



# Winds of Change

the newsletter of the

## Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

### Study Resolution Advances

## Sludge Safety Project: People Power in ACTION

It appears the coal industry is shocked – shocked! – that We, the People, would bring our concerns directly to our legislators.

“Quite frankly, we question...we’re trying to find the origin or basis of this issue being brought before this committee and are a little lost in trying to find out what the basis was for, the actual origin of this issue.”

So said Chris Hamilton, vice president of the WV Coal Association, as he addressed a legislative subcommittee on the problems of coal slurry injection and groundwater contamination. Hamilton inaccurately contended that the only area where there’s



**Raging Grannies attend the slurry hearings. Fanning the paper is Sylvester Dustbuster Pauline Canterbury. To her left, longtime mountaintop removal and slurry opponent and fighter Freda Williams. To her left, OVEC board member Winnie Fox. From the looks on their faces, they must be listening to the coal industry lobbyists speak.**

controversy surrounding coal slurry injection and groundwater contamination is in certain areas

of Mingo County, where the matter is in court.

“...that litigation is advancing, positions are being  
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## ANOTHER Legal Victory for Mountain State’s Environment

*From www.HURHERALD.COM, Calhoun County*

It’s a victory for West Virginia’s environment.

A federal appeals court (on Dec. 12, 2006) upheld a decision barring the Office of Surface Mining’s approval of a change by the state in the definitions it uses to review new mining permits.

The Fourth US Circuit Court of Appeals’ decision could now force the state Department of Environmental

Protection to abandon a rule change that would allow approval of mining operations that would cause water pollution violations. (*Ed. Note: Historic – This is the first time the Fourth Circuit has ever ruled in our favor!*)

The rule change approved in 2003 would have eliminated the definition of cumulative impacts on watersheds in favor of a definition of material damage. The rule change was widely supported by coal corporations.

US District Judge Chuck Chambers had ruled last year that the OSM cannot rubber-stamp DEP rule changes. Yesterday’s ruling upholds that decision.

It’s a victory for the Ohio Valley Environmental Coalition, Citizens Coal Council and Hominy Creek Preservation Association, the environmental groups that challenged the OSM’s original decision. 🍂

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# *Waging Democracy in the Kingdom of Coal: OVEC and the Movement for Social and Environmental Justice in Central Appalachia – 2002-2003*

by Mary Hufford Ph.D., Director, Center for Folklore and Ethnography, University of Pennsylvania  
(Excerpts; the full document will be released later this year.)

*“Our work flows out of a sense of the importance of relationships.” – Dianne Bady*

## **Prelude: The Closing Circle at Pipestem - 2002**

It is unforgettable, this sun dappled, breezy moment on the deck of the lodge at the Pipestem Resort in southern West Virginia. Below the deck the mountain dips dizzily toward the nadir of an invisible stream, bursting somewhere beyond that into a panorama of mountain ranges that lures people of every political stripe to this place. Reflected in the lodge’s windows and doors, the range surrounds us as we join hands to form the closing circle for the Fourth Summit for the Mountains.

Poet Bob Henry Baber enchants us with a litany of kisses for things seen and unseen in our environs, and Dave Cooper brings out a sphere of brown yarn the size of a soccer ball. He hands it to Janet Keating (formerly Janet Fout) who explains the ceremony that will connect us before we scatter. Holding onto one end of the yarn, Janet launches the ball across the circle. “I feel fortified,” she declares.

Trailing a single strand, the ball begins unraveling, bouncing to the feet of Julian Martin, a senatorial figure who is a leader of the West Virginia Highlands Conservancy. He picks it up, and retaining a bit of yarn around a finger, tosses the ball toward Jen Osha. “I feel exhilarated.” Two strands now form an X. Jen, a musician and writer, from Preston County, lobs the ball to me. “I feel encouraged,” she breathes. Three strands. “I feel hopeful,” I say, tossing the ball, then scrambling to retrieve the part I was supposed to hold onto. Four strands.

As the web thickens the adjectives mount: people profess feelings of peace, purpose, loyalty, empowerment, inspiration, satisfaction, amazement, gratitude. Toward the end, the yarnless must raise empty hands to make themselves known. Dave Cooper is the last to catch it. “Whew!” he says, expressing relief, and echoing the last line of Bob Henry Baber’s poem.

We laugh and gleefully flex our connective tissue. It appears strong enough and thick enough to bounce a cat, or at least a heavy squirrel. Not tensile enough to deflect flyrock, perhaps, but what it betokens might yet prove to be. We drop our yarn and around the slackened threads the good-bye hugs proliferate, reflected in shimmering glass doors against a backdrop of West Virginia hills.

The money for this weekend-long event came through an award that Dianne Bady, Laura Forman and Janet Keating won from the Ford Foundation’s Leadership for a Changing World Program in 2001. Their channeling of this money into the activist community both as a gesture of gratitude and to further strengthen the work of social change in West Virginia provides one example of their approach to social change. This gift is like the ball of yarn in that it is a resource for nurturing and maintaining the web that is OVEC’s object of stewardship. Before looking more closely at what the community makes of its yarn, a bit of background on OVEC is in order.

## **Brief History of OVEC**

A straightforward account of the Ohio Valley Environmental Coalition’s history may be found on OVEC’s website ([www.OHVEC.ORG](http://www.OHVEC.ORG)). The short description: “OVEC is people working together for a cleaner environment,” heads the history. The coalition formed in 1987 “to mobilize citizen opposition to a proposed BASF chemical company hazardous waste incinerator near Ironton, Ohio.” It took eight months of organizing in the tri-state area to

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# Slurry Hearing

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taken, and the whole issue is being prepared for trial. Given that, we would question why this committee of the legislature would have interest in substituting itself for the judiciary," Hamilton said.

The Associated Press reported, "The West Virginia Coal Association may not understand why legislators are asking about coal slurry and groundwater when the matter is before a Mingo County Circuit Court judge.

"But lawmakers said Monday that they cannot ignore their constituents' concerns about the possibility of coal waste contaminating drinking water and endorsed a resolution calling for a comprehensive study of the matter."

The Associated Press continued, "Delegate Robert Tabb, D-Jefferson, told Hamilton that **lawmakers cannot ignore the volume of complaints and**



**Chris Hamilton, coal industry apologist, we mean lobbyist, wondering why ordinary citizens of West Virginia think they have any right to address their duly elected legislators.**

entreaties from residents."

Tabb told Hamilton, "I'm not content on this issue or any other



to wait until the court system makes a decision to do what I believe to be the right thing. I'm a little offended that we're kind of being talked down to... I haven't looked at this as a judge. I look at the issues that are brought forward and it's looking at possible solutions to problems...the judicial system doesn't wait on us to decide what to do, and I don't think it's prudent to wait on them if there's a change that needs to be made....I appreciate you coming forward, but I take a little personal offense at being told that I don't need to look at any of this stuff until I hear a court's made a decision."

Our interactions with legislators – be they personal visits, phone calls, e-mails or letters – are making a difference! Let's keep up the pressure, and

involve more people. It is our government, and our duty to make it work for us. (Be sure to see news about Clean Elections in this newsletter. Advancements on this issue make our work of reclaiming our democracy a whole lot easier!)

It was the beginning of 2006 when Sludge Safety Project (SSP) members really began a team effort to educate legislators on this issue. We traveled to Charleston to meet with legislators; the first time 20 people told their stories to Legislators whose eyes welled with tears. We were successful in writing and introducing the Sludge Safety Bill during the 2006 Legislative Session, but it died (as they say) in committee. Several legislators then co-sponsored a resolution to study coal slurry injection and coal sludge impoundments; that, too, went nowhere.

The 2006 Legislative Session ended, but our efforts continued as the Legislature went to its monthly Interim meetings. Thanks to SSP's work, letters from the coalfields, our allies in the faith community and the efforts of the West

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## OVEC Board of Directors & Staff

### Board Members

- |                        |                  |
|------------------------|------------------|
| LaShonda Bare          | Regina Hendrix   |
| Jeff & Victoria Bosley | Dan Kash         |
| David Duke             | Thomas Kincaid   |
| Eric Fout, Chair       | Michael Morrison |
| Winnie Fox             | Elinore Taylor   |
| Larry Gibson           | John Taylor      |

### Full- and Part-Time Staff

- |                 |                 |                 |
|-----------------|-----------------|-----------------|
| Dianne Bady     | Janet Keating   | Vivian Stockman |
| Maryanne Graham | Abe Mwaura      | Tonya Adkins    |
| Maria Gunnoe    | Patricia Feeney |                 |

- |                                 |                 |
|---------------------------------|-----------------|
| <b>OVEC Webmaster</b>           | Don Alexander   |
| <b>Winds of Change Editor</b>   | Vivian Stockman |
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OVEC is a founding member of Community Shares of West Virginia and a 501(c)(3) non-profit organization.



## **OVEC and the Movement**

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defeat the proposal. Among the allies were the Oil, Chemical, and Atomic Workers' International Union. Over the next few years OVEC tackled a number of chemical waste and pollution hazards in the tri-state area of West Virginia, Kentucky and Ohio. OVEC's early work, organizing citizens to pressure the U.S. Environmental Protection Agency to require pollution reductions in the heavily industrialized Ohio River valley, resulted in the U.S. EPA's Tri-State Geographic Initiative, a major program to stimulate pollution improvements.

OVEC's work on the Citizens Advisory Committee resulted in pollution reductions at a number of area industries. Dianne Bady had been involved since 1986 in battle against Ashland Oil, one of the heaviest polluters in the country, for egregious violations of pollution control laws at its Catlettsburg, Ky., plant. This battle between OVEC, including many refinery neighbors, and Ashland Oil, which lasted for more than 10 years, succeeded in pressuring the U.S. Department of Justice to issue Ashland Oil a \$5.8 million fine, and \$27 million to bring their refineries into compliance with pollution laws. (The former Ashland Oil refinery is now owned by Marathon.)

While working on Ashland pollution issues, OVEC also turned its attention to a plan by Parsons and Wittemore (formerly a British-owned corporation) to site North America's largest pulp and paper mill in Apple Grove, W.Va. This pulp mill would have discharged deadly dioxin into the Ohio River, at rates 90 times higher than recommended by the EPA.

In spite of citizen opposition, the WV Division of Environmental Protection issued pollution discharge permits to the company. OVEC, as the lead organizer to stop the construction, formed a broad coalition, working with non-traditional allies, including organized labor and church groups.

Significantly, after the fifth in a series of rallies, which brought out a thousand people to the state Capitol, Sen. Jay Rockefeller, a former pulp mill supporter, changed his stance on the mill. Large numbers of citizens, working together, stopped the pulp mill. Since 1997, when the pulp mill was defeated, OVEC has made mountaintop removal mining and West Virginia political campaign finance reform the principle foci of its staff. Around these foci, OVEC continues to engage in local, state and national community efforts to protect the environment.

From the website, the outlines of OVEC's mode of working emerge. They include community building, education through the dissemination of information based on thorough research, the cultivation and wise use of media, and a remarkable mastery of the civics required to work within government structures.

In an effort to defend and strengthen the laws that protect the country's environment – which we might think of as our connective tissue – OVEC has been all over the legislative, judicial, and executive branches of state and federal governments. Especially striking is the diversity of the groups with which OVEC engages: including councils of churches, labor unions, local, state, and national citizens groups, cultural organizations, conservancies, forest activists, scientific organizations, the academy, government agencies, and industry itself.

Overcoming the divisions of everyday life, OVEC continually generates communal time and space around the project of retrieving an ecological citizenship, which means resuturing what Enlightenment science and economics has sundered.

The message: we care for the environment by caring for each other. This project is not simply about fixing the system by changing the power supply from carbon to renewables. This project requires a Higher Power Supply, which OVEC's staff leaders tap into through meditation and prayer, immersing themselves in nature, a constant channeling of faith, hope and love, and a dependence on miracles. (2002)

*Two researchers from the University of Pennsylvania studied OVEC's activities during 2002 and 2003. This ethnographic study was funded by the Ford Foundation through New York University's Graduate School of Public Service. The research was designed to help answer the Ford Foundation's question of what types of leadership are associated with real-world successes achieved by social justice organizations that are fighting some of the toughest injustices in our nation.*

## Slurry Hearing

*continued from page 3*

Virginia E-Council, in late spring, an Interim Subcommittee agreed to hear debate on the underground injection of coal slurry and groundwater contamination. We would have one hour to present our case.

Volunteers and staff spent the summer and fall discussing ideas in meetings and conference calls, sorting through boxes of old DEP record, creating maps from the data gathered, and contacting experts in order to hone our one-hour presentation to perfection. Sludge Safety Project volunteers plugged away at meetings and conference calls. The Joint Judiciary Interim Subcommittee B heard from us in October. We gathered scientists, government officials, and affected residents to speak to the threats of sludge. Mothers told the committee about watching their children suffer.

Over the next two months, the committee heard from the Department of Environmental Protection and the US Geological Survey. Finally, in January, it heard from the West



Virginia Coal Association, with its sorry presentation on why the issue is none of the legislature's business and there is nothing to worry about.

Each of those four months, we diligently mobilized to Charleston. Sludge Safety Project members filled the committee's meeting room. We came from Mingo, Boone, Logan, Calhoun, Cabell, Kanawha, Raleigh, Roane and other counties across the state. We were determined to show, every chance we had, that we want this study, that we are paying attention to what they are doing and what they are saying.

On the day Hamilton spoke, the last day of the 2006 interims, the Subcommittee voted unanimously to pass the study resolution. The next day, the entire Joint Judiciary

*"My thanks to OHVEC for being on the web for so long and providing information on MTR. When I tried to research it years ago, OHVEC was the only internet source."*

*Hope Frazier, poet, artist*



**Chuck Nelson meets with a reporter at the State Capitol.**

Committee also voted to pass it.

During the 2007 Legislative Session, SSP members walked the halls of our State Capitol. We looked our representatives in the eye, asking: Will you stand with us? Will you support SCR 15, the resolution to study sludge injections and how they have impacted the water and the people of West Virginia? Will you co-sponsor the Sludge Safety Bill to ban sludge injections and impoundments and to study the dangers of existing impoundments? 🍓

### ***Help Out Sludge Safety Project***

We can stop sludge from poisoning our children and contaminating our water.

Organizers are working hard in Boone, Raleigh, Kanawha, Fayette and Mingo counties and in Huntington, but we have limited resources and time. Please help. Please fight. Please elevate all our voices.

Call Patricia in Mingo County at (304) 235-2618 for an update on the latest ways you can help. Or, keep up to date with the Sludge Safety Project at

[WWW.SLUDGESAFETY.ORG](http://WWW.SLUDGESAFETY.ORG).

As always, we are in need of donations to keep our work going, work that includes organizing locally in the coalfields to say NO! to sludged water. Mail checks to:

**OVEC**

**P.O. Box 6753**

**Huntington, WV 25773-6753**

Please note "for Sludge Safety Project" on the check.

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## Goodbye to Sibby Weekley

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Goodbye Sibby – Sible Rose Wheatley Weekley. On Jan, 15, 2007, she moved on to a place where there is no such thing as mountaintop removal.

OVEC board member Regina Hendrix recommends in lieu of flowers, those wishing to extend sympathy make a contribution to her husband Jimmy, to help defray funeral expenses. Send checks to Jimmy Weekley, Box 61, Blair, WV, 25022.

Z Z Z

Some of you may remember meeting Sibby Weekley during one of the Highlands Conservancy outings to Blair and the Weekley's home. Maybe you only know of Jimmy and Sibby from the multitude of stories about them and their crucial role in our 1998 Bragg litigation that provided the impetus for the Mountaintop Removal Environmental Impact Statement and so many other groundbreaking actions in the pursuit of sanity in the coalfields now torn apart by the excesses of mountaintop removal.

Jimmy may have been the firebrand in the news, but Sibby was always the supportive rock and anchor. She will be missed by all – especially Jimmy.

– *Cindy Rank, WV Highlands Conservancy*

Z Z Z

My memories of Sibby are few but very pleasant and good. In the late summer of 1998, not long after I became active in OVEC, a group of us, Janet, Dianne, Laura, and Sharon Roon, went down to the Weekley home on Pigeonroost Creek to simply sit on their front porch, have some prayer, and spend the summer afternoon watching the wretched and accursed Arch Coal drag line take down the mountain directly across from their home and the creek.

My main and overwhelming memory is of the purity and clarity of the creek and watching the numerous minnows and crawdads making their livings in it. The warm and



**Sibby and Jimmy Weekley on the front porch of their homeplace in 1999.**

*photo by Janet Keating*

welcoming ambience created by the Appalachian summer blend of warmth, sunlight, shifting shadows and clear moving water stands sharply out in my mind's eye. The hostile towering presence of the drag line above the trees, and its harsh intrusive industrial noise make a particularly poignant memory. We mostly wanted to give Sibby and Jimmy whatever comfort

our sympathetic presence could provide in a time of threat and danger to their homeplace.

– *John Taylor, OVEC board member*

Z Z Z

The year 1999 was a tough one for the Weekleys as their lawsuit against the nearby mountaintop removal mine had been decided in their favor by Judge Haden, shutting down the Daltex mine. Throughout the tough times of the threatening phone calls and other insults hurled at James and her, Sibby hung in there. I know it wasn't easy, but Sibby kept making the big meals necessary to feed numerous friends and relatives who came to show support, and generally supporting James throughout. She was a stalwart on the '99 re-creation of the 1921 miners' march to Blair Mountain in August-September of that year, braving the gauntlet of menacing miners who opposed the Weekley's principled stand protecting their home of many years in Pigeonroost Hollow.

Sibby was loved so much by James. I remember that more than once James told me the story of the first time he saw Sibby, perhaps 40 years before. He said she was walking down the hollow and he thought she was so pretty he whistled at her – to say the least he was smitten.

– *Harvard Ayers, Boone, NC*

Z Z Z

Sibby was generous and loving and we shall miss her.

– *Judy Bonds, Coal River Mountain Watch*



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# Surprise, Joe! Gov. Gets Special Delivery from 400 Kids

by Matt Reitman, *itsgettinghotinhere.org*, Feb. 2, 2007

WV Governor Joe Manchin was given schoolkids' letters in a surprise delivery by activists from Rainforest Action Network and Coal River Mountain Watch at the South Charleston Chamber of Commerce Groundhog Day breakfast.

The governor had tried to pawn the activists off to a lackey's lackey the day before, but the activists tracked Manchin down and delivered the letters.



This morning RAN and CRMW activists bought tickets to the breakfast and listened to several talks on West Virginia's economic outlook (including Manchin's). After giving his forecast on the state's economic future, Gov. Manchin began glad-handing the crowd.

As he walked off the stage, three activists intercepted him bearing the handwritten letters and colored pictures. They also carried a banner that said "Dear Gov. Manchin, Please Rebuild Marsh Fork - In Their Community. Love, 400 kids"

Faced with an embarrassing moment in front of 250 members of the South Charleston Chamber of Commerce, Manchin tried to move the situation outside the room, but activists smoothly took command of the situation. Coal River Valley resident and Coal River Mountain Watch activist Hillary Hosta told the crowd about the letters and Marsh Fork Elementary as Gov. Manchin stood listening quietly. He took the letters and thanked the activists. Half the room applauded and the activists got several thumbs up.

More than 400 schoolchildren from Virginia to Australia wrote to Manchin sympathizing with the plight of Marsh Fork's students. Marsh Fork Elementary sits next to a coal processing facility, and an earthen dam permitted to hold 2.8 billion gallons of toxic coal waste sludge is 400 yards upstream.

Independent studies have confirmed that coal dust permeates the school and is inhaled by children. In addition, a 2006 EPA investigation revealed asbestos in the school's walls and dangerous anhydrous ammonia tanks 600 feet away. Gov. Manchin has ignored repeated requests to rebuild the school away from the contamination.

One student in Connecticut wrote: "I bet you if that was your school, you would want them to stop it immediately." Others wrote about how extractive industries fuel global warming and devastate local communities. "Do you want to be responsible for the damage of the children's



**Coal River Mountain Watch's co-director Vern Haltom holds a poster and letter from one of the school kids asking Gov. Manchin to move Marsh Fork Elementary away from the coal sludge dam.**

lungs?" asked an Australian student, who added, "Do you want the climate to rise?"

Today's letter delivery is part of a week of action against global warming organized by Energy Action's Campus Climate Challenge with student groups from across the U.S. and Canada.

The students recognize the intersection of global warming and the harmful impact that fossil fuel extraction has on local communities. If we are lucky, Joe Manchin will read the letters.

**Reach Coal River Mountain Watch at P.O. Box 651, Whitesville, WV 25209. Phone: (304) 854-2182. E-mail: [crmw@charter.net](mailto:crmw@charter.net).** 🌰

# Big Victory in Boone County for Sludge Safety!



by Maria Gunnoe

The Mountain Community Preservation Coalition and the Sylvester Dustbusters have been working with the Boone County Commission and the Office of Emergency Services on getting a first responders warning system, which would alert communities in case of emergency situations at sludge dams in Boone County.

The county has 14 sludge dams now, and no first responders' system to warn citizens, and no working evacuation plans. A huge thank you to all of the OVEC volunteers who have helped with this. Special thanks to the folks in Delbarton, Mingo County, for starting a good thing!

I am happy to share some terrific news for the citizens of Boone County. The Boone County Commission and the

## Slurry Communiqués

People drinking city water think this coal sludge being stored above communities or pumped underground doesn't affect them and that it is not a big issue or anything to be concerned about. Eventually we will find that if this keeps going on then we'll all have health problems because it comes back to the water we're drinking.



Everybody trusts that if you are paying for water, you're automatically going to get safe water or clean water. That's just not necessarily true.

And what about the animals? How will we protect them from slurry released into streams? Eventually, no one, not even the animals, will have clean water unless we take action and put a stop to this contamination. Animals and people should all have access to safe, clean water.

Please act as fast as possible to help solve this problem and protect your families from suffering from health problems. We are organizing, and all we are asking from the state legislature is that they study coal sludge to find out what is in it, how it is affecting people, and how much of our ground water has been contaminated in the state.

Until we can answer those questions, we are asking them to stop underground injections of coal waste.

*Ira Evans,*

*Lick Creek, Mingo County, WV* 


county's Office of Emergency Services (OES) are preparing to install a warning system for every home here.

This will be a first alert type system. OES and the commissioners are deciding which system would be most effective for our area, considering obstacles such as cost and topography. There is the WARN System which operates through phone service, putting out mass calls to homes. This seems to be less effective for this area, because it depends on phones and power lines being operational.

Then, there is the Code Red system, which operates by satellite. It's much better at recording who was contacted, who was left a message and who needs to be called back. OES will be using the 911 addressing system to distribute the in-home monitors.

In the case of an emergency, a satellite signal activates the monitor, sending a message controlled by the OES. The monitor receives the signal much like a radio does. In case of loss of power, the system would be backed up by generators throughout Boone County. The in-home monitors would have battery backup.

The commissioners and OES have agreed that one of the two systems will be installed. We would like to thank the County Commission and OES for recognizing and addressing the need for this lifesaving technology. Let's hope we never have to utilize it!

The Mountain Community Preservation Coalition and the Sylvester Dustbusters will have a follow-up meeting with county officials in June, 2007. Please feel free to attend this meeting; we would very much like to have your input and suggestions. Call (304) 245-8481 for date and time of the meeting, or for more information. 

**IN MEMORIUM  
TO THE  
24 WEST VIRGINIA,  
16 KENTUCKY  
& 7 OTHER COAL MINERS  
WHO DIED IN 2006 TO GIVE  
AMERICA "CHEAP" ENERGY.  
YOU WILL NOT BE  
FORGOTTEN.**



# Bad Water? Better Organize Now to Help!



Over half a million people in West Virginia rely on private wells as their primary water source. Coal companies have been injecting sludge underground all over the state for decades. Since 2000, the WV Dept. of Environmental Protection's records show 400 coal slurry injections into abandoned underground mines. How much of our precious groundwater has been lost? How many people have lost their health to water contaminated by sludge?

Sludge Safety Project members have been working for over a year to find all records of sludge injections, but we know that we are only hitting the tip of the iceberg. Until studies show us the true impact of these injections, it only makes sense that the state places a moratorium on injections and coal sludge dams – no more sludge until we know what it is doing to our people, our water and our land.

The DEP says all problems predate their process for permitting sludge injections. Yet DEP's "process" relies

on coal companies' word to ensure slurry injections meet safe drinking water standards. Chad Board, head of the DEP's Underground Injections Control Program, said in a hearing, "Since we began the process, we haven't had any adverse environmental impacts to date." Correction – they have recorded no adverse environmental impacts to date.

Looking away from a problem – claiming you do not see it – is no proof that it does not exist. All we are asking is that someone opens their eyes to take a long hard look at the impact that West Virginia has suffered.

We cannot live without clean water. West Virginia and the Appalachian Mountains are one of the major sources of fresh water that supply the East Coast.

Dumping sludge into our precious water and burying headwater streams is senseless. Organize to save our water! Join the Sludge Safety Project! 🍌

## *Sludge Safety Project's Handy-Dandy Guide to the Golden Dome*

↳ WV Legislature: State Congress or General Assembly. Thirty-four Senators and 100 Delegates represent state citizens who live in specific areas called districts. These districts are divided according to population and may change if census figures show a growth or loss of population. Presently, West Virginia has 17 senatorial districts and 58 delegate districts. Each citizen in the state has representatives in both the Senate and the House.

↳ Legislative Session: Usually begins in January and lasts 60 days.

↳ Interims: Monthly meetings of the Legislature for the months outside the Legislature Session

↳ Bill: Proposed law; an idea or way to correct or address a problem. While any individual or group may have an idea for a bill, only a legislator may sponsor a bill and introduce it into the legislative process.

↳ House of Delegates: The lower house of the state legislature in West Virginia. The numbers of Delegates a district has is based on population in the district.

↳ Senate: The upper house of the state legislature, to which two members are elected from each district.

↳ Legislator: A lawmaker, either a Delegate or a Senator. Elected by We, the People.

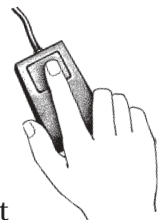
↳ Resolution: A formal statement of a decision, or an opinion voted on by the Legislature. A resolution does not become a law, but rather causes something to happen, such

as the coal slurry and groundwater study, such as Senate Concurrent Resolution 15.

For more info, see the "Citizen's Guide to the Legislature" under the "Educational" tab of the Legislature's website, [WWW.LEGIS.STATE.WV.US/](http://WWW.LEGIS.STATE.WV.US/). 🍌

## Slurry Communiqués

Slurry injections have to stop, along with mountaintop removal. Understanding how acid mine drainage seeps out of the mountain, how in the world do they expect slurry injections not to leak out? Fact is they don't care.



It's cheaper to inject slurry into the mountain and it's cheaper to pay heavy equipment operators, instead of miners, to blow off the mountaintop and shove it in a valley. Then they use "Friends of Coal" propaganda to misinform and misdirect the general public. It is no longer coal miners vs. coal operators, now we are one big happy family.

I'm sorry to hear that mountaintop removal is starting or has already started in Pax. It seems that they want to destroy the most beautiful sections first, that way we don't have much to fight over. I don't see how we can effectively restore our environment from old mining operations when historical environmental degradations pale in comparison to mountaintop removal, which is absolute permanent devastation.

(an e-mail forward we received) 🍌

# OVEC WORKS !

**Congratulations** to OVEC's own Maria Gunnoe and to Coal River resident Ed Wiley on winning the Joe A. Callaway Award for Civic Courage. The award, administered by the Shafeek Nader Trust for the Community Interest, recognizes individuals in any area of endeavor who, with integrity and at some personal risk, take a public stand to advance truth and justice, and who challenge unsatisfactory conditions in pursuit of the common good. Maria and Ed, along with others, received the award in DC in December.

**Congratulations** to Carol K. & Larry G. on their engagement to be married.

**Thank You! Thank You! Thank You!** There are so many folks to thank... If we missed mentioning you, please accept our apologies and know that you are an invaluable part of the people-power that makes OVEC effective.

**Clean Elections Day:** Denver Mitchell, Regina Hendrix, Denise Poole, Norm Steenstra, III, Father Brian O'Donnell, Chuck Nelson, Kathryn Stone, Michael Morrison, Tom Jones, Anthony Hensley, Judy Bonds, Marge Micheau, Mary Ellen O'Farrell, Robin Godfrey, Rev. Dennis Sparks, Carey Lea, Bobby Mitchell, Linda Frame, Dan Kurland Gary Zuckett, Norm Steenstra, Mayor Richie Robb, Pete Maranac, Norie Huddle, Bob Wilson, David Shapiro, Winnie Strzelecki, Vern and Sarah Haltom, Hillary Hosta, Bo Webb, Steve White, Larry Matheney, Jesse Johnson, Si Galperin, Carol Warren, John Christensen, Dennis Cunningham, Helaine Rotkin, Chelena McCoy, Larry Gibson Carol Kirkpatrick, Don Garvin, Allen Johnson, Jerry McKeen, Julie McKeen, Chuck Wyrostock, Temple Israel.

**SSP Lobby Tuesday and Interim Meetings:** Cynthia Wildfire, Jade Nichols, Cory Roberts, Jeremiah Postalwait, Tom Jones, Geneva Runyon, Regina Hendrix, Kathryn Stone, Elinore Taylor, Winnie Fox, Russ Harman, Siobhan Burke, Ivan Stiefel, Anthony Hensley, Dana Kuhnline, Pastors Barry Moll and Jay Parkins, Michael Morrison, Stephanie Ward, Ronnie Workman, Carol Kirkpatrick, Helen Gibbins, Denver Mitchell, Larry Gibson, Russell Harman, Ira and Mae Evans, Hazel Mollet, Julian Martin, Carol and Walter Young, Carm and Ernie Brown, Larry and Brenda Brown, Debbie and Bl Sammons, Brent Rowley, Michael O'Farrell, Judy Bonds, Patty Sebok, Pauline Canterbury, Freda Williams, Cindy Rank, Chuck Nelson, Jesse Johnson, Bobby Mitchell, Steven Wussow, Norm Steenstra, Gary Zuckett, Mike Forman, Linda Frame, Don Garvin, Mary Miller, Barbara Frierson, Roy Vealey, Geneva Runyon, Luana Cook-Scott, Rick Stevens, Freda Williams, Pauline Canterbury, Mary Miller, Melvin Tyree, Chuck Nelson, Father Brian O'Donnell, Antrim Caskey, Roy Vealey, Chrystal Gunnoe, Jesse Johnson, Mary Ellen O'Farrell, Donetta and Christina Blankenship, Josh and Amy Runyon, Mr. Bella Jr and Sr., Hillary Hosta, Matt Noerpel, John Taylor.

**Sludge Safety Project research:** Rick Stevens, Matt Hepler, Bobby Mitchell.


**Mountain Community Preservation Association:** Thanks to everyone who has helped spread the word about and attended meetings. Keep it up! Chuck and Linda Nelson, Jim and Jean Foster, CB, Denver Pinson, Delno Gibson, Thomas Nichols, Carlos Jarvis, Gary Workman, Richard Linville, Chrystal Gunnoe, Jessie Gunnoe, Richard Pitzer, Jean Nelson, Paul Workman, Antrim Caskey, Mary Miller, Pauline Canterbury, Ronald Nelson, Steven Burns, Versie Sims, Robin Blakeman, Bob and Brenda Farris, Sue and Lester Cook, Mark Schmerling, Rick Stevens, Joan Linville, Tom Jarrell, Coal River Mountain Watch, Sam Cook at VT, Larry Gibson, B. J. Gudmundsson, SouthWings.

**Pluggin' away:** Chuck Nelson, Michael Morrison, Dave Cooper, Larry Gibson, Regina Hendrix, Kathryn Stone.

**Compiling direct mailing:** Emily Diederich and Stephanie Walker.

**Mailings:** Ralph Oberly, John Taylor, Michael Morrison; **Office Help:** David Duke.

**Membership letter:** Donetta Blankenship.

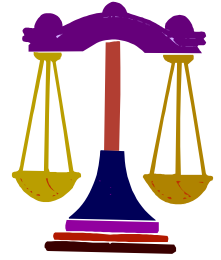
**Editing:** Mary Wildfire and Greg Wood. 

  
**T H A N K S !**

# Holding King Coal Accountable - It CAN Be Done

Dear OVEC,

We would like to thank you all for your prayers and support during the last 2 and 3/4 years. During our trial it really meant so much to see our family and friends there in the courtroom with us. Believe me, being sued by one of the largest companies in the United States would put you under so much stress and strain that you start to feel like Job.



Even though we won our case in court, and the jurors ruled in our favor, our battle is still not over. We still have the mess on Pocahontas' property above our house and property in Straight Fork (the next Buffalo Creek). This area is so bad that the coal company that is working on the King Coal Highway has called in to the WV Division of Forestry and the WV Department of Environmental Protection complaining about the condition also.

The WV Division of Forestry has the condition of this hollow written up as:

1. Endangering human life.
2. Uncorrectable soil erosion.

According to an e-mail brought to light during the discovery phase of this lawsuit, my phone calls to the DEP requesting help were looked upon as "stirring up trouble" for Pocahontas Land and their lessees. While on the witness stand I (Barbara) was also questioned about going before the Mingo County Commission and requesting help. ***I wonder why exercising your civil rights and trying to protect your family and property is considered to be "stirring up trouble" to these big corporate conglomerates.*** Below is a copy of the newspaper article telling the story of where we prevailed over Pocahontas Land Company, with quotes from the jury's decision.

We will know in March if they are going to appeal. Every one pray that we make the right decision, by taking it to the Supreme Court or settling if it comes to this.

*Barbara & Roby Chafin, Meador, Mingo County, WV*

*by Audrey Carter, Williamson Daily News, Dec. 13, 2007*  
WILLIAMSON - A six-person jury has awarded a Meador couple punitive and compensatory damages after finding that a Virginia-based land company involved in a property dispute with the couple **acted with gross fraud, malice, oppression, wanton, willful and reckless conduct, and/or criminal indifference.**

The conflict, which had been ongoing for more than two years, involved an approximate 1/2 acre of land located at Mate Creek and Double Camp Fork in the Magnolia district. The civil trial lasted four days in the case which was styled Pocahontas Land Corporation versus Roby and Barbara Chafin.

During court proceedings it was determined that the land in question had been in the Chafin's family since 1945.

Following the trial, the jury found that Pocahontas Land Corporation had not proven by a preponderance of the evidence that the land company was the owner of record of the disputed land.

However, the jury found that Roby and Barbara

Chafin had established that their deed and the survey done by John Messerian demonstrated they were the owners of the land.

In fact, the jury found they had established adverse possession of the property at issue by clear and convincing evidence.

The jurors also found that Pocahontas Land had trespassed and allowed others to trespass on the land belonging to the Chafins.

Because of this finding, the jury awarded the couple \$125,000 in compensatory damages.

This compensation was for the loss of use of the property, including any and all annoyances, inconvenience or aggravation suffered by the couple.

In addition, the couple was awarded \$75,000 in punitive damages because the **jurors felt that the land company had acted with gross fraud, malice, oppression, wanton, willful and/or reckless conduct or criminal indifference to civil obligations affecting the Chafins' rights.**

(See related stories on page 12.)





# Truth IS Stranger than Fiction - Coal Mine Wants Charity Tax Break

by Scott Finn, *Charleston Gazette*, Dec. 18, 2006

A Milton-based company is asking the IRS for up to \$21 million a year in charitable tax deductions for a mountaintop-removal mine in Mingo County, according to a state labor leader.

Trinity Coal Partners LLC is promising to build the roadbed for 12 miles of the King Coal Highway if it gets permission to write it off as a charitable donation, said Steve White, executive director of the Affiliated Construction Trades Foundation, a labor umbrella organization.

In fact, the company has already built one mile of the roadbed “in anticipation of receiving the charitable contribution designation from the IRS,” according to one letter obtained by White’s group.

“It borders on outrageous,” White said. “Maybe it’s a really innovative concept. I suspect it may be a coal operator trying to scam the system.”

According to White, the plan would go something like this: First, the company would mine the coal. Instead of having to restore the mountain to its approximate original contour, the company would use the overburden to build the roadbed.

For the life of the job, the company would get to

write off up to \$21 million a year as a charitable donation. At the end of the job, the state would get the right-of-way to 12 miles of four-lane roadbed. Finally, the state would have to hire construction workers to actually build the road.

One last wrinkle: The state would have to move the proposed route of the highway to the ridge tops where Trinity Coal wants to mine, White said . . .

(Mike Whitt of ) the Mingo County Redevelopment Authority tried to convince the state’s congressional delegation to get behind the deal, White said.

The ACT Foundation is suing the state Division of Highways in federal court over a similar deal.

In that deal, the DOH agreed to pay Nicewonder Coal (now Alpha Natural Resources) up to \$15 million a year from the state to prepare a roadbed on another part of the King Coal Highway.

The coal company also was allowed to keep the coal and avoid restoring the mountain involved to its original contour, White said. The deal circumvented state and federal laws about open bidding and prevailing wage, he said.

“Bidding things out, making sure people pay a fair wage – that’s how you keep it honest when you’re spending the public’s money,” White said. 🍂

## And Another One: Coal Companies to Perform Virginia Highway Study

by Rick Steelhammer, *Charleston Gazette*, Jan. 30, 2007

Two coal companies operating in the path of Virginia’s segment of the proposed Coalfields Expressway (will do a study) for the cash-strapped highway project.

Pioneer Group Inc. and Alpha Natural Resources will evaluate possible alignments for the four-lane highway as it crosses their coal reserves, taking into account areas in which coal recovery could take place and be incorporated into the roadway’s design, reducing the amount of public funds needed to build the project.

(A Virginia Dept. of Transportation official) announced that a \$2 million grant . . . created by the Virginia Assembly to assist private-public partnerships in transportation projects, would be used to pay for the study.

The study will provide . . . officials with the information needed to determine the viability of a “coal synergy” solution for the Coalfields Expressway . . . It will also support efforts to convince the Federal Highway Administration to restore federal funding for the 51-mile Virginia segment of the project, he said.

Citing soaring cost estimates and a lack of progress . . . the Federal Highway Administration in 2005

ordered a halt to further federal funding of the road between the Virginia-West Virginia border . . .

VDOT had hired Kellogg, Brown & Root, the engineering and construction arm of Halliburton Industries, to perform the design work. The study to be produced by the coal companies is expected to be complete by mid-summer . . .

“Removing coal during construction can help reduce the cost of building the expressway, which in turn reduces the burden on taxpayers,” said Michael J. Quillen, Alpha’s chairman and CEO.

“As the coal industry winds down in the mountains, it will be so important to bring in other industries and people to the area,” said Clyde Stacy, president of Pioneer. “We look forward to working with Alpha and moving this project forward.”

*This is OVEC saying, gee thanks! We are just so glad you realize the coal industry is winding down, as you pretend it’s a favor to us to blow up every mountain and bury every stream you can. Gee, we’ll have a road so we can more easily see the destruction.* 🍂

## Buffalo Creek Remembered

# An Act of Man Leaves 125 West Virginians Dead

*"I put down my toys that day. I haven't played since. I was robbed of my childhood."*

– Patty Adkins, who survived Buffalo Creek as a child 35 years ago, on Feb. 26, 1972, coal waste dams on Buffalo Creek in Logan County failed.

One-hundred and twenty-five people died in the 132-million gallon black tidal wave that surged down the valley. In minutes, 4,000 were left homeless.

The disaster could have been prevented. The October 2000 coal sludge disaster in Martin County, Ky., could have been prevented. Sludge Safety Project is working for a ban on coal sludge dams. This must never happen again.

For detailed information on Buffalo Creek, see [WWW.APPALSHOP.ORG/BUFFALO/](http://WWW.APPALSHOP.ORG/BUFFALO/). Here are a few details from that Appalshop website:

**1966:** After a coal-waste dump in South-Aberfan, Wales, gave way killing 147 people, then-Secretary of the Interior Stewart Udall asked the U.S. Geological Survey and the Bureau of Mines to conduct a joint investigation of potentially dangerous slag heaps in the coal-mining sections of the United States. A USGS geologist inspected 38 dams in West Virginia, including the one on Buffalo Creek. His report stated



**A dog who survived curls up over what is left of Lundale - a barren, gooey, lifeless plain.**

*Waste Dams* was given to the governor, senators, congressmen and local officials in southern West Virginia. Four of the dams were cited as in need of immediate repair and were fixed by coal company crews and State Highway Commission workers. Nothing else was done about inspecting other dams or correcting those listed in the report.

**1968:** In February, residents on Buffalo Creek feared the collapse of the dams and the refuse pile and wrote the Governor asking that he do something about it. Inspectors from the Public Service Commission and Water Resources

that the Buffalo Creek dam was basically "unstable," that "the bank subject to large wash-out on north side from overflow of lake."

**1967:** In March, the Interior Department's *Report on Conditions of 38 West Virginia Coal*



**The devastation after the flood was almost total.**

Division looked at the dams but no further action was taken. **1971:** Dam No. 3 collapsed in February. One-half of the downstream side slumped. There was no flood, but black water bubbled up into the impoundments behind Dam No. 2. The company dumped in more coal refuse to fill in the break in the dam.

**1972:** At the beginning of the year, about 5,000 people lived on Buffalo Creek, representing approximately 10 percent of Logan County's population. There were more than 1,000 working miners living on the creek and they were enjoying the relative prosperity that their \$40-a-day wages provided them.

**February 22,** a federal mine inspector and the company safety engineer observed the dams and found conditions satisfactory.

**February 25,** fed by heavy rains, the water behind dam No. 3 was rising 1- or 2-inches per hour.

**February 26,** at 1:30 a.m. the water was only 12-inches from the dam's crest and oozing through the surface of the dam.

**February 26,** at 8:03 a.m., Dam No. 3 failed. Dam Nos. 2 and 1 were carried away. The wall of water caused an explosion in the burning refuse pile before cascading into the valley of Buffalo Creek. It took everything in its path.

**Government and coal company officials turned a deaf ear to the cries of the people on Buffalo Creek.**

**We must band together to amplify our voices so even those who do not want to hear our cries are forced to do so. Please lend your voice to those demanding an end to coal sludge dams and coal slurry injection.** 🍌



We care, We Count, WE *VOTE!*

# West Virginians Take on the FAT CATS

Thanks to Citizens for Clean Elections, the first Clean Elections Day at the State Capitol was a terrific success – a day of democracy in action!

At least 50 people came to the Capitol to tell senators and delegates why Clean Elections is right for West Virginia, and why the time is now.

During the lobby training/breakfast at Temple Israel, participants watched Public Campaign’s latest Clean Elections DVD – *Clean Elections – Changing the Face of America*, narrated by journalist Bill Moyers [copies available by calling (304) 522-0246].

After a briefing session, teams of citizens headed

for the Capitol, where they were joined by other supporters for an exceptional press conference.

Speakers were Gary Zuckett (CAG), Fr. Brian O’Donnell (Catholic Conference), Larry Matheny (AFL-CIO), Rev. Dennis Sparks (Council of Churches), Richie Robb (Mayor of South Charleston), Janet Keating (Citizens for Clean Elections), and Senator Vic Sprouse.



Senator Sprouse made a wonderful statement about the skyrocketing costs of running for office, and made it clear that he would rather be able to talk more with his



Posing for a picture with a special interest “Fat Cat” are, from left, Helaine Rotkin, Tonya Adkins, the Fat Cat (Carol Warren), Mayor Richie Robb, Kathryn Stone and Jesse Johnson. *photo by Janet Keating*



constituents. Clean Elections is an obvious answer to both difficulties!

The press conference was featured on Beth Voorhees' Legislative Update on WVPBS and also in the Friday morning segment on WV Public Radio.

Lurking in the back of the press conference room was a special interest "Fat Cat" (Carol Warren) whose pockets bulged with "Fat Cat" \$1,000 bills!

On any given day at the legislature, ordinary citizens are apt to encounter numerous special interest Fat Cats whose "generous" campaign contributions fund the majority of legislative campaigns. In return, the Fat Cats receive unfair access to "our" politicians.

A voluntary public funding system like West Virginia's proposal would help level the playing field and make lawmakers more accountable to the public.

Wearing pins picturing a cigar smoking, special interest "Fat Cat" with a red slash over it (i.e. NO FAT CATS!) and armed with fact sheets and Clean Elections talking points, citizens divided into several teams and spent the rest of the day educating legislators about the need for public financing of campaigns.



The breadth and depth of our coalition is so powerful! We made lots of positive contacts with legislators.

The Fat Cat gained the attention of citizens and employees in the Capitol – and even some of the legislators

## ***This is THE Year for Public Funding of Election Campaigns***

*by John Miller, Clarksburg Exponent-Telegram, Feb. 2, 2007*

There are two bills before the Legislature that would provide for public funding for state legislative candidates. Supporters say 2007 is a do-or-die year for such a measure because it likely won't get done in 2008 - an election year.

Republican state Sen. Vic Sprouse says public funding is needed because of the ever-increasing campaign arms race.



**West Virginia Citizen Action Group's Gary Zuckett with the Fat Cat (Carol Warren) to show how it's done. In an actual lobbying situation, the Fat Cat would not be flashing her cash in public.**

*photo by Don Garvin*

were brave enough to be seen talking with her.

Congratulations to Helaine Rotkin, a former Kanawha County legislator and active participant in Citizens for Clean Elections who was recognized from the floor of the state Senate by Clean Elections co-sponsor, Sen. Jon Hunter.

And a big thanks to everyone who took part in this historic Clean Elections Day! A special thanks to our gracious hosts at Temple Israel.

We need you to be a Clean Elections supporter, too. For current updates and more information about Clean Elections in West Virginia, check out [www.wvoter-owned.org](http://www.wvoter-owned.org). 🍌

"The cost of elections in West Virginia are totally out of control," Sprouse told the Associated Press.

He makes a valid point. In 2006, 17 state Senate candidates spent more than \$2.8 million. Half of that was spent by candidates who lost in the primary. In the House of Delegates, candidates for all 100 seats spent \$3.8 million. Just about all of that was spent on the primary.

*continued on page 16*

☆☆ DEMOCRACY WORKS! ☆☆

# We care, We Count, WE VOTE!

## *Standing Tall for CLEAN Elections in WV*



**Clean Elections supporters from organized labor, faith-based groups, environmental organizations, good government groups, and community groups gather in the Governor's Conference room for a press conference. Janet Keating of OVEC addresses the crowd.** *Photo by Hillary Hosta*

### **THE Year for Public Funding**

*continued from page 15*

That's an awful lot of money for part-time jobs that pay so little.

As the bills read now, a state fund would dispense up to \$35,000 for Senate candidates and up to \$22,000 for House candidates. The candidates would have to meet certain criteria and receive a set number of contributions from voters in their districts.

We've supported public funding before, and we continue to do so. It can have positive effects on the state's political process. Public funding can bring some sanity to our elections, and it can allow an incumbent to spend less time raising money for re-election and more time doing his or her job. Imagine that.

We agree with those who say 2007 is the year to get this done. To do it in an election year would be futile.

But we hope that it can be done right. Secretary of State Betty Ireland wants a workable plan that would be fair and equitable to all involved.

If it can be worked out, we think public funding of

elections can allow credible candidates without resources to compete with the entrenched politicians with the deep pockets. 🍂

### ***Security Of Electronic Voting Condemned***

*by Cameron W. Barr, Washington Post, Dec. 1, 2006*

Paperless electronic voting machines used (in) much of the country "cannot be made secure," according to draft recommendations issued this week by a federal agency that advises the U.S. Election Assistance Commission.

The assessment by the National Institute of Standards and Technology, is the most sweeping condemnation of such voting systems by a federal agency.

In a report hailed by critics of electronic voting, NIST said voting systems should allow election officials to recount ballots independently from a machine's software. NIST endorses "optical-scan" systems in which voters mark paper ballots that are read by a computer and electronic systems that print a paper summary of each ballot, which voters review and elections officials save for recounts. 🍂

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

# We care, We Count, WE VOTE!

## *With Clean Elections, Could We Have Universal Health Care Too?*

by Mary Wildfire

The WV Public Campaign Financing Act gives the people of West Virginia a chance to take our government back from the special interests that call the shots.

The reality is that without tens of thousands of dollars, one simply can't run a viable campaign. Thus, most prospective candidates are either personally wealthy – in which case they hardly represent typical West Virginians – or they raise money from special interests.

This money is an investment, you see – it is likely to be handsomely repaid in the form of favorable legislation such as tax breaks or relaxed regulation. Such breaks come at the expense of the public as a whole.

In 2002, the coal industry donated \$187,400 to Governor Wise's re-election campaign, and over \$223,000 to members of the Legislature. Governor Wise pushed hard to raise the weight limits on coal trucks, and in 2003 the Legislature passed the bill, despite overwhelming public opposition.

The WV Division of Highways estimated a minimum of \$2.8 billion for road and bridge upgrades if weight limits were increased. Truck fees pay a small part of that ... we pay the rest.

In 2004, the chair of the WV Senate Health and

Human Resources Committee blocked a vote on a bill that would have linked drug prices to the federal supply schedule. Drug companies gave a total of \$85,885 to state representatives in 2000 and 2002.

*For less than \$100,000, the drug companies blocked a bill that could have saved West Virginians \$500 million!*



In Arizona and Maine, where they have full public financing, they now have more contested elections, higher voter turnout, more women and people of color in office and innovative programs impossible elsewhere, such as health care for everyone in Maine.

Universal healthcare – that wouldn't have been possible without Clean Elections.

If we want to actually reduce the legal vote buying that goes on in the Capitol, we must give our representatives a way to run and be elected to public office without selling out.

It's a win/win/lose proposition: the politicians win because they can spend their time talking to their constituents instead of hustling their contributors; the public wins because "our" representatives will again be able to represent US; and the special interests lose – their special privileges. About time, too! 🍌

## ***Support the Push for Clean Elections - Here's How to Help Right Now***

Please contact your Senators and Delegates and urge them to support Clean Elections in West Virginia – the West Virginia Public Campaign Financing Act (SB 118 and HB 2371) by calling 1-877-565-3447.

### **Clean Elections Talking Points:**

✓ Public campaign funding dramatically reduces the time candidates spend raising money, which allows candidates

to focus on talking with voters.

✓ Spending more time with voters makes elected officials better public servants because they understand what issues are important to their constituents.

✓ Public campaign funding cuts out the financial arms race – dialing for dollars – that is unhealthy for our nation's democracy because it silences the voice of the people.

✓ Transparency is crucial to restoring public faith in the system.

✓ Public campaign funding creates an opportunity for regular people to feel that they can make a difference with their small-dollar contributions to candidates they believe in.

✓ Citizens believe that their representatives should answer to the people who voted for

*continued on page 18*

WV E-Council lobbyist Don Garvin notes that, in the state legislature, "A lot of bills are simply reintroduced year after year, just to make a point. An example is HB 2492. This is the coal industry's annual attempt to change West Virginia law to allow the spoil from mountaintop removal mines to be used for valley fills. I know that you are probably thinking that they are doing this anyway. Well, no matter, it is still against the law in this state. So go figure."

☆☆ DEMOCRACY WORKS! ☆☆☆



# We care, We Count, WE VOTE!

## Talking Points

*continued from page 17*

them rather than to those with the deepest pockets, and are fed up with the idea that money can so easily buy influence in our political process.

✓ West Virginia legislators have been pioneers in their efforts to regulate 527s. By supporting public campaign funding, the West Virginia legislature will carry on its efforts to limit

the corrupting influence of money in elections and restore public faith in government and elected officials.

✓ With the recent barrage of stories of scandal and corruption, now is the time to strengthen our state campaign finance laws.

Do your part - pick up the phone and call. **Today!**

## A True ‘Freedom Bill’: Public Financing Will Ensure Voters are Heard

*by Rev. Dennis Sparks*

Op-ed in *Charleston Gazette*, Jan. 10, 2007

During the run-up to last November’s election, it was impossible to miss the pervasive presence of money in politics. Details of special interests vying to affect the outcome of our elections here in West Virginia were an almost daily news event. And even financial support of a less insidious nature continues to increase, as campaigns spend more and more with each election cycle.

Why should concerned citizens care about the amount of money our politicians raise and spend? The national campaign reform organization Public Campaign has calculated that the candidate who spends the most money wins over 90 percent of the time. That is an appalling statistic when one considers its implications for our democracy.

Right now in West Virginia we have a remarkable opportunity to move in another direction. We began in 2006 when our West Virginia Legislature adopted an excellent piece of legislation to regulate the activity of 527 organizations, requiring these organizations to disclose their identity and funding sources. We can continue on that path with the Public Campaign Financing Act. I often call it the true “freedom bill” because through the passage of this bill, we increase the opportunity for our citizens to trust our government and provide that our elected officials can earnestly listen to their constituency and vote their conscience.

The funding system is totally voluntary – no candidate is required to participate. To qualify for public funding,




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online by using PayPal**

Click on  at [www.ohvec.org](http://www.ohvec.org) today!

candidates must demonstrate public support by collecting a certain number of signatures along with \$5 contributions from registered voters in their district. The show of public support required will weed out so-called “fringe candidates.” A candidate will have to stand for something positive to attract voter support. Qualifying candidates receive an amount of money sufficient to run a viable campaign. There are clear-cut and stringent guidelines as to how the public money can be spent, and violating the law can lead to prosecution.

Public funding has been proven to work. Maine and Arizona became the first two states to implement this system, which has been a clear success. Clean Election reforms freed candidates from fund-raising and allowed them to run more issue-oriented campaigns. There is greater financial equality among candidates, and the overall amount of campaign spending is decreasing. Electoral competition and voter choices have increased. A much more diverse group of legislators is being elected. After the 2004 election, Maine’s Senate is now made up of 83 percent Clean Elections candidates, with 77 percent in the House.

Free and open elections are a public good and indeed, the bedrock of our democracy. To provide public funding for candidates reduces the possibility of corruption, reduces the amount of time a candidate spends raising private funds, and diminishes the role that special interests have in determining public policy. It increases the likelihood that legislators can listen to their constituents and pursue the common good. People who could make excellent legislators, but could not dream of financing their own campaign, can run and win. The time is right for our state to become a leader in ensuring that the voices of all West Virginians will be heard in choosing our public policies.

*Sparks is executive director of the West Virginia Council of Churches.* 

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## Much Vital Work Goes On Behind the Scenes

by Janet Keating

In all our years of grassroots organizing, OVEC has been blessed with partners along the way who not only move our work forward, but also help us win key battles. In our efforts to end mountaintop removal, we have collaborated with many outstanding groups over the past decade.

Two of our partners often approach the problem from a legal or technical standpoint and generally work quietly in the background. They deserve thanks and praise for their research, hard work and dedication. The work of the **Appalachian Center for the Economy and the Environment** (App Center) and the **WV Highlands Conservancy** (Highlands) strongly bolsters work of other groups working to end mountaintop removal, like OVEC and Coal River Mountain Watch.

It is hard to imagine what would be left of our beautiful mountains without the crucial and timely legal work of the App Center and the technical assistance from Highlands. Led by attorney Joe Lovett, the App Center has represented OVEC members free of charge in numerous policy initiatives and legal challenges. Their role in ending mountaintop removal is critical to our overall success.

In 1998, Joe, just out of law school and with Mountain State Justice, brought the first major legal challenge to mountaintop removal coal mining in *Bragg v. Robertson*. Highlands had been – and still is – deeply involved and active in mining issues since 1967. The group was already hot on the trail of exposing the horrendous practice of filling headwater stream valleys with mine waste when Jimmy Weekley approached Joe to take on his very first case. Highlands and OVEC members were thrilled to assist Joe as he took up the challenge to confront industry and regulators about the excesses of mountaintop removal. This high profile case and subsequent lawsuits generated important local, state and national media attention.

The case stopped the largest mine ever proposed in West Virginia. This initial suit resulted in a settlement agreement that reduced the size of valley fills by 40 percent statewide, led to the federal programmatic environmental impact statement on mountaintop removal mining that is still of great use today, and greatly improved reclamation and forest planting requirements for mountaintop removal mines.

Additionally, coalfield citizens in both Kentucky and West Virginia were given a reprieve from mountaintop removal when App Center obtained three precedent-setting federal court orders, each of which stopped all new mountaintop removal permits in both states for substantial periods of time, allowing OVEC and other groups additional time for greater community organizing.

In addition to Joe, Dr. Margaret Janes, veterinarian

turned scientific researcher for App Center, quietly applies her much admired and greatly needed research skills. Without the numerous, detailed permit comments she writes and files on our behalf, OVEC wouldn't have a legal leg upon which to stand!

Another valuable aspect of our relationship with Joe and Margaret is their connections with national groups like Earthjustice and the Trial Lawyers for Public Justice. App Center nurtures and uses its relationship with national environmental groups like these, to bring added legal help and financial resources to the region.

Collaborating with Highlands strengthens OVEC's work in a different way. Cindy Rank is Highlands' mining chair and Julian Martin heads their speakers' bureau. Both are outspoken opponents of blowing up mountains and smothering headwater streams with valley fills.

Both Cindy and Julian have fought mining companies' bad practices for at least 30 years. Cindy freely shares with OVEC her deep knowledge of the mining laws (and how the industry ignores them). There is something so very comforting about her calm presence in a room full of environmental regulators and coal operators at any public hearing. Cindy and Margaret are generally the first people who come to mind if there's a question about a particular permit or law.

When it comes to love for the mountains, there are few as passionate as Julian. Julian thought up the "I Z Mountains" bumper sticker. It's been spotted as far away as California! He debates coal executives, speaks to school groups, tables at events, regularly attends Friends of the Mountains meetings, writes great op-eds and letters to the editor, and speaks out at public hearings. He's generally the first person to call "B.S.!" when regulators or mining executives are trying to pull one over on the crowd. In 1998, Julian joined Larry Gibson in our "Walk for the Mountains," traversing much of the state to raise greater public awareness to the obliteration of our mountains.

Our joint efforts to stop mountaintop removal with App Center, Highlands and other groups are a little akin to the social structure of bee hives or ant colonies. Individual groups have their specialized roles and apply their strengths to aid the survival of the whole or enhance the probability of success.

We truly value both the App Center and Highlands and hope that they receive the amount of financial support they need and deserve to continue their good work. (Hint!)

**For more information about the Appalachian Center for the Economy and the Environment:**  
[WWW.APPALACHIAN-CENTER.ORG](http://WWW.APPALACHIAN-CENTER.ORG).

**For more about the WV Highlands Conservancy:** [WWW.WVHIGHLANDS.ORG](http://WWW.WVHIGHLANDS.ORG). 

# Going Before the UN: We **Z** New York, Again

by Patricia Feeney

This May, the Appalachian Coalfield Delegation will again testify before the United Nations Commission on Sustainable Development. The commission is hosting its “Policy Year” focusing on energy for sustainable development.

This is the group’s second visit to the UN in New York City. Last year, the Appalachian Delegation – 10 coalfield residents from West Virginia, Kentucky and Tennessee – participated in the “Review Year” on energy for sustainable development.

They addressed the UN Commission on Sustainable Development through meetings with the Civil Society Caucus. The Appalachian Delegation met and strategized with grassroots people directly affected by energy development from regions across the globe. They had a meeting with officials from the US State and Energy Departments.

The 2007 delegation has already held two meetings to plan for their May trip, one in Tennessee last October and one in Kentucky in January. This year’s delegation will be 20 people from eight different organizations in West Virginia, Kentucky, Tennessee, Virginia and Ohio. Delegates are organizing fundraisers, media events, and meetings with global allies. They aim to raise awareness of the injustices of the coal industry and to bring the perspective of impacted communities to the decision makers in the United Nations.

This is why the Commission on Sustainable Development was created – for people at the grassroots to represent themselves when their governments are falling short of the task.

“We are just trying to save our community and our heritage,” said Chuck Nelson, a volunteer organizer with OVEC.

When asked why he would attend the UN

Commission on Sustainable Development, Pete Ramey of the Virginia-based organization, Southern Appalachian Mountain Stewards said, “These issues go worldwide. I

want to incorporate with all small groups that are interested in what we are fighting for. We don’t have forever. And we do not have to sacrifice our health and safety for the economy.”

“People such as us have very little, if any, influence on the process at this time, but I do think that can be changed if we are willing to be bold enough to change it. I am certain that change starts with NGO’s (non-government organizations) united and

determined to change the format. Instead of the talking heads in the big conference rooms filling us with the corporate talk of how great they are, they need to hear from real people who pay the real sacrifices for their profits,” said Bo Webb, a board member of Coal River Mountain Watch.

The Appalachian Coalfield Delegation is paving the way for how grassroots groups are to participate in governmental decision making. They are also making connections and sharing resources that are strengthening our local campaigns.

Please support this year’s delegation.

A 15-seat van has already been donated for the trip. **We need more donations of gas cards and one more van. Donations are also being accepted for food and lodging in New York.** Thank you to everyone who made last year’s delegation a reality. 🍌

## *Why Go to the UN?*

*“If you cannot help us economically, at least stop destroying us environmentally.”*

– Kathy Selvage

*“If you can do anything to stop this destruction, to save these mountains for future generation. ... I’m glad to do it.”*

– Larry Bush

*“People who are affected need to make it a reality for the people who make the decisions that affect our lives.”*

– Hannah Morgan

– From the Southern Appalachian Mountain Stewards (SAMS), a new group in Wise County, Va.

## **ACTION ALERT**

To donate to the Appalachian Coalfield Delegation trip, mail checks to:

**OVEC**

**P.O. Box 6753**

**Huntington, WV 25773-6753**

*Please note: “for UN delegation” on the check.*



# *Gutless Wonders: Corps Issues MTR Permit in Secret*

On Jan. 27, an OVEC supporter e-mailed a note of rage to a staffer about a hollow being gutted, near what's left of the community of Blair. The staffer, having recently traveled the area with Cindy Rank of the WV Highlands Conservancy, sent the note on to her. Cindy wondered if this might be the beginning of operations for the Spruce No. 1 / Pigeonroost permit. She included Margaret Janes in the reply e-mail.

Margaret regularly keeps after the Army Corps of Engineers, trying to drag permit information out of the agency, but she had not received word that a permit (under section 404 of the Clean Water Act) had been granted. No word at all, despite her weekly Freedom of Information Act requests for the last two months, and a court-sanctioned agreement for the Corps to notify plaintiffs at the same time as permittees when it issues 404 permits.

Margaret poked around the DEP's website to see if there was any information, and found that the mine received a notice of violation of surface mining laws on Jan. 24. Armed with that information, Margaret started calling the Corps **and eventually confirmed that the permit had been issued in secret** on January 22. The Corps promised to forward the permitting documents immediately, but even delayed that until mid-afternoon. Our lawyers then moved to request a temporary restraining order from the court.

We found out that, in preparation for mining, Arch Coal had cleared about 90 acres of land during the time we didn't know the permit had been granted. The violation said Arch failed to construct and certify sediment control "ponds" before beginning mining activities. One "pond" required by the permit was constructed, but not certified and another was not constructed at all. Gee, 90 acres cleared, one "pond" built and one notice of violation, all in just two days of receiving the permit.

If our supporter hadn't e-mailed, how much more would already be destroyed and how much longer would the Corps have dodged its court-sanctioned agreement?

This news story further explains the situation:

---

## ***Corps Gives Final OK to Record-Setting Strip Mine in Logan County***

*by Ken Ward, Jr., Charleston Gazette, Jan. 30, 2007*

*Excerpts:*

"Federal regulators have given final approval to the largest mountaintop removal-mining permit in West Virginia history.

Last week, the U.S. Army Corps of Engineers issued a Clean Water Act permit for Arch Coal Inc.'s Spruce No. 1 Mine in Logan County.

The move comes nearly eight years after a federal judge blocked the original permit, and as environmental groups and industry officials are waiting for two other major court rulings on mountaintop removal.

Corps officials approved a "dredge-and-fill" permit that allows the Spruce Mine to bury nearly seven miles of streams in the Pigeonroost Hollow area of Logan County, near Blair.

Col. Dana R. Hurst, the corps district engineer in Huntington, approved the permit in a 41-page record of decision signed Jan. 22.

Arch Coal has scaled back the operation, from the 3,113 acres originally approved to 2,278 acres...

Joe Lovett, a lawyer for the Ohio Valley Environmental Coalition and the West Virginia Highlands Conservancy, said that those groups are "considering all of their options and may challenge it in court."

Just a week before the permit was approved, the wife of one of the Spruce Mine's most vocal opponents died.

Sible Rose Wheatley Weekley, 62, of Blair, died on Jan. 15. She and her husband, James Weekley, lived along Pigeonroost Branch and filed the original lawsuit that helped launch the fight against mountaintop removal...

In 1998, (the permit) was at the heart of the first in a series of federal court lawsuits that sought to curb mountaintop removal mining.

In March 1999, then-Chief U.S. District Judge Charles H. Haden II issued a preliminary injunction blocking the corps' permit for the mine... Haden issued two other, broader rulings to more strictly regulate mountaintop removal, but both were overturned by the Fourth U.S. Circuit Court of Appeals in Richmond, Va.

Haden's ruling to block the Spruce Mine also led to a series of protests by the United Mine Workers, whose members hoped to continue their jobs at Dal-Tex onto the new permit.

Now, Arch Coal has transferred the mine to its Mingo Logan Coal Co. subsidiary and plans to operate with non-union workers, said UMW spokesman Phil Smith.

Both sides of the mountaintop removal controversy are waiting for a ruling from U.S. District Judge Robert C.

*continued on page 22*

## Blair Mountaintop Mining

*continued from page 21*

Chambers in Huntington in a case that seeks to force all mines to have an EIS (Environmental Impact Statement) before they are approved.

Also, U.S. District Judge Joseph R. Goodwin is considering whether to reopen a separate case over the way the corps approves most mines through a streamlined permit process.”

On Jan. 29, on behalf of OVEC, Highlands Conservancy and Coal River Mountain Watch, Joe Lovett of the Appalachian Center for the Economy and the Environment filed court papers asking Judge Chambers to issue a temporary restraining order to block Arch from

## Whose Security are They Talking About When They Say Homeland Security?

*by Mel Tyree*

I attended a stakeholders meeting to review the WV Homeland Security All Hazards Mitigation Plan. Much of the plan is focused on mitigating flood risks, which is good. However, a US Army Corps of Engineers representative wanted to remove one of the hazard categories called “Resource Extraction Best Management Practices.”

He claimed that public perception of the coal industry had them painted as “bad guys” and a separate hazard category impacting the coal industry was not needed in the plan. I went ballistic. Finally, the group compromised and kept the category in the plan, but renamed it “Land Disturbance Best Management Practices.” Fine. The definition stayed the same, and includes the logging and coal industries.

If anything, the US Army Corps of Engineers are the real “bad guys” for allowing the coal industry, through mountaintop removal, to impact the waters of the United States, including wetlands.

I also handed in a written comment that sludge/slurry impoundments needed more study under Homeland Security due to their possible risks from failure due to future, stronger storm events we can expect with global warming. 🍌

## Current U.S. Renewable Energy Goal too Low, Says Head of National Lab

*by Alvin Powell, Harvard News Office*

The head of the U.S. government’s renewable energy lab said the federal government is doing “embarrassingly few things” to foster renewable energy, leaving leadership to the states at a time of opportunity to change the nation’s

further activity.

Lovett also asked Chambers to add the Spruce No. 1 Mine permit to the case. Lovett’s filing noted that the Corps’ Environmental Impact Statement on the Spruce Mine is inadequate.

The Corps contends that the mine, “would only contribute minimally to cumulative impacts on surface water quality.”

Lovett’s filing said, “This conclusions has no scientific basis. On the contrary, scientific studies demonstrate that valley fills significantly degrade downstream water quality...”

Judge Chambers heard from lawyers on both sides on Feb. 1. Parties agreed that, for now, there will be no more disturbances at the Spruce permit area. 🍌

## Goodbye to Hazel Mollett



**The Sludge Safety Project bids a sad farewell to Hazel Mollett, seated at right. Hazel, from Lick Creek in Mingo County, had attended the slurry hearings with her caretakers Mae (at left) and Ira Evans. She passed on just days after this photo was taken.**

# Selenium Slugfest: DEP Seems to Think Heavy Metals Are *Good* For You

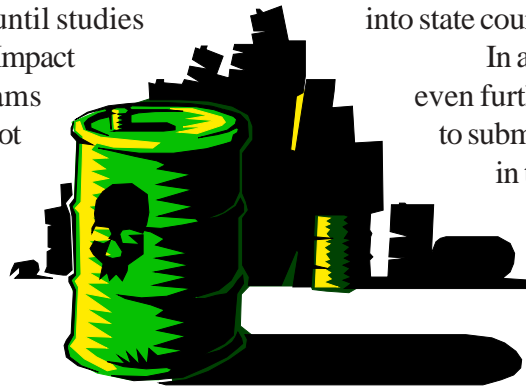
by Cindy Rank, West Virginia Highlands Conservancy Mining Chair

In November 2006, OVEC and WV Highlands Conservancy, represented by the Appalachian Center, sent notices of intent to sue to Hobet (now Magnum) and Catenary Coal companies over violations of selenium limits that are part of their water discharge (NPDES) permits.

Why? Selenium is a toxic mineral that builds up in living organisms when levels in the water are elevated. The potential effects of excess selenium on aquatic life are severe and include reproductive failure, birth defects, damage to gills and internal organs, and ocular disease.

In humans, while selenium is an essential nutrient at low levels, it can be **extremely toxic** at higher levels causing hair and fingernail loss, damage to kidneys and liver and damage to nervous and circulatory systems.

Selenium wasn't publicly known to be a problem at mountaintop removal mine sites until studies published in the 2002 Environmental Impact Statement identified several streams located below valley fills as selenium hot spots. Streams below Catenary Samples mine in the Coal River watershed and the Mud River below the nearly 20 square mile Hobet 21 mountaintop removal operation were among those hot spots.




Once the problem was identified, and with the insistent prodding of folks like Margaret Janes (Appalachian Center), selenium limits are now part of some 123 NPDES permits.

Over 30 new permits for mining in selenium prone areas were given limits at the time they were approved. Some 90 older permits were also given selenium limits, but were provided compliance schedules that allowed the companies extra time (usually 3 years) to develop plans and to begin to meet these new limits.

In November, we challenged Hobet when it failed to meet its permit limits and Catenary when it failed to comply with its compliance schedule. The Notices gave the companies 60 days to clean up their acts or face Citizen Suit lawsuits over the ongoing violations.

In a bit of an end run, WVDEP has decided to take action itself – essentially taking it out of our hands and into state court.

In addition, as of January DEP is extending even further the grace period for *all* companies to submit plans and to meet the selenium limits in their water discharge permits.

Bottom line: mining continues, streams continue to be filled, and watersheds like the Mud River continue to receive ever-increasing amounts of selenium. 

## Voices From the Mountains ... and Beyond

### Dust,DustEverywhere

I want to thank King Don (Blankenship) for the dust at the Delbarton Mining coal tippie. Without Don's Dust, people in the community where I live would be lying around getting fat and we'd have high cholesterol. But, thanks to the dirt-dust-filth from the tippie at Delbarton, we stay busy keeping the dust cleaned up as best we can.

Thanks King Don and Massey Energy.

Leroy Runyon  
Delbarton, WV

### KillingMountainsToFeedAddiction

Letter to the Editor, *Hartford Courant*, Conn., Jan. 12, 2007

It is about time the devastation of mountaintop removal in Appalachia became major national news. It has been happening for many years and gaining full force with George W. Bush's blessing.

One can see the devastation of the Appalachian Mountain range by going to one of the many satellite image sites online. They look like horrific canker sores that are easily seen when

*continued on page 24*





# Way to Go Dustbusters! Sylvester Residents Win Another Round

by the *Coal Valley News*, Jan. 17, 2007

A group of Sylvester residents have triumphed in a state board ruling against Elk Run Coal.

The West Virginia Surface Mine Board ruled late last week that Massey must submit a plan to the Division of Environmental Protection regarding how it would cover a coal stockpile that has become a bone of contention for residents of the small Big Coal River town.

The pile, and others, have been a constant area of protest for Sylvester residents who claimed the piles were forcing dust clouds on residents across the river from the plant.

In Feb. 2003, a group of homeowners won a court battle with the company, winning a nuisance suit that earned them a nearly \$500,000 award. The residents contended that huge coal piles blew

## Voices from the Mountains

*continued from page 23*

viewed as part of the entire East Coast. As a society we need to look no further than our own wasteful use of electricity to understand why cheap coal is being sucked out of the hills of the ignored states of West Virginia and Kentucky.

It is high time to get off of carbon-based fuels and start using all forms of renewable and alternative energy. Not only would it begin the most intelligent energy policy, it would also have positive ramifications for our long-term economy and for getting our necks out of the Middle Eastern noose.

*Victor Leger  
Winchester, CT*

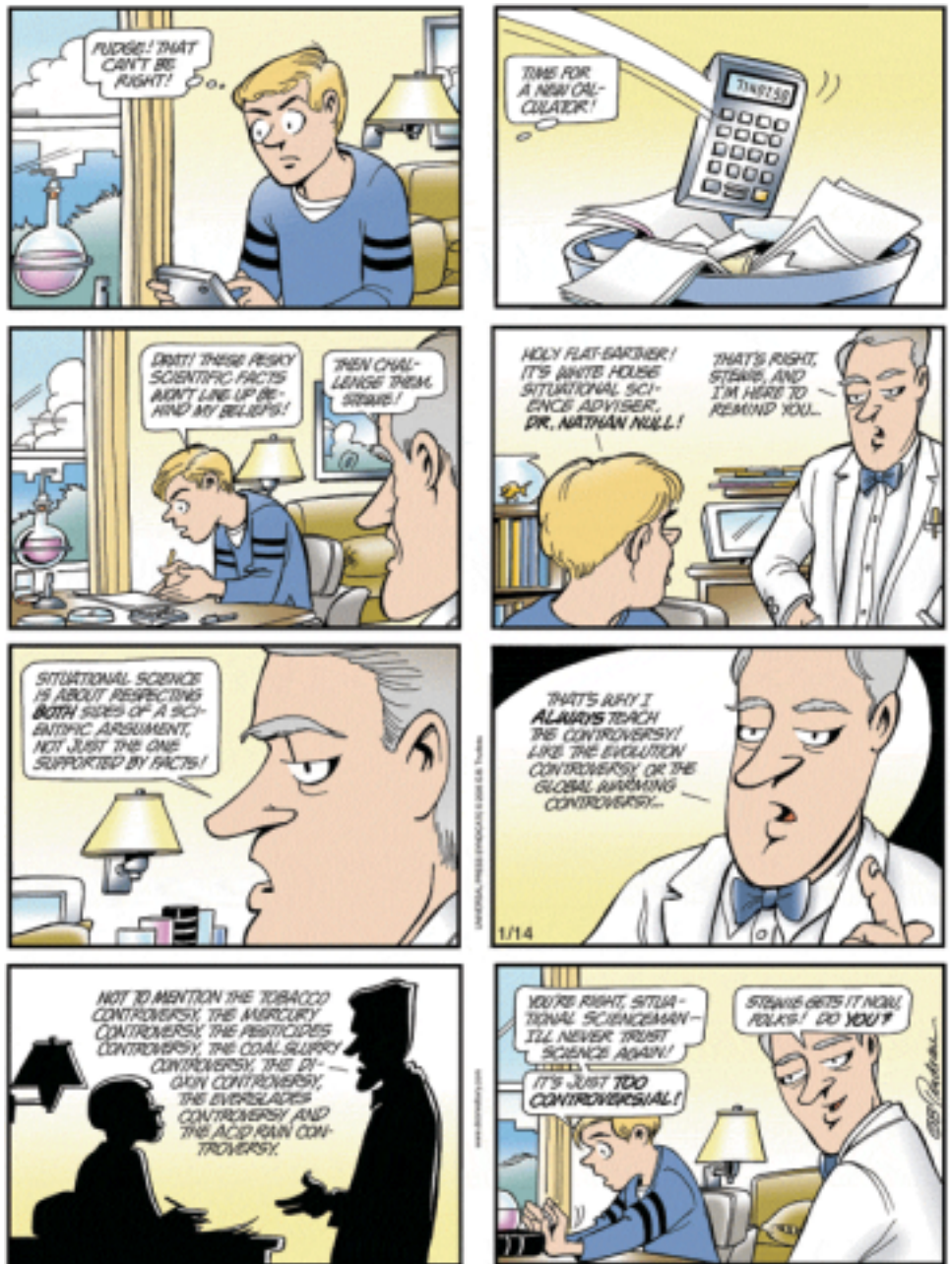


More and more national media outlets are starting to pay attention to the coal sludge issue in West Virginia - even *Doonesbury* got in on the act, as evidenced by the seventh panel in this recent Sunday cartoon.

massive amounts of dust over the community, causing health problems, ruining property values and generating massive cleanup costs for homeowners.

A settlement between DEP and Elk Run required the company to put huge domes over their coal stockpiles. Now, the company has expressed a desire to use a stockpile that was idle since the coal domes were installed, and according to their complaint, does not believe they should be required to cover that pile.

The company appealed an Oct. 2006 ruling from the DEP that prohibited it from using the pile until it was covered by a dome or something else designed to ensure coal dust would not waft over the nearby community. 🍌



# My Family in West Virginia, and How MTR Changed It

by Whitney Miller, age 12,  
Cortland, Ohio

Hello. I am Whitney Miller and my family in West Virginia has lived with the coal mining for several years. Each year, me and my family go camping at the old house at Mud River. Before, we had a campground at Berry's Branch, but we had to leave because of the coal mines.

Now our campsite at Mud River is not as much fun because of the coal mining. Before the coal mining came to our campground there were beautiful mountains and rivers. Me and my cousins always played in the river catching crawdads and fish, and we played on a big area of land. We played soccer, football, paintball guns, tackling, and a lot of things. We would go back in the mountains and walk around. It was so much fun.

Now there is a big pond that destroyed the river, field and the mountains. The pond is very beautiful, with very deadly poisons in it. No one can swim, play, live or anything because its filled with poisons and chemicals. At night at our campsite all we hear is loud trucks moving back and fourth on the mountains, they are very noisy.

We are not allowed to go back to the mountains, they are destroyed because of the coal mining. The work that the coal mining has done is very ugly. Its horrible to look at, they have destroyed what West Virginia is known for...their mountains. When they destroyed these mountains



**Not exactly the best quality playground material, is it?**

*photo by Giles Ashford*

they tore down trees and habitats. The animals that lived there have no home now. Eventually there will be no more places to camp in West Virginia. In my eyes, as a kid, the coal mining progress is shameful. I can't bear to look at what they have done to beautiful West Virginia. When I go to West Virginia, I love to look at the mountains, but now when I look at them all I see is disaster. When I go to West Virginia I would love to see the mountains and be able to have adventures in them.

My great grandparents had to move out of their home because the coal company wanted them out of the way. They said no until they couldn't take the blasting that shook the house every day. My family also isn't happy with the coal company because of the Clean Water Act. That part of West Virginia gets their water from underground and then the coal company blasts the mountains and it runs down into the water which they drink. I wouldn't like it if I turned my water faucet on and black water came pouring out. My grandma and grandpa and I would always go four-wheeling on trails in the mountains. We would also go molly moocher hunting, picnicking, adventuring and more, but now we can't do as much because the mountains are disappearing.

I love West Virginia, it's my favorite place to be, and it always will be no matter what anyone does to it. 🍂

## More Voices From the Mountains ... and Beyond

### What a state the state is in!

I listened to Gov. Manchin's State of the State address. Everyone agrees we need more precautions in mining. He mentioned the need for better drinking water for W.Va. citizens. But, I was appalled that he showed no remorse or concern over how coalfields communities have to live and what we have to put up with everyday because of mountaintop removal.

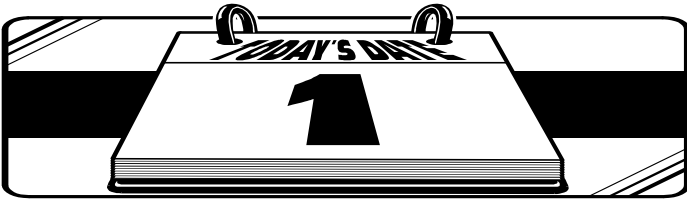
People's homes, lives and property are being destroyed. He never mentioned the families getting sick from sludge-contaminated water. He never mentioned anything about emissions of carbon dioxide from coal-fired power plants and global warming.

He said nothing about renewable energy sources, like environmentally safe solar power or wind power. He talked about safety in the schools, but said nothing about 233 school kids and their school just 400 yards from a sludge dam holding 2.8 billion gallons of sludge. It's all



*continued on page 26*





## CALENDAR

**Every Tuesday through March 6:** Starting at 8 a.m., Sludge Safety Project needs you at the West Virginia State Capitol for Lobby Tuesdays. Meet in the ground floor rotunda under the golden dome.

**Every third Thursday of the month:** Mountain Community Preservation Coalition meets in the Rt. 85 area. The March MCPC meeting will be at the Wharton Community Center. Please come out and see how you can make a difference in our communities. MCPC: Making things happen! Call (304) 245-8481 for more info.

**Every third Thursday:** Mingo County Redevelopment Authority Meeting, Williamson, WV. 3 p.m. refreshments; 3:30 p.m. meeting starts.

**Every first Wednesday at noon and every third Wednesday at 5 p.m.,** the Mingo County Commission meets in the Mingo County Courthouse.

**Feb. 26:** 35<sup>th</sup> anniversary of the Buffalo Creek disaster. For event details, contact OVEC\*.

**March 2:** 10 a.m. – 3 p.m. West Virginia Environmental Council’s E-Day! at the State Capitol. Evening Fun(d) raiser.

**March 10 - 18:** Campus Climate Challenge partners’ Mountain Justice Alternative Spring Break program. See [WWW.CLIMATEACTION.NET/MJSB](http://WWW.CLIMATEACTION.NET/MJSB).

**March 20:** Climate Crisis Action Day. Help Congress understand we must act now. Visit [CLIMATECRISISACTION.ORG](http://CLIMATECRISISACTION.ORG) to sign up today – or to find out other ways to take action right now even if you can’t make it to DC.

**April 14:** National Day of Climate Action demanding a commitment from our elected leaders to an 80 percent reduction in greenhouse gasses by 2050. Local actions across the nation – create your own! Contact OVEC\* or see [STEPITUP2007.ORG](http://STEPITUP2007.ORG).

**May:** Appalachian Coalfield Delegation to the United Nations. Call Patricia Feeney at (304) 235-2618.

**This Spring:** Rising Tide Tour, [WWW.RISINGTIDENORTHAMERICA.ORG/](http://WWW.RISINGTIDENORTHAMERICA.ORG/), and Mountain Justice Summer Camp, [WWW.MOUNTAINJUSTICESUMMER.ORG/](http://WWW.MOUNTAINJUSTICESUMMER.ORG/).

**This Summer:** Mountain Justice Summer: [WWW.MOUNTAINJUSTICESUMMER.ORG/](http://WWW.MOUNTAINJUSTICESUMMER.ORG/).

\*For info on calendar items, call the OVEC office, (304) 522-0246 or e-mail [vivian@ohvec.org](mailto:vivian@ohvec.org).

**Find more calendar items online at** [WWW.OHVEC.ORG/EVENTS\\_CALENDAR/INDEX.HTML](http://WWW.OHVEC.ORG/EVENTS_CALENDAR/INDEX.HTML). 🍌

## *Welcome Change in Charleston*

*by Norm Steenstra, WV Citizen Action Group*

What a change in atmosphere at the House of Delegates! I can’t think of a different way of saying it but for the past 10 years it was like a small gang of bullies keeping everybody – delegates, the public and lobbyists – under very tight control.

Speaker Thompson is accessible, the staff more friendly and the leadership is visible and open to discussion. Already there have been several procedural changes voted on that make the whole legislative process more open and fair to all sides. 🍌

## **Voices**

*continued from page 25*

about economics and very little about people’s lives and the environment. I myself didn’t think much of his state of the state address, that’s my opinion

*Chuck Nelson*

*Glen Daniels, WV* 🍌

## ***Bush Makes It Harder to Issue New Rules***

*by Cheryl Hogue, Chemical & Engineering News*

A new directive from President George W. Bush to federal agencies adds layers of bureaucracy to the process of issuing regulations and gives the White House greater control over agencies’ rules.

Critics say the directive, issued Jan. 18, will slow down regulation.

They say it also shifts regulatory priorities, which were set by Congress in federal laws, away from protection of health and environment to economic rationales. 🍌



# OVEC Gets A New Voice in Washington, DC

The Clean Water Protection Act, soon to be reintroduced in Congress, would restore the intent of the original Clean Water Act by prohibiting coal companies from burying our streams with mining waste. With this new Congress, we have a great opportunity to build more support for this legislation and raise the profile of mountaintop removal.

To contribute to the efforts of regional and national environmental groups in DC, the Appalachian Center for the Economy and the Environment, West Virginia Highlands Conservancy and OVEC have hired Louise Dunlap to help educate members of Congress and others in Washington, DC, about this bill and to develop a sound strategy to build on past efforts on Capitol Hill on this issue.

Louise, along with just a handful of other advocates, worked tirelessly and successfully against the Byrd rider in 1999 (this rider would have made it easier to permit new

mountaintop removal mines - it was defeated). Louise has a long term and genuine commitment to working to protect communities ravaged by coal mining. We are lucky to have someone with Louise's

commitment and expertise on Capitol Hill to help us ensure that the effort in the new Congress gets off to a good start.

Louise was the first woman to become chief executive of a major U.S. national environmental organization. From 1976 until 1986, she was President of the Environmental Policy Institute and Environmental Policy Center, groups she co-founded in 1972, and which, under her leadership, grew into the largest public-interest environmental lobbying organization in Washington. Louise has been working to end the abuses of coal mining for more than thirty years. She created and led the seven-year-long national citizens' effort to enact federal legislation, the Surface Mine Control and Reclamation Act of 1977. Louise continues to be an important strategist and advocate for community groups working for reclamation of abandoned mines and enforcement of surface mining laws.

We are pleased to have someone with Louise's experience to help us work together with national and local groups to build toward passage of the Clean Water Protection Act.

**You can help Louise advance our issues by writing to Congress in support of the Clean Water Protection Act. For info to help write your letter, contact OVEC at (304) 522-0246 or [www.OHVEC.ORG](http://www.OHVEC.ORG).** 🍂

## *E-Tastic! We Knew We Were Good*

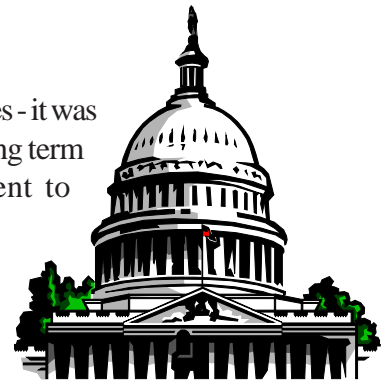
This year, The Appalachian Studies Association will award OVEC and our website – [www.OHVEC.ORG](http://www.OHVEC.ORG) – its e-Appalachia Award for 2007.

Dr. Emily Satterwhite, an assistant professor at Virginia Tech, e-mailed us the news.

She wrote, "I have personally used your website in teaching Appalachian studies here at Tech and am delighted with it..."

A big thanks goes to Spencer resident Don Alexander for his technical expertise in creating and maintaining the website.

**Thanks to everyone** who helps by contributing content for the website. 🍂



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(304) 522-0246 or go to  
[www.ohvec.org](http://www.ohvec.org)**

**Remember – All donations to  
OVEC are tax deductible!**



# An Ode to Coal

On the 35th anniversary of the Buffalo Creek disaster, we can look back at how far we have come, and how very, very far we have yet to go before King Coal no longer rules our lives with its uncaring iron fist.

**In Memory of the 125 dead -  
35 Men,  
42 Women,  
48 Children,  
- including  
3 unidentified infants,  
7 missing.**



Buffalo Creek photos by *The Herald-Dispatch* and *Charleston Gazette*.

by Winnie Fox

They've got no heart  
They've got no soul  
But they've got money  
They're "friends of coal"  
They're Pruitt and Nehlen  
They've got no feelin'  
But they've got money  
They're "friends of coal"  
They're Blankenship & Harless  
For your welfare, they could care less,  
But they've got money  
They're "friends of coal"  
The Medco and Walker Machinery  
Have to save their bottom line  
Lord knows they have no spine  
The only green they want to see is money  
You mountain people just don't matter, honey  
Our politicians are not too bright  
But there's no government oversight  
So they've got money  
They're "friends of coal"  
Our regulators have gone to hell  
They must be under an evil spell  
'Cause they've got money  
They're "friends of coal"  
Three million pounds of dynamite  
Blow up our mountains day and night  
And Walker "Big Cats" do the rest,  
Tearing the heart from our mother's breast  
God save us from "These friends of coal"

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