

September 1996

# "E"-NOTES

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

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## **PULP MILL STALLED!**

*by Janet Fout*

The past two months have been a proverbial roller coaster ride for folks following the proposed Mason County pulp mill issue. In early July, the West Virginia Environmental Quality Board (EQB) proposed an Emergency Rule to eliminate fish tissue standards for dioxin.

Because OVEC and others based our legal appeal of the water permit for the mill on the current illegal limits of dioxin in catfish in the Ohio River, we feared that the legal basis for our appeal was being undermined. A public hearing before the EQB allayed our fears when Chairman Jenkins announced that EPA had issued a new directive recommending that WV's fish tissue standards should not be deleted, but in fact, made much stronger! In late August, the EQB notified the Secretary of State's office that the Emergency Rule was being withdrawn. Whew!

On the same day of the public hearing for the Emergency Rule, the EQB also convened to consider summary judgment on several issues related to the appeal of the mill's water permit. Summary judgment is granted on an issue when the facts of the case are indisputable. The EQB granted summary judgment to OVEC and others on dioxin effluent limits in the water permit and told the WV Division of Environmental Protection (DEP) that they would have to "develop...limits for dioxin which are supported by applicable data". This ruling by the EQB is a major victory which stalls the permitting process for the proposed mill. Environmentalists and labor have been telling DEP since the permit was issued that the state ignored the illegal dioxin levels already in the Ohio River. OVEC and others believe that the only legal limit for dioxin would be a zero limit (not non-detectable). In other words, unless the mill uses a non-chlorine bleaching technology, it could NOT be built.

Since that ruling in mid-July, the state has asked the EQB to reconsider. DEP filed a motion that said that the EQB has authority "only to vacate or modify a permit--not to order DEP to come up with new emission limits". DEP appears to be passing the buck back to EQB. The EQB has indicated that it would be "some time" before the board will make a decision. Let's hope when and if the EQB makes a decision, that it will revoke the permit altogether.

In a bizarre development on August 15, a reporter from WCHS-TV contacted OVEC and indicated that Parsons \$ Whittemore was giving up on the mill project. For a few short hours, we experienced what a major victory felt like! Anchor person Bob Brunner declared the project "dead in the water". Ken Ward of the *Charleston Gazette* was on the story instantly and discovered that Brunner was basing this "exclusive" on a July 19 letter from P\$W which only said that the company had no plans to appeal the air permit--a far cry from what WCHS-TV had implied. After the WCHS report, P\$W publicly denied that their mill plans are dead.

Nevertheless, just maybe we ARE hearing the "death rattle" of P\$W's monster mill. An August 20th headline in the *Charleston Gazette* and a similar story in the *Herald Dispatch* (Huntington) has indicated that Governor Caperton is giving up on the prospects of the mill being built during his administration. While environmentalists and the labor community have fought to protect the state from poison and greed, the price of pulp has plummeted steadily, making the financing of the project "impossible", according to the Governor. We wish it were good-bye and good riddance to P\$W, but the company hasn't thrown in the towel yet and neither have all the hundreds of citizens who oppose this project.

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## Making a Difference

by Dianne Bady

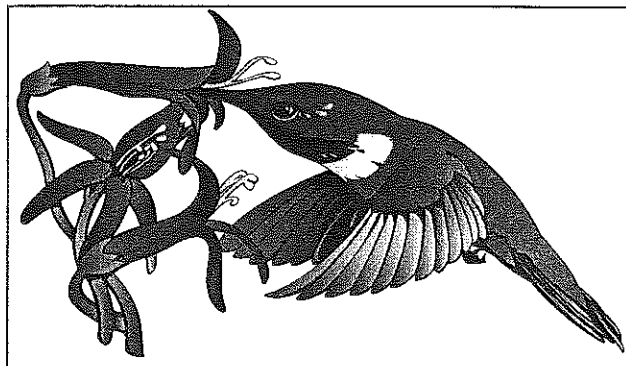
Several years ago, powerful people decided that OVEC and others who oppose the proposed Parsons and Whittemore pulp mill were politically insignificant. Parsons and Whittemore officials and WV Governor Gaston Caperton thought we were so powerless that they could deny or ignore our requests to meet with them. WV Division of Environmental Protection official Eli McCoy apparently believed that he could get away with repeatedly telling the public that there's no dioxin in the Ohio River. These men had a rude awakening recently when their pulp mill plan was decisively stalled.

Governor Caperton recently announced that the mill will not be built during his term, that "there's been so many obstacles put up, we won't get that billion dollar investment" while he's still in office. Caperton told the media that "I think the people that have blocked this thing have really cut out a lot of good West Virginians from really great jobs and that makes me very sad". (What he'll never admit is the \$ billion in corporate welfare he apparently promised to P&W may be enough to put all 60,000 unemployed West Virginians to work.)

The most important lesson in all of this is that organized citizens **can** make a real difference, even when facing seemingly insurmountable odds. This has been a fierce struggle, and will continue to be so. Hundreds and hundreds of people have worked together to fight this mill. We've had more than a few grim setbacks, but somehow, we always kept fighting.

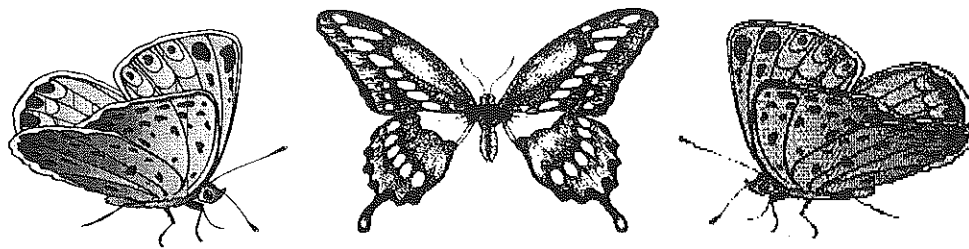
I think that keeping a sense of humor and of play helped us all to keep going. In addition to all of the deadly serious work, some of our efforts have been silly by design. I chuckle when I think of Governor Caperton walking out of his office only to be confronted by a fully costumed Grim Reaper holding a "bring on the dioxin" sign. And the one time that Parsons and Whittemore's project manager for the proposed mill came to our area to meet with people - but only the right people. Those who had questions about the project were told that we could not attend, so we set up a formal dinner table outside of the meeting place to serve Ohio River fish and Ohio River water to the officials who supported the pulp plan. When one of our vigils outside the governor's mansion coincided with the date of Paul Revere's ride, Paul Revere himself showed up on horseback to warn "the pulp mill is coming"! Whimsical names were chosen for our fundraising concerts - "Tree Huggers Ball" and "Pulpstock". It would be hard to remember all of the songs written about the pulp mill issue, but Robert Shelter's "Let's beat that mill to a pulp" is truly unforgettable.

It's time to arm ourselves with pride, and with good humor, to celebrate our successful stalling of the mill, and to fortify ourselves for the battles yet to come. I'll see you on September 27 at Camp Mad Anthony Wayne. It's time to party!  
(Party details are on page 10.)



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



## CITIZEN INPUT NEEDED IN AIR MONITORING PROJECT

The US EPA has just installed six new air monitors to measure dozens of toxic chemicals in Kenova WV/Catlettsburg KY air, chemicals that aren't measured by the old, standard monitors. This new monitoring effort is part of the EPA's Tri State Geographic Initiative, and will last about a year. It was stimulated by numerous citizen complaints about air pollution problems, especially from Ashland Oil. US EPA has recently hired a full time engineer to oversee the new monitors.

While these new monitors truly are state of the art, each monitor will only be on one day out of every twelve days. OVEC representatives have argued that this infrequent monitoring may not show what's really there. **Regulators tell us that it's important for people in the Kenova /Catlettsburg area to call the Kentucky Air Quality office in Ashland when the air is especially bad.** Unless people call to report air problems, regulators will have no way to know if their monitors are on when the air smells the worst.

We know that people are sick of calling the Kentucky air office, and many feel that it won't make a difference. But this may be the only year that EPA measures such a large number of toxic chemicals in Kenova's air.

EPA now also has the ability to come to any Kenova area location to take an air sample,

using a hand held canister monitor, and have it analyzed.

EPA will be using computer modeling to try to predict if there could be high amounts of pollution in places where there is no monitor. In about a year from now, a group of air experts will take all this information and try to come up with a specific map of where the pollution is the worst.

We are frustrated that this all has taken so long. Kenova area folks have been complaining of health problems related to air pollution for over ten years. However, some observers do believe that most of these regulators are doing the best they can without being fired, and that this new monitoring may help eventually. Officials from Kentucky and EPA insist that they are trying to improve things in the meantime. They all said that it is very important that local residents don't give up on phoning in complaints when the air is bad.

The toll free number is 1-800-928-8569. If you can't get through, call 1-606-920-2067.

OVEC representatives Rick Bady (614-886-5796) and Janet Fout (304-522-0246) serve on the Citizens Review Committee for the Tri State Geographic Initiative. Give either of them a call if you have comments or questions.



## HOLTZCLAW WHISTLEBLOWER CASE CONTINUES

Brian Holtzclaw is a US EPA engineer who was the coordinator of the Tri State Geographic Initiative from it's inception in 1992 until he was in effect banished from Kentucky in late 1994. Brian won the respect and cooperation of regional citizens who were fighting for their lives against toxic pollution. However, after angering powerful forces within industry and government, Brian's contract in Kentucky was abruptly terminated.

*("Holtzclaw" continued on page 4)*

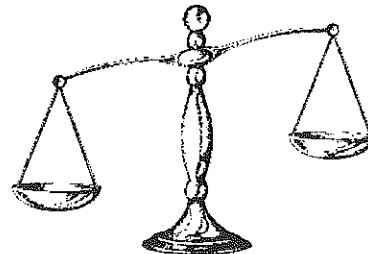
*("Holtzclaw" continued from page 3)*

Many believe it was because he uncovered and publicized evidence that citizens living in low-income contaminated communities were at high risk from environmental toxins. Brian apparently especially angered Ashland Oil, a company which is notorious for their frequent air quality related violations.

Brian's whistleblowing lawsuits have met with mixed success. US EPA did settle with him out of court, awarding him \$20,000 in damages and promising to let him work full time on environmental justice issues. (This promise has not been kept.) But a Kentucky Administrative judge ruled against him, arguing that Brian's activities were protected under the federal whistleblower laws but that Kentucky had other "legitimate business" reasons for terminating his contract - his communications with citizens groups and other government agencies were causing them problems.

Brian has now appealed his whistleblower case to the US Secretary of Labor, who is empowered to make the final decision. The

Southern Organizing Committee for Economic and Social Justice (based in Atlanta), has been taking the lead on this issue, joined by OVEC, the Coalition for Health Concern (Western Kentucky), the Justice Resource Center (Louisville), and many other organizations from around the country



Much more is at stake than our local struggles. As the Southern Organizing Committee argues, if Holtzclaw can be silenced, there will be a "chilling effect" on scientists in both government and industry who have the courage to tell the politically inconvenient truth about the toxic pollution that endangers many low income communities nationwide.

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## ECONOMIC TRANSFORMATION NEEDED!

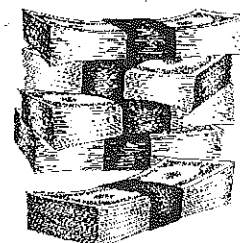
The *Charleston Gazette* has begun a major series of articles on the future of WV's forests. Investigative reporter Ken Ward has brought hard numbers to bear on the question of whether WV forests can bear the onslaught of logging by transnational timbering corporations which have either proposed or begun new operations in the state. It's clear from the *Gazette's* reporting that our forests are facing the threat of massive clearcutting. Who will decide whether our region's forests are simply for sale to the highest bidder, bringing increased flooding and devastation to our environment and damage to our long term economy? Who will decide whether the long term welfare of our region is more important than the desire of transnational corporations to make quick profits by liquidating our woodlands?

All over the country, citizens are waking up to the fact that our federal and state governments are increasingly controlled by the corporations which fund politicians' election campaigns.

Many people within WV's state government are promoting the idea that a greatly expanded timber industry is the state's ticket to prosperity. This in spite of the fact that the large scale clearcutting early in the century led to environmental devastation and to economic decline once virtually the entire state was clearcut.

The Commission on Religion in Appalachia (CORA) has developed an alternative, justice-based model for economic transformation in Appalachia. Please join us on Saturday, October 12 for a mini-conference entitled "Economic Transformation - Current Realities and New Vision" (see calendar on page 11). This conference, sponsored by CORA, OVEC, and other groups, will examine

the impact of corporate money on the political process and economic development, and will begin a discussion of how we can work together for change.



# The Woodlands Under Threat Again

*A planned new West Virginia pulp and paper mill poses dangers of dioxin pollution and forest devastation*

Reprinted with permission from The United Methodist Church's General Board of Church and Society, from *Christian Social Action*: July/August 1996.

by Dianne Bady

I walk out of my backyard and follow the stream. A kingfisher, in search of its next meal, hovers above the rushing water. The forest echoes with the haunting melodies of wood thrushes. A pileated woodpecker flies overhead, and my spirit soars with it as it darts through the trees. I rejoice with the psalmist: "Oh Lord, how manifold are your works! In wisdom you have made them all" (Psalm 104:24).

I am blessed to live in the midst of Central Appalachia's mixed mesophytic forest, the most biologically diverse hardwood region in the continent. This spring, as the birds, trees and wildflowers burst forth in abundant splendor, my awe alternated with sadness as I reflected on the threats to these woodlands.

A hundred years ago, the corporate rape of West Virginia was just beginning. Greedy outsiders cheated many people of their land or their mineral rights. The coal and timber that was stripped from these hills and mountains fueled the industrial growth that made other people and other regions wealthy.

West Virginia didn't prosper, however; it became one of the poorest states in the country. The outside corporations had "bought" enough of our politicians to assure that the extractive industries wouldn't have to clean up their own messes, or provide just compensation to the communities they harmed. By the 1920's virtually the entire state had been clear-cut.<sup>1</sup>

Today, 80 percent of West Virginia's land is again blanketed by forests, and outside corporations — such as Weyerhaeuser, Georgia Pacific and Trus Joist Macmillan — once again seem to be gearing up to cut them down.

## Plans for Pulp and Paper Mill

The biggest single threat to our forests is the plan to build the largest pulp and paper mill in North America here, in Apple Grove, West Virginia. Parsons and Whittemore, a New York corporation, intends to produce over 4000 tons of pulp and paper per day. While West Virginia Governor Gaston Caperton and other mill proponents eagerly tout the alleged economic benefits, many other people see this plan as a prime illustration of all that is wrong with the historical pattern of economic development in Central Appalachia. If large scale extraction of our natural resources by outside companies were the answer to our region's economic needs, than we would be

one of the richest areas in the country, instead of one of the poorest.

Since 1989 the Ohio Valley Environmental Coalition (OVEC), a regional grassroots group, has fought this pulp mill proposal. In the beginning, it was a lonely fight. However, in the past year, as the mill has moved closer to reality, our ranks have swelled. Early in 1996, the Commission on Religion in Appalachia (CORA) passed a resolution opposing the pulp mill as it is currently planned. CORA, a 30-year-old partnership of 19 Christian denominations, including the United Methodist Church, promotes "an economics of *stewardship* which recognizes that meeting human need and caring for the earth and its resources are basic essentials in any system which is faithful to the Creator".<sup>2</sup>

CORA's reasons for opposing the construction of this mill mirror the objections of many regional citizens:

- the planned use of a heavily polluting chlorine dioxide bleaching process;
- the need for responsible use of forests; sustainability of locally-owned small logging businesses;
- the process by which hundreds of millions of dollars in West Virginia taxpayer-funded financial incentives and tax breaks are being decided;
- the basic economic development strategy for Appalachia, which has been devastated by over 100 years of natural resource extraction, with little return to its communities.<sup>3</sup>

## Threats from Dioxin

The 1996 United Methodist General Conference adopted a resolution calling for a phase out of chlorine-based paper bleaching, which results in emissions of toxic dioxins into air, water, and land. The resolution states, in part:

"The US Environmental Protection Agency's 1994 report entitled *The Scientific Reassessment of Dioxin* affirmed ... that

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*Dianne Bady is director of the Ohio Valley Environmental Coalition, 1101 6th Ave., Suite 222, Huntington, West Virginia 25701. She writes, "To help our cause, please write to George Landegger, president, Parsons and Whittemore, 4 International Drive, Rye Brooke, NY 10573 and also to Vice President Al Gore, Old Executive Office Building, Washington, D.C. 20501, or call our office at (304) 522-0246."*



A West Virginia community seen from a reclaimed strip mine above the town.

background levels of dioxin, a deadly chlorine-based chemical, pose a serious threat to the health of the general US population. The EPA concluded that dioxin causes several types of cancer ... (and) stated that there is reason to believe that dioxins at extremely low levels cause a wide range of other serious health effects including reproductive impairment, learning disabilities, developmental injuries, and the increased risk of diabetes and endometriosis... The EPA report says there is no level of dioxin below which the immune system is not impaired".<sup>4</sup>

While regional pulp mill advocates claim that "a little" more dioxin here wouldn't hurt anyone, the scientific evidence on the extraordinary toxicity of dioxin has mushroomed in recent years. A 1996 book, *Our Stolen Future*, scientifically documents the immediate need to stop emitting new sources of dioxin and other synthetic hormone-disrupting chemicals into our environment. The book quotes a consensus statement signed by a distinguished international group of scientists: "Unless the environmental load of synthetic hormone disrupters is abated and controlled, large scale dysfunction at the population level is possible."<sup>5</sup>

### **Large Contributors Influence Politicians**

Unfortunately, too many of our regional and national politicians seem to pay more attention to their large political campaign contributors than to the voice of scientific reason. In 1994, US EPA Region 3 Administrator Peter Kostmayer, who oversaw environmental protection in West Virginia and four other states, responded to strong citizen pressure by publicly questioning West Virginia's water pollution permit for the Parsons and Whittemore mill. This permit would allow

the mill to discharge more dioxin into the Ohio River, which is already contaminated with highly illegal levels of dioxin. Shortly afterward, West Virginia Governor Caperton and West Virginia Senators Byrd and Rockefeller complained to the Clinton administration about Kostmayer. Clinton then fired Kostmayer.

Kostmayer has publicly attributed his firing, in part, to his outspoken concerns over this proposed pulp mill's dioxin emissions.<sup>6</sup> Governor Caperton and President Clinton have received large campaign contributions from Parsons and Whittemore.

Kostmayer's replacement at US EPA Region 3, Michael McCabe, says that he stands by the new EPA line that allows the dioxin-producing mill to be permitted as long as there is a plan to reduce the unsafe dioxin levels already in the Ohio River.<sup>7</sup> EPA officials, however, have admitted that no such plan is in place, and there is only an unfunded "plan to create a plan" to reduce the contamination.<sup>8</sup> Nevertheless, McCabe defended EPA's decision to back the pulp mill permit. "We are not in the business of stopping development," McCabe said.<sup>9</sup>

Many people here wonder whether the EPA is still in the business of protecting the environment. Sixty-six pulp mills worldwide now use totally chlorine-free bleaching processes that emit no dioxins or other organochlorine chemicals.<sup>10</sup> But when former US EPA regional administrator Peter Kostmayer asked Parsons and Whittemore officials to tour a chlorine-free pulp mill, the company refused.

The stakes are high in the nationwide battle over chlorine-based paper bleaching. In 1993, The American Public Health Association officially urged industry to phase out chlorine as an industrial feedstock. That same year, the Chemical Manu-

## A Dioxin Free Future

The US Environmental Protection Agency's (EPA) 1994 report entitled *The Scientific Reassessment of Dioxin* affirmed health warnings made 20 years ago — that the “background” levels of dioxin, a deadly chlorine-based chemical, pose a serious threat to the health of the general US population.

The EPA concluded that dioxin compounds cause several types of cancer. Exposure to toxic chemicals such as dioxin is widely suspected to be related to the increasing rates of cancer in the United States. The rate of testicular cancer has tripled in the past 30 years, and the rate of breast cancer in the United States has risen from one in every 20 women in the 1960s to one in every eight women today. More women have died of breast cancer in the last two decades than US soldiers killed in World War I, World War II, and the Korean and Vietnam wars.

The EPA report stated that there is reason to believe that dioxins at extremely low levels cause a wide range of other serious health effects including reproductive impairment, learning disabilities, developmental injuries, and the increased risk of diabetes and endometriosis. Furthermore, even low levels of dioxin impair the ability of the immune system to fight infectious disease. The EPA report says that there is no level of dioxin below which the immune system is not affected.

The EPA concluded that the levels of dioxin already lodged in human bodies are already close to levels known to cause serious health problems. According to the EPA, the average person is exposed to dioxin levels 50 to 100 times greater than the maximum allowable amounts designated by the federal government in 1985.

Some persons have what the EPA calls “special” exposures, including certain occupational groups, people living near dioxin emitters, and people who consume higher-than-

average levels of meat, fish, and dairy products. Human exposure to dioxins begins early in life, since dioxin crosses the placenta. Nursing infants take in four to twelve percent of their lifetime dose of dioxin within the first year of their lives, a period during which they are most susceptible to the effects of such toxins.

Toxic pollution costs society hundreds of billions of dollars each year in expense for health care, diminished productivity, waste disposal, and remediation of contaminated sites and ground water.

A healthy population, a clean environment, and efficient non-polluting technologies are essential to a sound economy. With a single program — dioxin phaseout — much of the world's most severe toxic pollution could be stopped.

The United Methodist Church calls on cancer research organizations to move to a prevention-based approach to cancer research and funding, including more studies on the relationship between cancer and chlorine-based toxins in the environment.

We support a phase out of the production of dioxin, beginning with the immediate action on the three largest sources of dioxin: incineration of chlorine containing wastes, bleaching of pulp and paper with chlorine, and the entire life cycle of polyvinyl chloride (PVC) plastic.

We support worker protection programs for people working in industries that make toxic chemicals or result in toxic by-product and related chemicals, who may lose their jobs with a phase out of these chemicals. Such programs could include a “Workers Superfund” program.

We direct the General Board of Church and Society to cooperate with the Health and Welfare Ministries unit of the General Board of Global Ministries to work with companies, governments, and medical institutions to implement the above recommendations. — *General Conference 1996*

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facturers Association formed the Chlorine Chemistry Council to defend chlorine's industrial use.

Today, the Chlorine Council employs an aggressive public relations firm,<sup>11</sup> and promotes their free classroom resources, which show students how chlorine is used to make everyday products and which “help young people develop critical thinking skills about environmental issues.”<sup>12</sup>

### Threats to Our Forests

To many regional citizens, potential forest devastation is the most troubling issue relating to the pulp mill. Mill proponents argue that there is plenty of wood available to feed the mill. However, timber harvesting in West Virginia has been increasing in recent years, and no one has examined the cumulative forest impacts of the pulp mill along with several other new or proposed huge timber operations in our region.

Mill proponents claim that there won't be much clearcut-

ting for the mill, but there's no evidence of that. Parsons and Whittemore's mills in Alabama (Alabama River Pulp Corporation) rely heavily on clearcutting, and it seems naive to expect that this mill could produce over 4000 tons of wood products per day without massive clearcutting. Clearcutting of forests can destroy topsoil and result in soil erosion, which causes streams to fill with sediment, killing fish and other aquatic life.

While some mill proponents claim that West Virginia's forestry regulations are protective, mill opponents strongly disagree. There are no provisions to prevent the massive clearcutting that devastated the state earlier in the century. Unlike some other states, there are no requirements to leave a certain number of “seed trees” per acre to promote regeneration, and tree planting after harvest is not required.

Some states require that state officials inspect forest land during and after logging. In contrast, West Virginia's State



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(Continued from page 16)

Forestry director, Bill Maxey, says it is unlikely that a logging operator will ever see a state inspector unless a specific complaint is filed.<sup>13</sup> West Virginia has proportionately far fewer timber inspectors than do surrounding states. Some critics of West Virginia's forestry regulations argue that the state's timber regulations mandate little more than requiring a timber harvester to register its name with the state.

## Threats to Our Democracy

An impenetrable wall of secrecy surrounds the question of how much money in taxpayer-funded economic incentives the state is offering to Parsons and Whittemore. The maximum amount which Parsons and Whittemore has requested or is eligible for totals \$1.5 billion, though some argue that the actual amount would likely be less.<sup>14</sup> It is still unknown what the state has agreed to, because West Virginia's Development Office maintains that estimates of economic incentives should not be made public until after deals with companies are final.<sup>15</sup>

In 1995, the *Charleston Gazette* filed suit to force West Virginia's Development Office to disclose information about the financial incentives offered to Parsons and Whittemore. Although a Kanawha County circuit judge ordered the Development Office to release relevant documents, these released documents had crucial portions blacked out, and the *Gazette* continues its legal battle to try to get this information into the public domain.

## The Opposition Continues

The Ohio Valley Environmental Coalition (OVEC) has focused on public education, grassroots organizing and coalition building, and legal actions to try to stop this mill. In response to Parsons and Whittemore officials' consistent refusal to speak with regional citizens or to media reporters, and to Governor Caperton's strong support of this mill, OVEC has worked with other organizations to sponsor five peaceful vigils outside of the governor's mansion to protest the mill plans. OVEC's most recent vigil attracted about 1000 participants. OVEC is also coordinating public pressure on Parsons and Whittemore's president to drop this proposal, and numerous citizens are planning an uninvited trip to company headquarters. (The family-owned corporation has no public stockholders).

Both OVEC and the West Virginia Affiliated Construction Trades Foundation (ACT) have legally appealed West Virginia's water pollution permit for the mill. As a result, last year a legal stay was imposed upon the permit. ACT, a statewide coalition of building and construction trades local unions, is opposing the current pulp mill plans because there are no promises that state workers would build or operate the mill, and because of the union's dioxin concerns.

OVEC's pro bono attorneys are also suing the US EPA, arguing that EPA has not required West Virginia to follow the mandates of the federal Clean Water Act. The state is expected to grant an air pollution permit for the mill sometime this summer.

The pulp mill is considered the defining issue on future economic development in West Virginia. The economic issues surrounding the mill will be considered as one piece of a larger project being undertaken by the CORA. This new project will include grassroots groups, such as the OVEC, as well as local congregations, in examining how tax policies influence economic development in West Virginia and throughout Appalachia.

Massive public opposition to the mill could stop it from being built. Governor Caperton, however, has said that "the people who are opposing it are basically radicals and they're not telling the truth. I think we will get that plant built because the truth is on our side."<sup>16</sup> However, if the bulldozers start to roll on that site, there may not be enough jail space here to hold everyone who will be sitting in front of them. ■

## Footnotes

1. John Williams. *West Virginia: A History*. (New York: W.W. Norton & Company, 1984), p.115.
2. Resolution, February 1996, Commission on Religion in Appalachia, P.O. Box 52910, Knoxville, TN 37950.
3. News release, February 1, 1996. Commission on Religion in Appalachia.
4. "A Dioxin Free Future," resolution, 1996 United Methodist General Conference.
5. Theo Colborn, Dianne Dumanoski, and John Peterson Myers, *Our Stolen Future*. (New York: Penguin Books, 1996). See also Lois Gibbs, *Dying From Dioxin*. (Boston: South End Press, 1995).
6. Peter Kostmayer, public speech, Huntington, West Virginia, Sept. 17, 1995. Several regional and national newspaper articles have also reported that Kostmayer's West Virginia pulp mill stance was considered one reason for his firing.
7. Ken Ward. "New EPA regional chief plans low profile—or does he?" *Sunday Gazette-Mail*, Charleston, West Virginia, May 12, 1996.
8. Ken Ward. "Unsafe levels of dioxin found in Ohio River." *Sunday Gazette-Mail*, Charleston, West Virginia, May 12, 1996.
9. Ken Ward. "Unsafe levels of dioxin found in Ohio River." *Sunday Gazette-Mail*, Charleston, West Virginia, May 12, 1996.
10. Personal communication, Archie Deaton. Chlorine Free Products Association, 102 North Hubbard, Algonquin, IL 60102.
11. "Environmental Research Foundation, Chemical Industry Strategies-Part 1." *Environment & Health Weekly*, May 23, 1996.
12. "Class Reaction." Chlorine Chemistry Council, 1300 Wilson Blvd. Arlington, VA 22209, Spring, 1996. This unsolicited promotional brochure was received by Dr. Richard Bady, Dept. Of Physics and Physical Science, Marshall University, Huntington, West Virginia.
13. Paul Nyden. "Timber owners manage big tax break." *Sunday Gazette-Mail*, Charleston, West Virginia, September 4, 1994.
14. Ken Ward. "Input on mill lacking, critics say." *Sunday Gazette-Mail*, Charleston, West Virginia, January 7, 1996.
15. Ken Ward. "Input on mill lacking, critics say." *Sunday Gazette-Mail*, Charleston, West Virginia, January 7, 1996.
16. Associated Press. "Top West Virginia news stories of 1995." *The Herald Dispatch*, Huntington, West Virginia, December 31, 1995.



## A VICTORY FOR CLEAN WATER

by John McFerrin

president, WV Highlands Conservancy

It's all over but the shouting. The WV Highlands Conservancy, the Ohio Valley Environmental Coalition and individuals Rogenia Fout, Thomas Keating, and Bill Ragette have settled their litigation with the United States Environmental Protection Agency over the Total Maximum Daily Loads.

So who won? Did EPA cave in, recognize the wisdom of our position, and agree to everything we wanted? Did the plaintiffs exhaust themselves and accept a token to save face? Was it a draw? What happened?

The whole controversy goes back to the federal Clean Water Act. Among other things, it required states to identify streams that are not as clean as they need to be and figure out how to clean them up. Among the ways the states were to do this was to figure out what was going into the streams.

Like everything else lawyers, bureaucrats, or both ever touch these requirements have their own jargon: Total Maximum Daily Loads, Water Quality Limited Streams and Pollutants of Concern. Buried within the jargon was a pretty simple duty: figure out what streams are messed up, figure out how they got that way, and figure out what we are going to do about it. This is what West Virginia was supposed to do. If West Virginia didn't do it, then the Environmental Protection Agency was supposed to step in and do it.

Although West Virginia was supposed to do this, it never did. Like a mighty river, time kept rolling on. Months turned into years and years into decades (we are well into our second decade of inaction) and still no action. Finally we sued, requesting that EPA step in and do what West Virginia had never gotten around to.

After much wrangling, EPA agreed to do what West Virginia was supposed to do all along. It is committed to starting right away and finishing within ten years.

Ten years? Are we crazy? Another ten years to do what they were supposed to do over ten years ago? Is this progress? Yes, in the world we live in, this is progress.

Of course, in a perfect world West Virginia would have gotten on this right away and finished years ago. In a perfect world we would have already achieved the Clean Water Act's goal of making all waters of the United States fishable and swimmable.

We don't live in that world. We live in a world where environmental progress is two steps forward, one step back, four steps sideways, and long periods of wondering if we are ever going to take another step forward. It is a world in which if things are no worse today than they were yesterday then we have had a pretty good day. If things are better than they were yesterday, we have had a great day.

Today - after the settlement - things are better than they were yesterday before the settlement. It won't clean up the waters overnight. In this world things like that just don't happen. It is, however, a big step toward the day when the waters will be clean again. We owe a great deal of gratitude to the attorneys for the plaintiffs - Perry McDaniel, Ryan Alexander, and Jim Kringlen - for making this step possible.

So who won? We did. It wasn't a two-ears-and-a-tail, leave-them-with-their-faces-in-the-mud-and-tire-tracks-up-their-back, 1976 World Series kind of win. But it was a significant step forward. Considering how precious any step forward is, we've had a great day.

## OVEC APPEALS PULP MILL AIR PERMIT

OVEC is being represented on our legal appeal of the air permit by the Charleston law firm of Forman and Crane. Jason Huber will take primary responsibility. Several years ago, Jason helped to publicize the pulp mill issue with OVEC while he was a student at Marshall University. We're so happy that Jason is back, with a new law degree!

Several other parties are appealing the air permit on a pro se basis (arguing their own cases without an attorney). These include: the Concerned Citizens Coalition in Spencer WV; the Buckeye Forest Council in Athens OH; OVEC member Monty Fowler; and David White, an inspector with the WV Office of Air who is appealing the permit on his own behalf.



**LET'S CELEBRATE! WE'RE HAVING A PARTY, PARTY!**



While we aren't sure we've beaten the mill to a pulp at this point, we are certain that we have several victories to

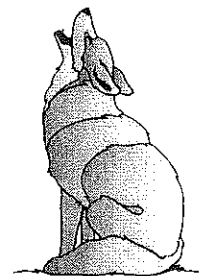
celebrate! On Friday, September 27, OVEC members and other pulp mill warriors are invited to Camp Mad Anthony Wayne for fun, food, frivolity, and live music. Maybe you have a pulp mill song or poem you'd like to share with everyone. We've reserved the lodge from 7:00 p.m. to 12:00 a.m.. The Greater Huntington Parks and Recreation District has kindly consented to let anyone who wants to camp to bring

a tent as long as folks are out of there by 9:00 a.m.

OVEC will provide some light beverages and snacks, etc.. Please bring along drinks or snacks to share with everyone (not a requirement!). So come on all you treehuggers, relax with your cohorts in a lovely wooded setting. It's time to reflect on our successes! Hope to see you there!

Directions to Camp Wayne: From Charleston take I-64 to the West Huntington Exit (the ramp exits onto Madison Avenue). Make a left onto Madison Avenue. You'll be heading West. At the second stop light, Madison Avenue magically turns into Piedmont Road (you're now in Wayne County). Continue straight on Piedmont about 2 miles. You will pass Vinson High School on your left. Within about two blocks you will see the Spring Valley Bridge on your left. Cross the bridge and turn left. You are now on Spring Valley Drive. You may see signs indicating that you are on the road to the Veterans' Administration Hospital. Camp Wayne is located on Spring Valley Road on your left exactly 2 miles from the entrance to the VA Hospital. It sets back from the road at the end of a big curve. We'll have a sign at the entrance. If you get lost call: 429-5078.

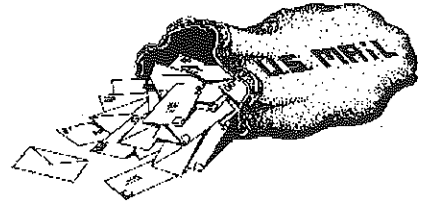
If you live in East Huntington, you need to get to Madison Avenue. The easiest way is to take Interstate 64 to the West Huntington Exit and follow the above directions. If you are coming from another location, you may want to call OVEC's Huntington office for more explicit directions (304-522-0246).



## LETTERS NEEDED

The next West Virginia governor will likely decide the pulp mill's fate. OVEC is not allowed to endorse political candidates because of our tax-exempt status. But we do feel that both candidates need to hear about your pulp mill and forestry concerns. You can send a note to:

Cecil Underwood, PO Box 1909, Charleston, WV 25327  
Charlotte Pritt, 1038 Quarrier St., Charleston, WV 25302



## CALENDAR

September 27, OVEC party, fun, live music etc. see page 10.

October 9, OVEC Board meeting, 6:30 PM at the OVEC office building in Huntington. All members are welcome, not just those on the board of directors.

October 12 (Saturday), Economic Transformation -- Current Realities and New Visions, mini-conference sponsored by the Commission on Religion in Appalachia, OVEC, and other groups. 11AM - 3:30PM at the Central United Methodist Church in Charleston. Call the OVEC office for more info (304-522-0246).

October 25-27, OVEC retreat, open to all members. Held at the LIFE Center, in the midst of beautiful forested hills, near Pullman WV. This gathering will include plenty of time for fun as well as for discussion about OVEC's issues, strategies, and future directions. Camping and inside bunks are available. Call OVEC's Huntington office for details.

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## 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

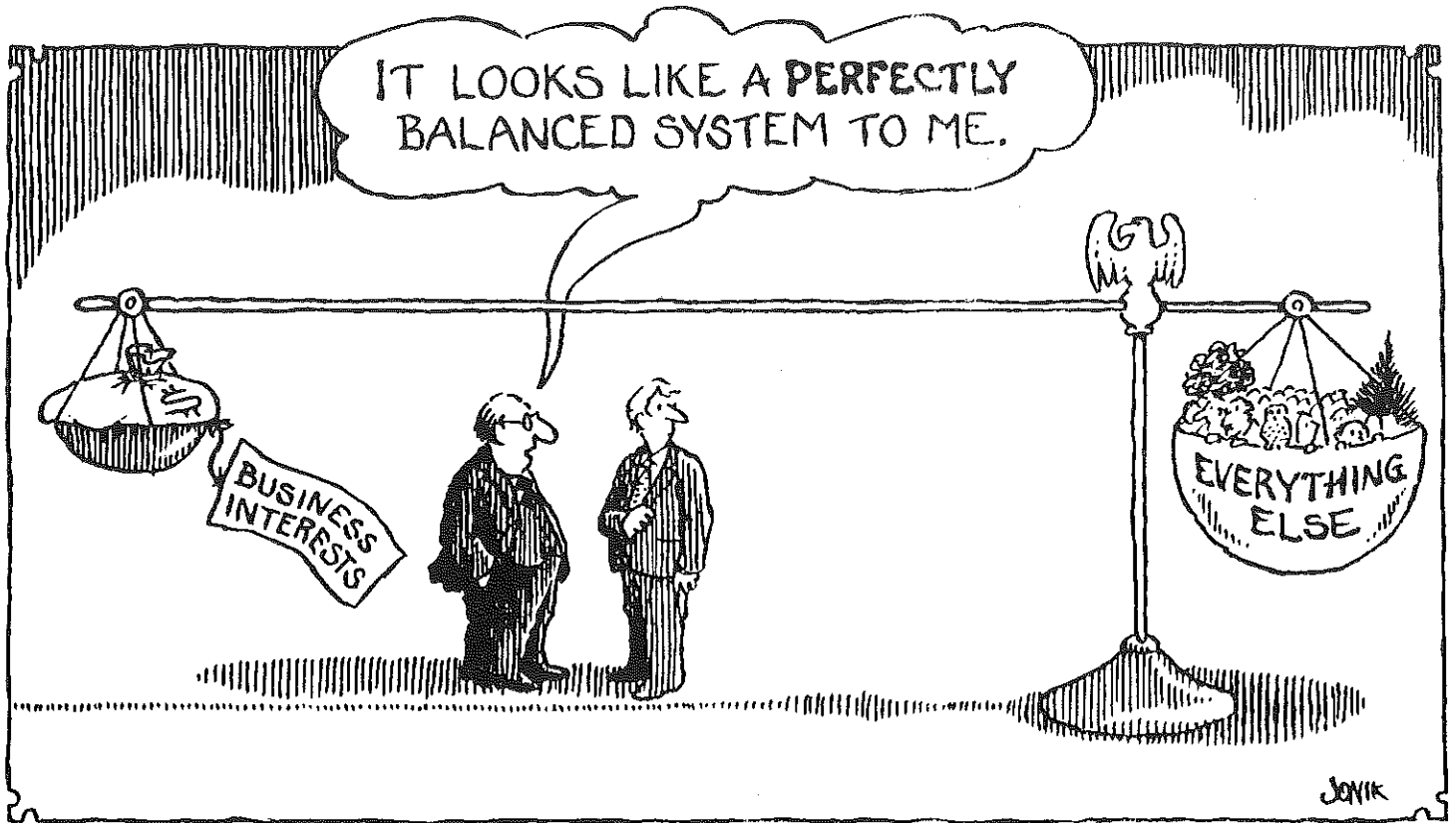
DONATIONS ARE  
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For more information, call the OVEC office at 304-522-0246



Ohio Valley Environmental Coalition  
1101 6th Ave., Suite 222  
Huntington, WV 25701

*Copied on unbleached, recycled paper*