


JULY 1995

"E"-NOTES

THE NEWSLETTER OF THE
**OHIO VALLEY
ENVIRONMENTAL
COALITION**

1101 6th Ave. Rm. 225 - Huntington WV 25701
Ph: 304-522-0246 Fax: 304-523-6051

ASHLAND GETS FINE, PERMIT

After many months of "negotiating" with the company, the Kentucky Division for Air Quality (DAQ) has signed an operating permit to consolidate the dozens of legal documents governing the refinery that have been issued over the past decade. The history of the refinery's problems is documented in a special center section of this newsletter entitled: "Living Downwind".

The permit makes few new requirements of the facility but sets lower emission limits on some units. The provisions of past agreements have been consistently violated, leading to a regular pattern of fines every other year or so. A fine of \$100,000 accompanied this permit--a penalty for violating the terms of previous documents. The DAQ believes that the document will make future enforcement easier and will lead to noticeable improvements in air quality.

OVEC has made of a number of suggestions over the years (see page 4) and one important one addressed by the permit is the need for special attention to the most dangerous substance at the refinery: hydrogen fluoride (HF). Most of the pollution problems

associated with the refinery have to do with leaks and malfunctions causing frequent problems in those who have to breathe the air downwind. But an accidental release of HF could be a unimaginable catastrophe. Some refineries have switched to other methods to avoid using HF but these entail other risks. Some have implemented special systems to prevent a release from escaping. The latest "agreed court order" requires the company to study the feasibility of implementing new safety systems. Unfortunately, the choice is simply left up to Ashland. If they decide they don't want to spend money on the system they can instead pay the state of KY \$800,000. Of course if there is a release, that money sent to Frankfort won't do much good for the victims living downwind.

Last fall, company president Paul Chelgren told investors that the profit outlook for the refinery was good because work on upgrading the refinery was "almost done" In other words, the company had long ago decided on its plans and that the KY DAQ was not a significant part of those plans.

(See center section: "Living Downwind")



**PEOPLE
BEFORE
PROFITS**

**WHEN FINISHED WITH THIS,
DON'T THROW IT AWAY--PASS IT ON TO A FRIEND!**

KENOVA RESIDENTS HOLD MEMORIAL SERVICE AND PRESS CONFERENCE

On Thursday, June 29, the OVEC Kenova Project Board held a press conference and memorial service to voice concerns over possible environmental regulatory rollbacks in Congress and to honor those who have died and are suffering from industrial pollution exposure.

Many of our members may have seen only the local newspaper coverage by *The Herald Dispatch*. The *Dispatch* MISSED the real story, so OVEC is presenting the *Ironton Tribune's* article. (Many out-of-town media sources covered this event, including *Voice of America*, the *Washington Associated Press*, *WAVE Ch. 3 T.V.* news from Louisville, K.Y., and *The Lexington Herald Leader*)

Area community protests refinery

By LUCIA MOSES

Tribune staff writer

KENOVA, W.Va. — Claiming emissions from Ashland Inc.'s Catlettsburg, Ky., refinery have caused chemical-related illnesses and deaths in this small town, a handful of residents said they plan to boycott the company's products.

Members of the Ohio Valley Environmental Coalition's (OVEC) Kenova Project Board said during a news conference Thursday they fear a national movement will roll back environmental regulations. They are making three demands:

— That federal lawmakers not pass proposed reform bills that would in effect scale back regulations.

— That the EPA ban future heavy polluting industries in the Tri-State and prepare an environmental impact study of the community.

— That Ashland Inc. install a wet scrubber at the refinery that they say would remove most of the sulfur dioxide fumes and relieve health problems.

Ashland Inc. spokesman Stan Lampe said the refinery is in compliance with the federal Clean Air Act, and the company has no plans to install a scrubber.

"Ashland is confident that the citizens of Ceredo-Kenova do not share the views of this small but vocal minority," Lampe said. "... Not only is the quality of the air good, it is improving."

Kenova-area residents, ranging from kindergartners to senior citizens, took the microphone one by one, telling of a constant stench that makes being outside unbearable,

asthma so bad they had to leave the area and cancer deaths.

When he opens the windows in his house, the smell is so bad it gives him a sore throat and headache, said Chris Jimison, 13, a lifelong resident.

"In Kenova we only have two kinds of birds — crows and dead birds," he said. "... We need to either shut down Ashland Oil or make them stop polluting."

But John Hornback, director of the Kentucky Division for Air Quality, said air quality in the area has improved over the last decade and the refinery has not violated sulfur dioxide standards for several years. Deaths cannot necessarily be linked to the refinery because of other cancer-causing variables, he said.

"In one respect, the public is talking about health issues they can't prove," he said. "I just don't know that you can say that any incident has caused these problems."

Kenova seems to get the worst of the emissions from the refinery, which began refining crude oil in 1982, OVEC staffer Jane Wholey said. That was when residents began to notice serious health problems, she said. About a year ago, the local Kenova Project Board formed, with financial backing from the Huntington-based OVEC, said OVEC staffer Laura Forman.

Ashland has made some improvements, reducing particulate emissions from the refinery, Ms. Forman ceded. But the invisible pollution remains high, she said.

"Whatever Ashland says its done,

the health of the community has not changed," Ms. Wholey said.

Hornback said the EPA has begun an air quality study of the Tri-State, triggered by citizen concern. The study is unique in that it covers more than one state and EPA region. Data should start to come out in the coming year.

The Kenova residents said they get the brunt of the pollution because they are poor, and accused Ashland Inc. of controlling EPA regulators.

Brian Holtzclaw, a U.S. EPA engineer who has studied the region, said at the news conference the Kentucky Department of Environmental Protection harassed and tried to discredit him when he revealed violations by Ashland Inc. and health threats. He has filed a whistleblower suit against the agency.

Hornback agreed that in general, pollution is not spread evenly throughout all segments of society. But he denied industry interests control the EPA.

In response to Holtzclaw's allegations, Hornback said he was not his supervisor and could not comment on a matter in litigation.

Lampe said the crude oil refining process does not produce more toxic emissions than other refining processes. In the mid-80s, Ashland Inc.'s environmental record was less than perfect, but the company has since spent hundreds of millions of dollars on environmental upgrades, he added.

"Improvements have been made," he said. "The question is, when do we put the past behind us?"

NOTICE OF LEPC DRILL IN KENOVA

On Saturday, July 15, 1995 @ 9:00 A.M., the Cabell/Wayne Local Emergency Planning Committee will hold an emergency response drill in the Park Circle area of Kenova, WV. The scenario will be a simulated chlorine leak from a railroad car. Evacuation and shelter-in-place will be SIMULATED ONLY. Flyers will be distributed to Kenova folks about this drill. For more information call Jim McClure @ 453-5927.

THANKS TO EVERYONE WHO HELPED AT THE KENOVA CONFERENCE AND MEMORIAL SERVICE!

Pat Davis, Ann Kiser, Lawyer Ratliff and Taylor Ross of the OVEC Kenova Project Board worked hard to make this event a success. The Circle also provided MANY hours of labor and support; Jane Wholey (media consultant), Laurie Schecter, Dottie Burt-Markowitz and Carol Dwyer, a Massachusetts volunteer. Their assistance was invaluable. Thank you to all of our wonderful guest speakers: Donna Kiser-Salmons, Chris Jimision, Hannah Nelson, Brittany Wysong, Dianne Bady, Brian Holtzclaw, Anne Braden, Pam Nixon, Chris Bedford, Paul Rakes, Rev. Ray Woodruff and Rev. Louis Coleman. Mary Parker from Louisville sang hymns while Ray Woodruff accompanied on the keyboards. Jacqueline Hammonds, Hannah Nelson, Kendra Prince, Brittany and Whittany Wysong performed as angels at the memorial service. Thank you, Mr. Paul Rakes for the use of your property to hold the event. Thanks to Norm Steenstra for his help and support. Janet Fout, Denise Poole and Rick Bady were our photographers and videographer. Julie Fletcher distributed media packets and press badges. Mike Forman assisted with troubleshooting and other general tasks. Thanks also to the Lake Dreamland Neighborhood Association in Louisville, KY for their attendance in Kenova. Many of these folks traveled a long way to support Kenova. Thank you all for a job well done!! A special note of appreciation to Margie Nelson for all of her behind-the-scenes work with the Project Board.

Over 90 individuals and groups from all over the country sent expressions of support to the people of Kenova, WV.-- Are you listening Ashland, Inc. and Congress?? Communities suffering from environmental INjustice will come together and speak out and it is YOUR moral duty to listen to them and to ACT responsibly.

HEARING SET FOR FOR COORDINATOR OF TRI-STATE GEOGRAPHIC INITIATIVE

During the week of July 31, a hearing will begin in Frankfort, Kentucky, for the former coordinator, Brian Holtzclaw, who was fearless in his reporting of emissions and public health threats from Ashland, Inc. Unfortunately, like many regulators who attempt to do their jobs, Mr. Holtzclaw was shown the door at the end of his two-year contract. People who want to attend should contact Laura Forman at the OVEC office at 304-522-0246.

REQUESTS OF THE ENVIRONMENTAL AGENCIES:

- A study of the facility by independent refinery experts to determine:
 - The causes of frequent problems and determine solutions
 - Source/cause of odors
 - Source/cause of increased air problems on nights and weekends.
- An end to letting Ashland call the shots on settling violations through "negotiations".
- KY should stick to their new policy of not letting Ashland use the "malfunction exemption" to excuse continual emissions problems that stem from inadequate equipment and practices.
- As EPA policy suggests, fines for violations should exceed profits the company made by violating regulations.
- A head of the Tri-State Geographic Initiative who cannot be fired by KY or Region 4.
- Publish emission rates of major units compared to New Source Performance Standards
- Use actual air monitoring and data and modeling to verify emission rates claimed by Ashland Oil for both criterion air pollutants and air toxics.
- Set up mobile air monitors capable of being triggered during emissions events.
- Obtain expertise to determine health risks that result from repeated exposure to combinations of pollutants. For example SO₂ + H₂S + particulates + air toxics.
- A Local Emergency Planning Committee that is not controlled by Ashland employees.
- Monitoring the health of downwind neighbors, as recommended by US EPA Region 4.
- An end to the practice of keeping information from the public about the refinery, for example, the refusal to release the full text of the Muse-Stancil report.

REQUESTS OF ASHLAND OIL:

- A wet scrubber for the FCC unit.
- An emergency warning system to notify the public of emissions episodes.
- An end to the practice of running units with air pollution controls off line.
- An end to the practice of always denying that problems have occurred or that they could have harmed people.
- An end to the use of Hydrogen Fluoride or an emergency mitigation system as determined necessary by independent experts.
- Instead of spending money on attorneys, public relations advertising, and gifts to influential people, spend the money on improving the refinery.
- Create several union-protected health and safety officer positions, as recommended by the Oil, Chemical and Atomic Workers Union.



SPECIAL PULL-OUT
SECTION



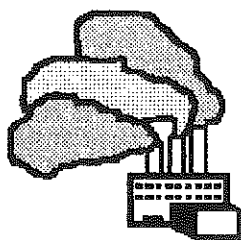


OVEC

Ohio Valley Environmental Coalition

1101 6th Ave. Rm. 225
Huntington WV 25701

LIVING DOWNWIND OF ASHLAND OIL



JUNE 1995

Over the last ten years, Ashland Oil's Catlettsburg refinery has been cited for literally hundreds of violations and has been fined millions of dollars. But excess emissions incidents continue. KY officials have blamed poor maintenance practices and inadequate pollution controls. On several occasions the refinery has operated some units with no pollution controls.

Two separate studies have found elevated respiratory health problems in the people downwind in Kenova, WV. But Ashland's political clout and its massive legal force have kept regulators at bay.

Several residents have reported that after moving out of the area, their respiratory symptoms cleared up. But moving away is not an option for most of the people who live downwind.

Part 1: WHAT IT'S LIKE TO LIVE DOWNWIND

Page 2

Part 2: A HISTORY OF EVENTS

Pages 3-8

Part 1: WHAT IT'S LIKE TO LIVE DOWNWIND

Here's what people near the refinery say about what it's like:

"It's not getting any better. Sometimes the air smells like rotten eggs and makes me sick. It's worst on weekends and sometimes carries over into Monday. It happens three or four times a week and lasts for an hour or sometimes half a day. My daughter Donna cannot come to visit for long periods due to her respiratory problems. After she's here for a while, she has trouble breathing, it makes her cough and lose her voice."

--Ann Kiser

"I notice the smells quite often, mostly early in the morning and late in the evening. It often smells like burnt oil, and lasts for several hours at a time. It makes eyes and throat burn and gives me a headache. The children playing outside often get red, sore, itchy eyes. The last two weeks (May 1995) have been very bad--I had to go to the doctor, and I lost my voice. My neighbors call me because they know I'll call the KY Division for Air Quality, but I don't think it has done any good. My doctor says my throat and stomach problems are caused by living with and breathing chemicals. He said that I live right in death valley".

--Pat Davis

"I live very close to the refinery and the smells are almost constant. It often smells like hot oil. I don't smoke but I almost always have a sore throat. It makes your eyes burn too."

--Lawyer Ratliff

"Sometimes it smells bad but sometimes you don't notice a smell, but the sore throats will start. Sometimes it smells like burnt matches and sometimes you get a metallic taste in your mouth. When it gets bad I have to give my son asthma medicine. I have had to take both my sons to the emergency room in the past when the refinery has a problem. It gives me a sore throat and sometimes leads to an infection."

--Drema Duke

Part 2: A HISTORY OF EVENTS

1982

- Ashland Oil constructs new RCC and MRS units to handle highly contaminated crude and residues that other refineries will not use. Units are constructed in violation of construction permit. Company begins operation without obtaining operating permit. Inadequate environmental controls cause massive particulate releases resulting in "fallouts" of material that sometimes includes enough caustic calcium oxide to cause skin burns and damage to paint.
- Without appropriate permit changes, the company increases the amount of oil refined daily, resulting in increases in air pollution of all kinds.

1983

- Ashland Oil and the State of KY sign an "agreed court order" to settle environmental violations involving excess SO₂ emissions and the violation of the National Ambient Air Quality Standard.

1984

- Ashland and KY sign another "agreed court order" to settle violations involving failure to construct the RCC unit as specified in the construction permit, resulting in excess air pollution.

1985

- Ashland settles out of court on 700 lawsuits by Kenova residents, resulting from property damages from their caustic fallout. Alleged health effects are charged in later suits.

1986

- Ashland and KY sign two more "agreed court orders" to settle environmental violations involving hazardous waste problems at the company landfill, excess emissions from inadequate equipment and failure to notify KY personnel of excess emissions episodes.
- Air pollution episodes cause evacuations of children from a nearby KY school. The county later closes the school and Ashland Oil quietly purchases the building.
- Company fined by EPA for excessive lead in gasoline, and for water violations.
- The company and the former chairman sign a consent decree after being charged by the Securities and Exchange Commission of making illegal payments to get oil overseas.

1987

- Ashland and KY sign another "agreed court order" to settle environmental violations including excess air pollution and failure to abide by previous agreed court orders and construction permits. It includes the largest fine ever levied by state of KY.

1988

- US EPA Region 4 fines company for excessive benzene emissions.
- Kenova residents organize to get Sen. Byrd to pressure EPA Region 4 into action.
- An inadequately constructed Ashland Oil storage tank ruptures, spilling 500,000 gallons of diesel fuel into the Monongahela River near Pittsburgh.
- Two former employees win a wrongful discharge suit against the company. The jury finds they were fired for refusing to cover up illegal payments overseas.
- After discussing Ashland Oil pollution in the media, a Marshall University professor gets a memo from Marshall's president saying he should not claim he speaks for the university, (despite the fact he never did). (Marshall has received large donations from Ashland Oil.)
- One local doctor is willing to tell his patients that their respiratory symptoms could be due to Ashland's pollution, and says he would say so in court. The company makes accusations about the doctor. Rumors of all sorts are heard. Soon the doctor moves away. Other doctors in the area are found to be unwilling to discuss air pollution's effects with their patients.
- EPA Region 4 begins air quality study of area.

1989

- KY and EPA officials complain that Ashland Oil uses the "malfunction exemption" to escape prosecution for violations that actually result from lack of adequate equipment and maintenance.
- Ashland threatens to sue some of the local citizens who complain. No suits are filed.
- Huntington Herald Dispatch gives good coverage to Ashland issue, especially by reporter Monty Fowler. Ashland executives constantly complain to the paper's editors.
- Residents begin series of ill-fated personal injury lawsuits against the company.
- Ashland employees organize some workers, convincing them the lawsuits threaten their jobs. Ashland Oil "Employee Group" publishes newsletter which prints names and phone numbers of litigants and of KY DAQ inspectors, and attacks OVEC spokespersons by name and tells blatant lies about them. Various harassment of litigants begins. One inspector receives death threats on the phone. His child is harassed at school. He later transfers to a different job.
- KY legislature passes a bill making it harder to sue companies for health damages. It is dubbed the "Ashland Oil bill".
- KY fines Ashland for illegally dumping arsenic-containing wastes in their landfill.
- Don Harker, Director of KY's Division for Hazardous Waste, decides Ashland's landfill must be closed due to detection of arsenic from their wastes in the groundwater.

1990

- Don Harker is fired. No explanation is given. Later in a newspaper interview he says: "They (Ashland) always let you know that they had a political option. And they let you know they were prepared to exercise that option if enforcement got too stringent."
- The DAQ finds that emissions of NOx from the RCC Unit are far greater than the amount specified in the construction permit. (No operating permit was ever obtained.) EPA Region 3 and Region 4 point out that NOx emissions could be reduced using existing technology and that the company has no acceptable rationale for why higher emissions should be allowed. Despite this, KY approves the company's request to increase allowed emissions.
- Ashland signs another "agreed court order" to settle environmental violations including excess air pollution and failure to abide by previous agreed court orders and construction permits.
- KY air inspectors say they fear they will lose their jobs if they testify for the plaintiffs.

- A jury awards 10 million dollars in damages to 4 plaintiffs for health effects from Ashland's air pollution. This was the only time that a case against the company was actually heard by a jury. The jury decides to award punitive damages much higher than what the plaintiffs asked. Ashland appeals and the victory is later overturned by the WV Supreme Court.
- Ashland stages rallies and distributes bumper stickers saying "I Support Ashland Oil"
- One of the residents suing Ashland runs for Mayor of Kenova. Ashland pressures the candidate's employer, and he loses his local job. Despite Ashland's effort, the litigant candidate easily wins election, but is then hesitant to criticize Ashland in any way.
- KY reveals that massive groundwater contamination exists under the refinery as a result of long term leaking of oil at the facility. The company drills wells to pump out the oil and refine it.
- Despite pleas from residents and KY officials, Ashland shuts down SO2 control equipment for maintenance without ceasing operation. Ambient SO2 levels exceed .5 ppm causing breathing problems in residents, but 24 hr average is not violated and the state is helpless.
- A study funded in part by Stanford University reports that residents of Kenova, WV reported higher rates of air pollution-associated illnesses than residents of Milton, WV. No evidence of overreporting was found. Differences in illness rates were larger than those found in most other studies of the same type in other polluted areas. Ashland tries to harass the author and to intimidate Stanford officials out of backing up the study. Stanford officials get a court injunction to prevent Ashland from getting the names of the respondents in the study. School officials stand by the study's results.
- Results of EPA Region 4 study released. It reports that:
 - Because of meteorological conditions, the potential for air pollution in the Ashland--Huntington--Ironton Tri-State area is greater than for any other area in the eastern US.
 - Residents of Kenova, WV reported higher rates of the types of illness associated with air pollution, than residents of Barboursville, WV. The study's author, Dr. Lewis Kuller, an epidemiologist from the University of Pittsburgh said: Differences were "as large as we've seen in any study we've done, maybe larger".
 - Residents of several communities were more likely to visit a hospital emergency room on days when industries reported malfunctions, as compared to non-malfunction days. Dr. Kuller, commented on those who tried to deny the problem, saying: "You'd have to be out of your mind to say there's no pollution problem here."
- EPA Region 4's head of Air, Winston Smith, recommends that federal, state and local regulatory agencies should develop a plan to control malfunctions at their sources and to begin health monitoring of the citizens. (These recommendations have not been followed.)
- KY engineers visit refineries in Texas and report that "The solutions to many of the problems at Kentucky's Ashland Oil refinery were addressed years ago in Texas and are now routine."
- KY officials complain, in writing, that Ashland uses legal maneuvering to avoid compliance with regulations and with agreed court orders.

1991

- OVEC reports that ambient levels of particulates in the Tri-State decreased during the period of increased monitoring for the US EPA study. The levels were the lowest in recent history, and increased to the usual higher levels after the study was over.
- KY DAQ reports that area exceedances of the sulfur dioxide health standard (NAAQS) are a result of shutdowns and malfunctions at the Ashland Oil refinery. But the version of the report

issued to the public avoids mentioning that Ashland Oil was indeed responsible. Officials comment that excess SO₂ emissions at Ashland are due to illegal equipment modifications.

- The company again runs some equipment with the air pollution controls off, despite pleas of residents and state officials. This time it's carbon monoxide. Residents complain of headaches and burning eyes. There were no CO monitors near downwind of the refinery at that time. (Later, after pressure from OVEC, WV installed a CO monitor).
- An Ashland Oil chemical engineer is told to keep a KY inspector away from an illegal operation in the plant during an inspection. He refuses and is later fired. The engineer successfully sues company for damages and to have his employment record cleared of phony allegations.

1992

- An OVEC study shows that the amount of criterion air pollutants emitted (per barrel of oil processed) is much larger for the Catlettsburg refinery than for similar facilities. Data did not include pollution emitted during malfunctions, but only during normal operation. State officials cited lack of proper equipment for the higher rates.
- New governor in KY appoints Phillip Shepherd to head the state's environmental agencies. He, in turn appoints John Hornback to head division for Air Quality. Some other top officials from previous administrations remain.
- Ashland apparently befriends new executive editor of Huntington Herald Dispatch and increases its program of buying "public service" advertising in the paper. The editor then fires the environmental reporter, Monty Fowler. Very little coverage of Ashland Oil issues follows.
- Expert witnesses for those suing Ashland Oil submit written opinions that Ashland Oil's air pollution has caused health effects in residents and that the company underestimates emissions in reports to government agencies.
- Gunshots are fired in the vicinity of an OVEC member who was attempting to video tape emissions from the refinery. No one is injured but all believe that a message was being sent.

1993

- After complaining for years that the company has emissions events at night and on weekends when no inspectors are available, OVEC members show KY officials video tapes of some of these emissions events that company officials attempt to deny.
- Ashland and KY sign another "agreed court order" to settle environmental violations including excess air pollution, use of illegal fuels, and failure to abide by previous agreed court orders and construction permits. The company is required to pay for a video system to allow regulators to monitor the refinery 24 hrs. a day.
- Brian Holtzclaw begins work as coordinator of the Tri-State Geographic Initiative (TGI). This response to citizen complaints is an effort to coordinate agency responses to pollution problems. (The region involves three states and three EPA regions.)
- Wil Lepkowski, Reporter for Chemical and Engineering News (publication of American Chemical Society) begins research for an in depth story about Ashland Oil.
- Phillip Shepherd, New Secretary of KY Natural Resources and Environmental Protection Cabinet states: "We need to get out of the mode of operating that facility under agreed court orders."
- KY cites the company for operating a major unit with air pollution controls off line.
- John Hornback, Director of the KY Division for Air Quality states: "...it has been determined that the exceedances are part of a recurring pattern indicative of inadequate design, operation or maintenance."

- OVEC reports that the number of reported malfunctions in both 1991 and 1992 had increased since 1990. Data showed a major increase in problems with air analyzers and monitors, which prevents the obtaining of data on excess emissions during malfunctions.
- After over a year of stalling, EPA Region 4 releases report of a technical study of certain aspects of the refinery. Critical portions are whited out. OVEC files a FOIA appeal but is ignored.
- Most of the remaining litigants settle out of court, after the lawfirms representing them decide they cannot afford to continue in the face of Ashland's ability to stall the suits endlessly. Plaintiffs say they were forced to settle, not informed about what they were signing, and were refused copies of what they signed.
- Brian Holtzclaw, coordinator of the TGI, requests a health expert at EPA Region 4 to assist with risk analysis. He is prevented from talking to the doctor. The doctor is transferred.
- PBS includes a section on Ashland Oil pollution and citizen efforts to stop it in a program broadcast nationwide (except for in KY).

1994

- EPA Region 4 cites Ashland and levies the largest Emergency Planning and Community Right-to-Know Act fine in history for failing to report excess emissions events. The violations were several years old. An EPA employee tells an OVEC member that the citations were put on hold by Winston Smith for over two years. Conveniently for the company, they were stalled till after most of the civil lawsuits against the company were settled or abandoned.
- Huntsman Chemical Company announces plan to build styrene plant using Ashland Oil feedstock in the Kenova area. The company refuses to speak with local residents.
- OVEC organizes local citizens to pressure Local Emergency Planning Committee (LEPC) to deal with immanent hazards from Ashland Oil, especially the use and storage of Hydrogen Fluoride there. They find the LEPC is controlled by Ashland employees and supporters.
- John Hornback, director KY Division for Air Quality states: "The company should be willing to admit its weaknesses and failures". "The cost to federal and state taxpayers is enormous to defend agencies against challenges the company makes regarding documented, well-proved violations." The company should "expend more energy on prevention of future violations of a similar type".
- Hornback further states that Ashland Oil should:
 - Set up a council or committee to supplement the existing citizens' advisory panel which is "clearly pro-Ashland".
 - "Be open to disclosing the true nature of incidents immediately upon their occurrence".
 - Install SO2 scrubbers at the FCC Unit (the largest refining unit--A.O. has refused to improve it, claiming it is grandfathered).
 - Accelerate accidental release program to minimize risk of release of hydrogen fluoride. The company's commitment "to make rapid progress toward completion is very weak".
 - Better train refinery operators.
- A person knowledgeable about EPA Region 4 tells an OVEC member that Winston Smith (EPA Region 4-Air) never had any intention of dealing with Ashland Oil.
- KY officials admit to OVEC members that the state of KY simply cannot take Ashland Oil to court to force them to obey the law because the KY state court system would likely rule in AO's favor.

- After pressure from Ashland Oil, editors at Chemical and Engineering News refuse to print story by Wil Lepkowski.
- TGI coordinator Brian Holtzclaw seeks a lawyer claiming that KY and EPA Region 4 are preventing him from doing his job.
- Brian Holtzclaw issues reports documenting the following:
 - Kentucky ranked sixth among all states in most chemical accidents. During 1992-1994, Ashland Oil had more environmental accidents than any other facility in KY.
 - The area near Ashland Oil has the greatest theoretical health risk of any of the industrial clusters in the Tri-State area.
 - Given the poor air quality, an environmental impact study is justified before considering air permits for the proposed Huntsman Chemical plant.
- Brian Holtzclaw is removed by KY with no warning or explanation. He institutes legal proceedings, charging he was removed for whistleblowing on KY's and EPA Region 4's lack of action on Ashland Oil.

1995

- The remaining lawsuits are dropped, as the plaintiffs' attorneys abandon them, unable to match Ashland's legal resources. A few citizens vow to continue pursuing lawsuits.
- Ashland begins conversion of an out-of-use unit (MRS) to convert it to a second RCC Unit. KY officials acknowledge that pollution will increase, but that they are powerless to stop it.
- OVEC intervenes on Brian Holtzclaw's behalf, arguing that he single-handedly made more progress towards addressing air pollution problems in two years than most of the rest of the KY cabinet did over the past 10 years. KY claims he was relieved because his project had not moved fast enough (!!!) and that OVEC has no right to be involved the proceedings.
- In order to resolve the violations that have occurred since the last agreed court order, KY continues lengthy negotiations with Ashland. KY drafts an operating permit for the company.

For more information, call the OVEC office at 304-522-0246



Corridor H and Pulp Mill Opponents Hold Joint Candlelight Vigil

What do the proposed Corridor H super-highway and the proposed Apple Grove Pulp and Paper mill have in common besides \$1 billion price tags, the potential to cause irreparable environmental devastation, political arm-twisting by powerful West Virginia politicians (Governor Caperton, Senators Byrd and Rockefeller), the firing of a top US EPA administrator, Peter Kostmayer, for his willingness to consider citizen input, secret dealings (withholding of information from the public), etc.? With so much in common, it only seemed appropriate that concerned citizens hold a joint candlelight vigil organized by OVEC on June 13th on the state Capitol grounds in Charleston, West Virginia.

Tom Koenig from Elkview, West Virginia, opened the vigil with prayer. The 150+ citizens who attended heard remarks by State Senator David Grubb (D) and West Virginia Secretary of State, Ken Hechler, two well-known state environmental leaders. OVEC asked some elected officials to speak at the latest vigil because most state and local politicians have been noticeably silent regarding these issues which are considered political hot-potatoes by many. Several weeks before the vigil, a letter of invitation was sent to Governor Caperton asking him to attend, to hear our concerns and to get to know us better, and if he chose, to speak. A phone call from his office to ours informed us that he would not be able to attend because of a previous engagement. Although no one was surprised that the Governor declined our invitation this time, we hope he will consider attending the next one.

After the speeches, citizens sang "Amazing Grace" and other songs, lit candles and encircled Governor Caperton's mansion. Before Rev. David Green gave the benediction folks sang "This Little Light of Mine" and joined arms in a gesture of solidarity.

OVEC wishes to thank Norm Steenstra, Bonnie McKeown, Hugh Rogers, Chuck Merritt, Robin Godfrey, Frank Young, Rev. David Green, "Senator Roberta C. Absurd", and others for speaking. A special thanks to Greg Carroll for arranging to get a PA system and to Ammed Solomon and Eric Fout for setting it up.

(continued on next page, "Candlelight Vigil")

(Candlelight Vigil, continued from previous page)

While the candlelight vigils are serving to bring attention to the crucial issues surrounding the pulp mill, many of those who come, participate, sing and pray are sincere in their efforts, and don't view these as simply a media event. As one participant said, "I pray for the Governor and our other elected officials every day. Maybe, just maybe, one day the light will go on in their heads."

Thanks, Becky!

A very special thanks (as well as an apology) goes to Becky Hoff who helped OVEC staff and members hand out vigil notices in Charleston at the John Prine Concert. OVEC wasn't able to notify all of its members, including Becky about the change of date (since our vigil conflicted with the John Prine concert, we decided to leaflet the crowd and hold the vigil on the following Tuesday)! When Becky showed up for the "vigil," OVEC staff put her to work handing out flyers! Thanks, thanks, thanks. Sorry, sorry, sorry!

Citizens Sue Gallipolis Fairboard Over "Backyard" Stockyard

Citizens opposing the addition of a stockyard at the Gallipolis Fairgrounds so close to many of their homes, have filed suit against the Fairboard and the Gallia County Commission under Section 1171.25 of Ohio's Revised Code. While citizens do not oppose the building of a stockyard in an appropriate location, they do oppose a project which will permanently affect their quality of life as well as reduce the value of their homes.

Despite strong, local citizen opposition, the Fairboard held a ground-breaking ceremony on Saturday, July 1. Undaunted by ground-breaking ceremony, affected Gallia County residents will continue to fight this battle. For more information, call Ellen Saunders at 614-446-4830.





HOW YOUR CONGRESSMAN IS VOTING

The League of Conservation Voters, a 25-year old bipartisan group, regularly compiles a listing of how politicians vote on key environmental legislation. The League's primary objective is to provide voters with factual, objective information about both the past records and the campaign promises of all candidates for the US House and Senate.

Experts from 27 mainstream environmental groups volunteered their time to help identify the most crucial environmental votes cast during the first 100 days of the new congress. The rating represents the percent of votes cast in favor of a cleaner, healthier environment. The groups claims that the judgment reflects the priorities of the entire environmental community.

CONGRESSMAN

Jim Bunning (R-KY)

Frank Cremeans (R-OH)

Nick Joe Rahall (D-WV)

PRO-ENVIRO VOTES

9%

0%

100%

Cut and mail to: OVEC, PO Box 970 Proctorville OH 45669

New member or renewal (Dues: \$5 - \$25, pay what you can)

Donation enclosed

Keep me especially informed on this issue: _____

DONATIONS ARE
TAX DEDUCTIBLE

Name _____

Send info about OVEC to this person:

Address _____

Name _____

Address _____

Phone # _____

For more info call the OVEC office (304) 522-0246
PLEASE LEAVE A MESSAGE IF WE'RE NOT IN
OR, WRITE TO OVEC AT: 1101 6TH AVE. RM 225, HUNTINGTON WV 25701

OVEC NEWSLETTER FOR JULY 1995



KENOVA RALLY: Ann Kiser, left, and Pat Davis weep during a rally Thursday in which Kenova residents accused Ashland Inc.'s Catlettsburg refinery of causing illness and deaths with its emissions. (Tribune photo by Mike James)

OHIO VALLEY ENVIRONMENTAL COALITION
1101 6th Ave. Rm. 225
Huntington WV 25701

PO Box 970
Proctorville OH 45669