



Wednesday, May 16, 2012

COAL: Groups sue regulator over N.M. mine expansion

By Manuel Quinones
E&E reporter

American Indian and conservation groups are suing the federal Office of Surface Mining over its approval of a strip-mine expansion in northwestern New Mexico within the Navajo Nation, the groups said today.

The complaint calls on OSM to study the cumulative impacts of expanding the 13,000-acre BHP Billiton Ltd. Navajo Coal Mine and the Four Corners Power Plant that it helps fuel.

“The way the approval was rushed through and the way OSM put on blinders to the cumulative reality of coal operations at the mine and the power plant is an injustice,” Mike Eisenfeld, New Mexico energy coordinator with the San Juan Citizens Alliance, said in a statement.

“It hides the true magnitude of the damage caused by coal mining and combustion in our region and the risks of green-lighting more of the same with no change,” he added.

The groups, including the Center for Biological Diversity and the Sierra Club, filed their suit yesterday in U.S. District Court for the District of Colorado. They say that court has already told OSM to revisit the mine’s expansion plans in a separate case.

Although some states handle their own coal permitting programs under the Surface Mining Control and Reclamation Act, OSM handles permits in tribal lands that don’t have their own programs. The agency is defending its permit decision.

In a related development, groups in February appealed OSM’s decision to renew the operating permit for Peabody Energy Corp.’s Kayenta mine in northeastern Arizona. That strip mine is on Navajo and Hopi land (Greenwire, Feb. 20).

And in March, groups announced a \$10 million pollution settlement with the San Juan Coal Mine and the adjacent power plant and ash dump in northwestern New Mexico (Greenwire, March 29).

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