



# Environmental groups to sue US EPA for refusing to regulate coal mine emissions

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Several influential environmental groups are gearing up to sue the Obama administration for refusing to regulate US coal mines as major emitters of methane, a greenhouse gas that many scientists say is fueling climate change.

Ashley Wilmes, an attorney for Wild Earth Guardians, a Santa Fe, New Mexico-based environmental group, told Platts the suit will be filed late Monday in the US Court of Appeals for the District of Columbia Circuit.

"We're definitely filing a petition for review," Wilmes said in an email.

The lawsuit will challenge the US Environmental Protection Agency's decision not to regulate methane emissions from coal-mining operations under Section 111 of the federal Clean Air Act, which the same section of the law that President Barack Obama recently directed EPA to use to regulate greenhouse gas emissions from new and existing power plants.

Wild Earth Guardians, the Sierra Club and other environmental groups formally petitioned EPA to regulate methane emissions from coal mines three years ago, saying the coal-mining industry "is one of the largest emitters of methane in the United States."

"This ongoing problem is further intensified by new coal mines opening each year," the groups said in their petition. "In 2003 alone, four new gassy mines opened and began emitting methane into the atmosphere."

But earlier in 2013, EPA denied the groups' petition for a formal rulemaking on methane emissions from coal mines, setting the stage for the lawsuit that the organizations now intend to file.

EPA made some blunt acknowledgments about its reasons for denying the petition that the environmental groups will almost certainly use in court to press their case.

Specifically, EPA said in its April 30 letter that its denial of the petition was "not based on a determination" that emissions from coal mines contribute to climate change or air pollution that jeopardizes public health.

Instead, EPA said it was denying the petition because it did not have sufficient monetary and human resources to conduct the type of formal rulemaking the groups had requested.

"The agency must prioritize its regulatory actions," Bob Perciasepe, EPA's acting administrator, said in his April 30 letter to the environmental groups. "This is especially the case in light of limited resources and ongoing budget uncertainties."

EPA's budget has been trimmed significantly in recent years as part of a larger, Republican-led initiative to slash federal spending. EPA, like most federal agencies, also took a hit under the so-called "sequester" -- a series of mandatory, across-the-board spending cuts that took effect after Congress and Obama failed to strike a long-term, deficit-reduction deal by March 1.

The US coal-mining industry was quick to praise EPA's decision not to regulate methane emissions from coal mines under the Clean Air Act.

"We support the agency's decision not to regulate methane releases from coal mines under Section 111. It would be wholly inappropriate to do so," said Luke Popovich, a spokesman for the National Mining Association, a Washington-based trade group that represents coal-mining companies.

However, EPA did not rule out the possibility that it would someday grant the environmental groups' request to regulate methane emissions from coal mines.

Perciasepe, in his April 30 letter, said that while EPA will not explore that regulatory possibility now, it may decide to do so "in the future."

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