a small payment to aid in house cleaning and repair. The owner, Matt Canestrone Contracting (MCC), also agreed to certain limitations on any coal ash that MCC ultimately brings to the site. MCC claims that the ash is reclaiming the site from its historic pollution from coal refuse.

"This doesn't completely remedy the pollution at the site, but it is definitely a step in the right direction toward cleanup," said Aimee Erickson, executive director of the Citizens Coal Council, a Pennsylvania-based nonprofit group that includes 39 households who live around the LaBelle coal refuse site.

Local power plants that are now closed previously provided ash from burning coal that was placed at the LaBelle site. The site has leaked pollutants into the groundwater and streams that flow into the Monongahela River.

"This is a tremendous step forward, but we're hoping for a much bigger and more permanent solution to the environmental issues that the LaBelle community faces in the future," said Richard Webster, an attorney with Public Justice. "We are determined to use this year reprieve from litigating against the property owner to ensure that LaBelle residents are permanently protected from water and dust pollution caused by the site."

On one side of the site – which also contains about 40 million tons of mining waste -- is a small community of about 50 families, some of whom have complained in the past about blowing dust and other environmental problems. Previously, when ash was actively being placed at the site, much of the dust came from trucks hauling ash. Since ash ceased being placed at the site, some local residents have complained about dust coming from wind-blown ash that has been left exposed on the top of the site.

In the fall of 2015, MCC agreed to institute dust-suppression measures, and this current agreement extends those measures.

The site has contaminated four local streams with elevated levels of sulfate, iron, manganese and ionic salts that damage fish and other aquatic life. It is also leaking aluminum, manganese, and sulfates into groundwater at levels above Pennsylvania drinking water standards. In its lawsuit, CCC alleges that pollution has impacted the ability of local homeowners to fish, hunt and enjoy outdoor recreation along the Monongahela. For these reasons, CCC filed a lawsuit against the owner of the site in June 2013.

ABOUT THE GROUPS

The Citizens Coal Council is a national network that advocates for full enforcement of the federal Surface Mining Control and Reclamation Act (SMCRA) and its delegated state programs. Their mission is to inform, empower and work for and with communities affected by the mining, processing and use of coal.

The Environmental Integrity Project is a 14-year-old, nonpartisan, nonprofit organization based in Washington, D.C., and Austin, Texas, that is dedicated to protecting public health through improved enforcement of environmental laws.

Public Justice is a national public interest and impact litigation firm that pursues high impact lawsuits to combat social and economic injustice, protect the Earth's sustainability, and challenge predatory corporate conduct and government abuses. The firm has successfully halted or restricted illegal coal mining and coal ash disposal operations in various parts of the U.S., mostly in West Virginia and Pennsylvania.

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