

Press Coverage | March 30, 2021

4th Circ. Says Water Act Liability Shield Blocks Mine Suit

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Dabney Carr and Brooks Smith, partners with Troutman Pepper, were quoted in a March 30, 2021 *Law360* article, “[4th Circ. Says Water Act Liability Shield Blocks Mine Suit](#),” after successfully defending Red River Coal Co. Inc. against pollution-related allegations. A unanimous Fourth Circuit panel upheld a lower court decision and said a permit for Red River’s operations protects it from allegations over discharges from the now-inactive Virginia mine under the Surface Mining Act.

“Red River is pleased that the Fourth Circuit has affirmed the district court’s decision that it is in compliance with its obligations under that permit and that the Fourth Circuit agrees, as every other court that has addressed the issue has, that compliance with a Clean Water Act permit establishes compliance with the Surface Mining Control and Reclamation Act,” the attorneys said in a joint statement.

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