



Controversial Mining Office Nominee Cleared for Senate Vote

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President Obama's nominee to oversee the coal industry passed another hurdle in the confirmation process today, despite strong opposition from environmental advocates and coalfield residents who say he is too lenient.

The Senate Energy and Natural Resources Committee approved the nomination of Joseph Pizarchik as director of the Office of Surface Mining, Reclamation and Enforcement on a voice vote.

Committee Chairman Jeff Bingaman (D-N.M.) said he had received hundreds of letters of opposition to Pizarchik, but he still voted to forward the nomination to a full Senate vote as a show of support for the U.S. president. At least two committee members, Sens. Bernie Sanders (I-Vt.) and Robert Mendenez (D-N.J.), opposed the nomination.

Pizarchik has come under fire from environmental groups across the spectrum for his decisions and actions during his seven-year tenure as director of Pennsylvania's Bureau of Mining and Reclamation. The Ohio Valley Environmental Coalition didn't hold back after his nomination was announced:

"This is a direct blow to the heart of all citizens living in the coalfields throughout the United States — and a victory for coal operators.

"Mr. Pizarchik has promoted valley fills burying streams under piles of coal refuse; destructive longwall mining; decreased citizen participation — and formats for public hearings and forums that are restrictive to citizens; decreased transparency and accountability for the decisions of mining officials; the dumping of toxic coal

combustion wastes into coal mines, often directly into drinking water supplies, without safeguards; and a bonding program that fails to guarantee reclamation of the land or prevent water pollution from coal mining operations.”

The Environmental Integrity Project (EIP) points to Pizarchik’s advocacy for minefilling — using surface mines as coal-ash dumps — and to his poor oversight of the process as one of the most serious problems.

A 2007 study for the Clean Air Task Force found that coal ash dumped in 10 of 15 Pennsylvania mines tested was contaminating water supplies with arsenic, lead, cadmium, selenium, and other health hazards. It also criticized the permits issued under Pizarchik’s direction for failing to enforce monitoring or cleanup.

Despite that and other scientific evidence, "He continues to insist, despite volumes of evidence to the contrary, that there is no evidence of degradation to water from coal ash in any Pennsylvania coal mine," EIP Director Eric Schaeffer wrote in August. "After resisting regulation of minefilling for many years, Mr. Pizarchik has recently responded with a proposal that still falls well short of the standards needed to protect groundwater and surface water.”

Ed Hopkins of the Sierra Club and Joan Mulhern of Earthjustice underscored the potential impact if Pizarchik is entrusted with national mining oversight:

“One of the prime responsibilities of the OSM Director in 2010 will be the promulgation of a national regulation governing coal ash minefilling. The OSM Director must be willing to promulgate regulations that at minimum fully comply with all recommendations of the National Academies of Science and provide effective protection from this dangerous practice.”

They also worry about Pizarchik’s ability to fully implement the Obama administration’s return to a 100-foot stream buffer zone rule for surface mining, intended to protect streams from being polluted and filled with mining debris. In 2001, as assistant director of Pennsylvania’s Bureau of Regulatory Counsel, where he counseled the mining program, Pizarchik oversaw regulations that weakened the state’s stream buffer rules.

“Given the environmental crisis our country faces, we can’t afford to have someone in this position with a record of consistently downplaying the devastating effects of coal mining and coal ash on the environment,” said Tierra Curry, biologist at the Center for Biological Diversity.

He’s a friendly guy, "cordial and professional," EIP’s Schaeffer writes. But EIP, along with Pennsylvania coalfield residents and other advocates say Pizarchik hasn’t been open to the concerns of the people directly effected by mining and has blocked public access to information and involvement. Hopkins and Mulhern write:

“Mr. Pizarchik joined with the Bush Administration in attempting to prevent citizens from obtaining information under the Freedom of Information Act (FOIA) by claiming that correspondence between PADEP and OSM was eligible for protection from public disclosure as ‘intra-agency memorandums or letters’.

"Mr. Pizarchik’s apparent lack of support for transparency in agency decision-making is a quality unacceptable for the position of director of OSM. He has also discouraged citizen input in the permitting process."

Friends of the Earth today urged Obama to withdraw Pizarchik’s nomination.

“Joseph Pizarchik is the wrong person to fill this critical position," FOE President Erich Pica said.

"As a state-level official in Pennsylvania, he was far too cozy with the coal industry, making decisions that harmed the environment and threatened drinking water. He should not be put in charge of a federal office responsible for regulating the coal industry.”

However, Obama, in nominating Pizarchik, described him very differently:

“Joseph Pizarchik is a pragmatic innovator with 17 years of involvement in many progressive advancements in Pennsylvania's mining program,” the president's announcement said.

Obama listed a few of those innovations: helping develop an Environmental Good Samaritan program for volunteers to clean up abandoned coal waste sites; a program for mine operators to create trust funds to cover future discharges; and regulations for securing mining explosives.

Pizarchik repeated those accomplishments when he testified before the Senate Energy and Natural Resources Committee in August.

"I understand and appreciate the interests and duties of the states and federal government and the roles of citizens, environmentalists, and industry in protecting the environment and our citizens while helping to meet America's energy needs," Pizarchik told the senators. "They each play a critical role in effective development, implementation, and enforcement of our mining program and regulations. I have the experience, temperament, and skills to work with stakeholders for pragmatic and creative solutions."

Pizarchik, an attorney, worked in private practice and for an insurance company before joining the state government, first as counsel to the Pennsylvania Department of Transportation and then joining the Department of Environmental Protection in 1991.

Opposition to his nomination could end up in the court system. The Citizens Coal Council yesterday filed a second notice of intent to sue the Interior Department to force federal regulators to take over mining enforcement in Pennsylvania. The group says the Pennsylvania's department under Pizarchik has failed to implement, administer and enforce mining rules required by the federal Surface Mining Control and Reclamation Act — the 1977 law the Office of Surface Mining is responsible for monitoring and enforcing.