

THE STREAM BUFFER ZONE RULE

Comments Due by
NOVEMBER 23

The Stream Buffer Zone rule has been in effect since 1983 to protect the nation's headwater streams from being buried by valley fills from mountaintop removal and radical strip mining. The current law, requires that the impacts of mining be kept at least 100 feet from a stream. In August, the Bush Administration and the Office of Surface Mining (OSM) proposed a change to the law that would seriously weaken this stream protection.



KFTC Members at the OSM Public Hearing in Hazard, KY
More on back...

What does the change in the Stream Buffer Zone rule do?

“The Bush administration is moving to legitimize the long-standing but illegal destruction of Appalachian streams by mountaintop strip-mining.”

-The Louisville Courier-Journal

August 24, 2007

The new rule actually *encourages* companies to mine in or bury streams. It does this by *exempting* stream crossings, sedimentation ponds (*which are in streams*), permanent valley fills (*that bury streams*), and coal waste disposal facilities (*sludge ponds*) from compliance with the stream buffer zone rule. If a company is only mining near a stream then, as the proposal reads, it would still be subject to the buffer zone rule. In other words, coal companies are given incentives to mine using the most destructive method possible.

The Bush administration, as well as state officials, have basically ignored the stream buffer zone rule for years. According to the Environmental Impact Study (EIS) released with the rule, coal companies in Central Appalachia created 1,603 valley fills between October 2001 and June 2005. In this three-year eight-month period the coal industry buried 367 miles of our nation's headwater streams. Instead of doing away with this important law, the OSM should fully enforce the stream buffer zone rule and protect our nation's waterways!

**From 1985 to 2001,
724 miles of streams
were buried under
mining waste and another
724 miles will be buried by
2018 according to the
EIS report.**

Take Action to Stop Mountaintop Removal Mining and Protect our Nation's Headwater Streams. Tell the U.S. Office of Surface Mining to

PULL THE RULE & ENFORCE THE LAW!

1. **Go to www.700mountains.org by November 23, 2007** and send an email opposing the Bush Administration's proposed change to the stream buffer zone rule. Off this website, our letter will go the Office of Surface Mining and to your Representative and Senator. You can also submit an email through the federal e-Rulemaking Portal: www.regulations.gov. Or submit a written letter by November 23, 2007 at 4:30 p.m. to: Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 252-SIB, 1951 Constitution Avenue, NW, Washington, DC 20240, or by internet. Identify the comments by including docket number 1029-AC04 in the subject line.

2. **Join and give to Kentuckians for the Commonwealth (KFTC).** Stay up to date about Stream Buffer Zone issues and our work to protect the land, water and people of Kentucky. You can join on-line at www.kftc.org.



KENTUCKIANS FOR THE
COMMONWEALTH

www.kftc.org/streams

“ **Pull The Rule. Enforce The Law.** ”
SAVE OUR MOUNTAINS AND STREAMS!

The Office of Surface Mining (OSM) held a public hearing in Hazard, KY on October 24th to allow residents of Kentucky to make public comments on the Bush Administration's proposed rule change to the Stream Buffer Zone. Simultaneous hearings were held in the coal producing states of West Virginia, Pennsylvania and Tennessee. Virginia was denied a hearing. This was the only opportunity residents of coalfield states had to address OSM officials personally and make public comments. Here's some of what KFTC members had to say at the hearing :

“It's absurd that we are even having this conversation. The only discussion about the stream buffer zone ought to be about expanding it. Our water is our most precious resource, and we need to be doing everything in our power to protect it.”

-Jeff Chapman-Crane
Letcher County

“According to the industry, everything that lies above the coal is overburden. That means that I'm overburden. My neighbors are overburden. We are not overburden. We are citizens in this democracy.”

-Beverly May
Floyd County

“Regular enforcement of the current rule is lacking. We all suffer from the degradation of the water.”

-Lyle Snider
Perry County

“The waters of the U.S. belong to its entire people and are not for the coal industry to destroy.”

-Doug Doerrfeld
Elliot County

“You are a public protection agency. You need to protect us!”

-Susan Williams
Fayette County

“You people are working for us- *We the People of the United States*. And we say we want our streams protected.”

-Truman Hurt
Perry County

“We identify our communities by the stream of water that runs by them. It destroys the people when you destroy the streams. I just hope that you tell your bosses that the people in Hazard said, ‘ No!’”

-Herb E. Smith

Learn more, read additional testimonies, and **Take Action!** at:

www.kftc.org/streams