

A President Breaks Hearts in Appalachia | [link >](#)

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Op-Ed by Robert F. Kennedy Jr.

Mountaintop removal coal mining is the worst environmental tragedy in American history. When will the Obama administration finally stop this Appalachian apocalypse?

If ever an issue deserved President Obama's promise of change, this is it. Mining syndicates are detonating 2,500 tons of explosives each day -- the equivalent of a Hiroshima bomb weekly -- to blow up Appalachia's mountains and extract sub-surface coal seams. They have demolished 500 mountains -- encompassing about a million acres -- buried hundreds of valley streams under tons of rubble, poisoned and uprooted countless communities, and caused widespread contamination to the region's air and water. On this continent, only Appalachia's rich woodlands survived the Pleistocene ice ages that turned the rest of North America into a treeless tundra. King Coal is now accomplishing what the glaciers could not -- obliterating the hemisphere's oldest, most biologically dense and diverse forests. Highly mechanized processes allow giant machines to flatten in months mountains older than the Himalayas -- while employing fewer workers for far less time than other types of mining. The coal industry's promise to restore the desolate wastelands is a cruel joke, and the industry's fallback position, that the flattened landscapes will provide space for economic development, is the weak punchline. America adores its Adirondacks and reveres the Rockies, while the Appalachian Mountains -- with their impoverished and alienated population -- are dismantled by coal moguls who dominate state politics and have little to prevent them from blasting the physical landscape to smithereens.

Obama promised science-based policies that would save what remains of Appalachia, but last month senior administration officials finally weighed in with a mixture of strong words and weak action that broke hearts across the region. The modest measures federal bureaucrats promised amount to little more than a tepid pledge of better enforcement of existing laws.

And government claims of doing everything possible to halt the holocaust are simply not true. George Bush gutted Clean Water Act protections. Obama must restore them.

First, the White House should fix the "fill" rule the Bush administration adopted in 2002 to allow coal companies to use streams as waste dumps. Under this perverse interpretation of the Clean Water Act, 2,000 miles of Appalachian streams have been interred under mining waste. Obama could reverse the "fill" rule to reflect its original meaning, which forbids waste matter from being dumped into waterways.

Second, the Interior Department should strictly enforce the widely ignored "buffer zone" rule that forbids dumping waste within 100 feet of intermittent or perennial streams.

Third, our laws require companies to restore mined areas to their original condition. The administration should end the absurd fiction that extraction pits filled with unconsolidated rocks and rubble where trees will never grow and streams will never flow are "reclaimed."

Fourth, current law forbids the issuance of "fill" permits that will cause "significant degradation" to waterways. It is absurd for the Army Corps of Engineers to endorse the canard that filling miles of

streams is not causing significant degradation. The president should require the Corps to deny and rescind permits where operations will cause downstream damage.

Fifth, the Clean Water Act requires mining operators to prove that they can restore the "function and structure" of affected streams. Operators have never been compelled to make the functional or structural analyses of the aquatic ecosystem required by the act. Obama should order his officials to stop ignoring this requirement.

Sixth, the administration should enforce the law requiring an environmental impact study for each permit when a mine "may have significant environmental impacts," individually or cumulatively. The Corps of Engineers routinely allows coal operators to escape this mandate -- an illegal practice that should stop.

Instead of acting to enforce these laws, administration officials indicated last month that they will allow more than 100 permits to go forward while they carefully review their regulatory options. If they act accordingly, the ruined landscapes of Appalachia will be Obama's legacy.

President Obama should go to Appalachia and see mountaintop removal. My father visited Appalachia in 1966 and was so horrified by strip mining -- then in its infancy -- that he made it a key priority of his political agenda. He complained that Appalachia, with our nation's richest natural resources, was home to America's poorest populations, its worst education system, and its highest illiteracy and unemployment rates. These statistics are even grimmer today as mining saps state wealth. In 1966, 46,000 West Virginia miners were collecting salaries and pensions and reinvesting in their communities. Mechanization has shrunk that number to fewer than 11,000. They extract more coal annually, but virtually all the profits leave the state for Wall Street.

The coal industry provides only 2 percent of the jobs in Central Appalachia. Wal-Mart employs more people than the coal companies in West Virginia. Last week a major study documented how coal imposes a net cost to Kentucky of more than \$100 million per year. Coal is not an economic engine in the coalfields. It is an extraction engine.

Obama has the authority to end mountaintop removal, without further action from Congress and without formal rulemaking. He just needs to make the coal barons obey the law.

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