



# STORIES OF PROGRESS IN ACHIEVING HEALTHY WATERS

## EPA Region 3 Water Protection Division

### Action Resolves Hundreds of Coal Companies' Violations

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A consent decree with a major coal company and its subsidiaries resolves Clean Water Act violations in five states and requires operational upgrades and other steps to ensure future compliance.

Arch Coal Inc., one of the nation's largest coal companies, and 14 of its subsidiaries under the International Coal Group Inc. (ICG) agreed in a settlement with EPA and the U.S. Department of Justice to conduct comprehensive upgrades to their operations to ensure compliance with the Clean Water Act.

The [settlement](#) resolves hundreds of Clean Water Act violations related to illegal discharges of pollutants at the companies' coal mines in Kentucky, Pennsylvania, Maryland, Virginia and West Virginia. The companies will also pay a \$2 million civil penalty and must implement measures to ensure compliance and prevent future Clean Water Act violations.

EPA Regional Administrator Shawn M. Garvin called the settlement "good news for water quality in the Appalachian region, and especially for the people living in the overburdened and underserved communities. It represents an important step forward by requiring these companies to take necessary actions to reduce pollution from their mining operations."

Additional measures required by the settlement include:

- Developing and implementing a compliance management system.
- Conducting internal and third-party environmental compliance audits.
- Maintaining a database system to track violations, sampling data and compliance efforts.
- Providing training for environmental managers and others responsible for the consent decree.
- Paying escalating stipulated penalties if violations continue to occur.

A government complaint filed concurrently with the settlement alleged that in the last six years, ICG operations violated discharge limits for aluminum, manganese, iron and total suspended solids in their state-issued National Pollution Discharge Elimination System permits on more than 1,200 occasions, resulting in over 8,900 days of violations. Of those violations, 700 had been previously resolved by state enforcement actions in Kentucky and West Virginia.

EPA discovered the violations through inspections of ICG facilities and projects, reviewing information provided by the companies and coordinating with the affected state governments. The states of West Virginia, Virginia and Pennsylvania were co-plaintiffs in the settlement. The consent decree was lodged in the U.S. District Court for the Southern District of West Virginia on Aug. 6, 2015.



#### AT A GLANCE

- Enforcement action resolves hundreds of Clean Water Act violations in five states.
- Coal companies to pay \$2 million civil penalty, make comprehensive upgrades to operations and take steps to prevent future violations.
- EPA found violations through inspections, information review and state coordination.

