A brief timeline of fight to end mountain-top removal and valley fills

- 1999 A lawsuit filed by West Virginia groups challenged the legality of valley fills. Judge Haden agreed, but the lawsuit was eventually thrown out on a technicality.
- 1999-2000 Efforts in the US Senate (led by Sen. Robert Byrd and Sen. Mitch McConnell) came close to weakening the Clean Water Act and legalizing MTR. Their "rider" was attached to a budget bill late in the session, but was eventually dropped in last minute negotiations.
- 1999-2001 Awareness of the problem grew throughout the region and nationally, attracting significant media attention.
- 2001 KFTC filed a lawsuit against the Army Corps of Engineers for violating the Clean Water Act. The test case involved Beechfork Mining Company in Martin County, which proposed 6 new valley fills.
- May 2002 The Bush Administration, fearing that it would lose in court, proposed new regulations that define "fill material" to include mining wastes. This change appears to violate the Clean Water Act, but it took effect in June 2002.
- May 2002 Judge Haden ruled in KFTC's favor. He stopped the Corps from issuing new permits for Valley Fills in the Huntington District. He also said that the Bush Rule appears to violate the Clean Water Act. The coal industry and Bush administration immediately appealed.
- May 2002 The Shays-Pallone bill was introduced in the US House of Representatives. This friendly legislation would make it clear that valley fills are illegal under the Clean Water Act.
- November 2002 Mid-term elections gave control of Congress to the Republicans.
- December 4th, 2002 The 4th Circuit Court of Appeals will hear arguments in the case.
- KFTC will continue to fight to protect our legal victory. In the meantime, this issue must be fought in the court of public opinion. The more we can raise awareness and outrage, the harder it will be for our elected officials to weaken the law. There may also be laws that we can push at the state level, like a moratorium on sludge ponds or stricter limits on blasting, to build pressure on the industry to reduce the use of MTR.

Concerned individuals can (1) join KFTC, (2) write letters to the editor, (3) write to KY's Congressional Delegation, (4) take part in demonstrations against MTR and Valley Fills, or (5) sponsor or speak at educational events to raise awareness.