

For Immediate Release  
July 23, 2009

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## **Environmental groups challenge Foundation's attempt to degrade Greene County streams;** *Experts' reports show several tributaries to South Fork Tenmile Creek entitled to additional protection*

Pittsburgh, PA (July 23, 2009) – Yesterday, the Center for Coalfield Justice (CCJ), Mountain Watershed Association (MWA), and Citizens for Pennsylvania's Future (PennFuture), along with other environmental organizations and local municipalities and businesses submitted reports to the Pennsylvania Department of Environmental Protection (DEP), challenging an attempt by Foundation Mining, L.P. (Foundation), to downgrade several tributaries to South Fork Tenmile Creek in Greene County from *High Quality – Warm Water Fishes* to *Warm Water Fishes*, a status that would permit more pollution to the streams.

In response to the attempt by Foundation, CCJ, MWA, and PennFuture commissioned studies that found not only that the tributaries were entitled to their existing *High Quality* designation, but that several of the streams were actually entitled to a higher *Exceptional Value* designation, which would provide them with even more protection than they currently enjoy. A recent determination by DEP providing immediate *Exceptional Value* protection to several of these streams strongly suggests that studies conducted by DEP were consistent with the studies submitted yesterday.

Krissy Kasserman, Mountain Watershed Association's Youghiogheny Riverkeeper, said, "In attempting to lower the level of protection of our streams, Foundation has thus far succeeded only in raising the level of protection of several of those streams. We hope that the backfiring of this petition discourages other companies from pursuing this misguided strategy in the future."

Terri Davin, community organizer for the Center for Coalfield Justice, said, "These streams have miraculously dodged the bullet of damage from the coal industry, unlike far too many of our streams. I hope our message is loud and clear: attempts to lower the level of protection for our streams will not go unnoticed or unchallenged. Clean water is far too important to our communities."

Brian Glass, staff attorney for PennFuture and counsel to the environmental groups, said, "The legal requirements that must be satisfied to lower the level of protection afforded to streams are intentionally demanding. Less protection is the exception, not the rule. The industry would be better served spending its resources on appropriately protecting our highest quality streams than on lame attempts to circumvent those protections."

On June 9, 2008 Foundation submitted a petition for rulemaking to the Pennsylvania Environmental Quality Board (EQB), an independent board that reviews and approves all of DEP's regulations, asking to downgrade designations of tributaries to South Fork Tenmile Creek in Greene County (including House Run, Hoge Run, and McCourtney Run). DEP has been charged with studying the issue and reporting back to the EQB with its recommendation.

The reports submitted by the environmental groups were performed by Dr. Ben M. Stout, III, Ph. D and Schmid & Company, Inc., *Consulting Ecologists*. Copies of the studies are available online at [www.pennfuture.org](http://www.pennfuture.org).

PennFuture is a statewide public interest membership organization that provides at least \$2 million in free legal assistance to community and environmental groups each year. Working from the premise that "Every environmental victory grows the economy," PennFuture has successfully advocated for landmark environmental legislation, including passage of the largest ever environmental funding bond, passage of the Alternative Energy Portfolio Standards Act, adoption of the Clean Vehicles Program and adoption of a regulation that protects

Pennsylvania's babies by restricting mercury pollution from coal-fired power plants. PennFuture has staff throughout the state, in Harrisburg, Philadelphia, Pittsburgh, West Chester and Wilkes-Barre. The *Philadelphia Inquirer* called PennFuture the "state's leading environmental advocacy organization."

The Mountain Watershed Association is a community-based public interest organization concerned with the conservation, restoration and protection of the Indian Creek Watershed in Fayette and Westmoreland Counties. MWA's major purposes include bringing about remediation of the numerous abandoned mine discharges in the watershed, developing community awareness, promoting cooperative community efforts for restoration and encouraging sound environmental practices. In 2003, MWA became home of the Youghiogheny Riverkeeper, a program that expanded the vision of the organization into the larger Youghiogheny River basin.

The Center for Coalfield Justice was formed as the "Tri-State Citizens Mining Network" in 1994 by a coalition of grassroots groups and individuals concerned about the effects coal mining had on communities and the environment. The people involved recognized the need to build a strong voice in the coalfield community through public education and advocacy in defense of citizens' rights. By working together, the groups provide mutual support for local events and share information beneficial to each group's efforts. Tri-State was incorporated in 1999 and re-organized into the Center for Coalfield Justice in 2007. The Center for Coalfield Justice consists of both individual members and member groups.

Others joining in the submission are Clean Water Action, Friends of Dunkard Creek, Greene County Watershed Alliance, Izaak Walton League, Wheeling Creek Watershed Conservancy, Morgan Township, Morris Township, Waynesburg Borough, West Greene School District, Cornerstone Care, Forever Greene House, Hopkins Store, Red Barn Farm, Rush Funeral Home Inc., Rush Grocery & Video, and White Buck Farm.