



August 2000

"E"-NOTES

the newsletter of the

Ohio Valley Environmental Coalition

www.ohvec.org

Coal Conference Welcomed in Beckley - NOT!

"What do we want? Coalfield justice! When do we want it? NOW!"

"Hey, hey, ho, ho, Cecil Underwood's got to go!"

These were just a couple of the chants shouted by the two dozen folks standing in front of the Coal Ops 2000 conference at the Beckley Country Inns and Suites in late June. According to the founder of Coal Ops, former editor-in-chief of *Coal Age* magazine, "...with the still unfolding mountaintop mining controversy centered in West Virginia, Beckley...was the logical venue for the conference."

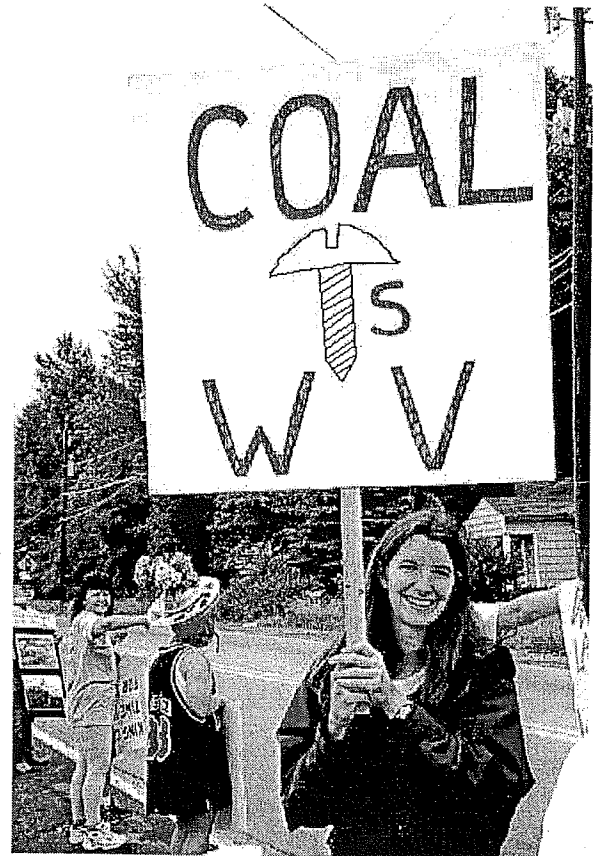
"With the overwhelming information, as well as misinformation on mountaintop removal, the Coal Ops Committee felt that the coal industry leaders needed to hear the views of two of the people most central to the issue."

No, the Coal Ops chose not to invite any coalfield residents, the real people most central to the issue. Ben Greene from the West Virginia Coal Association and West Virginia Gov. Cecil Underwood would be telling their version of mountaintop removal/valley fill strip mining. Apparently, the Coal Ops wanted more of the misinformation.

Telling the Truth

While the coal industry management from across the country would be talking about the financial benefits to be gained from mountaintop removal and how to repair their damaged public image, a few yards away, standing near the street, people from Whitesville, Seng Creek and other coalfield communities would be telling the truth about mountaintop removal.

Realities that include significant personal losses, losses of life, water, community, and security. OVEC members were there to support these folks as they told their stories. As passing motorists slowed to read the signs displayed by the group, the vast majority honked their horns or gave the thumbs up in support of our efforts.



Julie Archer's simple yet eloquent sign pretty much says it all. *photo by Laura Forman*

Coal River Mountain Watch member Helen McClanahan told us that mine waste damaged her water supply.

"We can't even cook with it. Now we have to buy our drinking water," she said. Mining operations sunk her well, and a spring that used to run clear now has a greasy film on it.

Large mine waste dams and recent flooding in Seng Creek have forced people like Lavis Harris to keep a suitcase packed and waiting in her car. In a June 28th article by Brian

continued on page 4

Inside

Horrific Scenes of "Wrecklamation"	page 2
Second Mountain Summit Yields Plans	page 5
CHIA Lawsuit Back in Federal Court	page 7
Dioxin - Some REALLY Bad Stuff	page 10
Political "Campaign Inflation" Soaring	page 15
One Picture Says It All	page 20

Mountain Memories and Scenes of (Wreck)lamation

by Laura Forman

"It used to take me a couple of hours to climb this mountain. It takes me less than an hour, now that its been stripped." OVEC member Carlos Gore told me this as we attempted to make our way to the top of the mountain behind his home in Blair, W.Va.

We had begun our trip on a borrowed ATV, a vehicle I am not particularly fond of for many reasons. But with the steep terrain, threat of bad weather, and the fact that we would be staying on established trails, I decided not to argue.

We had gone about a third of the way up the mountain when we were stopped short by a great swath of earth that had been ripped up and turned inside out. Huge gouges and mounds on the trail made it impossible to continue by vehicle. We got off the ATV and looked around but alternative paths had been just as handily ruined. It looked as if all the paths leading up the mountain had been effectively blocked. Carlos said that Arch Coal must have done this recently since his neighbor had just been up on the trails a few days earlier.

Although we decided to continue on foot, we still had to use caution because the route ran adjacent to a deep ravine, at the bottom of which was a stream. Even as we carefully picked our way over the newly furrowed path, we noticed that it had already begun sliding down into the water below. It wouldn't take long for much of the now unstable hillside to give way and bury the stream. Arch Coal was supposed to be finished tearing apart the mountain and was now allegedly working on the reclamation.

While we were angered by the destruction around us, our walk gave us the opportunity to talk. As we hiked up the mountain, Carlos would pause and point out certain plants and the occasional animal scat and tracks.

He would talk about his childhood in the mountains. A childhood lovingly cherished and wrapped in the memories of the gifts from a bountiful land.

"We would be out in the woods playing and if we got thirsty we would take out a pocket knife, cut a piece of birch bark, scrape it off and chew it. It tasted like a natural gum.

"We made our own fun, too. We would take a big grapevine out of the trees and climb up the mountain and swing way out."

As Carlos spoke, it was easy to imagine the innocent, fun-loving boy he had been, untouched yet by the harsh realities that would destroy his mountain. A young boy who never doubted that the mountains would always be there for him.

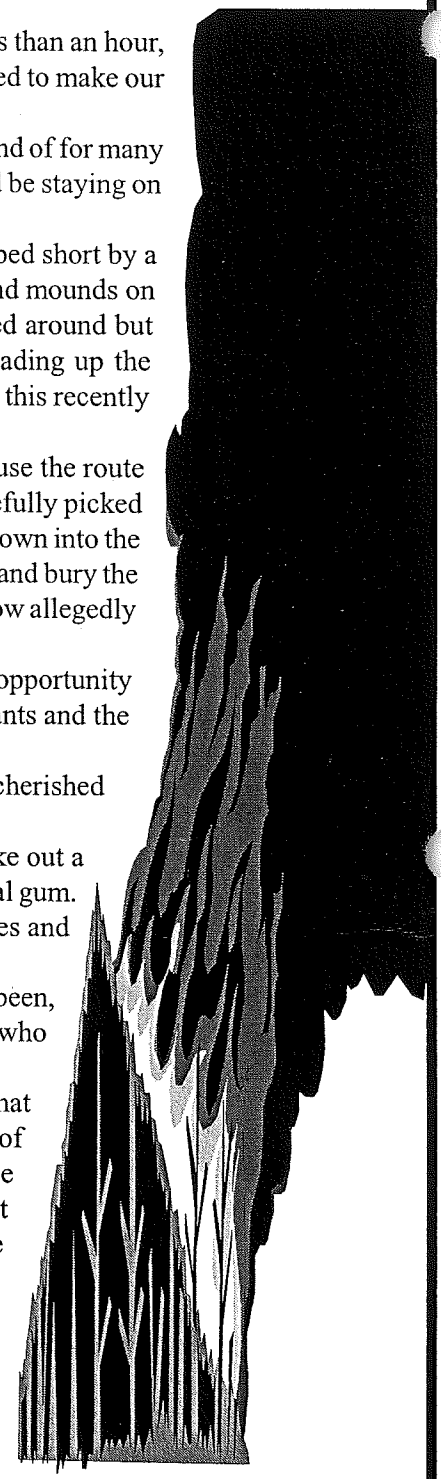
As we approached the crest of what is left of the mountain, we noticed that our footing was becoming less sure. The ground beneath our feet had become one of shale, rocks, coal and clots of hard earth, strewn with little bits of green paper. These little pieces of paper had been sprayed on the stripped and ravaged land in an attempt to grow the kind of grasses that will grow on the rockiest of terrain; usually non-native vegetation.

We were able to see for miles, courtesy of Arch Coal's "instant prairie." In the distance, we could even see the halted dragline, looking absurdly like a monument to this nightmare of "wrecklamation." As we looked at the strange, unnatural greenish-blue hues of the surrounding "coal company hills," Carlos and I remarked on the last time I had been up there.

At that time, Arch Coal was operating a huge coal pit as they stripped and blew up the mountain. While it was a shocking sight, I could at least tell myself that it could not look any worse, it had to get better. Thousands of acres of artificially sculpted, treeless hills that had once been diverse, forested mountains constituted a surreal world that would prove me wrong. Somehow this was worse.

But we could still look up at the mountains that had so far remained untouched by Arch. These mountains stand hundreds of feet above the remainder of the mountain that we stood upon. It was hard to believe that where we stood, there had once been steep, lush hillsides that embraced the narrow hollows below. There was a chilling uniformity

continued on page 3



Wrecklamation

continued from page 2

about the land now. The man-made hills did not roll so much as they just seemed to pop up here and there over the flattened expanse of land. There was no birdsong, no wildlife to be seen or heard in this bleak landscape. We did hear the sound of the wind. We didn't talk much. What could we say?

For most of the trip down the mountain, we were quiet, absorbed in our own thoughts. Finally, as we neared the ATV, Carlos spoke about how much he has discovered since he began working to stop mountaintop removal.

The mountain playground he knew in his youth was gone.

The memories he used to take for granted have now become the last vestiges of a lost world.

He seems to hold these memories close, preserving what he can, while mourning what has been lost.

Lately, he has spoken to his mother about the past, how she used the plants and herbs from the mountain. "My mother would boil up yellow root, add some other ingredients, get it to a certain consistency and it was good for sore throats. She would gather molly moochers and other mushrooms and fry them to eat. There is so much natural heritage in Blair and now that I am finding out more about it, it's gone."

The day after our trip, Carlos called the WV Division of Environmental Protection to request that an inspector

come and look at the torn up paths and the possibility of adverse impacts to the stream behind his home. The result was that Arch Coal received a notice of violation for impacting the area and they were forced to clean it up.

Arch's violation won't bring the mountain back,

but maybe it can prevent further damage to the stream while giving Carlos a measure of satisfaction. And it will serve as a reminder to Arch Coal that people are watching them, and those people will be there for the mountains.

(see related photo on the back cover)

"There was no bird song, no wildlife to be seen or heard in this bleak landscape... We didn't talk much. What could we say?" Laura Forman

OVEC Board & Staff

Board Members

Gregg and Melissa Anthony
Lewis Baker
LaShonda Bare
Jeff Bosley
Greg Carroll
David Duke
Eric Fout
Winnie Fox
Larry Gibson
Carlos Gore
Susan Hayden
Rebecca Hoff
Dan Kash
Beady Phillips
John Price
Sharon Roon
Dr. Elinore Taylor
John Taylor

Full- and Part-Time Staff

Dianne Bady
Laura Forman
Janet Fout
Maryanne Graham
Vivian Stockman

E-Notes Editor

Dianne Bady

E-Notes Chief Pot Scrubber

Monty Fowler

P.O. Box 6753

Huntington, WV 25773

(304) 522-0246

fax (304) 525-6984

e-mail: ohvec@ezwv.com

West Virginia's New Claim to Fame

by Janet Fout

Julie, my daughter, and I were having a conversation on a bus in Paris (during my sabbatical trip abroad). A man sitting beside us asked what part of the U.S. we were from (our unmistakable accents).

When I told him West Virginia he replied, "Oh, that's the place where they're blowing up mountains to get to the coal. I've heard about that."

The lady sitting in front of him began nodding her head vigorously. She had heard about it, too.

I was conflicted - pleased that OVEC and other activists had been effective in conveying the message worldwide that mountaintop removal was destroying our state, but saddened that this was undoubtedly West Virginia's newest claim to fame. Truly, the whole world is watching.

Um, Um, Cecil? What Was That Again?

This is a verbatim transcript of West Virginia Gov. Cecil Underwood's comments to a West Virginia Public Radio reporter when asked about the designation of the Coal River as one of America's most endangered:

WVPR: Governor Underwood has not read the full report from American Rivers, but he doubts the situation is as bad as the organization indicates it is.

Underwood: American Rivers is, um, um, a pretty extreme environmental position.

I can't believe this is all caused by mountaintop mining, um, I will have to check into, uh, uh, the facts of the case, uh, before I can be very specific in commenting. Um, but, the pollution, uh, wouldn't come from mountaintop mining any more than it would come from any other, uh, coal activity and if, the um, environmental regulations are, uh, are in place, uh, we should not have that kind of pollution.

Coal Ops 2000

continued from p. 1

Bowling in the *Charleston Daily Mail*, Lavis told of her concerns over the impoundments near her home - coal waste impoundments that belong to Arch Coal subsidiary Catenary Coal. Lavis fears that one of these dams will burst or be unable to contain the water, causing a deadly flash flood, a flood like the one where Eulla Williams lost her daughter a few years ago.

Noting that the place where her daughter drowned in Whiteoak is affected by mountaintop removal and valley fills, Eulla said, "There was a heavy rain, and nowhere for the water to go." At the action, Eulla held a poignant sign with photos of her daughter that read, "Don't let my death be in vain. Stop mountaintop removal."

Coal's Favorite Governor

Underwood was scheduled to open the event as the keynote speaker, once again showing his biased attitude toward industry and unwavering lack of concern for the people and environment! If Cecil promised the people from *Coal Age* magazine, the conference sponsors, that they would receive a warm welcome here in Beckley, W.Va., he was very much mistaken.



And how about that body language? Attendees at the Coal Opps 2000 conference didn't say anything, with words at least, as the protestors marched past them outside their motel in Beckley. Also note the racial and gender "diversity." *photo by Laura Forman*

Sorry, Cecil. Hope we didn't cost you the big campaign dollars from your friends in the coal industry.

Inside, the coal conference attendees could not ignore the vocal group or the honks from passing motorists. As they occasionally came out to view the gathering, the protestors turned from the road, faced the coal industry and demanded to be heard. Some of the people held up bottles containing their communities' contaminated water from the mining operations and asked, "How would you like to drink this?" There were no verbal acknowledgments, only harsh glares and closed body language.

It took real courage (and maybe a strong stomach)

for these folks to publicly confront the coal industry. But it also gave them an opportunity to force the industry, when they came out into the light, to look into the faces and hear the voices of the people they continue to callously sacrifice for their own gains.



A wall of protest signs greeted the coal guys at their conference. *photo by Laura Forman*

Second Interstate Summit for the Mountains

What are we going to do about the massacre of our mountains? Keep up, and even escalate, the pressure on coal companies, regulatory agencies and politicians until we OUTLAW mountaintop removal/valley fill strip mining - no matter how long that takes.

That's what leaders representing citizen groups from four Appalachian states decided by the conclusion of the second Interstate Summit for the Mountains, held March 31 - April 2 at Camp Virgil Tate near Sissonville, WV.

Both the first (August 1999) and second Summits for the Mountains were organized by OVEC, with the help of Virginia resident Sam Cook.

Summit goals are to strengthen ties between various groups and individuals working to stop MTR, to outline common goals, and to find specific ways that groups can work together.

At the April Summit, specific actions were planned, including tactics that the groups will work on together over the next months. (If you'd like to get more involved in stopping mountain massacre, please call us at the OVEC office at (304) 522-0246.)

Veteran activists Pete Hill and Marty Zinn led the weekend workshop with training in campaign building, which helped everyone articulate goals and decide upon action plans.

Summit participants were concerned about the media fallout from Judge Haden's ruling on the MTR lawsuit brought by the WV Highlands Conservancy and coalfield residents. Many felt the publicity surrounding the case could lull the public into thinking that the problems with MTR have been solved.

Au contraire! While the lawsuit is serving to temporarily slow down new MTR permits, coal companies are still working non-stop, leveling mountains and burying streams all over southern West Virginia and eastern Kentucky. West Virginia has appealed Judge Haden's ruling that

new permits for valley fills are illegal if they bury streams that run more than six months of the year. Even if the appeals court upholds Judge Haden's decision, MTR will still continue, albeit on a somewhat smaller scale.



A few of the second Summit for the Mountains participants.

photo by Laura Forman

Therefore, all summit participants agreed that continued public education is essential and will serve to swell our ranks.

As Pete Hill said in one of his summit hand outs, *"When we are doing the right things at the right time times in the right ways, we find the public highly attracted to our campaign, and so it grows, and grows and grows. We, the initiators, can't do it alone; we, the aroused, focused public, are well-nigh irresistible!"*

And at the Saturday evening share-along, singer/songwriter Kate Long once again helped all tap into their creative side.

Just the act of gathering and working together provided us all with a shot of positive energy. As Cindy Rank, the WV Highland's Conservancy's mining committee chair, said at the summit, "The hard work of everybody here has to keep on going."

Retired Episcopal clergyman B. Lloyd, long-time director of the church's Appalachian Peoples' Service Organization, summed up the weekend neatly: "The commitment we have made is the offering. Our commitment is to walk together, to work together, for this earth that is the Creator's gift, and there is no greater work."

The World Bank: An Evil Empire or a Hapless Bureaucracy?

by Viv Stockman

"Fighting for justice is not a choice. It's the moral imperative."
- Njoki Njoroge Njehu, of the 50 Years is Enough Network.

After attending the World Trade Organization protests in Seattle last year, Mary Wildfire and I knew we'd be in Washington, D.C., (this time with more friends) on April 16 to protest the meeting of the World Bank and the policies of International Monetary Fund.

These three institutions promote the globalization of corporate power, at great expense to the environment, human rights, national sovereignty and democracy.

In D.C., amidst diverse crowds attending teach-ins, encountering Secret Service surveillance and risking police brutality at protests, I felt hope. Although we are a nation of couch potatoes seemingly addicted to consumerism and the pursuit of a buck, the massive protests signal that the evolution and revolution of human consciousness is not dead.

Worldwide, people are taking a stand against the commodification of culture and life. For the millions of people the protestors represent, the "bottom line" isn't the bottom line. People everywhere are working to change human institutions so that life-affirming values supplant the multinational corporate ideal of *profit uber alles* ("profit over all else").

At a World Bank teach-in, I learned how abolishing the World Bank could aid our struggle against mountaintop removal.

According to Daphne Wysham of the Institute for Policy Studies, from 1992 to 1998, the World Bank invested \$14 billion in oil, gas and coal projects that displace the poor and ravage ecosystems. Over the next three years, World Bank-funded fossil fuel projects will emit more greenhouses gases (responsible for global climate change) than all current emissions of these gases.

A whopping 76 percent of the World Bank's lending is devoted to huge fossil fuel projects of multinational corporations. The World Bank spends 25 times more on fossil fuels than it does on alternative energies. If the Bank's resources were instead directed to the development of alternative energy, solar panels and similar renewable technologies would be readily available and quite affordable.

And even the powers-that-be-guarding-their-bottom-line would have to admit that mountaintop removal is an unnecessary evil.

Electronic Alert List Available

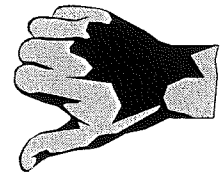
OVEC maintains an instant electronic alert list so it can notify people with e-mail capability when rapid responses are needed for important issues. If you would like to be added to this list, send an e-mail to vivian@wvadventures.net with "OVEC action list" in the subject line. Be sure to include your name and full e-mail address.



How would you rate the performance of this year's (2000) WV state Legislature?

In the *Charleston Daily Mail* - 777 votes

Excellent	- 3 %
Very Good	- 1 %
Good	- 2 %
OK	- 9 %
Poor	- 41 %
Abysmal	- 41 %



And in the *Charleston Gazette* - 1,483 votes

Excellent	- 3 %
Good	- 4 %
Fair	- 8 %
Poor	- 41 %
Abysmal	- 41 %



...are we the only ones who see a pattern here?

Federal Judge Stops New Valley Fill in Hominy Creek

by Laura Forman

In May, U.S. District Judge Robert C. Chambers refused the WV Division of Environmental Protection's request to dismiss the lawsuit OVEC and the Hominy Creek Preservation Association filed over CHIA's - cumulative hydrologic impact assessments.

Chambers agreed with the plaintiffs that they had the right to challenge the DEP in federal court, saying, "These citizens contend that the DEP is engaged in a pattern and practice of violative conduct, affecting numerous permits and state waterways," and criticizing the DEP for not allowing citizen input into the process.

CHIAs Required

OVEC believes that the WV DEP continues to permit coal companies to fill in streams without adequately conducting these cumulative hydrologic impact assessments. CHIAs are required by state and federal mining laws to determine the impacts of all anticipated mining on the hydrologic balance.

In June, Chambers issued a temporary restraining order blocking Green Valley Coal's attempts to expand its valley fill waste dumps in the Hominy Creek watershed. The DEP had approved permits that would allow the A.T. Massey subsidiary to bury over a mile of Blue Branch, a tributary of Hominy Creek. Hearings were held to decide if this order would be extended.

During the hearings, Chambers listened to testimony from some of the people in the Hominy Creek area. An impressive turnout of about 20 concerned citizens from Nicholas County made the trip to Huntington. Plaintiff's attorney Charley Kincaid opened the proceedings.

Charley spoke eloquently about the natural heritage of every Mountaineer and how it includes clean, clear water. He emphasized the importance of citizen participation in the DEP's process and how the plaintiffs had compelling arguments to seek relief from the judge.

When asked why he lives in Hominy Creek, Wayne Sears replied that, "it's a peaceful, beautiful place and a nice community."

Picturesque Hollow

Sears, President of the Hominy Creek Preservation Association, said he lives 500 yards from Hominy Creek and 2 1/2 miles downstream from the Green Valley Coal prep plant. He showed photos of a picturesque hollow where many of the children in the

area spend time in a swimming hole during the warmer months.

He also displayed not-so-pleasant pictures of Green Valley Coal's current "gob" dump. Sears believes the new valley fill DEP wants to give Green Valley Coal would contaminate his community's water supply. Sears was also concerned that the prep plant could already be killing the fish in one of West Virginia's few naturally-reproducing trout streams.

"It's a peaceful, beautiful place, and a nice community."

Wayne Sears, Hominy Creek

Attorneys for the DEP, in their attempts to have the suit dismissed, had argued that the plaintiffs should appeal

the permits to the state Surface Mine Board (where citizens are about as likely to find an unbiased, compassionate ear as they are with A.T. Massey!)

According to Sears, when the residents went before the Surface Mine Board, they, "got tromped pretty good. It was not doing any good to bring complaints before the Board."

Pollution Source Debated

One of the issues being argued at the hearing was the excessive amount of iron in the Hominy Creek watershed, and its origin. Hydrogeologist Chuck Norris, an expert for the plaintiffs, testified that the iron was coming from the Green Valley Coal operation.

The DEP, defending their findings, argued that the iron was coming from a pre-SMCRA mine and not the Massey job.

Plaintiff's attorney Walt Morris thoroughly questioned DEP inspector Albert Rodenbaugh. When asked how he determines when there is material damage to the hydrologic balance, Rodenbaugh responded "if you can see it." And when asked if during inspections Rodenbaugh examined Green Valley Coal's current operation for compliance with the water quality standards, Rodenbaugh said "no," and that he was unfamiliar with the standards. Director Castle should allocate more funds to ensure adequate staff training, rather than continuing to spend tax payer dollars on attorneys.

The President of Green Valley Coal was questioned about alternatives to the new valley fill. His responses echoed those we have heard in the past. While Walt Morris

continued on page 9



Swatting the mosquitoes

What if political campaign money did some good for us?

By Daryl Lease

JUNE 20 was the first day of summer, and if my math's correct Day 1,306 of the presidential campaign. I don't know about you, but the very thought of it sets me to itching.

Summer, of course, means we'll soon be mobbed by mosquitoes. At least we can swat, spray or steer clear of those little buggers. I wish we had similar options for dealing with Al Gore, George W. Bush, Pat Buchanan and their buddies.

At the moment, a skeeter in a pin-stripe suit by the name of Jon Corzine has me scratching my head uncontrollably. He's a former Wall Street financier who just spent close to \$35 million of his own money to win New Jersey's Democratic primary for the U.S. Senate. He'll have to shell out even more to beat his Republican opponent this fall.

It's his bank account, and he can empty it as he pleases, but a couple of things about this fellow puzzle me to the point of itching. If I had \$35 million at my disposal, I seriously doubt I'd (a) live in New Jersey or (b) run for the U.S. Senate. I might buy a senator, but I'd almost certainly wait until one went on sale.

Corzine says there's a perfectly good explanation for his spending a personal fortune, the most ever for a congressional primary, to get an office on Capitol Hill. "I want to invest in America," he says. "That's what this campaign is all about." Uh-huh. Invest in America. Couldn't he just write a \$35 million check to the local school system instead? Or how about ordering a few truckloads of Girl Scout cookies? Thirty-five million is a lot of Samoas.

I wonder how many of our problems might be eased if we quit throwing money at consultants, pollsters and makeup artists and put it to use where it might do some good.

Like public schools. Or medical re-

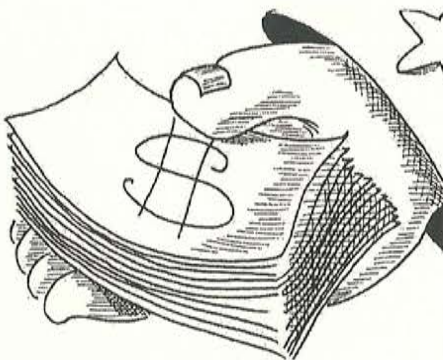


Illustration by MARGARET SCOTT

Jon Corzine spent \$35 million to win the Democratic nomination for U.S. Senate in New Jersey. Couldn't he just write a check to the school system, or buy a few truckloads of Girl Scout cookies? That's a lot of Samoas.

search. We could take the change left over and dump it into a piggy bank for the public financing of campaigns. Wouldn't that be a smarter way to — trumpet flourish — please invest in America? Self-financed campaigns are, of course, the least of our troubles. The entire process has become a mosquito-breeding swamp.

So far, the Republicans and Democrats have raised at least \$200 million in soft-money donations, the type of fund-raising that corporations and politicians use to bypass limits. That's double the amount raised at this point four years ago. Before it's all over in November, the two parties expect to collect a whopping half-billion in soft money.

A couple of weeks ago, the Democrats collected a jaw-dropping \$26.5 million in one evening. That total

eclipsed the \$21.3 million record set just a month earlier by the GOP

At another recent catered shake-down, the New York local of the Service Employees International Union delivered a \$1 million check to the Democratic Congressional Committee. (My, that's service.)

The check is one of the biggest single donations ever, according to the nonprofit Center for Responsive Politics, which keeps track of such things. The largest contribution on record is a \$1.7 million check from Amway to the GOP in 1994. (Amway? Don't you usually have to pay them to quit yammering?)

The latest fund-raising trick is a scheme involving organizations called 527s. These groups, named after Section 527 of the tax code, don't have to reveal the names of the people bankrolling their activities or, for that matter, the nature of their activities. They can produce commercials and send out junk mail promoting issues tied to particular candidates and offer no clues about who's footing the bill.

One study, by the Annenberg Public Policy Center, estimates that 60 groups — many of them with pseudo-grass-roots names like Republicans for Clean Air — have poured \$114 million into the campaign. According to The Washington Post, that's just \$36 million less than what similar groups spent in the entire '96 campaign.

Sen. John McCain, among others, is trying to push through legislation to require 527s to disclose who they are. The measure narrowly passed in the Senate, amid the usual hooey about restrictions inhibiting free speech. We can count on more opposition in the House from folks who benefit from the secrecy.

That's how bad it's become. The skeeters swat back.

Lease is a columnist for the *Herald-Tribune* in Sarasota, Fla., a member of the *New York Times Regional Newspapers*.

(This article originally appeared in the *Charleston Gazette*.)

presented several alternatives to dumping the waste into the stream, the company admitted it had not investigated anything except trucking it off-site, which it declared economically unfeasible.

Coal's Viewpoint Protected

Throughout the hearing, it was impossible to ignore the lopsided attorney section of the courtroom. On one side sat two attorneys and an expert witness for OVEC and the Hominy Creek Association. The other side was packed with the DEP attorneys, their assistants and DEP staff members. Appropriately enough, sitting behind the DEP were the attorneys and advisors for Green Valley Coal. But it seemed like a waste for the coal company's attorneys to be there - the DEP attorneys were doing all the work for them.

The citizens, including OVEC members who attended the hearings, were particularly offended by the fact that Mike Castle continues to claim financial desperation within the DEP, yet wil squander money by paying attorneys to fight citizens. This is money that could hire more inspectors and regulators. If Mike Castle enforced the laws and protected the people and the environment, there might not be the need for citizen lawsuits.

The final insult came in the closing arguments, as the DEP's attorney pleaded with the court to recognize the possible damage to the morale of the DEP staff from this litigation and how it puts into question their abilities. Castle and his last two predecessors are what really hurts morale at the DEP. Instead of coddling the coal companies, Castle should enforce the laws and allow his staff to do their jobs!

In his ruling following the hearing, Chambers acknowledged the DEP's point about the staff's feelings, but said "...criticism goes with the territory." The judge did allow the DEP to permit Green Valley Coal's expansion of the smaller existing dump.

Impacts Not Studied

More importantly, however, the judge ruled that Castle had not properly studied the impacts of the new valley fill and blocked its construction until more information was presented about Massey's current impacts on Hominy Creek.

According to Chambers, "...the court finds that this CHIA does not include an adequate assessment of the current problem."

And despite repeated attempts by DEP attorneys to prevent citizens from challenging them in federal court, Chambers supported the citizens' right to "hold governmental agencies accountable for enforcing environmental laws enacted by Congress."

OVEC would like to express our deep appreciation to our pro-bono attorneys Walt Morris and Charley Kincaid for putting in an overwhelming amount of time and energy in their commitment to this case.

Don't Like the Law? Change It -If You're a Coal Company, That Is

OVEC members have received a mailing asking you to comment on the proposed changes to the Clean Water Act. These proposed changes are fallout from the mountaintop removal lawsuit in which Judge Haden ruled that new permits for the largest valley fills are illegal.

Rather than actually follow the law, the coal industry apparently dangled its carrot of campaign contributions before the Clinton administration. Surprise, surprise. Bill and Al took the bait and directed the U.S. Army Corps of Engineers and EPA to make sweeping changes to the Clean Water Act rules, changes that would give the green light to the continuation and expansion of mountain/stream massacre.

The proposed revisions would also allow other strip and underground coal mines, hardrock mines, and other polluting industries to dump hundreds of millions of tons of solid wastes into our nation's waterways.

Recognizing the devastating national implications, the Citizens Coal Council, working closely with OVEC and other West Virginia and Kentucky groups, helped alert and inform national groups on this issue.

Many national groups have now asked their members to write letters to government officials denouncing these proposed changes.

For instance, the World Wildlife Fund agreed to alert its activist network. WWF members generated thousands of e-mails, faxes and letters within days. We don't know yet whether these rule changes will take effect, allowing 'ole King Koal to continue its reign of terror over our mountains, streams and coalfield communities.

We DO know that massive citizen outcry thwarted Senator Byrd's similar attempts to overturn the Clean Water Act last fall.

Stay tuned and make sure we have a way to contact you (e-mail, fax or snail-mail) should we need you to take more action on this important battle in our fight to stop the massacre of our mountains. You can call the OVEC office at (304) 522-0246, or e-mail us at ohvec@ezwv.com.

Check the ACE Web Site

The U.S. Army Corp of Engineers' web site is an excellent way to track permits for new mountaintop removal/valley fill mines, or other Corp's actions. Please check it frequently for for new permit applications; you can also ask to be put on the Corps' mailing list. The address is:

http://www.lrh.usace.army.mil/or/permits/pub_notices.html

Deadly Dioxin Still 'Poca Dots' The Landscape

by Vivian Stockman

On a hot Monday afternoon, Renae Bonnett took OVEC staff a little ways up Manila Creek Road from her Poca, WV, home. There, 17 barrels labeled "unclassified waste" had been sitting by the road for several weeks.

They contained soil taken from the fenced-in area just up the hill.

The site is one of several in the area, including another close by on Heizer Creek, that Monsanto used in the 1950s and 1960s to dispose of dioxin-laden waste from its manufacture of the defoliant Agent Orange of Vietnam War fame.

Day of Action

The barrels would be a perfect backdrop for our upcoming event. In four days we would hold a press conference here as part of a National Day of Action on Dioxin. The national event was organized by the Center for Health, Environment and Justice to coincide with EPA's six-year-late release of its draft reassessment on dioxin. (One reason OVEC opposed construction of the proposed chlorine-based Apple Grove pulp mill was that it would have spewed deadly dioxin into the air and water.)

We suspected that as word got out about the press conference, the barrels might be moved. Sure enough, as we drove onto the site the morning of Friday, June 9th, the only things by the road were the rings where the barrels had sat and fresh tire tracks. We walked up the hill to find the barrels moved into the fenced-in area, covered with blue tarps and surrounded by bales of straw.

About two dozen people gathered on the site to support the speakers who would address the press. Renae, a member of the Heizer Manila Watershed Association, told the TV cameras and newspaper reporters, "The long overdue dioxin assessment makes it quite clear that dioxin causes many life-threatening and disabling illnesses. Among these are cancers, heart disease, immune system disorders, neurological and behavioral effects, endometriosis, birth defects, and adult onset diabetes, a disease growing at near epidemic proportions.

This is quite a long list, but perhaps most startling is that these risks are magnified when they effect children."

Renae noted that many people in the Heizer and Manila Creek areas have died or are dying of cancer.



Speakers at OVEC's portion of the National Day of Action on Dioxin in Poca, WV, included, from left, Missy Anthony, Lew Baker and Renae Bonnett.

photos by Laura Forman

Monty Pythonesque: It's all clean, wink, wink, nudge, nudge, know what I mean?

OVEC board member Lew Baker told the press that Monsanto's dioxin dumps in the Kanawha Valley (there are at least 16) ought to be on the Superfund National Priority List of the nation's worst hazardous waste sites, which would prioritize their clean up.

Unfortunately, given Gov. Underwood's background, the EPA's policy is to leave it up to a state's governor to nominate any new entries to the Superfund National Priority List.

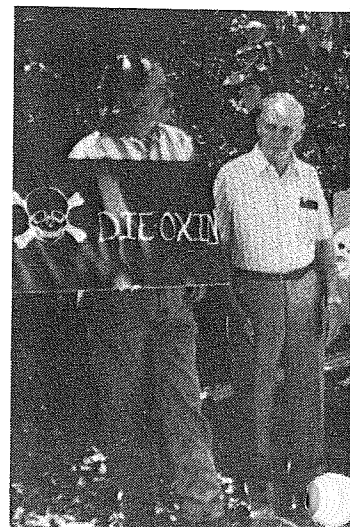
Deadly Rail Cars

Missy Anthony, also an OVEC board member, spoke next. She had been secretary of a citizens group that sought clean up of a site owned by American Car and Foundry in Eleanor. "ACF operated a rail car cleaning

continued on page 11

Industry Hacks?

William Ruckleshaus, the first EPA director, shuttled back and forth between working for Monsanto and working for EPA. Gov. Cecil Underwood was a vice president of Monsanto in the 1960s, during the time the company's production of Agent Orange peaked. As far back as the early 70s, Pocatalico River (Heizer and Manila Creeks empty into the Pocatalico) fish were found to have excessive levels of dioxin. To this day, despite repeated pleadings from area residents, clean up has been little more than



Dioxin protestors at the Poca, WV.

Dioxin Action

continued from page 10

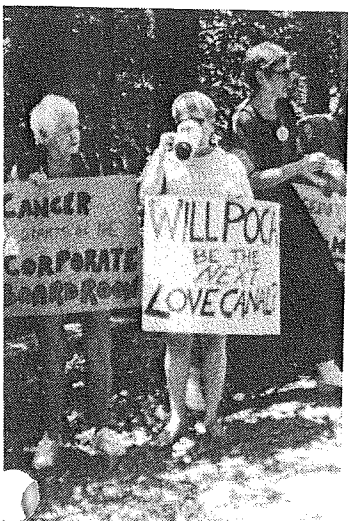
and repair service. Between 1956 and 1986, ACF maintained and serviced a fleet of up to 47,000 rail cars used to transport solid and liquid chemicals. The majority of these rail cars came directly from Monsanto, where they had previously been filled with Agent Orange. The rail cars at ACF were filled with water, then drained by running them up and down the railroad tracks at the facility."

A worker digging a trench on the site for a new landowner became ill in 1990. Missy said that testing revealed "there were 61,000 cubic yards of contaminated soil at the (22 acre) site, including 10 forms of dioxins. One area had in excess of 19,000 parts per billion of dioxin, whereas the acceptable EPA level was 2 parts per billion. And there were 140 types of contaminants identified, where most Superfund cleanup sites have only 2 or 3 ... Throughout the 1970s and 1980s, ACF hired people to transport, as the haulers called it then, 'Monsanto Weed Killer,' and dumped it or buried it at Heizer and Manila. Everyone living downstream of Heizer and Manila Creeks is in danger of contamination from dioxin."

Asked by the press if they thought dioxin contamination kills, Missy recited a long list of names. "These are just a few of the many workers at ACF that have died of cancer in the past few years. As a matter of fact, 100 percent of the people who worked at ACF, that have died, other than accidental death, have died of cancer. Now that is a staggering statistic and totally unacceptable. Don't think it is just workers at the plant. The cancer rate in the town of Eleanor is above normal."

Residents Speak Out

Rena, Lew and Missy were our only scheduled speakers for the press conference, but other residents, including a former Monsanto employee who has cancer, felt empowered to relate how they have suffered from the dumping practices and government inaction. A 1998 DEP report noted, "(T)wo residences near the runoff stream from the (Heizer) landfill ... persons living at the two residences could be at risk from any contaminants eroded from the site and carried downstream." The report recommended that the people there should be screened for elevated dioxin levels and that signs identifying the dump as a hazardous waste landfill should also be placed on the fence around it. The residents have not been screened and the



contaminated site near

site is still accessible.

In 1995, OVEC and the WV Highlands Conservancy sued the EPA over its failure to make the WV Division of Environmental Protection comply with sections of the federal Clean Water Act. A settlement of the lawsuit required EPA and DEP to begin developing river clean-up plans for contaminated state waters, known as TMDLs, or Total

continued on page 12

Day of Action Involves Cows, Groups in 24 Different States

On the same day we held our dioxin press conference, community groups in 24 states held similar events. In Washington state, people - and two cows - protested outside a conference where Vice President Al Gore was speaking. In Louisiana, citizens asked the state Department of Health to "take the politics out of the science."

OVEC and numerous other groups signed onto an ad, "Guess what you had for breakfast this morning? (Dioxin)," that the Center for Health, Environment and Justice ran in the *New York Times* on June 5.

Industries that produce dioxin as an unwanted byproduct of their manufacturing process have responded predictably - not enough scientific evidence. They jump on the report's finding that dioxin levels have declined since the 1970s, but don't mention that much of that reduction is due to citizen activism.

The EPA's new dioxin report hammers home the fact that NO AMOUNT OF DIOXIN IS SAFE. The risk of getting cancer from dioxin exposure is *ten times* higher than what the EPA first reported in 1994. This year, according to the report, a minimum of 4,000 people in the United States will get cancer from dioxin. Dioxin can be toxic at levels as low as 14 trillionth of a gram. One plain M&M weighs about one gram.

Incredibly, the EPA is suggesting that the solution to our dioxin problem is to eat more fruits and vegetables! While that's always good advice, the government ought not to blame the victim. As CHEJ says, "We all have a right to safe food and the only way to ensure a safe diet is to stop dioxin at its source. Instead of recommending that individuals follow a fat-free diet, government should be requiring that dioxin-polluting industries provide a dioxin-free diet by phasing out the practices and products that are contaminating our food."

The EPA is accepting comments until November on its latest reassessment on dioxin. For more information visit the CHEJ's website at: www.chej.org. In mid-August, OVEC's Laura Forman and Kim Baker will attend CHEJ's "People's Dioxin Action Summit" in Berkeley, Ca.

Dioxin Action

continued from page 11

Maximum Daily Loads.

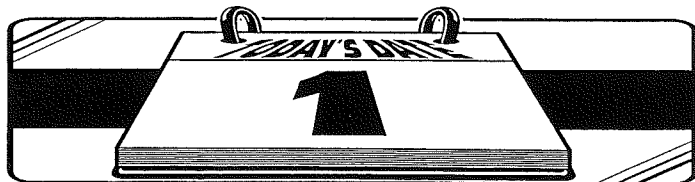
A preliminary TMDL report for dioxin in the Kanawha and Pocatalico Rivers and Armour Creek concluded that the Heizer and Manila Creek landfills could be leaching dioxin that ends up in the rivers. The report said that 16 dumps from Eleanor to Belle might possibly be contaminating the Kanawha with dioxin. The report says sediments in the rivers, contaminated soils and groundwater could all be the sources of the dioxin.

EPA has twice asked for extensions on developing further aspects of the TMDL. We agreed to the first extension, but refused the second.

Superfund Listing Needed

It is largely thanks to efforts of people like Renae, Lew and Missy that the EPA is studying the dumps for inclusion on the Superfund list. The listing was one of the demands citizens made at the press conference. Participants also asked Governor Underwood to demand that EPA and DEP monitor the health of residents and begin immediate clean up of the sites throughout the Kanawha Valley.

Renae said, "The full weight of this newest assessment must be considered by local, state, and national leaders in order to develop more protective standards - safe, timely and effective cleanup measures, enforcement and accountability from the responsible parties to the people. While we can not change the past, we certainly can learn from it, whether the lesson comes from Times Beach, Missouri, Love Canal, New York, or even Poca, West Virginia."



UPCOMING EVENTS

Saturday, Sept. 16, Prop building for the mock Funeral for the Mountains workshop, Asbury Methodist Church, Charleston, W.Va., 10 a.m. - 4 p.m.

Sept. 29. - Oct. 1, Buckeye Forest Council's annual conference. This year's theme is "Preserving Biodiversity." Call OVEC at (304) 522-0246 for more information.

Oct. 19 - 21, CORA Assembly, 35th anniversary celebration at Black Mountain, N.C. Call OVEC at (304) 522-0246.

OSM Headquarters Picketed

by Viv Stockman and Laura Forman

The chants heard outside the Charleston headquarters of the federal Office of Surface Mining (OSM) on April 19 came from about 25 OVEC members and supporters, calling out for justice and demanding that former OSM Director Kathy Karpan be fired.

In mid-March, Karpan announced she was pursuing an offer to head the National Mining Association, the nation's largest coal industry lobbying group. At that time, she recused herself from further mining-related work at OSM. Angry citizens demanded that her boss, Secretary of the Interior Bruce Babbitt, fire Karpan. Instead, he effectively promoted her to another position within the Department of Interior.

OVEC has had several run-ins with Karpan in which she mocked citizens, arrogantly displaying her cozy relationship with the coal industry.

"I knew where Kathy Karpan's sympathies were back in 1998 when she shut down the West Virginia citizens at the Federal Coal Symposium," said OVEC board member Carlos Gore, who lives in the shadow of two mountaintop removal operations. "We traveled all the way to D.C. because we were not getting help on the state level and Kathy Karpan slammed the door in our faces. She only wanted to hear from the coal industry. I am not surprised by what has happened now."

Karpan set OSM policies that work against protecting coalfield residents and the environment from coal industry excesses. When Judge Haden issued his valley fill ruling, Karpan sided with the coal industry and WV Gov. Underwood, sputtering identical drivel: the ruling would shut down all coal mining in WV. *See related story below.*

You missed some fun if you missed the protest. But not to worry, you will have more opportunities to join OVEC and other groups in future direct, non-violent actions. Direct actions really pump up the pressure on "the other side," while giving us a chance to get creative, have fun, think outside the box and to plain old agitate. As Jim Hightower says, "agitators founded our country, and the agitator is the central post in the washing machine that gets the dirt out."

If you want to help us get the dirt out, make sure you are on OVEC's MTR action alert list, or that we have your phone number. Call us at (304) 522-0246.

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

Are Valley Fills Dead? Not By A Long Shot

by Vivian Stockman

On May 4, the U.S. Army Corps of Engineers published public notices that Catenary Coal, a non-union subsidiary of Arch Coal, has applied for two permits to extend operations at mountaintop removal mines near Kayford Mountain in Kanawha County, WV.

Each permit asked for three valley fills. The largest valley fill in one permit would be more than 540 acres and the largest valley fill in the other permit would exceed 350 acres.

In the public notices, the Corps said the permits would be granted unless their issuance "is found to be contrary to the public interest."

MTR Rolls On

"These permits certainly should lay to rest any rumors that Judge Haden's ruling is ending mountaintop removal. This mining method is destroying mountain communities. It has already ruined 300,000 acres of hardwood forests and buried about 1,000 miles of streams. How could that possibly be in the public interest? The public should put the Corps on notice that this illegal destruction of our ecosystems cannot continue," OVEC organizer Laura Forman said.

The permits would allow the Arch Coal subsidiary to bury nearly 3½ miles of streams with valley fills and strip 1,450 acres of mountaintops.

Numerous groups, including OVEC, the West Virginia Highlands Conservancy, Coal River Mountain Watch and West Virginia Rivers Coalition, are urging citizens to write

"When is enough going to be enough? It's crazy to allow this attack on the mountains and the people."

Larry Gibson, OVEC

both the Corps and the DEP to request that the permits be denied.

If the Corps doesn't want to deny the permits based on public comment, the

groups say a public hearing on the permits should be held and a full scale Environmental Impact Statement developed.

Public Hearings Called For

"These two permits expand the Red Warrior/Samples mine, both to the north toward Orgas and to the south toward Dorothy. Active and pending permits at this complex already cover thousands of contiguous acres. The Army Corps has a responsibility to thoroughly review the cumulative impact of the entire operation on the land, water and people resources of the area," said Cindy Rank, chair of the Highland Conservancy's mining committee.

"The Corps must be compelled to conduct an Environmental Impact Statement as part of its consideration

of these permits," Rank added.

"Furthermore, consistent with the federal agency's position in the Fourth Circuit Court of Appeals, the Corps should deny those portions of the six proposed valley fills that extend into intermittent and perennial stream reaches," she said.

Larry Gibson, OVEC member and founder of Stanley Heirs Foundation, which maintains a park on Kayford

Mountain, said, "Over the last few years, mountaintop removal has caused more damage around

"The Corps should deny those portions of the six proposed valley fills that extend into intermittent and perennial streams."

Cindy Rank, WV Highlands Conservancy

Kayford Mountain than a huge natural disaster. When is enough going to be enough? It's crazy to allow this attack on the mountains and the people."

Freda Williams, a representative of Coal River Mountain Watch, said, "These permits will surround the people of the Big Coal River area and lessen the quality of life more each day. I don't think that we can deal with additional damages to the water, the air and homes."

"It's so important that folks speak their minds about these permits. Only if we all voice our disappointment will the Army Corps of Engineers stop rubber-stamping illegal permits for valley fills," said Nathan Fetty, program associate with the Rivers Coalition.

Permits on the Web

The permits can be viewed on line at www.lrh.usace.army.mil/or/permits/pub_notices.html. They can be found by clicking on the two entries for Catenary Coal Company.

Interested parties may also call Teresa Hughes at (304) 529-5710 to obtain copies of the permits. Comments on both permits should be sent to both the Corps and DEP as soon as possible. Address comments to:

Administrator

West Virginia Division of Environmental Protection
Water Resources Section

1201 Greenbrier St.

Charleston, WV 25311-1088

RE: Public Notice No. CEORH-OR-F
No.199800372-4 and 199800342-5

U.S. Army Corps of Engineers

ATTN: CEORH-OR-F Public Notice No.
199800372-4 and 199800342-5

502 Eighth St.

Huntington, WV 25701-2070

OVEC Educates, Recruits People to Act on Mountaintop Removal

Demands for speakers or interviews about mountaintop removal/valley strip mining have been keeping OVEC staff, members and volunteers busy keeping this important issue in the public's eye.

OVEC staff and volunteers Tom Jones and Dan Kash had a table at Earth Day in Ritter Park.

Carlos Gore, Larry Gibson and Laura Forman conducted presentations about mountaintop removal at a national conference on environmental justice at the University of Oregon in Eugene and also spoke to students at the university (April, 2000). Thanks to Julie Fox and Winnie Fox for helping to set that up. OVEC had a table there as well for folks to pick up material and to sign postcards.

Sam Cook joined OVEC staff to distribute literature and get folks to fill out postcards to send to D.C. at Monacan Indian pow-wow in May.

Carlos Gore appeared on *60 Minutes* in February on a piece devoted to mountaintop removal in West Virginia.

Mining Banned at Tennessee State Park

In June, Interior Secretary Bruce Babbitt designated 61,420 acres of land in Falls Creek State Park, Tenn., where strip mining would be banned to protect the area from the pollution caused by coal mining activities.

Said Babbitt, "Coal mining is an important part of our lives.

"Our parks are the magnificent windows through which the American people rediscover and renew their connection to the land. We don't have to sacrifice one for the other."

Is this the same Bruce Babbitt who claimed that Arch's Hobet 21 "wrecklamation" site looked better after Arch got done with it than before it was mined?

The designation drew praise from Vice President Al Gore, a native of Tennessee.

While this is certainly a victory, one has to wonder about all the land, water and coalfield communities that ARE being sacrificed for coal, with little or no intervention from Babbitt, Gore or President Clinton.

He was also on Pittsburgh Public Radio.

At the Kayford Fourth of July celebration, lots of folks filled out postcards. OVEC had a table at the Sustainable Festival in June. OVEC and Larry Gibson have taken students to Kayford in May and June.

Larry Gibson attended the Unitarian Universalist national conference in Nashville, Tenn., in June.

Dianne Bady spoke at conference at Pine Mountain Settlement School in Harlan County about mountaintop removal and a spoke with people at a June CORA gathering about mountaintop removal.

At the Huntington Tri-State Audubon Society's May meeting, guest speaker Dr. Frank Gilliam, from Marshall University's Department of Biological Sciences, spoke about an ecological perspective of mountaintop removal followed by OVEC staffer Laura Forman, who also spoke about the topic and had literature to distribute.

OVEC board member Dan Kash has been working with Kentuckians for the Commonwealth on two issues. Dan and Patty Wallace wrote detailed comments on Kentucky's proposed rules for legal Post Mining Land Uses for new mountaintop removal permits. Dan and Patty are also working to publicize potential threats resulting from a recent Tennessee Valley Authority decision. TVA has decided to sell the mineral rights to 40,000 acres of land in eastern Kentucky's coalfields.

Larry Gibson and Laura Forman were interviewed on American Urban Radion about the ongoing mountaintop removal controversy.

Food for SERIOUS Thought

The WV Division of Environmental Protection's mission statement is:

"To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."

Mike Castle, DEP director, apparently has a different mission. Asked about his role at the DEP in a June 29 interview in the *Charleston Gazette*, Castle said,

"I have a job to do: Issuing permits. I'm concerned about doing my job."

Sort of defines the issue, doesn't it?

"Should the government spend tax dollars to preserve forests, mountains and natural areas in W.Va.?"

YES - 83%
No - 14%
Not sure - 2%



(Charleston Daily Mail poll - 902 votes)

It's Not 'One Person, One Vote' Anymore

It's no secret that the democratic ideal of one person, one vote is increasingly supplanted by the oligarchic ideal of one dollar, one vote. Just in case you weren't cynical enough to believe that wealthy special interests are intent on rooting out the last vestiges of democracy, we have assembled the facts for your reading pleasure.

Properly armed with the facts, we can take actions to reclaim government for the people.

The People's Election Reform Coalition/West Virginia has just released its 100+ page report on campaign contributions in the '98 election cycle. The first time any group had ever analyzed state level campaign contributions was when PERC/WV compiled data for the '96 election cycle.

By comparing '96 and '98 data, we see that "campaign inflation" is heading up, up and away in West Virginia - special interest contributions to legislative candidates rose by a whopping 34 percent. Over the same period, the U.S. Consumer Price Inflation Rate rose by 3.9 percent. That

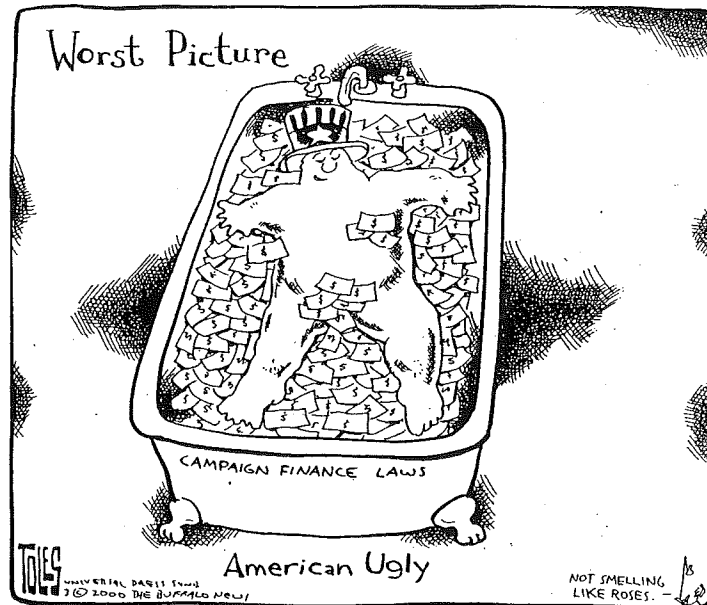
means the increase in contributions to legislators outpaced the cost of living index by nearly a factor of ten.

Only 4/10ths of 1 percent of all West Virginians donated to legislative campaigns in '98. Yet, West Virginia's legislative candidates received \$5.2 million in donations for their '98 elections. You don't have to be cynical to figure out that means those who donated bought themselves major access to politicians.

Between '96 and '98, donors representing tobacco interests increased their contributions by 830 percent. Will legislation ever be passed that taxes smokeless tobacco? In the same time period, donors representing gambling interests upped their giving by 479 percent. Despite strong public

opposition, the legislature passed a bill that will allow Greenbrier County residents to vote on whether to allow casino style gambling at The Greenbrier.

In '96, the coal industry was the top contributor
continued on page 17



Hedging Their Bets - Big Time

Below is a list of 67 corporations that have put at least \$50,000 into the presidential campaigns of BOTH George Bush and Al Gore (thanks to Democracy South for passing this on to us):

- | | | | |
|------------------------|--------------------------|-------------------------|--------------------------|
| AT&T | BellSouth | Ocean Spray Cranberries | Chevron |
| Philip Morris | Joseph E. Seagram & Sons | Paine Webber | Park Place Entertainment |
| Amer Financial Group | Bristol-Myers Squibb | MGM Grand | Bacardi Martini USA |
| Microsoft | Union Pacific | Archer Daniels Midland | Boston Capital Partners |
| Atlantic Richfield Co. | Blue Cross & Blue Shield | Walt Disney | Eli Lilly & Co. |
| SBC Communications | MBNA Corp | Coca-Cola | Georgia-Pacific |
| Enron | America Online | Flo-Sun Sugar Co. | Amer Home Products |
| Mirage Resorts | Amer Intl Group | Lockheed Martin | Amer Express |
| Federal Express | MCI Worldcom | Intl. Game Technology | Bechtel Group |
| Citigroup | Ernst & Young | United Airlines | Loews Corp |
| Amer Airlines | Circus Circus | Oracle | Sunoco |
| Bell Atlantic | Enterprises | Exxon Mobil | General Electric |
| Anheuser-Busch | Sprint | United Technologies | Northern Telecom |
| Limited Inc. | AFLAC | US West | General Dynamics |
| Pfizer | Time Warner | Pacific Gas & Electric | New York Life Insurance |
| Rite Aid | Boeing | Upjohn | United HealthCare |
| Schering-Plough | Prudential Insurance | Owens Corning | |

The Ohio River Valley Could Be Renamed 'Ozone Alley'

by Dianne Bady

A yearlong study, coordinated by the Ohio Environmental Council with help from OVEC and RECOVER, examined the impacts of coal burning power plants in the Ohio River Valley.

The study, released earlier this year, is based on work from researchers at the University of Michigan and Harvard. The findings include the following:

⊕ In the summer of 1997, residents of the Ohio River Valley region suffered more than 83,000 asthma attacks because of smog pollution. (This is the latest data available.)

⊕ People in Ohio River Valley communities, such as Huntington, were exposed to dangerous levels of ozone smog more often than residents in large East Coast cities – in some cases 75 per cent more often than in New York and Boston.

⊕ Hospital admission rates for smog-related respiratory problems were higher in the Ohio Valley than in East Coast cities.

⊕ Emissions from older coal- and oil-fired power plants contribute nearly 50 percent of smog pollution levels for areas such as Huntington and Marietta, Ohio.

⊕ When added to background levels of ozone (smog), power plant emissions are enough to cause an exceedence of the air quality standard in the Ohio River Valley.

According to the study report, "air pollution in the Ohio River Valley compromises our health, our economy, and our quality of life. The technology exists to reclaim healthy air for the Ohio Valley. Therefore, we can and must take action now."

Specific solutions are recommended:

⊕ Adding off-the-shelf, cost effective emission controls to power plants could substantially reduce health problems caused by Ohio Valley smog.

⊕ Cleaning up or converting older plants to cleaner fuels would reduce premature death in the region from fine soot, improve agricultural productivity, reduce toxic air emissions, and help slow global warming.

Thanks to Denise Poole for working on this study for OVEC.

In our opinion, the study shows that the immediate impacts of mountaintop removal/valley fill mining extend beyond the southern coalfields. As mountains are blown up for coal that is shipped the very short journey to Ohio Valley power plants, smog resulting from the burning of the coal harms human health.

The availability of this "cheap" coal means that there is no economic incentive for power plants to switch to cleaner fuels. "Cheap" mountaintop removal coal also means that power plants can sell more electricity to sources outside of our region, and operate at fuller capacity, thus producing more pollution for Ohio Valley residents to breathe.

Some of the pollution migrates to the Northeast U.S., where it's contributing to smog and acid rain problems there. Almost all of the coal-burning power plants in the Ohio Valley were grandfathered under the federal Clean Air Act, meaning that these huge plants do not have modern air pollution controls.

New York state's Attorney General has recently sued individual power plants here for polluting New York's air, arguing that since Ohio Valley power plants have made major expansions, they can no longer be grandfathered and are legally required to add modern pollution controls.

Our politicians, whose political campaigns are generously funded by King Coal, continue to work feverishly with coal and utility guys to fight these demands for the installation of modern pollution controls.

Thus, coal and utility profits are officially more important than the health of the taxpayers. The same taxpayers who are forced to provide the money that allows West Virginia's state government to promote mountaintop removal and defend dirty power plants.

The Wearin' 'O the Green

At the second Summit for the Mountains everyone agreed we need an action designed to raise awareness about mountaintop removal, an action in which everyone can easily participate. Hence, the wearing of the green.

The idea is to take a snippet of green ribbon, cut it into the shape of a triangle and wear that as a pin, a visible message to the world of your support for an end to the massacre of our mountains.


Several groups across the state and region have already agreed to promote this among their members. We will contact others with this idea. Please help us spread the word.

So, head to the craft store, buy some wide green ribbon and safety pins, and make several symbolic mountains for you and your friends. Then start wearing the green.

Or - get a green triangle button from OVEC. Call the office at 304-522-0246, or e-mail to ohvec@ezwv.com.



"Who would you vote for in the general election for governor?"

	Denise Giardina (I)	- 15 %
	Bob Myers (L)	- 16 %
	Cecil Underwood (R)	- 30 %
	Bob Wise (D)	- 36 %

(Charleston Daily Mail poll - 1,492 votes)

One Person, One Vote

continued from page 15

(\$713,654) to the legislative races and governor's campaign and inaugural. From '96 to '98, King Coal's contributions to state legislative candidates increased 29 percent.

In '98, an off-year election, eleven legislators received 58 percent of all coal contributions. House Speaker, Bob Kiss was the top recipient of all coal donations - \$31,575, or 21 percent of coal's total contributions to all winners in the House of Delegates. Is it any wonder that Kiss led the effort to pass the now infamous valley fill stream "mitigation" bill in '99? Of course, ole' King Coal got plenty of other "laws" it wanted passed, too.

Not flatteringly, Kiss tops many of the charts for Delegates within the '98 PERC/WV report. He drummed up the most contributions (\$247,396) of any Delegate, receiving almost \$100,000 more than Lisa Smith (R), the second place contender. He spent just over \$48,000, storing up an impressive war chest - the most of any Delegate - for a re-election campaign.

Besides coal, Kiss got more donations than any other Delegate from these special interests: oil and gas, corporate lawyers and banking and finance. He placed second in terms of donations from gambling and real estate and construction interests. Can we really believe Kiss is looking out for the best interests of West Virginians who don't have cash for his campaigning?

Reading the PERC/WV reports charts is enough to make your blood boil. That's good, because if you aren't outraged, you aren't paying attention. One of PERC/WV's goals is to PERC-o-late some change. To that end, PERC/WV makes campaign finance reform recommendations in its reports.

One key recommendation is for the state to begin the public financing of elections. Maine, Vermont, Arizona, Massachusetts and New Mexico already have passed bills for the public financing of elections, and several other states have similar bills on the drawing boards.

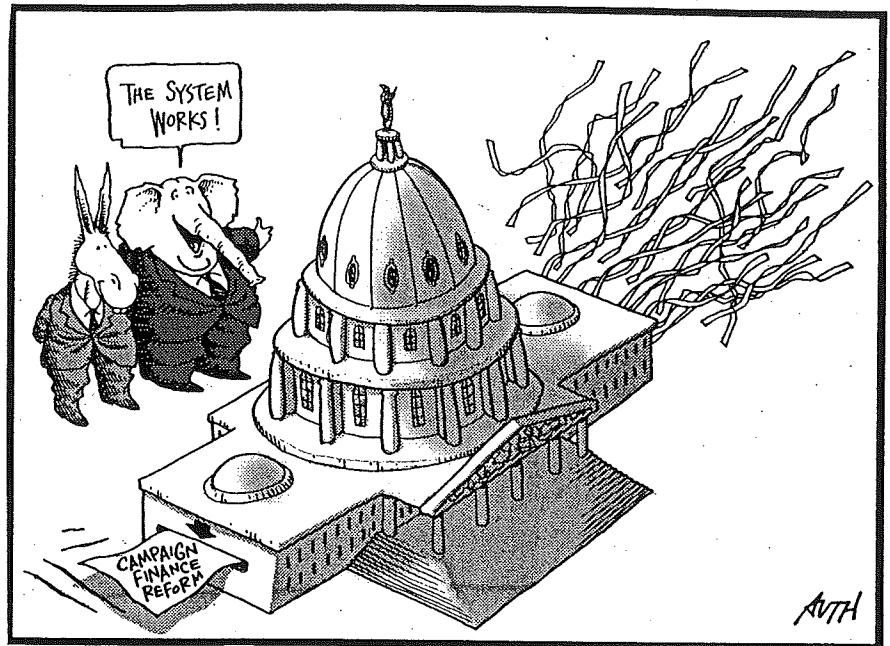
This 'Clean Money' approach establishes an alternative to the special interest funding of political campaigns. Candidates qualify for public funding by agreeing not to accept any private or special interest money. Candidates demonstrate they have public support by collecting a certain amount of

Not Even Suitable for Prisons . . .

The cost to turn a strip-mined Martin County, Ky., hilltop into the site for a new federal prison will be \$40 million, officials said recently - the highest such cost in U.S. prison history, according to the *Lexington Herald-Leader*.... it is an old mountaintop removal mining site!

signatures, along with \$5 contributions, which go to the state's public campaign fund. Cost estimates average about \$3-5 per voter per election cycle.

Although the idea of publicly financing politicians' campaigns may at first sound wacky, this public investment in electing our representatives could actually save state money. Right now, special interests have a virtual monopoly



on the financing of elections. Under public financing, lawmakers would not be beholden to special interests and would therefore be less likely to legislate unneeded tax breaks and other 'favors' for those special interests - like King Coal. In 2000 and beyond, expect more information from PERC/WV on the campaign contributions for the 2000 primary and general elections, and on the 'Clean Money' solution to the erosion of democracy.

Thanks to the Affiliated Construction Trades Foundation for paying for the printing of the new report, and to the many volunteers, too numerous to name, who donated hundreds of hours to the production of this report. We do, however, want to publicly thank Julie Archer for all of her superb volunteer efforts.

PERC/WV is a non-partisan coalition made up of good government advocates, environmental groups, labor organizations, and others, which work together to raise awareness of the need for campaign finance reform.

PERC/WV's "parent groups" (which raise the money and do the research, public education and organizing) are OVEC, WV Citizen Research Group, Common Cause/WV and the WV Citizen Action Group.

Linda Mallet and Norm Steenstra of Citizen Research Group have done a top-notch job on leading the massive research effort - thanks!

Citizens Protest, Demand DEP Chief's Resignation

Coalfield residents and other concerned citizens gathered at the Division of Environmental Protection's Nitro headquarters on July 28 to protest what they perceive as the agency's latest capitulations to the coal industry.

OVEC and Coal River Mountain Watch organized the protest. Citizens voiced concerns that DEP Director Mike Castle continues to spend taxpayer money defending the coal companies' positions in lawsuits that accuse DEP of failure to enforce various pollution laws. The citizens also complained about Castle's proposal to hire *yet another* mining public relations officer, while the agency remains seriously understaffed in mining inspectors.

Failed To Enforce

Citizens contended that Castle has failed to enforce the laws that would protect the town of Sylvester from excessive coal dust. Castle has refused, despite an inspector's recommendations, to even temporarily shut down Elk Run Coal Company. Coal dust from the company's operation near Sylvester has blanketed the town with coal dust for two years. Citizens there have complained to DEP frequently.

"I want an apology from Mike Castle and the DEP for their treatment of the people and the children of Sylvester," said Jim Scarbro.

Another Sylvester resident, James Dickens, agreed. "Why should we have to live like this? Mike Castle wouldn't send his children to Sylvester Grade School! Our children deserve clean air."

Ripped From the Tabloid Headlines: 27-Year-Old Prediction Comes True!

Here's an unbelievable passage from chapter 14 of Kurt Vonnegut's book *Breakfast of Champions*, which was written way back in 1973:

The truck carrying Kilgore Trout was in West Virginia now. The surface of the State had been demolished by men and machinery and explosives in order to make it yield up its coal. The coal was mostly gone now. It had been turned into heat.

The surface of West Virginia, with its coal and trees and topsoil gone, was rearranging what was left of itself in conformity with the laws of gravity. It was collapsing into all the holes which had been dug into it.

The defeat of the mining rider is:

Bad for the state	- 34 %
Good for the state	- 44 %
Proof that Byrd is no longer powerful	- 21 %



Charleston Daily Mail poll - 617 votes)

Laura Forman, an OVEC organizer, spoke to the crowd of coalfield residents and opponents of mountaintop removal who gathered in the DEP parking lot. "We are here to present a list of grievances and demands to DEP. Number one on the list is that DEP chief Mike Castle resign."

Stop MTR Madness

Foremost among citizen grievances was Castle's continued issuing of mountaintop removal and valley fill permits in violation of state and national environmental laws, and in defiance of a federal judge's orders. Castle has exempted nearly all pending mountaintop removal permits from following approximate original contour requirements set forth in an agreed-to settlement for portions of a landmark mountaintop removal lawsuit.

In that lawsuit, federal Judge Charles C. Haden ruled that larger valley fills were illegal under stream buffer zone rules. Haden's ruling is on appeal before the 4th U.S. Circuit Court of Appeals in Richmond, Va. Last week Castle announced he would rewrite the buffer zone rule, weakening six of seven environmental protections it offers.

Allied with Polluters

"It is disgusting, but not surprising, that DEP Chief Mike Castle and the Underwood Administration have just announced their intentions to rewrite the law to eliminate stream protections in the buffer zone rule," said Vivian Stockman, also with OVEC. "Castle has shown time and

Its mountains, which had once found it so easy to stand by themselves, were sliding into the valleys now.

The demolition of West Virginia had taken place with the approval of the executive, legislative, and judicial branches of the State Government, which drew their power from the people.

Here and there an inhabited dwelling still stood ... Trout marveled at how recently white men had arrived in West Virginia, and how quickly they had demolished it - for heat.

Now the heat was gone, too - into outer space, Trout supposed. It had boiled water, and the steam had made steel windmills whiz around and around... Choo-choo trains and steamboats and factories had whistles which were blown by steam when Dwayne Hoover and Kilgore Trout were boys... Kilgore Trout thought about the cries of steam whistles he had known, and about the destruction of West Virginia, which made their songs possible. He supposed that the heart-rending cries had fled into outer space, along with the heat. He was mistaken...

DEP Protest

continued from page 18

again his allegiances lie with lawbreaking polluters.”

Forman read DEP's mission statement: "To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."

Permits or Protection?

She noted that Castle, a former coal-mining executive, recently said his job is to issue permits. Governor Underwood's previous two appointees to the top position at DEP were also coal company executives.

"If Mr. Castle thinks issuing permits is his primary objective, he needs to reread his job description," said Janice Nease, president of Coal River Mountain Watch. "His job is to protect the environment and the people of the state of West Virginia."

Speakers read from a long list of complaints citizens have filed with the DEP, most of which they say have been ignored.

Residents of Seng Creek have complained about a flood they attribute to a nearby valley fill. "Because the DEP has failed to protect the people of Seng Creek, I am forced to keep my car packed with pictures of my family and other irreplaceable items that are precious to me," Lavis Harris has said.

She was forced to evacuate her home in a May 27 flood. She keeps her car packed so she can flee quickly when floodwaters rise again.

Another citizen, Bobby Harris, who was also affected by the Seng Creek flood, has said, "To Hell with Castle's permits! I need a permit to live!"

For more information, contact OVEC at (304) 522-0246, or Coal River Mountain Watch at (304) 854-2408.



'King Coal,' aka Viv Stockman, in top hat at right, harangues the crowd of more than three dozen people calling for Division of Environmental Protection chief Mike Castle's resignation in front of DEP headquarters in Nitro, WV. *photo by Laura Forman*

OVEC NEEDS YOUR SUPPORT AND INVOLVEMENT YOUR CONTRIBUTIONS ARE VITAL TO KEEP OUR WORK GOING!

Cut and mail **today** to: OVEC, P.O. Box 6753, Huntington, WV 25773-6753

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

_____ Donation

_____ Keep me especially informed on this issue: _____

Name _____

Address _____

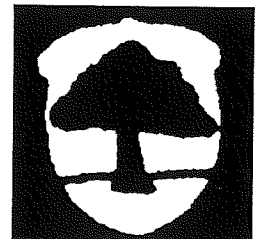
City _____

State _____

ZIP _____

Phone _____

E-Mail _____



FOR MORE INFO CALL (304) 522-0246
Remember - All donations to OVEC are tax deductible!

It USED to be 'Almost Heaven...'



A man and what once was his mountains - Carlos Gore stares out over the brown, blasted wasteland of naked rock that used to be tree-covered mountains behind his home in Blair, WV, until the coal companies finished mining and "reclaiming" them.

photo by Laura Forman

Ohio Valley Environmental Coalition
P O Box 6753
Huntington WV 25773-6753

NONPROFIT ORG
US POSTAGE
PAID
HUNTINGTON WV
PERMIT NO 370