

## Agency seeks new ways to punish coal companies Official

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DAILY MAIL STAFF The state needs a way to punish coal companies that doesn't also punish the company's hourly workers, state environmental officials said.

Environmental Protection Secretary **Mike Callaghan** said the agency has been using permit suspension orders, which effectively lays off the mine's work force.

"You've got those hourly workers right there on the front line. That's the one you're punishing. Your punishing some wife and kid, you know, who depend on that for eating and living. I just don't think that's a fair way to approach it," he said.

Callaghan and state Mining and Reclamation Director Matthew Crum told a crowd of coal industry officials that they're considering alternatives such as shorter suspensions coupled with environmental projects that would benefit the communities harmed by the coal companies' violations.

Their comments came Friday during the West Virginia Coal Association's annual mining symposium at the Charleston House Holiday Inn.

Crum said after the meeting that an example would be to give a coal company a choice of a six-day permit suspension or a three-day permit suspension and some stream bank restoration work. The idea would be that the cost of the environmental projects would be as much as the company would otherwise lose during the shutdown, he said.

Callaghan said the state Department of Environmental Protection won't back off the suspension orders it already has in place. In particular, the agency will pursue a Supreme Court appeal of a Raleigh County judge's ruling that overturned the nine-day suspension of the Independence Coal Co. coal waste pond permit.

Massey Energy Co., which owns Independence Coal, estimates that the suspension will cost it \$9 million because shutting down the pond will also shut down the preparation plant that uses it. The preparation plant receives coal from several area mines, which would also be affected by the shutdown.

Crum said the agency currently has 24 mining permits that are somewhere in the process of going through show-cause hearings and suspension orders.

In other issues, Callaghan told coal industry representatives that Gov. Bob Wise's plan to move the Office of Miners' Health Safety and Training to the DEP won't affect the safety office's operations.

Doug Conaway, director of the safety office, will report directly to him and will be able to talk directly to the governor whenever he needs to, Callaghan said. The office is currently part of the Bureau of Commerce, which the governor plans to dismantle as part of his effort to reorganize state government to save money.

Meanwhile, Callaghan said coal operators should get used to other types of DEP inspectors showing up on their doorsteps. A review of inspections showed that the agency's air, water and waste inspectors rarely looked at mines in comparison to other businesses, he said.

"The mining industry has been treated lighter than other industries," Callaghan told the crowd.

While coal operators may think they're being targeted, but in fact the increased number of inspections is an effort to equalize enforcement among the state's industries, he said.

Crum told the group that the DEP is catching up on handling mining permits and hopes to have eliminated a backlog by this time next year.

The agency had 148 pending permit applications last year.

It has about 100 pending applications now after receiving about 50 new applications and issuing 81 permits, he said.

"We're seeing a gradual but very significant improvement," Crum said.

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