

## Since Last Session

- In December of 2008, the federal government eliminated what was left of the federal stream buffer zone. Tennessee has no statutory stream buffer zone to prevent surface coal mining through our streams. Tennessee's streams are now unprotected.
- In the fall of 2008, Mountainside Coal Company applied for a permit for a mountain top removal coal mine in Campbell and Claiborne counties that would not only mine through streams, but also requests Tennessee's first permitted valley fill. This is the most water-polluting type mining, something the coal industry assured the legislature was not planned for Tennessee.
- On December 22, 2008, Kingston, Tennessee, suffered a severe ecological and human disaster when a dike failed, spilling more than 1 billion gallons of coal ash into the Emory River. Coal ash now covers 275 acres, and 40 homes were affected.

This spill occurred in spite of design, construction and monitoring by TVA, a well funded quasi-governmental utility with the benefit of a quality science and engineering staff and adequate funding. The multiple coal sludge ponds located at all MTR sites contain waste that is much more toxic than coal ash, and the ponds are designed, built, and maintained by often underfunded and transient coal companies. Numerous coal sludge ponds (or sediment basins) already exist in Tennessee. Each mountain top removal site creates more. These ponds must be maintained forever.

- On January 9, 2009, a coal train operated by National Coal Corporation overturned, spilling more than 1,000 tons of coal next to the New River in Scott County, Tennessee. Eight rail cars were involved. The spill was discovered by a wildlife biologist for the National Park Service 3 days later. He took pictures and reported the spill to TDEC as well as the United States Fish and Wildlife Service and the EPA. The private railroad owned by

National Coal was poorly maintained. While the wreck did not spill coal directly into the river, the "clean-up" did. Spilled coal ended up in the New River, tributary of the Big South Fork National River.

- In April of 2008, selenium was found at over nine times the EPA established safe level running off the 12 sediment basins at the Zeb Mountain site located in Campbell and Scott Counties. In June of the same year, National Coal's own testing showed selenium at 20 times the established levels. National Coal Company of Florida is the company removing Zeb Mountain in Tennessee. Selenium is a bio-accumulating neurotoxin that causes hair and fingernail loss, kidney and liver damage, and damage to the nervous and circulatory systems. The Selenium estimated clean-up costs significantly exceed the any bond posted by the coal company. If the toxins are cleaned up at all, taxpayers will likely pay most of the cost.
- Not only has National Coal Company failed to turn a profit in its 6 years of existence, but in 2008 their stock dropped from \$6.49 per share on May 21, 2008, the last day of the legislative session, to 1.14 per share on January 15, 2009, the first day of the current legislative session. This steep financial decline indicates decrease ability to fund the cleanup and reclamation.

Prepared by LEAF, Feb. 2009