

West Virginia Governor Joe Manchin announced Tuesday that West Virginia is filing suit to, as the Governor put it, stop EPA's "attempts to destroy the coal-mining industry and our way of life." The Charleston Gazette has a good [summary of the suit](#). The suit seeks to invalidate EPA's recent review of Clean Water Act permits for mining and block EPA from implementing a stricter water quality standard. Front and center will be the Spruce Mine mountaintop removal (MTR) permit, currently under EPA review (see my earlier blog post [here](#)).

Taking a page from the environmentalists' playbook, West Virginia will focus on whether EPA met its procedural requirements—such as public comment—when considering stricter standard and reviewing the MTR permit.

Governor Manchin is running for the Senate seat formerly occupied by the late Senator Robert Byrd. Polling to date shows a [very close race](#), and Governor Manchin will certainly take advantage of what, at least in West Virginia, would be considered positive press. (The Governor did [claim](#) that the suit has been in the works since before Senator Byrd's death.)

The law firm representing West Virginia in the suit, curiously enough, is Bailey and Glasser: the same firm that won an appeal about ten years ago after the late U.S. District Judge Charles H. Haden basically shut down mountaintop removal by prohibiting mining waste in permanent and seasonal streams. Judge Haden's ruling was a monumental, if short-lived, achievement for the environmental movement and is described in [Coal River](#).