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## CONSOL to pay \$5.5M in penalties



Bob Gay/The Dominion Post

**Ignacia S. Moreno (right)**, Assistant Attorney General of the U.S. Department of Justice Environment and Natural Resources Division, announces the settlement for the cleanup of Dunkard Creek at Mason-Dixon Park, on Monday as U.S. Attorney William J. Ihlenfeld II (left), W.Va. Department of Environmental Protection Division of Water and Waste Management Director Scott Mandirola, and U.S. Environmental Protection Agency Regional Administrator Shawn M. Garvin look on.

## Penalized for Clean Water Act violations

**BY ALEX LANG**

The Dominion Post

CONSOL Energy has agreed to pay \$5.5 million in penalties and build a water treatment facility for “hundreds” of violations of the Clean Water Act.

U.S. attorney for the Northern District of West Virginia William J. Ihlenfeld II announced the settlement at a press conference Monday. The settlement is between CONSOL, the Department of Justice, the U.S. Environmental Protection Agency (EPA) and the West Virginia Department of Environmental Protection (DEP).

“West Virginians deserve a healthy and safe environment in which to live,” Ihlenfeld said.

The settlement alleges six CONSOL mines violated pollution discharge limits numerous times during the past four years. The



Bob Gay/The Dominion Post

**An American flag flutters** in the breeze above the waters of Dunkard Creek as the cleanup settlement is announced.

discharge came from the Blacksville No. 2, Loveridge, Robinson Run, Four States, Shoemaker and Windsor mines. Blacksville, Loveridge, Robin-

son Run and Four States discharge into tributaries of the Monongahela River. Shoemaker

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## CONSOL

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er and Windsor mines discharge into tributaries of the Ohio River.

The \$5.5 million is a civil penalty and the money will be divided between the federal government and the DEP, said Scott Manderola, director of the DEP's Division of Water and Waste Management. The state's money will go to the water quality management fund.

In addition to the civil fine, CONSOL agreed to build a waste water treatment facility near Mannington. The facility will use reverse osmosis to treat discharge water. It is part of \$200 million the company is spending in pollution controls.

"This action will pay dividends for decades to come," said Shawn Garvin, EPA regional administrator.

Garvin said that facility will keep one million pounds of total-dissolved-solids (TDS)

from local waterways every year. It will be the largest facility of its kind in the Appalachian region.

TDS in mine discharge water helped create conditions that allowed a golden algae to bloom and release a toxin that caused a massive fish kill in Dunkard Creek in 2009.

Monday's announcement was made near Mason-Dixon Historical Park on the banks of Dunkard Creek.

The head of the environmental division of the Department of Justice Ignacia Moreno said the settlement will ensure the protection of human health and the environment.

The settlement "without a doubt" will lead to a reduction of pollution, Moreno said.

In a press release, CONSOL said it pays the civil fine without admitting any liability. CONSOL voluntarily stopped discharging into Dunkard after the fish kill, but has since resumed. The

treatment facility is scheduled to be operational in May 2013.

"We currently employ more than 3,500 people and produce more than 30 million tons of coal per year from our reserves in West Virginia," CONSOL Energy President Nick DeIuliis said in the release. "As one of the largest operators and employers in the state, we take seriously our role as stewards of the land and are proud of our track record on environmental excellence. This agreement represents a concrete, proactive demonstration of that commitment."

In a separate settlement CONSOL agreed to pay \$500,000 to the West Virginia DEP for natural resources damages in Dunkard Creek. Some of the money will be used to restock fish in Dunkard Creek, spokeswoman Kathy Cosco said.

District 1 fisheries biologist for the state's Department of Natural Resources Frank Jernejcic said some of the fish are starting to return to the stream. But, it will probably be a few years before the department stocks adult fish because they have to wait for food for the fish to return.