

15 years dead, the Spruce Mine is the focus of a revival effort

Three House Republicans have asked the Trump administration to revisit a blockbuster 2011 decision that killed one of the largest proposed mountaintop coal mines and marked an inflection point for the industry.

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EPA's crackdown on mountaintop mining has been tremendously controversial in Appalachia. | AP

A decade and a half after the Obama administration blocked one of the most contentious coal mine proposals in U.S. history, three Republican lawmakers are pushing the Trump administration to reverse the decision as part of its pro-coal agenda.

EPA in 2011 invoked its rarely used authority under the Clean Water Act [to block the massive Spruce No. 1 mine](#) in West Virginia, handing environmentalists a major win at the height of their battle against coal. But the companies behind the project haven't given up the fight and are still entangled in a legal dispute with the government, arguing that the veto amounted to an unlawful taking of their assets.

Now, West Virginia's two House representatives – Republicans [Carol Miller](#) and [Riley Moore](#) – along with Virginia Republican Rep. [Morgan Griffith](#) are pressing EPA Administrator Lee Zeldin to undo the veto, [according to a letter](#) POLITICO obtained under the Freedom of Information Act.

It's an audacious ask that stands to reignite one of the most ferocious environmental fights of the 2010s. A veto reversal clearing the way for a major new coal mine in Appalachia would represent one of the administration's most tangible steps yet in its attempt to reverse the industry's decadeslong decline.

In the July 23 letter, the lawmakers encouraged EPA to explore “all legal options” to settle with the companies behind the project and reverse the veto.

“We believe there can be a resolution that provides [United Co.] and Mingo Logan certainty moving forward while simultaneously bolstering President Trump's agenda of energy dominance,” they wrote.

None of the lawmakers' press offices responded to multiple requests for comment.

EPA spokesperson Jake Murphy confirmed the agency received the request to reverse the veto, but did not say whether it would do so.

"EPA is committed to ensuring that Clean Water Act policies and programs are grounded in the law, follow the science and prioritize practical implementation that protects water quality while supporting economic growth," Murphy said in an email.

Three weeks after lawmakers sent in their letter, Zeldin and other senior leaders held a meeting to evaluate potential revisions to EPA regulations governing Clean Water Act permit vetoes, FOIA records show. It's not clear if Spruce Mine was discussed.

The activity comes amid a [broader effort](#) by energy and mining industry groups to undo past Clean Water Act vetoes that they say have a chilling effect on future investments.

The Spruce effort has some serious Republican muscle behind it: The United Co. earlier this year [hired Jeffrey Miller, a prominent Republican fundraiser](#) and close ally of President Donald Trump to lobby the administration and Congress on "surface mining issues."

The United Co. declined requests for comment. Mingo Logan Coal did not respond to multiple inquiries.

Chris Hamilton, president and CEO of the West Virginia Coal Association, said his group has raised the idea of reviving the Spruce Mine "from time to time" in conversations with the administration.

"Mining still constitutes a significant portion of our economy here and our business model as a state, so we're doing everything imaginable to position reserves like the Spruce reserve so that the mineral can be extracted," said Hamilton, who is a member of the National Coal Council that the Department of Energy [reinstated last year](#).

A retroactive veto

The Spruce No. 1 Mine was to be one of the largest mountaintop coal mines ever built in the U.S.

Backed by United Affiliates, a subsidiary of the United Co. based in Virginia, and West Virginia-based Mingo Logan Coal, the project received its required permit from the Army Corps of Engineers in 2007. But environmental groups maintained fierce opposition to the project and made it one of their top targets as they sought to curtail the country's production of coal.

Four years after the George W. Bush administration issued the permit, the Obama EPA determined that the mine would cause extensive damages to rivers, wildlife and nearby communities and [yanked away the permit](#).

The retroactive move drew an outcry — and a deluge of litigation — from coal advocates, business groups and the state of West Virginia. Republican lawmakers still hold up the decision as a poster child for EPA overreach.

Located in Logan County, the heart of West Virginia coal country, the project site contains one of the largest untapped coal reserves in central Appalachia, said Andy Blumenfeld, a longtime industry analyst who serves as principal at Echo Lake Advising.

"I believe United Affiliates senses the timing is right given the coal-friendly Trump administration," Blumenfeld said in an email.

But coal analysts say there are still questions about the economic viability of a major new Appalachian coal mine, even as the [administration dismantles](#) climate, air and water regulations for the coal industry and [orders uneconomic coal plants](#) to stay open.

Global demand for coal has spiked this year as the Iran War pushes up the price of natural gas. But production and consumption in the U.S. are at [roughly the same levels](#) as they've been for the past five years, according to the U.S. Energy Information Administration. This year alone, companies in West Virginia have announced plans to close roughly a dozen coal mines, [according to layoff notices](#) filed with the state.

Based in Bristol, Virginia, the United Co. sold its primary coal producing company in 2009 and has diversified to real estate, golf courses and casinos. But while the company does not have any active mines in West Virginia, Kentucky, Tennessee or Ohio, it still owns over 11,500 acres of land in Logan County near where the Spruce Mine was proposed. The West Virginia property tax division values the land at \$2.484 million, and the lawmakers' letter states that United owns the mineral rights.

An 'unusual' ask

The lawmakers argued in their letter that a blockbuster Supreme Court decision from 2024 [ending courts' deference](#) to federal agencies gives EPA an opening to revisit the Spruce Mine case.

Outside legal experts are skeptical that those arguments could survive the expected lawsuits from environmental groups.

"This is just another example of people feeling like what's old, or very old, is new again as long as Trump is president," said Andrew Mergen, who spent over 30 years at the Justice Department, primarily in the Environment and Natural Resources Division, and is now a professor at Harvard Law School. "Do I think it's going to be successful? I think probably not."

The companies have been fighting the federal government over the veto since it was issued. While they lost their bid to get the Supreme Court to consider overturning EPA's decision, they now have a case before the U.S. Court of Federal Claims arguing that EPA's veto amounted to an unconstitutional taking of their assets – an estimated 34 million tons of coal – without compensation. The Justice Department has maintained that the companies haven't shown that the veto amounted to a taking.

The Clean Water Act gives EPA the authority to block water permits issued by the Army Corps if it determines that the activity would have unacceptable adverse effects on water supplies, fisheries, wildlife or recreational areas. The agency has wielded that authority sparingly, with Spruce being the only coal mine blocked by an EPA veto.

The Spruce project was projected to destroy roughly 3.5 square miles of pristine forests and bury 6.6 miles of streams with debris and mining waste at a time when mountaintop removal mining was under intense environmental scrutiny.

"I think they picked the mine that had the most serious impacts," said Jim Hecker, an attorney who worked with environmental groups at the time in support of the veto. "It would be highly unusual, and I think fruitless, to ask an agency to reconsider something that's already been well settled and which is scientifically supported."

Today, Republican lawmakers from Appalachia aren't the only ones asking EPA to take another look at past Clean Water Act vetoes. A group of energy and mining trade associations called the "Fix the EPA Veto Coalition" has [pushed for broader changes](#) to Clean Water Act regulations to prevent future administrations from axing more permits.

Myron Ebell, a senior adviser to the coalition who led Trump's first EPA transition team, said the group has also urged EPA to revisit other past decisions, including the one that blocked the [Pebble Mine in Alaska](#).

"I'm not a lawyer, but in my opinion, I think it's the case that if there's something in the law that allows something to be done by an official, then it's implied that the law also grants the authority for the official to undo what's been done," Ebell said. "So that would then open the doors to the [Spruce Mine developer] to get going again, if they wanted."

Reporters Kevin Bogardus and Hannah Northey contributed.