

July 1996

"E"-NOTES

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

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CHIEF OF WV OFFICE OF AIR QUALITY ISSUES PULP MILL AIR PERMIT--SAYS "NOW THE FUN BEGINS"

by Janet Fout

Call it irony or coincidence. On the same day that OVEC held a press conference in Charleston to issue a report about public opinion and the pulp mill (June 17), the WV Office of Air Quality (OAQ) issued the air pollution permit for the proposed Parsons and Whittemore (P&W) pulp and paper mill. OVEC's review of public comment indicates that an overwhelming majority of those who commented oppose the project (see insert in this issue). Having learned that the permit was being issued, OVEC staff members went to OAQ to pick up a copy of the final document.

On the way there, I seized the opportunity to walk a few blocks with Dale Farley, Chief of the Office of Air Quality, as he walked towards the office. Mr. Farley said that he was not surprised by the strong opposition to the project; in fact, he said it was close to what he had surmised. Nevertheless, Farley issued the air permit. (I wonder if OAQ has ever denied an air permit? Doesn't the will of the majority mean anything anymore?)

As we walked, Farley said, "Now the fun begins."

I don't know if most people would characterize the battle ahead of us as "fun." But OVEC is in this one for the long haul. Farley said there were a number of issues in the permit that he thought both sides would appeal. Some OVEC staff and members are currently reviewing the permit and considering such action. An appeal from any party

("pulp air" continued on page 14)

CHURCH GROUPS TAKE ACTION

Long, long ago, the psalmist declared that "the earth is God's and the fulness thereof, the world and those who dwell therein" (Psalm 24:1). Today, many people of faith feel called to work with others to protect creation. Some OVEC folks are working with several different religious denominations and groups.

- OVEC director Dianne Bady was asked to write an article for the United Methodist church's magazine, Christian Social Action. This article will appear in the July/August issue. The national **United Methodist church's** 1996 General Conference adopted a resolution entitled "a dioxin free future", which calls for a phase out of chlorine based pulp and paper bleaching.

-Every four years, the United Methodist church sponsors an Appalachian conference. The December, 1996 gathering is called "Voices From Appalachia... Echoing God's Call". Dianne Bady will lead two workshops on environmental issues, which will focus on grassroots organizing around toxics issues and around forest protection. One emphasis will be a discussion on how to respond to the recent invasion of outside timbering corporations into all parts of Appalachia.

-OVEC organizer Laura Forman continues to work with the Justice Resource Center near Louisville, which is led by Louis Coleman, a **Baptist** minister. Rev. Coleman's work to promote environmental justice in polluted African American communities parallels some of OVEC's environmental justice efforts.

("church" continued on page 14)

Kentucky Governor Patton-- Friend to Industry, Foe to the Environment??

By Laura Forman

Many people expressed grave concerns when shortly after his election in November, Kentucky Governor Paul Patton appointed Ashland Inc. executive Chuck Whitehead to a review committee which would select the secretary of the Environmental Cabinet. These apprehensions were not unfounded, as James Bickford, who had recently begun a consulting firm with former Ashland Inc. officials, was chosen by the committee as secretary of Kentucky's Environmental Cabinet, the same agency that enforces Ashland's compliance with environmental regulations!!! Do the phrases "fox guarding the henhouse" or "conflict of interest" mean anything to this governor? At the time, Patton claimed he wanted someone outside the business or environmental sectors to "balance the needs for a clean environment against the needs of businesses to be competitive and profitable."

Now the governor is attempting to give industry the opportunity to claim that certain environmental regulations could be an undue burden to them. In May, Patton asked Secretary Bickford to conduct a review to see if environmental laws and regulations are driving away businesses and jobs. Apparently the governor is not aware that recent studies have shown that the states with the best environmental records also have the best economic conditions. One such study ranked Kentucky 45th on the Gold (economic) scale and 40th on the Green (environmental) scale, out of the fifty states; with 50 representing the worst score. (*Institute for Southern Studies, 1994.*)

Governor Patton claims he will not lower standards that protect the environment

but that he wants to eliminate unnecessary rules. Which "unnecessary" regulations might Patton have in mind? Those which even now are not stringent enough or enforced adequately to protect people's health? Does the governor intend that the polluting industries dictate the environmental laws with which they can comfortably comply and those that should be eliminated altogether? Is this the "balance" that the governor seeks?

The Justice Resource Center, led by Reverend Louis Coleman, along with the Coalition for Health Concern, Kentucky Local Governance Project, OVEC and other grassroots organizations, held a press conference on May 23 to object to ANY reduction in environmental regulations. As Reverend Coleman said, "Patton and Bickford are endangering people's health with a buddy-buddy approach to the polluters of our environment."

Governor Patton has not made a request for a review from citizens as to the unnecessary burdens inflicted upon them from various polluting industries. For example, the governor has not asked people in Kenova, WV how they feel about the ever-present pollution problems from Ashland's Kentucky refinery. Neither has Patton solicited input from low income folks and people of color in Calvert City or Rubbertown, KY, who suffer every day under a deluge of industrial pollutants in their air and water.

The governor is making clear his priorities and it is apparent that environmental justice is NOT among them. Where IS the balance, Governor Patton?

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

WELCOME TO LIFE!

Donald Roy Forman, born on July 11, 1996 to Laura and Mike Forman. Laura is OVEC's organizer, Mike is an active member of "the husbands of OVEC", and vice president of the Huntington Tri State Audubon Society.

Barak Colton McCoy-Googel, born on June 24, 1996 to Chelena McCoy and Norman Googel. Chelena is an OVEC board member, and her husband Norm is an active OVEC member.

Mothers, babies, and families are all well and happy!



OVEC CO-SPONSORS HANDS-ON NATURE CAMP FOR YOUTH

This is the 5th year that OVEC has co-sponsored, with the Greater Huntington Parks and Recreation District, the "Web of Life" nature camp for young people, 7-12. The day camp, held at Camp Mad Anthony Wayne, will run from August 5-August 9 from 9:00 a.m. to 5:00 p.m.

Classes include: "Earth, Air, Water, and Fire," "Where the Wild Birds Fly," and "Nature Through the Five Senses." Other classes include instruction in camping skills, art, woodcraft, and supervised recreation. This year's guest speakers include a wolf expert and his wolf(ves), experts on endangered wild cats (in the past they've delighted children with a bobcat and a lynx), and our friends from the Three Rivers Raptor Center, who always bring with them several birds of prey which have been injured and now live at the center.

Junior counselors assist with classes and provide much needed energy and enthusiasm for activities and games. These role-models are older youth who have attended camp in previous years.

Sharon Steenstra, an OVEC board member and elementary school teacher, will be camp director again this year. Cost for the week is \$65. Families with more than one child receive a discount. Space is limited. To register, call the Huntington Parks District at 696-5954.



KEEP THOSE POSTCARDS COMING!

George Landegger is the President of Parsons and Whittemore. This family owned corporation has no public stockholders. Please write to George, telling him what you think about his plans to build the largest pulp and paper mill in North America here, using heavily polluting chlorine dioxide bleaching. The Landegger family is already one of the richest families in the country. They think that taxpayers from West Virginia, one of the poorest states in the country, should cough up hundreds of millions of dollars to subsidize their proposed mill, so that they can become even richer.

Send a postcard or letter to George Landegger, Parsons and Whittemore, 4 International Dr. Rye Brook, NY 10573. If you've already written, send him another note. Many folks have sent simple messages, such as "Get out of West Virginia".



National Forests in Jeopardy

by Mike Forman

Almost eleven years ago, my family and I visited King's Canyon and Sequoia National Parks. These preserves, and adjoining National Forests, are the sisters to Yosemite, in the magnificent California Sierras. After spending time in the parks, we camped in Sequoia National Forest. We left the main road and drove down a narrow strip used by Forest Rangers. I remember the serenity and the solitude, the clarity of the night sky, and the brilliance of the Milky Way. That dirt trail stretched as far as the eye could see into the pristine forest.

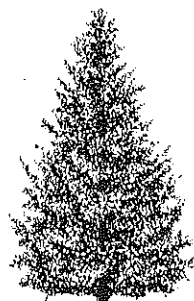
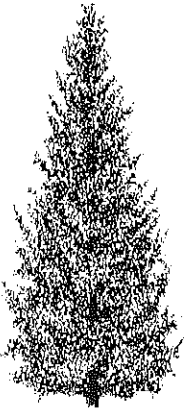
By 1987, the path had been transformed into a highway for large-scale timbering. The previous forest had been replaced by great areas of deforestation, side roads branching off the main thoroughfare, deafening noise from monstrous vehicles, and trash scattered in all directions.

The real tragedy is that the average visitor to these areas will never know the destruction wreaked by the timber clearcutters since tourists seldom stray from the parks and campsites and rarely wander off the paved roads. Many people are satisfied with the notion that our sacred heritage is preserved through federal law.

Congress is supposed to be the steward of our great forests. Sadly, some representatives have become greedy opportunists, conspiring with timber conglomerates to con us out of our precious, irreplaceable National Forests. S. 391, the "Federal Lands Forest Health Protection and Restoration Act," sponsored by Sen. Larry Craig (R-ID), would turn over National Forest management to those who would benefit the most -- the timber industry. Under the hoax of a "forest health crisis," this bill stands to overturn 75 years of progressive timberland management - land belonging to you and me. They would have us believe these great forests, survivors for thousands of years without the "help" of the timber industry, are suddenly in grave danger. This industry wants the public to believe that the cure for our diseased woodlands is clearcutting. Like an eighteenth century phycic, they propose a bloodletting for their ailing patient, and they are hoping the heirs are too bereaved to notice the ruse.

The truth is that there is no forest health crisis. Mortality rates for western forests have remained below 1 percent for the past forty years. Insect and disease infestations are at a 30-year low. The primary threats to eastern forests, such as West Virginia's great Monongahela National Forest, are acid-rain, and non-native pest infestations, problems that "salvage logging" cannot solve. This logging poses far more threat to our forests. Decades of logging road construction and clearcutting have seriously degraded many forest and stream ecosystems leading to soil damage, erosion, and loss of wildlife habitat.

S.391 is particularly insidious because public review will be stifled, and opposition voices silenced. The public stands to be bilked out of tax dollars as federal subsidies to the timber industry are increased. This legislation will place the rights of the timber industry above all others. Clearcutting will be valued over fishing, hunting, hiking, boating, and camping. Please call or write to your U. S. Senators and Representatives now. Otherwise, our legacy to our children will be pitiful anecdotes and memories.



PUBLIC OPINION AND THE PULP MILL--A REPORT BY THE OHIO VALLEY ENVIRONMENTAL COALITION

ABSTRACT

Written public comments received by the West Virginia Office of Air Quality (OAQ) regarding the draft air pollution permit for the proposed Parsons & Whittemore pulp and paper mill were copied and analyzed by volunteers and staff of the Ohio Valley Environmental Coalition. A total of 838 comments were received including personal letters, form letters, signatures on petitions, and letters from organizations and government agencies. **When only personal letters were analyzed (excluding letters from organizations and government agencies), 93 % were against the mill, and 7% were proponents of construction.** When 838 total comments were analyzed including personal letters, form letters, petitions, etc., 77.1% were against the pulp mill and 22.3% were for it, 650 to 188. The remaining 0.6% were considered neutral, expressing no preference.

Over 90% of the comments from people opposing the project were received from 82 cities and towns throughout West Virginia and also included comments from 7 other states. Written comments from proponents of the mill came from 8 and 4 cities and towns in West Virginia and Ohio, respectively.

INTRODUCTION

For more than a century, West Virginia's resources and its people have been exploited by outside interests. Near the turn of the century, mountain people were cheated out of their land and natural resources by slick lawyers representing robber barons who raped the state of its timber and coal resources. Polluted streams and rivers, eroded hillsides, barren landscapes, and impoverished communities, served as graphic reminders of the greed and contempt of outsiders. The promise of a brighter future for hard-working mountain folks was empty, and the majority of West Virginians never benefited from this kind of economic development. Both the natural resources and the profits left the state. Yet in spite of this failed economic strategy of the past, West Virginia could be headed down the same ill-fated path.

Since 1989, citizens throughout West Virginia and the Appalachian region have opposed the proposal to construct North America's largest pulp and paper mill on the Ohio River at Apple Grove, West Virginia. The mill was first proposed in 1988 by George Landegger, President of Parsons & Whittemore, Inc., a privately held trans-national corporation, with headquarters in Rye Brook, New York, during the administration of former governor and convicted felon, Arch Moore.

As citizens have become more informed about the mill's potentially devastating impacts on air and water, the likelihood of massive deforestation, the secret deals made without citizen input, the hundreds of millions of dollars of tax incentives, infrastructure, and exemptions offered to lure the mill to West Virginia, without the promise by the company to hire a single West Virginian, opposition to the project continues to grow.

In order to gauge public opinion regarding the proposed mill, the Ohio Valley Environmental Coalition reviewed and analyzed the written public comment received on the draft air permit.

METHODS

On December 8, 1995, the West Virginia Department of Environmental Protection, Office of Air Quality issued a draft air pollution permit opening a public comment period. During the comment period, the Chief of the Office of Air Quality ordered an extension of the comment period after the discovery that several documents in the Parsons & Whittemore's file had been "inadvertently" omitted. The comment period was closed on March 7, 1996.

OVEC staff and volunteers copied and analyzed written letters and comments received by the OAQ on or before March 7, 1996. These included personal letters, form letters, petition signatures, and records of phone calls. Names, addresses, affiliations, etc., were entered into a data base and checked for duplication. Because most form letters and petitions included only signatures; only personal letters that had both city and state were used to determine percentages of comments coming from each state.

The comments were divided into the following categories:

Personal letter: A single letter written by an individual representing himself/herself.

Form letter: Multiple copies of the same letter signed by different individuals.

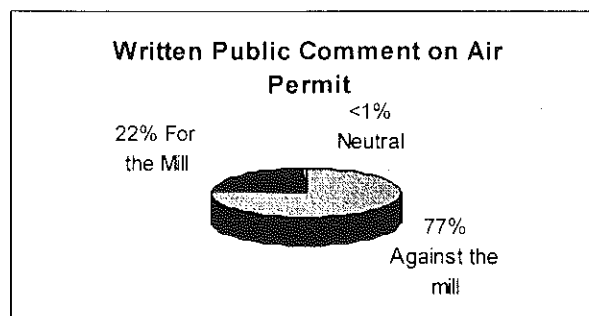
Petition: A statement of comment followed by a list of names, addresses, etc. Individual signatures were counted.

Calls: A written record of a phone call to the OAQ expressing an opinion.

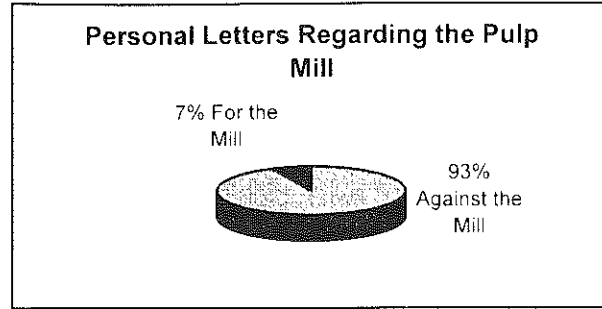
Organization: A comment from a person representing a group of individuals.

WHAT CITIZENS SAY ABOUT THE PULP MILL

When 838 total comments were analyzed including personal letters, form letters, petitions, etc., 77.1% were against the pulp mill and 22.3% were for it, 650 to 188. The remaining 0.6% were considered neutral, expressing no preference.

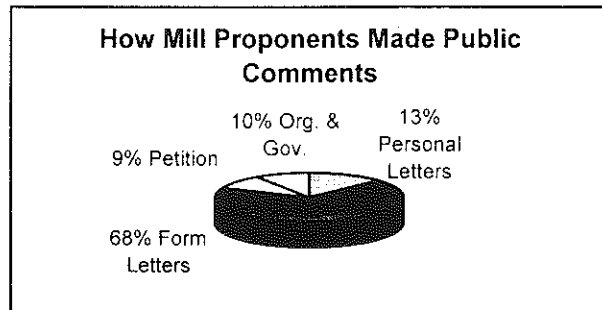
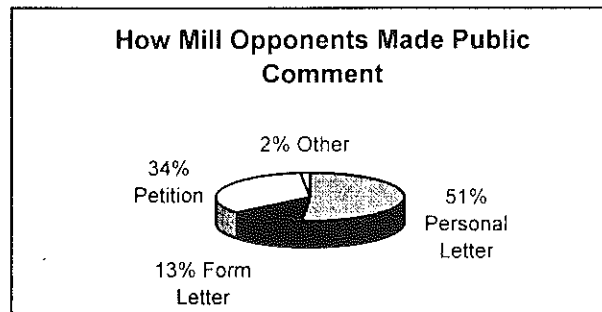


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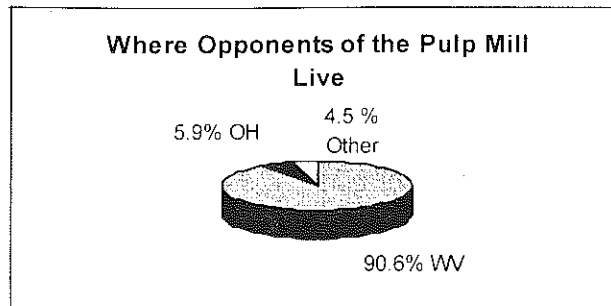
The majority of those who opposed the mill **wrote a personal letter**, while the majority of individuals who favor the pulp mill signed a form letter. Nearly 10% of the comments that support the project came from government agencies, people representing government agencies, or business and economic development organizations. These included such agencies and organizations as the City of Huntington (Mayor Jean Dean), West Virginia Department of Agriculture (Commissioner Gus Douglass), Huntington Area Chamber of Commerce (Jack Klim), Mason County Board of Education, Mason County Commission, West Virginia Development Office, West Virginia Forestry Association, West Virginia Manufacturers Association, the Gallia County Chamber of Commerce, etc.

Only 1% of the comments opposing the construction of the pulp mill came from organizations such as OVEC, Heartwood, Sierra Club, Concerned Citizens Coalition, and the Affiliated Construction Trades Foundation.

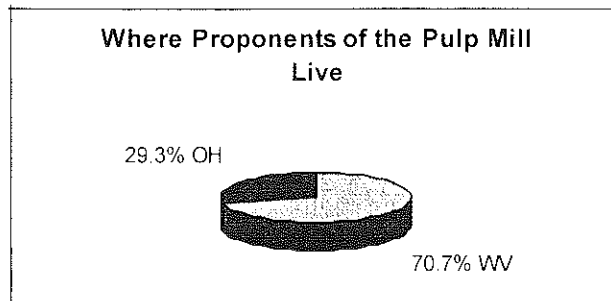


FROM WHERE DID COMMENTS COME?

Public comments opposing the proposed mill came from 8 states (WV, OH, KY, TN, NC, IN, PA. & VA) , with 90.6% of the comments coming from West Virginia. The greatest number of personal letters came from Huntington and Charleston, roughly 20% and 17 % respectively. The remaining 53% of the comments came from 80 other smaller cities and towns throughout the state (Appendix a).



Proponents of the mill came from two states, West Virginia and Ohio, roughly 71% and 29% respectively. The largest number of personal letters supporting the mill (10 letters) came from Point Pleasant, followed by Gallipolis, OH (7)



WEST VIRGINIA VOICES AGAINST THE PULP MILL

..."I am disgusted by the way in which negotiations for this mill have been conducted in secret, away from the eyes and ears of we, the people. I am disgusted because I know, from my days as a mining engineer, that timber companies have very few environmental laws to comply with. I know that the rains will come, the hillsides will wash away homes and fill streams, and we, the people, will be the ones to pay for the cleanup of the mess...I am disgusted that our government would subject the lives of people of this region to the as-yet-not totally understood, potentially devastating health effects of dioxin in the air and in the soil for generations to come. The application for this permit comes just months after government reports on dioxin indicate that it may be a very deadly killer..." ---Danny R. Cantrell

..."I am not opposed to jobs coming into this GREAT state of ours. I am not an environmentalist as such, but a concerned human being for all life...I am opposed to companies trying to take advantage of our State...The values of these companies and many people are based on the wrong ethics. They are based on the all mighty dollar and the heck with the way you have to obtain it..."---Gregory W. Wamsley

..."It seems that the risk of dioxin pollution, and the damage to the forest and to the surrounding environment far outweigh the economic benefits. Besides, there is no guarantee whatsoever that the jobs at this plant will go to West Virginia citizens...As a Christian, I must express my concern for God's creation--our environment--and its proper care. I would consider myself a poor steward of this valuable resource if I did not speak out in its best interest..."---Marilyn T. Hedgpeth

"...According to history, this was the greatest forest on earth...These areas were raped by large and mighty land companys (sic). Anyone who spoke out against them were either fired from their jobs or killed. That's the way things have operated in West Virginia from the beginning of statehood...So, along comes a pulp mill company ... to strip and rape our beautiful hills once more defacing all our land forever...Think about your beautiful state. Think about your children's children...Would you trade it all for a stinking pulp mill?"---Bernard L. Cyrus.

"...We fully support the resolution of CORA (Commission on Religion in Appalachia) in opposition to the proposed Parsons and Whittemore Pulp and Paper Mill... We prefer to see the forest used sustainable by locally owned small logging businesses rather than an outside company that will clear-cut the forest, exploit the regions natural resources and not benefit the region...We appeal to you to listen to those who oppose the coming of the mill and consider what this would mean to the region."---Marcus and Gleanda Keyes, Co-directors, Catholic Diocese of Knoxville

..."We need forests and we need clean air. We do not need the stink of a pulp mill tearing up our hardwoods! We could easily build recycling paper mills or alternative paper mills..."---Deborah Williamson

..."I am concerned, much concerned, as are many others in our state. It will cost Parsons and Whittemore one billion dollars to build their plant. I submit to you that the cost to our quality of life, environment, wildlife, and forests will be much more. In fact, I submit that it is more than we can afford..."---Don Schwertner

..."I feel that the trade offs which are being considered to lure this plant to the state are not worth it...more and more children are being stricken with asthma..."---Roger J. Kennedy.

..."I am 10 years old, and I can't imagine what its going to look like when I'm 50 or 60 years old. Will all the trees be gone? ...So Mr. Farley, please don't issue the permit for the pulp mill because I want to be able to hunt and fish in my future."---Richard Lee Cyrus

..."At the informational hearing held by OAQ in December, Mr. Farley admitted OAQ currently does not have the staff or tools to police existing polluters...OAQ must merely say we cannot police this facility, therefore we cannot permit it...I ask if you would want to live downwind? I ask if you would want to live in the tree-cut zone? I ask you to do what is right and not permit this facility..."---Vivian Stockman

..."I attended the last public meeting held at Hannan High School with an open mind. I was determined to put aside my misgivings and truly listen to what the officials had to say. Within fifteen minutes of hearing them speak, I knew this community was in trouble...I don't know when I have heard officials talk so much and say so little. No information of any substance was gleaned from this meeting. They talked around each issue presented by the public. I was most alarmed when they refused to give a straight answer concerning the physical well-being of children attending Ashton Elementary which is located approximately one mile from the site...Until and unless pulp mill officials respond to health concerns with documented evidence proving there is no risk, particularly to children, all negotiations for this facility should be stopped..."---Sharon M. Holley

WHAT SOME SUPPORTERS OF THE MILL HAVE TO SAY

..."After reading the good reports from the people who have visited the Alabama plant, I wonder why has there been so much negative publicity about the Pulp Plant. Apparently many of the insults have been from uninformed parties who are reacting to hear-say and not facts..."---Thomas M. Meadows, Vice President, Star Bank, Gallipolis, OH

...It is my desire that you consider favorably the application of Parsons and Whittemore for the proposed plant at Apple Grove, West Virginia. Those opposed do not want to be informed of the facts and only seek to further misinform the general public. The plant would pose no real threat to the environment while promoting the use of much waste product such as slabs, edging, recycled paper, logging waste, and low grade timber wherein used would allow for reforestation..."---Robert P. Alexander, Ph. D., Huntington.

"...I do, however, consider dioxin a moot subject. Why set standards that present technology and analytical means cannot detect? I have also read considerable research about the effects of wild forest fires on our environment and the load of dioxin dumped upon the people and land, and the waters as a result. We do recognize that these residues are there naturally..."---Gus Douglass, WV Commissioner of Agriculture

"...What frustrates me is the large number of well-meaning folks who allow themselves to be frightened by misleading statements issued by pseudo scientific environmentalists who want no new large facilities of any type in our region...It would be a travesty to turn down the applications by Alabama Pulp and Paper based on some unrealistic demands of fanatical environmentalists who by their own admission will never be satisfied with any emissions, no matter what the standard..."---Nolan L. Grubb

..."While I do not believe that dioxin is an issue of this project as purported by certain interest groups (sic). I do have strong belief in the technical, scientific, and professional capabilities of the office of Air Quality."---Dr. Thomas F. Scott, WV Senator

..."West Virginia needs the jobs the pulp mill will provide. How long will those with their own particular agenda be allowed to keep parts of this state in near poverty conditions...Already a large chemical concern has been turned back from a location in Wayne County through the efforts of one member of a "cry wolf" environmental organization..."---Mayor Jean Dean, City of Huntington

..."The commonsense (sic) approach tells me that rather than this plant increasing the amount of Dioxin discharged, in reality it will decrease the amount of Dioxin discharged in the region because over time this plant will replace older, antiquated facilities which currently produce much more Dioxin....I know of absolutely no reason why this permit should not be granted..."---Jack E. Fruth, Vice President, Fruth Pharmacy

..."We believe the permit under consideration should be granted based on the laws and regulations of our State and should not be influenced by a small group of radical anti-business environmentalists. The misleading information presented by this group and presented by one of our largest daily newspapers is inexcusable..."---Dick Waybright, Executive Director, West Virginia Forestry Association

..."As is usually the case the very vocal minority has made your job difficult and I'm sure at times you must have considered discontinuing the effort. The vast majority of us however applaud your efforts and vow our support." --- Thomas E. Wiseman to C. Kenneth Goddard, Vice President of Parsons & Whittemore.

CONCLUSION

It is interesting to note that while proponents of the mill clamor that those who oppose the construction of the mill consist of just a "small group of radical environmentalists," the results of this analysis show the opposite to be true. By far, a larger number of citizens who submitted any type of comment, clearly oppose the construction of the proposed facility. A frequent tactic of proponents of the mill was to "attack" those who oppose the mill rather than discussing the perceived "benefits" in their comments.

In addition, written comments opposing the mill came from throughout West Virginia---from Huntington in the western part of the state, Harpers Ferry in the eastern

panhandle, Wheeling in the northern panhandle, Fort Gay in the southern part of the state, and Spencer in central West Virginia. Citizens throughout West Virginia recognize that impacts on air, water, and forests are not limited to a region where this facility could be located.

Perhaps even more importantly, people statewide are more concerned about their quality of life rather than mere job creation. A responsible, democratic state government must only conclude that the vast majority of West Virginians oppose the construction of this proposed pulp and paper mill and should ensure that they carry out the will of the people.

For more information contact: Ohio Valley Environmental Coalition, 1101 Sixth Avenue, Suite 222, Huntington, WV, 25701. Phone: 304-522-0246; Fax: 304-523-6051

APPENDIX A

A list of cities and towns in West Virginia where citizens oppose the pulp and paper mill.

Alum Creek	Hamlin	Renick
Apple Grove	Harmony	Salem
Ashton	Harper's Ferry	Salt Rock
Barboursville	Henderson	Sandyville
Barrells Fork	Huntington	Scott Depot
Beckley	Hurricane	South Charleston
Belle	Ivydale	Sophia
Branchland	Kanawha City	Spencer
Bridgeport	Kenova	St. Albans
Buckhannon	Kincaid	Webster Springs
Buffalo	Leon	West Union
Ceredo	Lesage	Wheeling
Charleston	Lewisburg	Winfield
Chester	Millstone	Fayetteville
Clarksburg	Millwood	Flat Top
Clay	Milton	Fort Gay
Clendinin	Minnora	
Clifton	Morgantown	
Creston	Mountsville	
Crosslanes	Myra	
Culloden	Newton	
Daniels	Nitro	
Drawdy Mills	Oak Hill	
Dunbar	Orma	
Edmond	Page	
Eleanor	Peyton	
Elkview	Pinch	
Frazier's Bottom	Pliny	
Gallipolis Ferry	Poca	
Glenville	Point Pleasant	
Glenwood	Quinwood	
Grafton	Ravenswood	
Grantsville	Reedy	

UPDATE ON OVEC'S LAWSUIT AGAINST THE US EPA

In the fall of 1995, OVEC and others filed suit against the US EPA for failure to enforce the Clean Water Act in West Virginia. The suit essentially has two parts. First, federal law requires that the WV Division of Environmental Protection annually submit a list of waters where water quality standards have been exceeded, along with the pollutant of concern. This is called a 303 list.

Once these streams and pollutants are identified, the state is then required to set TMDL's ("Total Maximum Daily Loads") for pollutants of concern. This is the second part of the suit. The State and/or US EPA are required by law to take "further action" on an impaired waterbody (such as modifying industrial permit limits, etc.).

Until OVEC and others filed suit, the US EPA had NEVER required the state to do either of these things. One glaring omission from WV-DEP's stream list was a failure to list dioxin as a pollutant of concern in the Ohio River. The most recent report issued by the Ohio River Valley Sanitation Commission only confirmed what other studies had concluded - the fish tissue standard for dioxin continues to be highly exceeded at Apple Grove, the proposed pulp mill site.

Since the filing of the suit, OVEC's attorneys have been in settlement negotiations with US EPA. A letter dated January 10, 1996, indicated that OVEC has essentially won the claim regarding "listing" since the state is now more up to date and more accurate in listing waters on its 303 list.

The TMDL part of the suit is where negotiations are stalled. The law requires TMDL's to be done by EPA within 30 days of the state's failure. However, since there are 533 contaminated water bodies involved (many polluted by acid mine drainage), 30 days does not seem realistic. OVEC has proposed that TMDLs be set for all 533 water bodies in a three year period. US EPA has responded that 3 years was not very practical and that they would rather pass the buck to WV-DEP. HmMMM.

Let's see if we have this straight. EPA would prefer WV-DEP to set TMDL's even though the state agency hasn't shown the slightest interest in complying with the law for more than 20 years.

The latest EPA proposal would allot 9 years to EPA and WV-DEP to set TMDL's with the exclusion of two major issues. Get a load of these: First, the Ohio River would be excluded from this process because EPA says that it will take 8-10 years and assistance from other states to develop the TMDL for the Ohio. Secondly, streams on the acid mine drainage list would not be included because it would take another year for EPA to even say when those TMDLs could be completed. These, folks, are the two MAJOR issues raised by the TMDL suits by OVEC and the West Virginia Highlands Conservancy and the same two issues that EPA says cannot be part of the settlement agreement. Go figure.

If EPA fails to address problems in the Ohio River and the acid mine drainage streams on a specific time table, OVEC sees no other recourse than to take the issue to court. Trial is scheduled for November.

OVEC MEETING WITH HIGH LEVEL EPA OFFICIALS IN WASHINGTON

On June 28, OVEC member John Price, and attorney Ryan Alexander, represented OVEC at a meeting called by high level US EPA officials in Washington, D.C. The US EPA is being sued by citizens and groups in 17 states, including West Virginia, because of EPA's failure to force states to comply with the Clean Water Act as it pertains to TMDLs (see previous article).

In the letter of invitation Robert Perciasepe, Assistant Administrator of the Office of Water, said that "I believe the current TMDL lawsuits are symptomatic of the need for us to strengthen... communication." OVEC believes that the lawsuits are a wake-up call for EPA to do what the law mandates. While Mr. Perciasepe says that discussions will be candid, he also says that "The meeting is not intended as a forum to discuss current litigation or issues specific to any of the lawsuits."

Why then is EPA calling a meeting? Is it only to try to convince environmentalists that EPA wants to do good things but can't if we sue them over a particular program? If EPA had been doing its job for the past 20 years in regards to TMDL's, this "need to strengthen communication" would not be necessary.

("pulp air" continued from page 1)

will need to be filed within 30 days of issuance.

An initial review of the permit indicates that, compared to the draft permit, some reductions of air emissions have been made. But there are no reductions of any cancer-causing substances like dioxin, benzene, chloroform, etc. Additionally, OAQ would not require P\$W to conduct soil testing as part of the monitoring program. While OAQ has repeatedly said it has no authority to require that the mill be built dioxin-free, it included a lengthy discussion in the permit regarding the advantages of Totally Chlorine Free bleaching.

On the matter of legal appeals, attorneys for OVEC said that summary judgement hearings on the water pollution permit are scheduled for August 8 and 9 before the West Virginia Environmental Quality Board. Interested members are encouraged to attend these hearings. (Call the OVEC office in Huntington for more information.) As a result of the legal appeals by OVEC and the Affiliated Construction Trades Foundation, a legal stay remains imposed on the water permit. Final hearings on the water permit will likely be held in October.

One more permit hoop that Parsons & Whittemore will have to jump through is the obtaining of a 404 permit from the U.S. Army Corps of Engineers to build its landfill in a wetland. While the company has not yet applied for this permit, it has already conducted biological assessments regarding endangered species at the site. When the application is received, citizens will be given at least 30 days to comment. At that time, EVERYONE should request a public hearing on the matter, as the Corps grants public hearings based on the amount of public comment received on a permit application.

Where does OVEC go from here? How about Rye Brooke, New York, home of P\$W's main office. We think it is high time for a road trip to take the issue to P\$W's front door. West Virginians will not be content to watch while politicians and bureaucrats sell our beautiful state down the river. Recently, a citizen said to me, "We'll do whatever it takes to keep that pulp mill out". Amen.

("church" continued from page 1)

-Dianne Bady recently spoke to the **Presbyterian Church's** Coalition on Appalachian Ministry.

-The national **United Church of Christ's** Board for Homeland Ministries recently passed a resolution opposing the building of the proposed Parsons and Whittemore pulp mill here. This affirmed a similar resolution passed earlier this year by the **Commission on Religion in Appalachia**, a partnership of 19 national Christian denominations which works on social justice issues throughout Appalachia.

-OVEC is also working with the WV Caucus of the **Commission on Religion in Appalachia (CORA)**, and the WV Citizen Action Group, to organize an Economic Transformation conference. This October 12 gathering will look at the larger issues surrounding WV environmental controversies. We'll examine how political campaign financing and taxpayer funded corporate welfare play a crucial role in state environmental issues, and how CORA's model of economic transformation would better serve the long term interests of our environment and our people. The two WV gubernatorial candidates have been invited to speak at this conference.

OHIO RADIOACTIVE WASTE DUMP?

On June 7, 1995, the Ohio legislature passed a law which forces Ohio to become the disposal site for "low level" radioactive wastes generated in Ohio and five other states. This law, Substitute Senate Bill 19, was passed in spite of strong citizen opposition. Many observers believe that if this radioactive waste dump is built, it would likely be in southern Ohio, the poorest region in the state. A new alliance, Citizens Protecting Ohio, has formed with the goal of giving voters the opportunity to vote on whether they want this six state dump in Ohio. In order to get this issue on the ballot, official petitions are now being circulated.

Most (98%) of the radioactivity of the so-called low level radioactive wastes are

produced by the ten nuclear power plants in the six state region. Critics point out that this disposal facility would essentially be a subsidy to the nuclear power industry. Obviously, it would also cause increased health risks.

According to Aggie Martin of Jackson, Ohio, "Large corporations have seized the government of Ohio and the nation. We all must develop techniques to combat the influence of money and big business in government". This ballot initiative is one way to ensure that citizens' voices are heard and acted upon.

To help gather petition signatures, call Dianne Bady at (614) 886-5796, or contact Citizens Protecting Ohio at (614) 294-8206.



Please note the calendar on the outside cover!

PLEASE SUPPORT OVEC'S WORK!

Cut and mail to: OVEC, 1101 6th Ave., Suite 222, Huntington, WV 25701

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

_____ Donation enclosed

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

Calendar of Meetings- Call OVEC for ride sharing

July 31, meeting to plan for the October 12 conference on economic transformation, co-sponsored by the WV Caucus of the Commission on Religion in Appalachia, OVEC, and WV Citizen Action Group. 1-3 PM, Upshur Parish House, Buckhannon, WV.

August 31, OVEC Meeting, 1101 6th Ave, Huntington, 6:30 PM.

September 6-8, WV Environmental Council annual meeting at the 4H camp in Elkins. The two gubernatorial candidates have been invited to attend. Call 304-346-5891.

September 27-29, Buckeye Forest Council Annual Gathering, Hueston Woods, Oxford Ohio. The theme for the gathering is "Rewilding Ohio." Call 614-594-6400 for more info.

1996 OVEC AWARDS

These awards were given at OVEC's May membership meeting.

Robin Godfrey--Grassroots Activist of the Year

Greg Carroll--Grassroots Activist of the Year

Shirley Gue--Outstanding Courage Award

Eric Fout--Tree Hugger Award

Andy Bowen--Rachel Carson Award for Outstanding Research

Brian Morrison--Rachel Carson Award for Outstanding Research

Eric Burk--Rachel Carson Award for Outstanding Research

Concerned Citizens Coalition--Outstanding New Environmental Group for their commitment to stop the pulp mill

Peter Kostmayer--Giraffe Award for sticking his neck out for environmental protection

John Hornback--Outstanding Environmental Regulator (Kentucky Division For Air Quality)

Reverend Louis Coleman--Environmental Justice Award (Justice Resource Center, KY)

Chuck Chambers--Outstanding Statesman Award (WV House of Delegates)

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