

## Judge Combines Coal Slurry Pollution Cases

MORGANTOWN, W.Va., March 7, 2012/The Associated Press/ – The claims of hundreds of Boone County residents who blame coal companies for contaminating their water supplies will be heard in a single trial, a judge ruled Wednesday.

Circuit Judge William Thompson issued an order consolidating 155 individual medical monitoring lawsuits involving about 350 people. The cases were to be tried in small groups starting April 25, but that date could change after a status conference Thursday.

Residents of Seth and Prenter say mining activities including the underground injection of coal slurry are to blame for discolored, foul-smelling well water and a variety of health problems.

Slurry is the wastewater created when coal is washed to help it burn cleaner. Mining companies have long disposed of slurry in Appalachia by pumping it into worked-out underground mines.

The plaintiffs are now served by public water lines and don't have to rely on their wells for consumption, but they're demanding periodic screening for diseases they believe they could contract because of long-term exposure to toxic substances.

Thompson said the cases have "substantial common issues of law and fact," including the alleged exposure, interconnected aquifers and watersheds, the medical screening and testing needs, and the conduct of the defendants.

"To try the medical monitoring claims individually or in small groups would be a waste of time and would involve unnecessary duplication of effort and testimony," he wrote. "The cost of expert testimony is burdensome and oppressive when compared to a joint trial and resolution of the issue."

A single trial would also be easier on expert and fact witnesses, who would not have to testify to the same issues multiple times, he said.

Attorney Roger Decanio, who represents the plaintiffs, said he was thrilled with the ruling.

"It is the common sense approach to medical monitoring," he said. "The community wide approach is the way most courts in our state have proceeded to conduct medical monitoring."

The lawsuits 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.

All but the Alpha companies have agreed to confidential settlements. All have also denied responsibility for the problem.

In January, the state Department of Environmental protection released the findings of a yearlong groundwater study that found no evidence linking mining to widespread pollution in the area.

Triad Engineering, the DEP's consultant, sampled 33 wells and found evidence of possible links to mining activities in only two of them, neither of which is used as a drinking water supply.

But Decanio has challenged Triad's approach and methodology, arguing there were too few samples to be representative.