



Press Release

FOR IMMEDIATE RELEASE

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Coal company hit with four violations...thus far

Massive slurry release triggers criminal investigation

(COLUMBUS, OHIO)—State regulators today issued two notices of violation to an Ohio mining company for last week's massive release of coal waste into Captina Creek in Eastern Ohio.

The Ohio Department of Natural Resources' Division of Mineral Resources Management cited Ohio Valley Coal Co. for an unlawful release of coal waste from a slurry impoundment and for an unlawful discharge from a catch basin. Today's citations are on top of a pair of violations issued yesterday by ODNR to the company for water quality violations from a sediment pond.

The four citations mark the first of what could be a series of violations as state and federal regulators continue what they term a "criminal investigation" into the slurry release.

The massive slurry release has attracted a surge of investigators, including from the ODNR Division of Mineral Resources Management, ODNR Division of Wildlife, Ohio EPA, U.S. EPA, U.S. Fish and Wildlife Service and the U.S. Department of Labor's Mine Safety and Health Administration. The Ohio Bureau of Criminal Identification and Investigation also is involved.

According to state regulators, sometime during the night of Wednesday, Feb. 27 or early morning of Thursday, Feb. 28, a pump used to remove clear water from the top of the massive waste pond apparently fell into the impoundment. The pump began to pump black coal waste into Captina Creek and continued pumping until sometime during the daylight hours of Feb. 28.

Eyewitnesses reported that the creek ran black with coal slurry—waste water from the washing of coal mined near Alledonia, Ohio in southern Belmont County. The slurry eventually drained into the Ohio River, 22 miles downstream.

The Ohio EPA has rated Captina Creek one of the most pristine waterways in the state. Researchers report that it may be the last remaining stream in Ohio where the endangered Eastern Hellbender salamander thrives enough to reproduce.

In August, 2005, a ruptured slurry pipe dumped 30,000 gallons of coal slurry from a nearby mine into Captina Creek. Ohio DNR issued a record \$50,000 fine to American Energy Corp. for the release and resulting fish kill. Perkins Run—a tributary of Captina Creek—suffered a slurry release in 2000. The Ohio EPA agreed to a \$100,000 civil penalty with Ohio Valley Coal for that release.

"This release of coal waste is a tragedy. Captina Creek is—or was—one of the healthiest streams in all of Ohio. It provides unparalleled habitat for vulnerable and endangered species and priceless recreation for the people of Belmont County. This is a wake up call that more state inspectors are needed. We cannot afford to hit the snooze button and just move on, hoping against hope that another slurry release won't happen yet again," said David R. Celebrezze, OEC Director of Air and Water Special Projects. The OEC is a network of more than 100 environmental-conservation groups.