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### **Ruling: Keep Coal out of Resurrection Bay**

*Ninth Circuit Court finds Seward coal export facility violating Clean Water Act*

A federal appeals court unanimously ruled today that Aurora Energy Services, LLC and Alaska Railroad Corporation are violating the Clean Water Act by dumping coal pollution into Resurrection Bay from their coal export facility in Seward, Alaska. In its ruling, the Ninth Circuit reversed a prior district court decision that the facility's stormwater permit shielded them from liability for the pollution. The Ninth Circuit found that the terms of that permit prohibit dumping coal into the bay, and the court sent the case back to the district court for further proceedings.

“This coal export facility has been spewing pollution into Resurrection Bay for many, many years. Today's court decision that the facility's permit prohibits those discharges will hopefully force this facility, at long last, to clean up their act and install modern pollution controls that would make the air safer for Seward residents to breathe and prevent further harm to the bay,” said Russ Maddox, a longtime Seward resident and Sierra Club volunteer. Maddox contributed significantly to the citizen action by documenting and reporting violations at the Seward Coal Loading Facility for many years.

The plaintiffs are represented by Brian Litmans with Trustees for Alaska and Peter Morgan and Aaron Isherwood with the Sierra Club Environmental Law Program.

For decades, the Seward Coal Export Facility has allowed coal to fall unchecked from the conveyor system directly into Resurrection Bay, polluting the water and violating the Clean Water Act. Coal dust from the facility coats nearby fishing vessels and local neighborhoods with dust and debris, impacting the health of local Alaskans and their natural resources.

“The latest developments in this case raise the larger question of why coal companies continue to push their dirty product overseas from Alaska,” said Pam Miller, executive director for Alaska Community Actions on Toxics. “Globally, coal prices are in decline and demand is dropping. It makes no sense to be a bad neighbor to Seward and threaten Alaskan waters for short-term gains.”

“The court decision is just the latest in a series of community victories, in which decision-makers are siding with local residents against the impacts coal exports in the Pacific Northwest,” said Cesia Kearns, senior campaign representative with the Sierra Club. “Alaskans are standing up to

protect their fisheries and resources, and the Northwest is standing with them: Last month, the state of Oregon denied a permit for a proposed coal export facility to protect fisheries and water quality. Northwestern residents know that coal exports are a train wreck financially and for natural resources the states depend on, and we aren't signing away our states for Big Coal's benefit."

Alaska Community Actions on Toxics and the Sierra Club will continue supporting efforts that ensure a healthy community and clean water in Seward.

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