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Wednesday, February 10, 2016

Justices' ruling may slow, but won't stop, coal's decline

by **Ken Ward Jr.**, Staff Writer



AP photo

On Tuesday, the Supreme Court agreed to halt enforcement of President Obama's sweeping plan to address climate change until after legal challenges are resolved. Coal industry officials and their political supporters praised the Supreme Court's stay.

A U.S. Supreme Court ruling that at least temporarily blocks the Obama administration's effort to reduce greenhouse gas emissions from power plants might serve to slow some changes to the nation's energy mix, but experts say it won't stop the ongoing decline in West Virginia's coal industry.

The [5-4 ruling](#) — sought by West Virginia Attorney General Patrick Morrisey and by Murray Energy — blocks the U.S. Environmental Protection Agency's [Clean Power Plan](#) from taking effect while coal states and mining companies appeal the rule in a case expected to be heard in June by the U.S. Court of Appeals for the District of Columbia Circuit. An appeal that would send the merits of the legal challenge back to the Supreme Court is likely, regardless of which side wins at the appeals court level.

Coal industry officials and their political supporters praised the Supreme Court's stay.

Morrisey [said](#) the ruling "provides immediate relief for workers and businesses across the country." Bill Raney, president of the West Virginia Coal Association, [said](#) the stay would "give us some breathing room in our effort to protect West Virginia jobs." Gov. Earl Ray Tomblin said he "looks forward to the day we can put more West Virginia miners back to work."

But other experts who have studied the mining industry's decline and the impact of the EPA rules cautioned that coal supporters should not take their celebrating too far.

James Van Nostrand, director of the Center for Energy and Sustainable Development at the West Virginia University College of Law, noted that other factors are playing major roles in the coal downturn that has cost the industry a significant chunk of its market share and thousands of West Virginia miners their jobs.

Among those factors: plentiful and low-priced natural gas resources, decreasing costs of renewable energy sources like solar and wind; and, in Central Appalachia, cost challenges that make the region's coal less

competitive.

"I don't think the stay will reverse what is happening, but it may slow down the de-carbonizing of the country's electric supply until the legal issues are resolved," Van Nostrand said.

The EPA rule gives states the freedom to make their own plans to meet reductions in emissions of carbon dioxide that scientists say are urgently needed to avoid the most serious impacts from climate change. The U.N.'s Intergovernmental Panel on Climate Change, for example, has said the warming of the planet is "unequivocal," citing evidence that includes temperature measurements, melting glaciers, declining sea ice and increased concentrations of greenhouse gases.

In West Virginia, the Supreme Court stay lifts a mandate that the Department of Environmental Protection provide the EPA with at least a preliminary plan for complying with the federal rules by September.

Chris Stadelman, communications director for Tomblin, said that, at this point, the state "does not expect to submit a plan if the rule remains the subject of active court proceedings."

But Stadelman and DEP spokeswoman Kelley Gillenwater said agency officials would continue work on a "[feasibility study](#)" for West Virginia's ability to comply with the EPA rule. That study was mandated last year by the Legislature and is due in late April.

Morgantown environmental consultant Evan Hansen, who has worked with Van Nostrand [on reports](#) studying how West Virginia could comply with the EPA rule, said continuing that sort of work would be the best path for the state to take, even given the Supreme Court's stay of that rule.

Hansen, a House of Delegates candidate, agreed with Van Nostrand that addressing climate change is only one of many factors affecting West Virginia's mining industry.

"The most important is simple economics — whether coal mined here can compete in the marketplace against coal mined in other parts of the country, natural gas and solar," Hansen said. "It's also a matter of geology, because so many of West Virginia's thickest and easiest-to-access coal seams have been mined already."

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