

## Lawyer Says Coal Slurry Study Doesn't Go Far Enough

MORGANTOWN, W.Va., August 5, 2011 /The Associated Press/ – A lawyer for hundreds of Boone county residents who blame coal companies for contaminating their water supply said Thursday that a state-sanctioned study of the problem hasn't gone far enough.

The state Department of Environmental Protection said earlier this week that its consultant, Triad Engineering, has taken 40 water samples as it investigated whether blasting and the underground injection of coal slurry are linked to bad water.

It gathered 22 samples from wells, seven from streams and 11 from mining-related sites, spokeswoman Kathy Cosco said. The original target was 48 samples, including 30 from wells.

Attorney Roger Decanio represents some 250 people in Seth and Prenter in a case against eight coal companies. Though he said he's pleased his clients are "getting the attention they deserved and were lacking for too many years," the number of samples is too small to be representative of the problems.

Decanio is preparing to try the 3-year old lawsuit in Boone Circuit Court this fall, with an initial group of cases covering 256 people and 85 wells. The second trial group contains 100 people.

"So, 22 wells? I'm a little bit surprised they've only done that much, he said. "If the plaintiffs and the defendants can take samples from 85 wells, why can't the DEP and Triad?"

"So far," he said, "it appears to be an incomplete study."

Triad is expected to submit a report on its work by the end of the year.

Triad and the DEP "will gladly sample more wells," Cosco said, but can't do so without owner permission. The team tried to find volunteers for the study but found few takers.

"We are having more success by going door to door, but that is a time-consuming process," she said.

Triad contacted the lawyers who attended some public meetings about the project and asked them to share any well data to help find property owners who wanted their wells sampled.

"While they acted interested at the time, they have not provided that information to either Triad or the DEP," Cosco said. "If they would be willing to help out by sharing that information, it would certainly be more efficient and would address their concern regarding the number of samples in the study."

She said volunteers can call Triad at 304-755-0721 or the DEP's environmental advocate at 800-654-5227. The DEP hired Triad to do a second investigation after its own study failed to identify a link between the slurry injection sites and bad wells.

Slurry is the wastewater created when coal is washed to help it burn efficiently. Pumping slurry into worked-out mines is one of the ways companies can legally dispose of it. Through industry claims the practice is safe, critics say slurry leaches into water tables through natural and man-made cracks in the earth.

The Boone County plaintiffs are now served by public water lines and don't have to rely on their wells.

Their lawsuit targeted Massey Energy and four subsidiaries – all now owned by Virginia-based Alpha Natural Resources – as well as Federal Coal Co. and Missouri-based Peabody Energy and its former subsidiary, Pine Ridge Coal Co.

Peabody has agreed to a confidential settlement but remains a defendant until it's approved by a judge. All of the companies have denied responsibility for the water pollution.