



November 1997

"E"-NOTES

the newsletter of the
Ohio Valley

Environmental Coalition

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The Whole World Is Watching - National Magazine, French TV Shine Spotlight on Mountaintop Massacre

by *Laura Forman*

If you haven't already seen the Aug. 11, 1997, issue of *US News and World Report* containing the article "Shear Madness" by Penny Loeb, come to the OVEC office or check your local library. OVEC will soon have authorized color copies from the magazine.

The mountaintop removal (massacre)/valley fill strip mining in this region has long deserved major media attention and gotten it, surprisingly enough, from a conservative business magazine.

US News and World Report revealed the horror of mountaintop removal mining through tragic stories from affected people and stunning aerial photography of West Virginia's "moonscapes". Here are a few of the things *US News and World Report* told the world:

▼ "It is a fact that coal companies have been a political power in West Virginia for generations. They gave nearly \$500,000 to Gov. Cecil Underwood's campaign last year. A study by West Virginia Citizen Action Group found that all 17 state senators elected last year got some campaign money from mining firms."

▼ "The coal companies do not dispute that their practices are changing the landscape. But the costs are indisputable, and the damage to the

landscape is startling to those who have never seen a mountain destroyed. Topographic and landscaping changes leave some regions more vulnerable to floods.

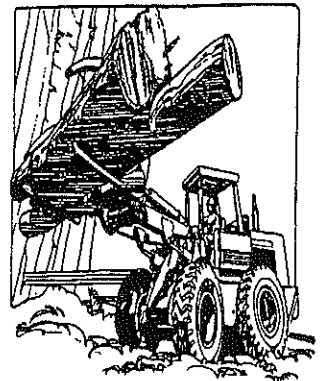
"Thirty floods have occurred in the past two years in areas where watersheds were bared and redesigned, and several people have lost their lives

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Pulp Mill Air Permit Hearing Ends - Last Chapter for P\$W?

by *Laura Forman*

"This permit is a green light to industry to come in and run roughshod over our people", exclaimed OVEC attorney Jason Huber in his closing arguments of the proposed Apple Grove pulp mill's air permit appeal.



August 6, the final day of these long-running hearings, was an emotionally-charged one.

A roomful of OVEC members, concerned citizens and news media were witness to powerful and passionate closing arguments by Huber, Concerned Citizen Coalition's Vivian Stockman, Buckeye Forest Council's Matt Peters and Monty Fowler.

For the "good guys," only OVEC had an attorney, but all of the appellants' arguments were presented with incredible skill and poignancy. Matt Peter's brought tears to our eyes as he sang his Apple Grove Pulp mill version of John Prine's

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A True Story of Bears, Mountains and A Way of Life

by Dianne Bady

The black bear watched us and we watched back. Then she calmly lumbered off. Larry Gibson told us that just the other day he saw over a dozen bears here on Kayford Mountain.

Larry, whose family owns the surface of this mountain in Raleigh County WV, said that for the first time, bears are starting to chase people. Larry's extended family comes here regularly to camp and to renew family ties. And now the bear population is beginning to cause some concern.

But the bears don't have much choice in the matter. Their mountain habitats are being massacred, and Kayford Mountain is a refuge for them.

On three sides of Kayford, the former mountains have been blasted and gouged by immense mechanized shovels until there's just a vast wasteland of rubble.

And monster machinery is gearing up to rip out more seams of coal by systematically leveling what-used-to-be-mountains. This isn't "just" mountaintop removal strip mining, it's total annihilation of entire mountains.

It's deliberate destruction of headwater streams, as those former mountains are dumped on top of the waterways in the narrow valleys.

I'd guess that by the time A. T. Massey Coal is finished with this previously beautiful area, the mountains will be valleys, and the former valleys will be huge unstable piles of rock and soil.

I'm horrified by what I'm learning about mountaintop removal/valley fill strip mining. On a recent commercial flight from Charleston to

Atlanta, I was stunned by the number of blasted-off mountaintops I saw below me.

I wasn't appeased by reading the remarks of Bill Rainey, president of the West Virginia Coal Association, who told the Charleston Gazette that "...I'll guarantee you there are a lot of mountaintops that don't have any disturbance."

I'm appalled at a recent "oversight" at an Ashland Coal mountaintop removal job which caused the Coal River to be blackened for miles by thick sludge, and which cost a river guide thousands of dollars of tourist business.

I can't help but feel uneasy when I read that an A.T. Massey subsidiary has just purchased more than 50 million tons of coal, primarily in Wyoming and McDowell counties.

How will this coal be mined? With a strong human work force in underground mines? Or with 20-story-high earth moving equipment that is so expensive it can't be shut down, but must wreak destruction 24 hours a day, seven days a week? Some of the folks I recently met at the top of Kayford mountain emphasized that coal companies have always

pushed regular people around in this state.

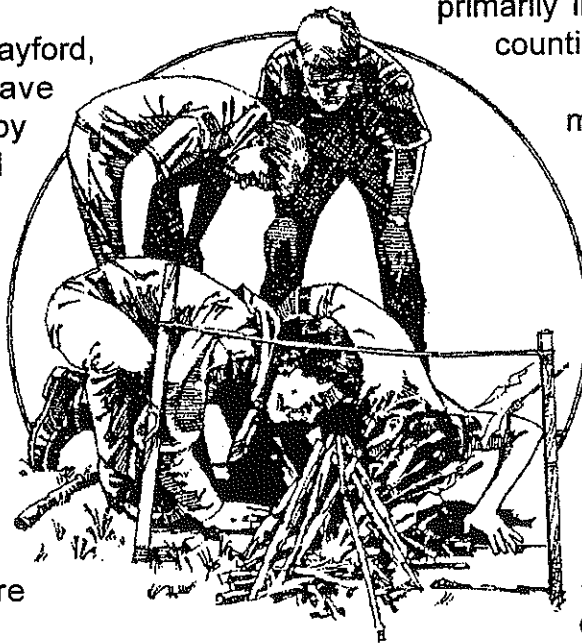
A lot of people believe that these big companies can't be stopped.

But that's what most people said about the company which planned to build the proposed mammoth pulp mill at Apple Grove. And yet that plan seems to be dying.

It took hundreds of people - regular people - to stop the pulp mill.

It will take thousands of people to stop the destruction of West Virginia's mountains.

It's time to roll up our sleeves.



PROBLEMS ABOUND

EPA Releases Results of Massive Inspection of Ashland Oil

by Rick Bady

OVEC has obtained the reports of a refinery-wide inspection of Ashland Oil carried out by the US Environmental Protection Agency's National Enforcement Investigations Center.

They found "numerous areas of potential noncompliance under most statutes and regulations investigated."

OVEC has requested such outside help for some time, arguing that Kentucky lacks the expertise to deal with the only large refinery in the state.

Violations Challenged

In addition, Ashland's method of legally challenging every violation found by Kentucky inspectors has kept state enforcement efforts bogged down and prevented regulators from forcing all the improvements that they know are needed there.

The nationwide effort began several years ago, targeting companies that have the "same noncompliance issues" at various facilities. Initially, the project was called the "National Violators List". But industries complained and EPA changed the name of the project to the "National Enforcement Screening Strategy Effort".

Last November, inspectors spent over a week at the refinery. The inspection was not a surprise - the company was notified well in advance.

"Areas of Concern"

The effort resulted in a massive report describing "areas of potential non-compliance and areas of concern". The vague language is needed because as long as Ashland's lawyers claim that something is not a violation, then, technically, it isn't.

Weak state and national environmental laws give every edge to the company and regulators prefer not to take companies to court where politically appointed judges tend to side with big business. Instead, the state has always negotiated an "agreed court order" with the company.

In the past, agreed court orders have resulted in some significant improvements at the

refinery, but as neighbors know, there's still plenty more to do.

Needs Documented

This inspection has documented much of what is needed. Officials are now negotiating with Ashland, but they now have more leverage than ever before.

No one will say for sure, but we suspect the federal Dept. of Justice may also be involved. This would make it much harder for Ashland to avoid making improvements through the use of its legal army.

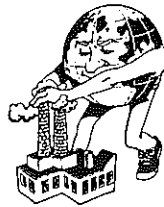
The inspection report is divided into sections, each dealing with "potential" violations of the major federal laws: the Clean Air Act, the Clean Water Act and the laws on hazardous wastes.

An assessment of Ashland's "Environmental Management System" was also done. OVEC has filed a Freedom of Information Act request to obtain it as well.

Here are just a few highlights of what the EPA found:

CLEAN AIR ACT

- Emissions of benzene and sulfur dioxide in excess of permitted amounts.
- Various failures to report excess air pollution emissions. Various examples of inadequate maintenance or equipment.
- Various cases of Ashland's own emission reports underestimating the amount of pollution discharged into the air.
- Failure to do various paperwork properly, accurately, or at all.



CLEAN WATER ACT

- Water pollution emissions in excess of permitted amounts.
- An "inability to detect" spills, resulting in permit violations.
- Various examples of inadequate maintenance or equipment.
- Failure to do various paperwork properly, accurately, or at all.



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Ashland Inspection

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HAZARDOUS WASTE LAWS

- Treatment of some hazardous waste without a permit.
- Failure to clean up some wastes despite warnings.
- An inadequate landfill.
- Sewer systems of "questionable integrity".
- Failure to do various paperwork properly, accurately, or at all.



It is also worth noting that *The Herald-Dispatch* did a story on the report's release, which included a small story on the front page, and more information in an inside section.

Generally, reports of malfunctions or problems at the refinery had been relegated to an inside page, so perhaps this signals a renewed commitment on the paper's part to offer timely coverage of both the good and bad news coming out of Ashland.

Thanks Volunteers, And A Special Wish

☺ Dan Kash, Ronald Goodman, Suzanne Rebert, Lewis Baker, Maryanne Graham, Morgan Oberly, Aaron Bady, Rick Bady, Monty Fowler, Ron Lafferty, Beady Phillips, John Price, Chris Cowan, Steve Bishop, Charley Kincaid, Susan Hayden and Kit Hoffman.

☺ Thanks to OVEC board member Becky Hoff for her generous donations of a photocopier and fax machine to OVEC!

☞ OVEC wishes a full and speedy recovery to Kentucky Division for Air Quality inspector Doug Gesso, who recently suffered a heart attack.

We gratefully recognize Doug's commitment and outstanding work to improve the air quality of folks suffering from the Ashland refinery's air pollution. Our thoughts and prayers are with you and your family, Doug.

Good Luck and THANKS to Aaron Bady - OVEC volunteer

Congratulations and thanks to OVEC volunteer (and son) Aaron Bady who has begun his freshman year at Ohio State University in Columbus.

Although Aaron gave much of his spare time over the last few years to the often tedious "grunt" work in the OVEC office, he also helped produce OVEC's "The Forest for the Trees: Forestry in West Virginia" report, excerpted from the *Charleston Gazette's* series of articles by Ken Ward, Jr.

Aaron also did a lion's share of the data entry for the West Virginia election campaign contribution report, made trips to Charleston to wade through pulp mill permit appeal transcripts and regularly helped put the OVEC newsletter together.

As well as being a staunch enviro-activist, Aaron is a talented guitar player, computer whiz, gifted writer and an avid animal lover. Aaron's quirky sense of humor, thought-provoking conversation and hard work brought cheer to the OVEC office and lightened the load on the OVEC staff. We wish Aaron the best of everything as he continues on his life's journey.

FOR SALE NOW!

OVEC T-SHIRTS on 100% unbleached cotton. Designed by West Virginia artist and environmental activist, Ruth Blackwell Rogers, this shirt has colors that match the fall foliage in our beautiful forests. Only \$15.

OVEC TOTE-BAGS - same great design as the T-shirt and at the same low price. These heavy-duty, unbleached canvas bags are perfect for the grocery store, office, school...

HEMP STATIONERY PACKS - 40 sheets and 10 envelopes per pack. Think green, act green, use TREE-FREE paper! Only \$5.

Call OVEC today at (304) 522-0246!

Pop Quiz: Where does the link on the West Virginia Division of Environmental Protection's "Director's Office" home page go? Give up? To a story in "Chemical & Engineering News" that ranks the Mountain State *DEAD LAST* in per capita spending for environmental protection, at \$4.22 per person! The national average was \$17.72. Check <http://charon.osmre.gov/director.html>.

A Personal View

Living in Ashland's Shadow - Darkness At Noon And Artificially Colored Sunsets

by Laura Forman

Everyone should inspect the Ashland files at the KY Division for Air Quality's office. It is an eye-opening experience. When Ashland does get caught in violation of state environmental laws, it seems that they either deny that the incident was a violation or they attempt to say that it was an excusable malfunction. The paperwork generated in inspecting the refinery is incredible.

Over the years Ashland has displayed a pattern of blatantly neglecting environmental laws and regularly taking the state of Kentucky to court over obvious violations of state environmental regulations.

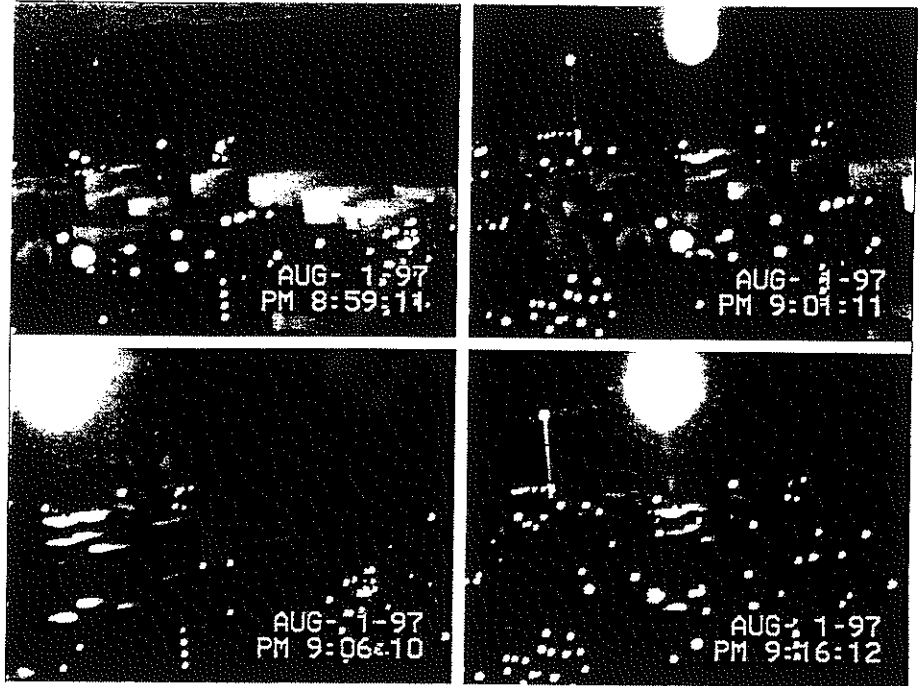
So, is anyone surprised at the EPA's latest findings? As a former resident of Kenova, I am not. Every night I thank my lucky stars, (which I can now see in abundance due to the lack of an all night, glowing, multi-colored refinery-style sunset) that I am no longer exposed to the daily barrage of chemical smells and tastes in the air.

I no longer fear the nights, weekends and holidays, when I never knew what nastiness the refinery might unleash on us. I no longer have to wonder every day if the air will be so bad that it will keep me, my family and my dogs from venturing outside.

So-Called Malfunctions

When I lived in Kenova, I frequently experienced Ashland's so-called "malfunctions" and felt frustration at the lack of accurate media coverage on real events that caused real suffering; suffering that if our corporate "good neighbor" acknowledged it, it was to deny their responsibility for it.

I left Kenova while I was pregnant and I still worry about the toxic soup to which I exposed



This Aug. 1, 1997, flaring "incident" at Ashland's Catlettsburg refinery was recorded and date-stamped on the surveillance cameras operated around the clock by the Kentucky Division for Air Quality's Ashland office.

my son. But I know I was one of the fortunate people in Kenova because I moved out.

Unfortunately, there are so many people who still live with the pollution from Ashland. And now that the TGI air monitoring for the Kenova industrial cluster is complete, it looks (and smells) like the air surrounding the refinery is getting worse again.

According to OVEC Board member and Catlettsburg resident Beady Phillips, "Things over the last year were better but now it's bad again. The loud noise and odors have been happening a lot. The flares are really bad again too."

On August 1, Ashland had a huge flaring event (see photo). Kenova resident Barbara Christian said, "On August 1, Ashland had a terrible smoking flaring incident that lasted over fifteen minutes. At that time, I felt as though I was suffocating and had a metallic taste in my mouth."

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In Ashland's shadow

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Even the occurrences of fallout continue. Barbara noted, "many times there is white fallout and black dust at my home and something in the air keeps killing my flowers. Brown oily droplets frequently get on clothes I hang outside to dry."

The Poor Targeted

Unfortunately Ashland, like so many big polluting companies, dumps their pollution on low-income folks and people of color. (An abandoned Ashland refinery in Louisville, Ky., sits in the middle of an African-American community where fish in the lake are dangerously contaminated with dioxin. Ashland still uses the tanks there.)

The Ashland tank farm in Kenova is little more than a stone's throw away from the low-income Jamestown Apartments. As OVEC member and Jamestown Apartments resident Pat Davis said, "my great granddaughter has been sick since she moved into my apartment complex near the refinery. Many of the children who live in this low-

income housing project cough and their eyes burn when they play outside."

The fact that the EPA finally conducted this vast inspection that OVEC has been requesting for years is a step in the right direction.

But people still need to speak out to state officials when the air is bad in Kenova. Although the Kentucky DAQ no longer has an 800 number, please call (606) 920-2067.

Calls Important

Your calls to the Division for Air Quality in Kentucky will keep them aware of the ongoing air quality problems surrounding the refinery. If you cannot call Kentucky, call the OVEC office and tell us, we will make sure Kentucky knows about it.

And if you have ongoing concerns about the air you need to come to the EPA meeting on Nov. 13.

This is an opportunity for the public to speak out and be heard by US EPA. Call the OVEC office at 522-0246 for more information.

ACTION ALERT - Blackwater Canyon Needs Your Help

The spectacular Blackwater Canyon, a world-class resource with its stunning views, recreation, animal and plant habitat and tourism potential, faces a serious threat. Despite efforts to buy a portion of the Canyon for permanent protection, it was sold to a company which plans to log it.

A bid to buy the Canyon for the Monongahela National Forest that nearly surrounds it was topped. The new owner, John Crites, has already begun limited logging. Other development plans are also possible.

There is still time to save the Blackwater Canyon. Both the National Forest and state park system are interested in the Canyon. Let Governor Underwood know that you'd like him to help. He can bring groups together to work out a way to SAVE THE CANYON!

Call Governor Cecil Underwood at (304) 558-2000 or write him at: The Capitol, Charleston, WV, 25305.

For more information call: (304) 789-6277 or (304) 342-6348.

IN MEMORY

OVEC mourns with family and others the passing of two friends: Helen Freed, from Spencer, WV, a member of the Concerned Citizens Coalition, and Charles "Chuck" Ellis, brother of Mike "Mickey D" Ellis of Huntington. There's a hole in our lives that only they could fill. We loved them both. Peace, brother and sister.

Coal Field Activist Gets Grant Funding

Randy Sprouse, a coal field resident who has discovered activism through his fights against mountaintop removal/valley fill mining, told OVEC that he recently received some funding to start an organizing project.

Sprouse, whose slide show at OVEC's mountaintop removal forum in June demonstrated the magnitude of the problem in the Whitesville area, said the funding will go toward the Coal River Mountain Watch project.

Mountaintop massacre mining

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such floods."

▼ "A 1994 survey by the state Division of Water Resources found that all but 24 percent of the state's streams and rivers are polluted. Much of this - no one knows exactly how much - is caused by surface mining."

▼ "The mining operation has bombarded the houses below with dust, noise, and occasional rocks.

"So rather than fight constant complaints from homeowners, Arch Coal Inc., the mine's owner, has bought more than half of the 231 houses in Blair..."

▼ "The state's weak environmental laws and lax regulators are a magnet for mining - and have made its effect more profound."

▼ "State employment records suggest the jobs argument is not very compelling."

▼ "Mountaintop removal accounts for only 4,317 workers in the state - less than 1 percent of its job force. Overall, mining employment in the state has fallen from 130,000 in the 1940s and 1950s to just 22,000 last year."

OVEC believes this article was an accurate and fair representation of mountaintop removal/

Mountaintop Removal

An "Outsider's" View Of A Growing National Tragedy

by Suzanne Rebert

People are always asking me why I moved here. That's not a question I heard much back in Seattle, or even Salt Lake City where I grew up. It's true that I did graduate work on the economics of regulatory change in the Alaskan halibut fishery. No one has ever caught halibut in the Ohio River, and I wouldn't eat any if they did. It's also true that my original reason for moving 2,800 miles, to a state where I knew no one, has disappeared. In its

valley fill strip mining operations in West Virginia. **International TV**

In August, a television crew from France interviewed Kayford Mountain activist Larry Gibson and OVEC's Dan Kash about mountaintop removal



From left, Randall Price, Wendall Farley and Larry Gibson, look out from Kayford Mountain to the mountaintop removal/valley fill mine that is rapidly destroying their community, their heritage and their way of life in this August 1997 picture. Photo by Laura Forman

mining. France does deep mining but not mountaintop removal strip mining. Larry took Dan Kash, French TV and local TV news stations to Kayford mountain to see how this type of mining is destroying his family's cemetery as well as the *continued on page 8*

place, however, I've found true friendships and a landscape with much to love about it. Trees, birds, rocks, foods, accents, churches, politics: everything is a little different.

Through my involvement here, I've had the chance to see an environmental travesty that boggles my mind - a real funhouse-mirror view of economic development. I appreciate this opportunity to share a newcomer's impressions of *continued on page 8*

Mountaintop massacre mining

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surrounding hillsides.

Blasting from nearby mining has caused many grave sites to become sunken and destroyed grave markers. Larry said, "I used to look up on the mountains, but now I look down on them."

Worldwide issue

Perhaps the incredible scenes from West Virginia will motivate French officials to guard against this assault on the land and its people rather than welcoming it in with open arms and a fistful of tax breaks.

"Outsider's" view

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mountaintop removal.

On Oct. 25, four of us from OVEC, as well as Larry Gibson, joined other activists, locals, attorneys and reporter Penny Loeb on a tour of mountaintop removal/valley fill sites in the coal-rich hills of Raleigh County.

This was my first visit to rural Appalachia. There was so much to see and think about. We drove along dirt roads, back into the "hollers," where twilight comes so early and shy children play in ill-fitting hand-me-downs and magnificent fighting cocks strut in their pens. There were cows, horses, goats, chickens, hound dogs, and beehives; the trees - apple, walnut, beech, oak, maple, locust, sycamore, tuliptree - gently rained colored leaves on the sodden earth, and thick vines draped the limbs.

There are paw paws and persimmons here, too, and Appalachia is also where much of the world's ginseng comes from; the mountain people harvest it, and goldenseal and other medicinal herbs, for their own use as well as for sale. Frogs and salamanders, which are vanishing from so many of the world's ecosystems, have thrived here. We saw wild turkey tracks and black bear scat. Many of the houses and trailers were poor, yet they were gaily decorated for Halloween. There were small wooden churches everywhere, and old barns, and big pickups.

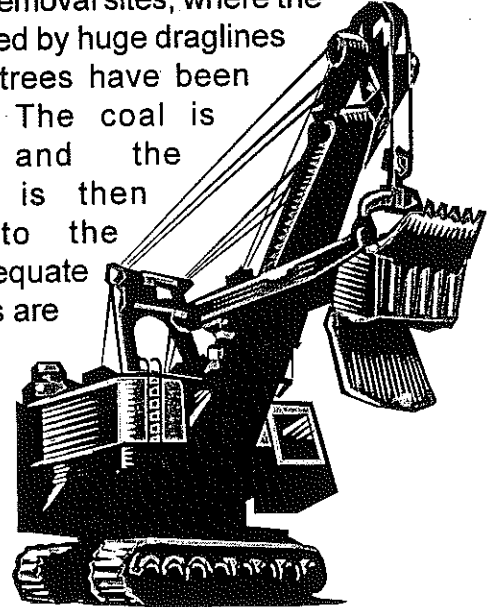
We stood at a bend in a road by pretty White Oak Creek, which swelled last spring from surface mining runoff and drowned a young mother and a neighbor boy who had left their stalled car on the

Will the glare of this spotlight now shining on West Virginia force our own state and local representatives to re-examine their roll in this destruction of the Mountain State?

Will they recognize the need to fight these abuses against the people, the land and the wildlife?

Or will they turn away from the light, turning their backs on the people and the future of West Virginia by continuing to support the practices of the wealthy coal companies that are tearing the heart out of West Virginia?

way home from Wednesday night service. At the head of this creek and many others loom the mountaintop removal sites, where the hills are levelled by huge draglines after all the trees have been logged off. The coal is extracted and the overburden is then dumped into the ravines. Inadequate holding ponds are constructed behind rough earthen dams to hold the runoff. We passed blasting warning



signs to see the fetid pond that had failed to protect the woman and boy. About 25 years ago, a dam like this gave way at Buffalo Creek, and 125 people were killed.

That incident led to the passage of SMCRA, which dictates that strip miners return the land to its original contours ... "except...". A loophole was carefully crafted to allow the wholesale rape of the land that's going on now.

When mountaintop removal mining is over, the mountains are flat and the hollers aren't hollow. Grasses and little shrubs are seeded over the acidic gravel that remains. If the reclamation contractor goes bankrupt after the coal company

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Pulp mill air permit

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"Paradise".

In June, WV Division of Environmental Protection Director John Caffrey sent a letter to P\$W, declaring his concern over a "lack of good-faith effort by Parsons & Whittemore to proceed with the project." According to state law, Caffrey must revoke the permit in December unless the company shows a "good-faith effort" to go forward with the mill.

Company Attacks DEP

When P\$W finally responded to Caffrey's letter, it was to attack Caffrey, the media and concerned citizens who oppose the construction of the mill. P\$W's letter was like the spoiled cries of a big bully who can't stand the fact that the little guys stood up together, refusing to cower beneath his threats.

And West Virginians (and others) did stand up to this multinational Goliath.

Even Governor Underwood has said, "if it's not going to move ahead, we don't want to waste our resources." Perhaps the governor and Caffrey should have done something before the state wasted over \$90,000 of taxpayer money defending the water and air permits for the proposed mill.

OVEC, the other three appellants and the DEP filed an unusual joint motion in September to the Air Quality Board, stating, "it is quite likely that the air permit will be revoked on December 16, 1997."

This motion was granted and will allow the appellants and the DEP to forgo spending the time and expense on responding to the huge transcript from the appeal in order to wait for the Dec. 16

**"...it is quite likely
the air permit will be
revoked..."**

revocation of the permit. If P\$W makes a move to reactivate the project, the work on the appeal will continue.

If the mill is dead, as we think it is, it is NOT because the pulp market is depressed, as P\$W has claimed, it is because hundreds of people, thousands of people, from all walks of life worked together and/or spoke out to defeat this project.

So maybe now we can all breathe a sigh of relief, be proud of the way we have protected this beautiful state by working together and believe in the words of Matt Peters' in his Pulp Mill song:

*"Nothing can move me once I take my stand
It's time that we stop this terrible progress
Our destiny's tied up with that of the land."*

Pulp Mill Thoughts

by Janet Fout

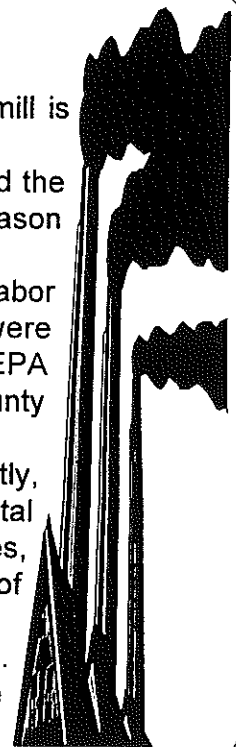
Governor Underwood has declared that the proposed Mason County pulp mill is most likely dead. That's great news to everyone.

The primary reason he gave was a deteriorated pulp market. While I'm thrilled the project is no longer a looming threat to the region, I disagree with the governor's reason why.

For nearly a decade, OVEC, along with other environmental groups, organized labor and countless individuals, challenged the mill on every conceivable front. We were successful in pressuring federal EPA officials to test Ohio River fish for dioxin. EPA concluded the highly toxic chemical exceeded legal limits. As a result, Kanawha County Judge Todd Kaufman declared the water permit invalid.

OVEC also appealed the mill's air permit, which the state, until very recently, staunchly defended. These legal challenges helped to bring this fast-track environmental fiasco to a screeching halt. The fact that hundreds of organized citizens attended rallies, wrote letters and made phone calls made a monumental difference in the outcome of this issue.

The pulp mill was discussed at almost every political level during the 1996 election. The apparent defeat of Parsons & Whittemore shows how much power regular people have when they work together.



"Outsider's" view

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has moved on, nothing is seeded over anything.

I've been to Mount St. Helens. Volcanoes are Nature's way of recycling rock subducted at the boundaries of tectonic plates. They are places of awesome destruction and creativity. The new land becomes fertile; we owe agriculture, metals and probably the existence of large oceans to this violent process.

Much that I saw that Saturday bore a superficial resemblance to the area near Mount St. Helens.

But instead of recycling rock, water and minerals, the companies are extracting short-term revenues and redistributing them away from the people who are left to deal with the costs. The industry has laid off thousands of miners as it has become more capital-intensive, yet the patterns of dependence and fear remain. Things happen to local people who speak out against the abuse of SMCRA and the destruction of their homes. The West Virginia and Kentucky legislatures feed on coal money.

This is low-sulfur coal, too; and don't you use electricity like everyone else? There's a problem, though. I expect to pay for electricity with money. Not with people's lives, and not with the destruction of the earth.

As a natural resource economist I'm interested in the way local communities can love and sustain the environment that supports them. This respectful relationship is founded on knowledge gleaned from generations of experience; it has been observed among Aleut sea lion hunters, East African herdsman and others.

Close-knit communities that "do good science" (understand the environment they use), and accept the costs as well as the benefits of the harvest, can actually regulate themselves. Give the costs to some people and the benefits to others, and you have environmental abuse and social injustice. It had happened and continues to happen in the coal fields of Appalachia.

It needs to stop. There is too much beauty and knowledge and life at stake here. And ultimately, we all live down stream.

Penny Loeb

The Woman Who Made The Coal Industry Scream

by Monty Fowler

She is unassuming, soft-spoken, almost diffident. Not a face that stands out in a crowd.

Yet Penny Loeb, the *US News and World Report* journalist who exposed mountaintop removal/valley fill coal mining for the environmental tragedy it is, still remains in awe of the first time she saw a mountaintop removal site as she prepared the article, "Shear Madness," a special report which ran Aug. 11, 1997.

First-time impact

"It is the most astounding thing, when you see it for the first time," Loeb said during the WV Environmental Council's annual meeting Sept. 5-7. "But more than the mountains, it's the people in the communities, and what it's doing to them."

The featured speaker at the Saturday evening session, Loeb presented a slide show of some of the

"I was just unprepared for what I was seeing, what people were going through." Penny Loeb

dozens of pictures that didn't make it into the article. In each, the awful magnitude of the unfolding tragedy was plain to see.

It was also plain that Loeb had been deeply affected by what she had witnessed in the southern coal fields.

"People were telling me their stories, crying - their whole life, everything they'd worked and saved for, was being destroyed," Loeb said.

"The dust limits are useless ... the laws just can't cope. I was just unprepared for what I was seeing, what people were going through."

DEP cooperated

Loeb said she was surprised by the high degree of cooperation she got from WV Division for Environmental Protection officials throughout her research, and suspects they wanted the story told to help them put pressure on industry.

Records that documented the thousands

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When you're finished with this newsletter, please pass it on!

West Virginians Meet With New Federal OSM Director

by Laura Forman

"I started out just trying to save Kayford mountain, now my goal is to save all the mountains," said mountaintop removal mining activist Larry Gibson at a Sept. 23 meeting in Coonskin Park, held by the West Virginia Office of Surface Mining.

Kathy Karpan, the new director of the U.S. Office of Surface Mining, came to West Virginia to meet with concerned citizens, environmental activists and state OSM employees.

What she heard were heartfelt pleas to help southern West Virginians who are seriously suffering from the effects of the surrounding mountaintop strip mining operations.

Although she encouraged people to tell her about the problems that this type of mining brings to the communities, the prevailing attitude of the new director seemed to be that of defender for the federal and state OSM offices.

Staffing cuts blamed

The primary excuse Karpan gave for the state's lack of enforcement was the cut in the OSM (nationwide) of more than 1,000 staffers.

She suggested one of the most important things concerned West Virginians could do would be to respect and vigorously support the OSM, in essence by lobbying Congress for adequate funding.

That's right, because we all know Congress much more likely to listen to a few outraged West Virginia citizens than big money coal company lobbyists!

Just look at this states' sad, repetitive

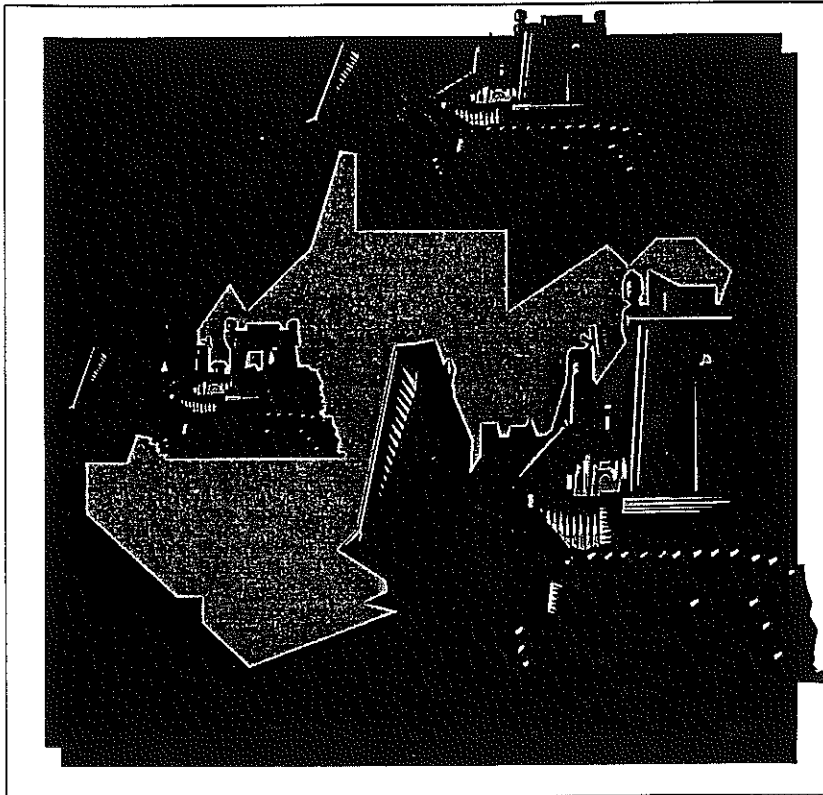
history on this issue.

Mining "environmentally sound"

Other indications that the director was not on the same page as affected citizens were

comments like, "coal mining is being done in a much more environmentally sound way," and the recent *U.S. News and World Report* article about mountaintop mining "wasn't completely accurate." (The coal companies didn't like the article either).

Instead of meeting with citizens in a comfortable room where she can rationalize the lack of enforcement by the OSM, OVEC suggests Karpan spend a day in what was once the nice



town of Blair, WV.

Folks there will show her what mountaintop mining hospitality is all about.

The director can admire the cracks and structural damage to the homes from mining blasts, while keeping a close eye out for the fly rock that is apt to land at her feet. Outside, speaking could be difficult with the thick "dust that falls like rain" in the community and the noise from the constant stream of coal trucks.

If the director needs a drink of water to clear her dust-laden throat she won't get it from the wells that all seem to be drying up in the area.

Dust a problem

According to Karpan, some of these issues were being discussed between herself and Roger Calhoun, Charleston field office director of OSM. But what can be done about the dust that is choking people if, as Calhoun says, "OSM has no authority on dust."

OSM sends people with complaints about

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OSM meeting

continued from page 11

the dust to the WV Office of Air Quality and OAQ sends the people somewhere else. Are people getting the run-around here?

The West Virginia Organizing Project's John Humphries said if enough people request it, perhaps the next permit issued will contain language specifically about dust - and then the OSM can do something because they must enforce the permit. (see WVOP article.)

State OSM officials have said they have no concrete proof that the nine wells that have dried up near Frieda Simpkins' home in Logan County were caused by nearby mining activities.

When they blast, coal companies are causing the streams in the mountains to be rerouted, thus causing people's wells to dry up.

Does OSM really believe it's a coincidence that so many wells dry up in the same community near the mine blasting?

Fly rock "inexcusable"

And even though fly rock is, in Roger Calhoun's words, "inexcusable," the state OSM is unable or unwilling to stop it.

**"...it is hardly in keeping with the spirit of SMCRA.
Dan Kash**

And the coal companies refuse to be held accountable for any of

these problems.

As Dan Kash said when speaking about the 1977 Surface Mining Control and Reclamation Act, "mountaintop removal was to be the exception - not the rule. I am horrified by mountaintop removal mining; it is hardly in keeping with the spirit of SMCRA."

In response, Karpan claimed she "can't administer the spirit of the law," and people should not be upset when mining inspectors do not issue violations to companies when they believe, "in their heart of hearts" that these violations will not stand up in a court of law.

It is inevitable that wealthy, powerful, coal companies will attempt to dodge their accountability for these atrocities through legal maneuvers.

However, that does not excuse lax enforcement by inspectors.

To the new director's credit, she did indicate

she needs to try to keep SMCRA up-to-date.

Law is vague

And because there seem to be many vague areas in the current laws, OVEC agrees with Karpan's assertion that the OSM should have "the means to regulate according to new technology."

"We're dying and they are in compliance", said Carlos Gore, who, like other residents from Blair, expressed frustration with the OSM's lack of action and anger at the mining companies' apparent lack of concern for their destructive activities.

Whether or not Karpan gives these issues her immediate attention, it is imperative for concerned citizens to work together to reign in the "shear madness" that is mountaintop removal.

Tri-State Geographic Initiative

Top US EPA Officials To Meet Here In November

by Rick Bady

The Tri-State Geographic Initiative is about to begin the "risk assessment" process. This activity will take a contractor several months after receiving the massive quantity of air monitoring data from Kenova that has been collected over the past year.

Results are expected to be released next March. At that time, if the risk level found is higher than the "action levels" the TGI has established, the EPA and state environmental agencies will be obligated to act to reduce pollution in the Kenova area.

The second in command officials of the three EPA regions that oversee Kentucky, Ohio, and West Virginia will converge to meet with state officials about the process.

The public meeting will take place at 7 p.m. on Thursday, Nov. 13, at Marshall University's Erickson Alumni Center on Fifth Avenue in Huntington.

The public and media will have an opportunity to question the officials about the progress and future of the TGI.

The TGI air monitors will now be moved to the next "industrial cluster" in the Greenup, KY area.

OVEC Inducted Into National Grassroots Hall of Fame

by Laura Forman

CCHW Center for Health, Environment & Justice recently held their 16th anniversary convention in Washington D.C. The theme of the convention was "Winning Justice Step by Step."

Citizen's Clearinghouse for Hazardous Waste is the organization founded in 1981 by Lois Marie Gibbs, community leader of the campaign at Love Canal. Lois wrote the book "Dying from Dioxin" and gave an inspirational talk about the proposed Apple Grove pulp mill at the annual OVEC meeting a few years ago.

CCHW's conference had many workshops to help grassroots groups from all over the country. Various speakers provided strength and motivation to folks who have been in for the long haul and those just beginning to fight.

At this conference, CCHW stressed the need to educate people about the real causes of cancer in this country. Through its use of the media, industry would have us believe that personal lifestyle decisions are the primary cause of cancer. In actuality, the focus should be on industrial pollution's effects on people (cancerous and otherwise).

In recognition of Cancer Awareness Month, CCHW organized a rally outside the headquarters of the Chemical Manufacturers Association. It wasn't nearly the size of the Promise Keepers (who were in D.C. the same weekend), but it was an impressive rally with powerful messages from people who are directly impacted by their polluting corporate neighbors. Hundreds of people marched and chanted "Cancer starts in the corporate board room".

The final day of the conference was devoted primarily to presenting awards to the grassroots groups throughout the this country, Canada and Australia. OVEC was one of the groups inducted into the CCHW Grassroots Hall of Fame.

Penny Loeb

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of acres targeted for mountaintop removal were quickly produced, as were those that called into question industry claims that the mountaintop removal jobs were a key part of the state's employment picture.

Industry upset

Almost as predictable was the coal industry's virulent response, which Loeb said started before the article was even in print, and continued with a series of acidic letters to the editor from state coal industry figures that questioned everything except her parentage.

One comment Loeb found especially puzzling was the statement by Bill Rainey,

president of the West Virginia Coal Association, that he had flown over the same areas Loeb had, but had seen no sign of the mountaintop "massacres" described in her article.

"Everyone was saying to me, 'Can you help?'," Loeb said.

National attention

Cindy Rank, veteran activist and member of the West Virginia Highlands Conservancy, said Loeb's article will help focus the national spotlight on state regulatory officials who are too used to working in obscurity and behind closed doors.

"Sometimes, the function we have is getting others to listen to us," Rank said. "We've done that here."



From left, CCHW board member and WTI activist Alonzo Spencer presents the plaque to OVEC organizer Laura Forman, inducting OVEC into the CCHW "Grassroots Hall of Fame," along with CCHW Director Lois Gibbs, for OVEC's ongoing environmental justice efforts. photo by Mike Forman

Activist On The Run, Or, What I Did During The Summer While You Were On Vacation

by Janet Fout

From August 2 to October 4, I spent seven out of ten weekends on the road. Whew!

In early August OVEC work took me to the once, flood-ravaged Buffalo Creek area in Logan County, WV.

A memorial service was organized by members of the Citizens' Coal Council, West Virginia Organizing Project (WVOP) and West Virginia Highlands Conservancy to pay homage to the 125 people who lost their lives Feb. 23, 1972, when a Pittston Coal Company dam gave way, consuming lives in the path of water, sludge and other debris.

In addition, activists renewed their commitment to bring justice to the southern coal fields once more, where mining firms are levelling our majestic mountains and destroying watersheds

...mining firms are levelling our majestic mountains and destroying watersheds with scant regard...

with scant regard to the devastation to the web of life it supports.

With the alarming rate and magnitude of mountaintop removal strip mining in West Virginia, there seems little to celebrate at this

20th anniversary of the Surface Mining Control and Reclamation Act of 1977, intended to minimize and mitigate environmental destruction and ensure reclamation during strip mining activities.

West to Utah

From there, I travelled to a meeting of the Coalition Collaborative in the flower-strewn mountains of the Wasatch National Forest outside Salt Lake City, Utah.

Social justice activists nationwide discussed ways to broaden coalitions - to increase power by working with others whose issues may be different, but have the same root causes (such as undue political influence on politicians by wealthy

Expenses for OVEC staff members who travel out of state are paid for by the sponsoring organization, not OVEC.

individuals and corporations).

During free time, several carloads of us drove to the United Parcel Service center in Salt Lake City where we marched and sang in solidarity with our union brothers and sisters (This was a first for me). The recent UPS union victory underscores

the value of the power of organized people.

...people learn that economics is about values and priorities - NOT numbers.

An unforgettable personal experience came after the Coalition Collaborative meeting was ended. During a hike from 11,000 feet to 8,000 feet, I was caught in an unexpected hail storm for nearly 2 hours (another first). Luckily the hail was pea sized, not the golf ball variety. Ouch.

The hot tub on the roof of Snowbird Resort was a welcome reprieve. Maybe you have to be a little looney to do this work.

Project EAR

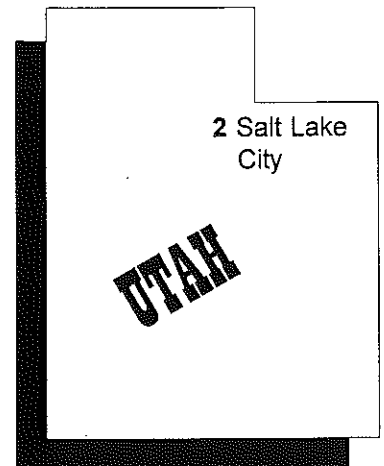
The following weekend, it was back to the hills and hollows, at Beards Fork, WV, at the Southern Appalachian Labor School to help conduct a workshop for Project EAR (Economics in the Appalachian Region), a Commission on Religion in Appalachian project.

Through the use of interesting, interactive workshops, people learn that economics is about values and priorities - NOT numbers (which make most people's eyes glaze over).

While all of us are hearing how good the economy is, we somehow sense that it only good for a small percentage of the U.S. population. These sessions illustrate clearly that that is true.

The "Ten Chairs" session shows graphically

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Activist on the run

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How 70 percent of the wealth in this country (real estate, stocks, bonds, etc.) is controlled by about 10 percent of the population.

The real story, however, is that about 1 percent of the population of this nation (CEO's and other wealthy individuals) owns about 40 percent of the wealth, greater than the other 90 percent which owns roughly 30 percent.

Around 60 percent of the population lives pay check to pay check - we are not talking welfare recipients which amounts to only about 1 percent - we're talking about the working poor, the majority of the people living in this country.

Sobering thought.

Revered Congressman

Not to slight the Eastern Panhandle, I headed up to Berkeley Springs, on the invitation of one of the few real public servants in West Virginia, Secretary of State, Ken Hechler, to attend the reunion of his former Congressional staff. Mr. Hechler has been hosting this meeting for several years now to renew friendships, remember hard-fought victories, and to discuss the current state of affairs in West Virginia.

The first session focused on the long battle in the 70s to preserve the New River - with Hechler leading the fray. Amidst archived news clips and videos, attendees recounted the struggles, the successes and the outlook for one of the most wild and scenic rivers in the country.

With his finger ever on the pulse of the state and nation, Mr. Hechler also shared with us where he is currently focusing his energy - campaign finance reform.

He is leading the battle to challenge the Supreme Court decision, Buckley v. Valeo, that equated campaign contributions to free speech.

With the escalating costs of running for office, the question is: Free speech for whom? Answer: Only those who can pay to play.

Organizing and economics

Jackson's Mill Conference Center was the next stop on my summer-fall frenzy, where the GAIA Connection (conference) took place.

The GAIA Connection was organized and

sponsored primarily by WV-NOW to provide an opportunity for women activists meet and form bonds with other activists whether their issue was environment, domestic violence, equality in the work place, gay rights, etc.

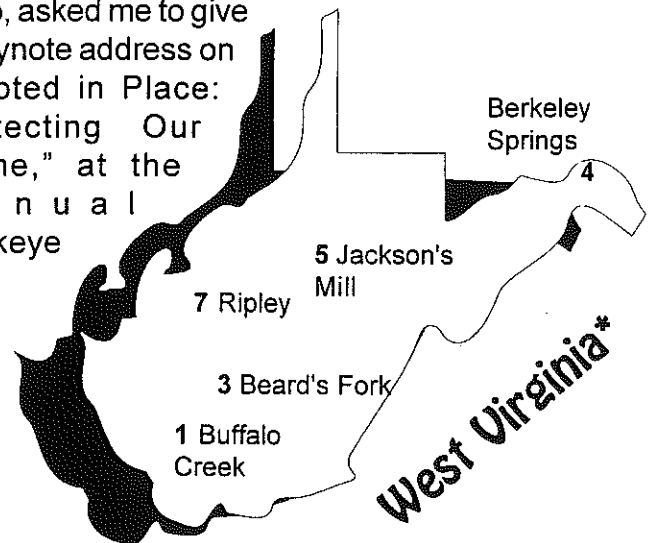
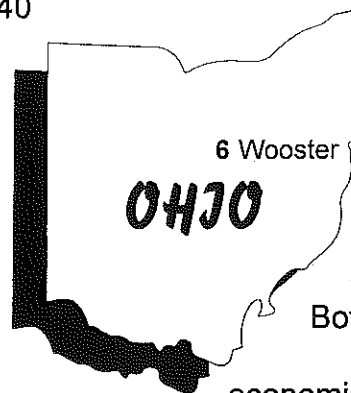
I facilitated two workshops; one on community empowerment that dealt with the nuts and bolts of organizing using the pulp mill issue as a backdrop, and the other one on "Economics as if People Mattered," using two sessions from Project EAR: values and economics and the "Ten Chairs". Both sessions were lively.

Near the end of the session on economics, the discussion took an interesting turn. Although more economic equity is needed to have a truly just society, it was suggested that we all need to re-examine what it is we value - what we can live with and what we can live without. Values go far beyond \$\$\$\$.

Rooted like a tree

The next stop along this activist's trail was Wooster, Ohio, where forest activists gathered at the Wooster Outdoor Center.

The Buckeye Forest Council, that tough-as-nails forest protection organization from Athens, Ohio, asked me to give a keynote address on "Rooted in Place: Protecting Our Home," at the Annual Buckeye



Gathering. Preparing for this was really, really fun. As a lifelong native of Huntington, I certainly know something about being rooted in place and with

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*Almost Heaven. John Denver was right.

Activist on the run

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what seems like a lifelong battle fighting the pulp mill, I figured this talk would be a cinch.

More about the irony of the speech later on, which focused primarily on the responsibility that an activist has to his/her organization to take good care of himself/herself.

The last stop on my agenda was Fall Assembly of CORA, at Ripley. Whew, was I ever glad that was a short drive!

The theme, "Unity in Our Diversity", was so totally appropriate because of all the social justice issues that are united under CORA's Appalachian Development Projects Committee umbrella.

Taxes, taxes, taxes

My job at this event was to share another workshop from Project EAR, "Three Families." In this workshop, participants learn about regressive, flat and progressive taxes. It also shows just who really benefited in the latest Clinton tax cuts (Answer: the rich). This workshop illustrates both the economic and social impacts on people and families.

OVEC's display on mountaintop removal at the CORA assembly drew lots of attention; many people were silent as they viewed the devastation of majestic mountains reduced to heaps of rubble. Nevertheless, spending time with the CORA family is always renewing.

Emotions ran the gamut as Kate Long, a

remarkable Charleston, WV, singer, song-writer and story-teller, heaped her talents upon us.

A woman sitting next to me at the conclusion of Kate's performance said, "She's a real ambassador for your state. I've learned so much about your state's culture and history just by listening to her songs and stories." If you've ever had the privilege of hearing Kate, you know that is true.

Undoubtedly, life on the road of activism is demanding. At times it takes it's toll. An activist's family has to be willing to sacrifice precious weekend family time.

Yet meeting after meeting, I am clearly amazed, awed and humbled to realize just how many people have devoted their lives to making the world a better place to live.

Out in front

The folks I meet are NEVER on the sidelines of issues, but the front lines.

They're the ones challenging the status quo and confronting power on almost a daily basis - marginalized by the current authorities, they continue working on the edges of society for true democracy and equality, a cleaner environment, a legacy for future generations of which we can all be proud.

How wonderfully gratifying to have spent time so much time in their company late this summer and early fall!

West Virginia Organizing Project Wants To Bury DEP's Director With Postcards

by Laura Forman

The West Virginia Organizing Project is a grassroots organization working to improve the lives of people living in the coal field communities of southern West Virginia.

By providing training and organizing assistance to community groups, WVOP seeks to help local people build the power to influence decisions that affect their lives.

Recently WV Organizing Project member Vicky Moore, a Blair resident who is living in the shadow of a Dal-Tex (subsidiary of Arch Coal) mountaintop massacre/valley fill operation, sent

a letter to our OVEC members.

Vicky is asking people to send postcards that she enclosed with her letter to WV DEP Director John Caffrey, requesting tougher restrictions on dust in a new 3,200 acre Dal-Tex permit.

The DEP has done nothing to alleviate the dust problem caused by these huge mining activities.

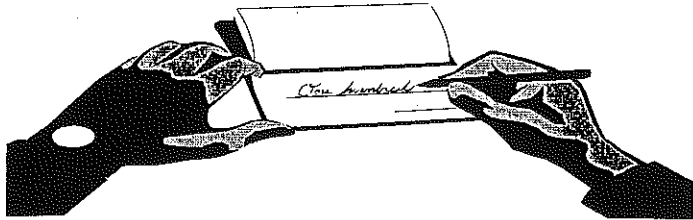
The fines to the companies, if paid, do not seem to discourage them from choking residents with dust from the 24 hour-a-day operations.

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Campaign Finance Reform Much Needed in WV

by Janet Fout

By the time you receive this issue of E-Notes, OVEC, WV Citizen Action Group and Common Cause-WV will have held a campaign finance workshop/strategy meeting (Nov. 1, Jackson's Mill, WV) attended by representatives



from labor, religion and other environmental groups, as well as by our friends and mentors from Democracy South in North Carolina.

The current working name of the new coalition is People's Election Reform Coalition/WV (PERC/WV).

Our immediate goal is to mount a major public education campaign to expose how money is corrupting politicians and politics in West Virginia.

Donor lists

PERC/WV will have a draft report to share with attendees that will include all campaign finance data for the Governor and winning House and Senate candidates in West Virginia in the 1996 election.

The *Charleston Gazette* helped underwrite the copying charges to allow us to make copies of every politician's donor records.

"Fingerprinting" campaign donors of \$100

WVOP

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As Vicky said in her letter, "...My neighbors could stand on their back porches with one yard between them and not be able to see each other - the dust is that thick!"

Currently this new permit says nothing about dust control.

The WV Division of Environmental Protection needs YOUR input to get tough on these coal companies!! Help the people in Blair breathe easier - TAKE A FEW MINUTES TO FILL OUT YOUR POSTCARD TODAY. (How can Caffrey ignore a "mountain" of postcards on his desk??)

and more as to their economic interest is already underway.

Staff from CAG have done a great job taking the lead on data entry and analyzing the results.

As a public education tool, the report will make links between special interests and the politicians who are their advocates.

We've already documented that coal companies gave \$250,000 to Gov. Underwood's inaugural party.

Coal benefits

Is it just a coincidence that Underwood's administration gave coal companies over \$10 million in Workers' Compensation costs? Or that Underwood's administration sees no problem with leveling mountains in West Virginia, destroying ecosystems, homes and communities for short term corporate gain?

The November 1 meeting is just the beginning of a major statewide effort by progressives to change the landscape and character of politics in the mountain state - we call it "special interests removal."

It's like mountaintop removal, except the end result is something greatly to be desired.

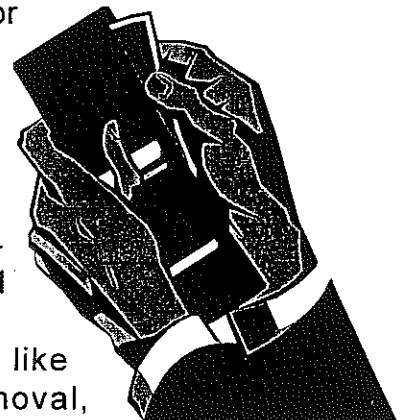
Here's how it works:

⊗ PERC/WV exposes who gets BIG BUCKS from special interests - like BIG COAL;

⊕ A massive statewide educational campaign will increase public awareness about who is bought by special interests (Groups with tax exempt status like OVEC will not and cannot be involved in promoting candidates, but can show how candidates compare on issues);

⊙ Finally, good people who want to serve the public interest will run against and prevail over special interest candidates.

It just might work. Last time I looked, we were still allowed to have a revolution at the ballot box.



THANKS TO

Thanks to everyone who recently joined OVEC, renewed their membership, or made a donation. Your support is crucial to OVEC's work! Here is just a partial list of supporters who responded to our recent letter soliciting support:

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OUR DONORS!

"Success flourishes only in perseverance - ceaseless, relentless perseverance."
Manfred von Richthofen, the "Red Baron"

OVEC office looking for a few good computers - but we'll take one

The OVEC office is seeking assistance to get another computer for its Huntington office, and would be willing to accept a donation of a working IBM-compatible 486 or better.

Another computer is needed for several reasons:

* The entire staff has to share the one "barely-there" IBM model PS-2, which can create problems with time-critical projects;

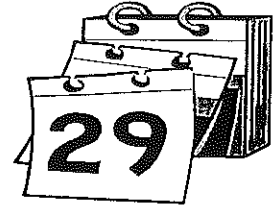
* OVEC needs a computer that can handle CD-ROMs and is Internet capable, so we can find the information we need to help ourselves and others, fast and cheaply;

* The office computer has virtually no desktop publishing capability, which hampers our ability to put out the high-quality publications that get OVEC respect.

If you can help, please call 522-0246.

CALENDAR of UPCOMING EVENTS

Tuesday, November 18, DEP will hold a meeting regarding total maximum daily loads (TMDLs) for the Blackwater River at Canaan Valley State Park at 7 p.m. For more information call DEP Office of Water Resources at (304) 558-2108. A 30-day comment period ends Nov. 26.



Wednesday, November 19, DEP will hold a meeting regarding TMDLs for the Potomac River at the South Branch Inn in Moorefield at 7 p.m. For more information call DEP Office of Water Resources at (304) 558-2108. A 30-day comment period ends Nov. 26.

Tuesday, December 2, *The (Huntington) Herald-Dispatch* newspaper will sponsor a forum on mountaintop removal mining/valley fills, 7-9 p.m., Jean Carlos Stephenson Auditorium in the City Hall, Huntington, WV, (corner of Fifth Avenue and Eighth Street). Forum participants include OVEC's Board Chairperson, Dan Kash; Arch Coal, Inc.'s David Todd; and WV's Office of Mining and Reclamation Director, John Ailes. Question and answer session following presentations.

Friday, December 12-14, OVEC Board of Directors' retreat, Greenbo Lake State Park in Kentucky.

OVEC NEEDS YOUR SUPPORT AND INVOLVEMENT!

YOUR CONTRIBUTIONS ARE VITAL TO KEEP OUR WORK GOING!

Cut and mail today to: OVEC, 1101 Sixth Ave., Suite 222, Huntington, WV 25701

New member or renewal (Dues: \$10 - \$30, pay what you can)

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Keep me especially informed on this issue: _____

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Remember - All donations to OVEC are tax deductible!

MOUNTAINTOP MASSACRE



On Dec. 2, 1997, *The Herald-Dispatch* newspaper is sponsoring a forum on mountaintop removal/valley fill strip mining, from 7-9 p.m. in the Jean Carlos Stephenson Auditorium at Huntington City Hall (Corner of Fifth Avenue and Eighth Street), to gather public input on this growing menace to the West Virginian way of life.

Forum participants will include OVEC Board Chairman Dan Kash; Arch Coal's David Todd; and WV's Office of Mining and Reclamation Director John Ailes. The question and answer session following presentations will be moderated by Circuit Judge Dan O'Hanlon.

If you want to know more about this outrageous abuse of the surface mining laws, want to tell the coal companies how you feel, or want to let the state regulators know you are concerned, this is the place to do it. If you need a place to stay, call OVEC at 522-0246, but BE THERE!

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