

March 2009



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Residents Vent Concerns to DEP

by Joanie Newman, excerpted from Jan. 16, 2009, Coal Valley News

Seventy-nine-year old Donald Maxey travelled the 6-hour drive from his home in Mt. Airy, Maryland, to Ashford Rumble Elementary School last week to voice his complaints with the Department of Environmental Protection (DEP).

“I didn’t want to miss this because I was born and raised at Nellis and have family all the way up to Ridgeview,” he said.

Maxey said he recalls walking over Bull Creek Mountain. “You couldn’t do that

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MTR a threat to Hawks Nest State Park environs. See pages 3 and 16.

Bush Midnight Rule Change Exposed to Sunlight of Justice

In January, OVEC joined with other groups in suing over one of Bush’s final controversial acts. With our legal challenge, we seek to overturn Bush’s last-minute repeal of the stream buffer zone rule – an environmental law that, since 1983, has prohibited surface coal mining activities within 100 feet of flowing streams.

As you may have noticed, the former stream buffer zone rule was ignored by coal companies and not enforced by so-called regulatory agencies, but before Bush axed the rule, it provided excellent legal grounds to challenge permits.

“This rule change is among the 11th hour landmines

planted by the Bush administration that an EPA headed by Lisa Jackson stands to inherit,” Earthjustice attorney Jennifer Chavez said. “With this lawsuit, we are doing what we can to make it easier for the incoming administration to undo the damage wrought by the last one and restore our nation’s commitment to protecting the waters and summits of the Appalachians.”

As this lawsuit proceeds, we are hoping for better coal-related enforcement under the Obama administration.

We are so thankful to the excellent legal team working on this case: attorneys from Appalachian Center for the Economy and the Environment, Earthjustice, Appalachian Citizens Law Center, Sierra Club and Waterkeeper Alliance.

Along with OVEC, the plaintiff groups are WV Highlands Conservancy, Coal River Mountain Watch, Southern Appalachian Mountain Stewards (VA), Kentucky Waterways Alliance and Save our Cumberland Mountains (TN).

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Communities Must ORGANIZE to Win

OVEC board member and volunteer organizer Chuck Nelson sent this note to Ashford community members two days after the DEP hearing.

Jan. 8, 2009 - Just wanted to keep people in the loop of what has been going on since the hearing Tuesday night. I was very pleased with the turnout at the meeting. There were a lot of legitimate concerns brought up, and I hope that the DEP will take these concerns into consideration when making its decision. DEP's not listening to community members has been an ongoing problem at these informal hearings. That's why I brought this to their attention Tuesday night.

I think while the energy level is still high we should have a community meeting as soon as possible. This is very important in organizing.

But I want everyone to know right off the bat that success doesn't come overnight. It takes extensive time in order to reach success. It depends on how much input and energy the community is willing to invest.

It's the residents who will bring about change, create how they want their communities to prosper.

Organizations can only offer support and resources. We have many other communities that are being impacted from mining. There is much work to be done on the state level, as well as the national level.

Believe me, we are fighting mountaintop removal and the abuses from coal continuously.

Successful tactics include talking to your neighbors, writing letters to your state and national representatives, drawing media attention to the effects mountaintop removal is having on our communities, telling our personal stories, lobbying politicians.

Flooding the local newspaper with letters to the editor is a great and effective tool. Taking photos with a still camera or a camcorder is undisputable, and carries a lot of weight. Documenting damage like structural and dust problems is a must.

Keep complaining to the DEP, too, even though you might think that this has no effect. Keep calling and demanding that the DEP do its job.

This fight is as tough a fight as you will ever encounter. But always keep in mind that this is your community, and you can determine what you want your



OVEC board member and volunteer organizer Chuck Nelson speaks with Dutch media on Kayford Mountain.

community to be like.

Do not let anyone take away your heritage, your memories and your way of life. You are not expendable for the comfort of others, and that's exactly what is happening.

Don't be content with the idea that it's "just the way it is." A contented person will never change anything. You have a voice, and you have power in your personal stories and history.

We all want our children, and their children, to have the same opportunity as we did. Don't let your community die and turn into a ghost town like so many nearby us have. Now's the time to say, "No more, we are going to preserve our communities, our heritage, our memories and our way of life."

It's going to take actions of all residents to participate and get involved. But it is imperative that we stay together, and to continue to have meetings if this community is going to be successful.

We organizers are here to help with support and resources, but if you wish to prevail, it's going to have to come from within the community.

If you would like to lobby and have no way, let Robin, Maria (OVEC staffers), or me know, and we'll see that you get there, and I also want everyone to know that we will be there with you, whether it be in Charleston or in Washington.

Never give up and never quit fighting. If you should need to reach me, you can call me anytime.

Mining the Mountains

by John McQuaid, excerpted from January 2009 Smithsonian magazine

In Ansted, West Virginia, the conflict over mountaintop removal has taken on special urgency because it's about two competing visions for Appalachia's future: coal mining, West Virginia's most hallowed industry, and tourism, its most promising emerging business, which is growing at about three times the rate of the mining industry



Post-blasting dust clouds shroud Kayford Mountain.

statewide.

The town and its mining site lie between two National Park Service recreational areas, along the Gauley and New rivers, about ten miles apart. The New River



Gorge Bridge, a span 900

feet above the water and perhaps West

Virginia's best-known landmark, is just 11 miles by car from Ansted. Hawks Nest State Park is nearby. Rafting, camping – and, one day a year, parachuting from the New River Bridge – draw hundreds of thousands of people to the area annually.

Mayor Pete Hobbs is Ansted's top tourism booster. "We're hoping to build a trail system to connect two national rivers together, and we'd be at the center of that – hunting, fishing, biking, hiking trails. The town has embraced that," Hobbs told me in his office, which is festooned with trail and park maps. What happens if the peak overlooking Ansted becomes even more of a mountaintop removal site? "A lot of this will be lost..."

I've reported on devastation around the world – from natural disasters such as Hurricane Katrina, to wars in Central America and the Middle East. **But in the sheer audacity of its destruction, mountaintop coal removal is the most shocking thing I've ever seen.**

Entering a mountaintop site is like crossing into a war zone. One day as I walked near a site on Kayford Mountain, about 20 miles southwest of Ansted, along a dirt road owned by a citizen who declined to lease to the mining companies, a thunderous boom rattled the ground. A plume of yellow smoke rose into the sky, spread out and settled over me, giving the bare trees and the chasm beyond the eerie cast of a battlefield.

"We are sitting in the most productive and diverse temperate hardwood forest on the planet," said Ben Stout, a biologist at West Virginia's Wheeling Jesuit University "There are more kinds of organisms living in the southern Appalachians than in any other forest ecosystem in the world. We have more salamander species than any place on the planet. We have Neotropical migratory birds that come back here to rest and nest."

Scientists say they have little data on the effects of
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OVEC is a founding member of Community Shares of West Virginia and a 501(c)(3) non-profit organization.

Residents Vent Concerns

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today,” he said, noting the destruction to the mountain was a shameful loss for his five children and eight grandchildren.

“I want to share with the DEP my concerns about mountaintop mining,” Maxey said from his seat in the gymnasium at Ashford Rumble Elementary School.

The gym was crowded with more than 75 people anxiously awaiting either a turn at the microphone or listening with rapt attention to the voices of area residents and coal miners.

Lois Kirk, of Ashford, told the DEP officials and the assembled crowd that she hates to hear the mountains torn up.

Kirk said she has been told by former coal miners that the coal being mined in the area can be removed using other methods, such as underground mining.

“Who’s ultimately paying the price? I think we are,” she said.

Kirk complained to the DEP about damage that was sustained to her home after repeated blasting.

“We bought our home in 1976 hoping it would last us our entire life. Now, I’m not sure,” she said.

Danny Kinder, who has been a pastor in the area for more than 28 years, said he lives close to Bull Creek Mine and estimates that his home is probably one of the closest ones to the blasting.

“Not only are the roads torn up, my complaint is our homes have been rocked and shook,” he said.

“You can wash your vehicle one day and the next day you can write your name in the dust that collects on our

Mining the Mountains

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mountaintop coal mining on public health. Michael Hendryx, a professor of public health at West Virginia University, and a colleague, Melissa Ahern of Washington State University, analyzed mortality rates near mining-industry sites in West Virginia, including underground, mountaintop and processing facilities.

After adjusting for other factors, including poverty and occupational illness, they found statistically significant elevations in deaths for chronic lung, heart and kidney disease as well as lung and digestive-system cancers. Overall cancer mortality was also elevated. Hendryx stresses that the information is preliminary. “It doesn’t prove that pollution from the mining industry is a cause of the elevated mortality,” he says, but it appears to be a factor.

Eighty-year-old Jim Foster joined a group of local

vehicles,” he said.

Misty Pennington, another area resident stood up to recount an incident her husband experienced with coal mine blasting.

“A couple weeks ago, my husband called me and at first I thought the house had been vandalized. Come to find out, it was one of our shocks or shakes. It had knocked the shelves off the wall and there were broken items everywhere.

I called and complained and was told they would ‘get back with me right away,’ but I’m not so patient because they’ve destroyed my home,” she said.

Pennington also went on the record to say she was concerned what was going to be left for her little boy. “What’s going to be left for him?” she asked.

Longtime resident Vera Pritchitt, said she had lived and paid taxes in this area for 57 years. “So I think in my twilight years I deserve to enjoy some beauty,” she said, further stating that mountaintop removal mining was destroying the area’s appeal to tourists, calling it “an embarrassment to visitors who come to our area.”

“For us and some of the others, we have family cemeteries; to me that is sacred ground,” she said. “I urge you, DEP, to protect us and our property.”

As you may have guessed from reading this story, OVEC organizers are at work in Ashford, as well other communities. For more information, call Robin at (304) 522-0246.



residents and the Huntington, West Virginia-based Ohio Valley Environmental Coalition in a federal lawsuit to block the Roach Branch valley fill site in Boone County, on the grounds that the environmental impacts hadn’t been adequately assessed. They won the first round when Judge Robert Chambers issued a temporary restraining order against the valley fills. The coal company is appealing the decision.

Foster says he puts up with a daily barrage of irritations from nearby mountaintop removal projects. “Practically every day, our house is shook by the violent tremors caused by these blasts,” he said, gesturing from his easy chair. “The one up there – you can see it from my window here – I’ve watched it as they tore that down.

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Dozens of Boone County Residents File Massive Lawsuit Against Eight Coal Mine Operators About Tainted Water

by Lawrence Keeney, excerpted from Jan. 30, 2009, Coal Valley News

A list of plaintiffs spanning four pages filed a massive civil suit against nine area coal operators in Boone County Circuit Court. The complaint, filed by attorneys John Sutter, Roger Decanio and John Mitchell Sr., alleges the companies were responsible for numerous civil offenses against the families.

The suit was filed against Massey Energy, Omar Mining Co., Independence Coal Co., Elk Run Company, Inc., Black Castle Mining, Peabody Energy, Pine Ridge Coal, Federal Coal and a John Doe corporation.

The plaintiff's are described as "residents and former residents of Seth and Prenter, who have taken their water supply from a drilled well." The complaint continued, "as a result of the actions of the defendants' mining operations, the plaintiff's water was contaminated, thereby injuring them, their property and also resulting in and/or contributing to their deaths."

The document also alleged specific acts by the

companies. "Massey Energy Co. managed, oversaw, planned, conducted, participated in, allowed and profited from the negligent, dangerous, hazardous and or ultra hazardous mining operations of its subsidiary defendants

Omar Mining, Independence Coal, Elk Run Coal and Black Castle Mining Co., in and around Seth and Prenter."

The document also charged that Federal Coal Company, Inc., "owns most, if not all, of the lands upon which the defendants conduct coal mining operations. Defendant Federal Coal Co. managed, oversaw, planned, conducted, participated in, allowed and profited from the negligent, dangerous, hazardous and/

or ultra hazardous mining operations of its subsidiary defendants in and around Seth and Prenter."

"The defendants have and/or are currently maintaining impoundments and injecting coal slurry into the ground in and around Seth and Prenter."

The suit claims the companies are conducting underground mining operations around these injection sites

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OVEC board member Chuck Nelson, who has been working with Prenter-area people to try to obtain clean water said, "This is a community standing up for its civil and human rights."

Coal Companies Cause Loss of Jobs, Not Environmentalists

A letter to the editor published Jan. 30, 2009, in the *Charleston Gazette*:

As I read the *Gazette* article, "Patriot Coal cutting 220 jobs," I thought to myself: What's this? Coal miners are losing their jobs and out-of-state tree-huggers are not to blame? No, instead it's the out-of-state coal company costing them their jobs because market conditions have made it not "economically feasible."

Let these corporate giants start to lose a bit of profit and look how quickly miners are thrown under the bus. So, why aren't we seeing marches at the Capitol with children holding signs saying, "Don't lay my Daddy off for greed"? But just let someone who's worried about the health and well-being of their child try to make them follow laws to protect the environment and see how fast the state Coal Association organizes a demonstration.

Friends of Coal, Walker Machinery, the coal operators and some of our elected officials have convinced people that environmentalists are costing miners their jobs,

when in reality it's the coal companies themselves that are doing it. Coal operators cost miners their jobs when strip mining became more "economically feasible." There are 100,000 fewer coal jobs today than in 1950 with just as much coal being produced. So who's producing the coal? Big machines.

*James Tawney
Summersville*

Below is the final paragraph of the letter Tawney submitted to the newspaper, which was not published (most newspapers have a 200 word limit for letters to the editor).

Walker Machinery and the coal companies can run all the commercials they like about how they're such good stewards of the land, but it does not make it so. Maybe they could take the money they spend on all their propaganda and keep these deep miners working until the market turns around and it once again becomes "economically feasible."

Mining the Mountains

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Before they started on it, it was beautiful twin peaks there, it was absolutely beautiful. And to look out and see the destruction going on day to day like it has, and see that mountain disappear, each day more of it being gone – to me that really, really hurts.”

Around mining sites, tensions run high. In Twilight, a Boone County hamlet situated among three mountaintop sites, Mike Workman and his next-door neighbor, another retired miner named Richard Lee White, say they have battled constantly with one nearby operation.

Workman also remembers when a coal slurry impoundment failed in 2001, sending water and sludge pouring through a hollow onto Route 26. “When it broke loose it come down, and my daughter lived at the mouth of it. The water was plumb up in her house past her windows, and I had to take a four-wheel-drive truck to get her and her kids. And my house down here, [the flood] destroyed it.”

West Virginia’s political establishment has been unwavering in its support for the coal industry.

Without such backing, mountaintop removal would not be possible, because federal environmental laws would

Massive Lawsuit

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and have conducted blasting operations. “The impoundments, underground coal mining and surface operations ‘destabilized various strata overlaying the aquifers and have contaminated aquifers, which supply water to the wells from which the residents of Seth and Prenter draw water.”

The attorneys stated in the complaint their intentions

OVEC WORKS!

Thanks to everyone near and far taking action to end mountaintop removal, with an extra special thanks to all the coalfield residents who speak out courageously. Due to the recent rising levels of threatening behavior from mountaintop removal proponents, we won’t be publishing a listing of everyone we wish to thank. We hope you know how much we appreciate you. OVEC works because of you!

THANKS!

prohibit it, says Jack Spadaro, a former federal mining regulator and a critic of the industry. **“There is not a legal mountaintop mining operation in Appalachia,” he says. “There literally is not one in full compliance with the law.”**



In Ansted, residents say they can’t even be sure what’s coming next because the coal company doesn’t explain its plans. “They will seek permits on small plots, 100- to 300-acre parcels,” said Mayor Hobbs. “My sense is, we should have a right to look at that long-range plan for 20,000 acres.”

In 2007, the town beat back an attempt to run big logging and coal trucks through town. “This is a residential area – this is not an industrial area,” says Kathy Hoffman, who lives at the edge of town. “We managed to get that temporarily stopped – but then they still got the [mining] permit, which means they will begin to bring the coal through somewhere, and it’ll be the path of least resistance. Communities have to fight for their lives to get this stopped.”

Read the full article: WWW.SMITHSONIANMAG.COM/SCIENCE-NATURE/36176804.HTML.

See page 16 for more on threats to Gauley Mtn.

to prove that operations conducted by these companies have “rendered the plaintiffs’ property value worthless, caused carcinogens, diseases, maladies and injuries from which the plaintiffs suffer and makes reasonably necessary the need for the plaintiffs to undergo periodic medical monitoring to screen for the health threats these carcinogens represent.”

Come CLEAN: The Citizens’ Energy Investment Act Needs You

If you haven’t done so already, please join CLEAN today.

It’s free, and OVEC is helping to shape this national grassroots movement.

A big project for 2009 is the Citizens’ Energy Investment Act. It promotes decentralized

energy generated by regionally appropriate, reliable, and renewable resources. Join and learn more at THECLEAN.ORG/CLEAN_ACT.HTML.



Come Lobby With the Sludge Safety Project



This legislative session, join Sludge Safety Project (SSP) volunteers as we walk the halls of the State Capitol to speak with our representatives.

We're meeting on Tuesday and Thursday mornings. Please check the "Legislative Update" link at WWW.SLUDGESAFETY.ORG for specifics on where to meet.

We will have a brief training the morning of every lobby day to update everyone on the progress of any legislation and to discuss tips on how to lobby.

We also have information on upcoming hearings and the progress of our legislation at the "Legislative Update" link online.

As this newsletter goes to print, we are still working on drafting a specific bill that will increase funding for water

projects in coal mining counties.

NEW Community Toolkit!

What should I do if my water is bad? How do I get involved with the Sludge Safety Project? Or with lobbying in Washington, DC? How can I start organizing right here in my community?

These questions and more are answered in our new Community Toolkit.

Check it out and print it for free online at WWW.SLUDGESAFETY.ORG or contact Patricia at (304) 522-0246 or patricia@sludgesafety.org for a hard copy.

We encourage feedback and suggestions for improvements to the toolkit. Thank you to all the SSP volunteers who have contributed so far.

A special thanks goes to the U.S. EPA's Community Action for a Renewed Environment project, which is funding this effort.



Organized communities win real change – Contact us today!

Prenter Gets Funding to Bring Clean Water to the Community

In January, the *Coal Valley News* reported that the state presented residents of Prenter with a Small Cities Block Grant that will total \$1.5 million, which will bring a waterline extension along Route 5 to the Boone County community. Only \$200,000 has so far been released.

The water project also has a commitment of \$432,000 from the county commission and \$300,000 from the Boone County Public Service District to round out the funding.

"The question remains uncertain how long it will be

"All We Wanted Was Water" —

On January 26, West Virginia Public Radio aired "All we wanted was water," a news segment featuring Mingo County Sludge Safety Project supporters.

Reporter Erica Peterson interviewed Carmelita and Ernie Brown and Donetta Blankenship about the contaminated well water that sickened community members.

"Residents of several Mingo County communities are suing Massey Energy," she reported. "They've been trying to push the lawsuit through for four years and could soon get their day in court. They say the coal company knowingly polluted their water with coal sludge, causing a multitude of health problems.

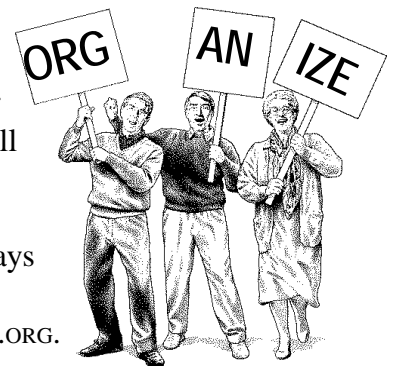
"After years of drawing clear water from their wells,
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before the project is completed and residents will begin to see improved water conditions in their community," the newspaper reported. The block grant, if all is awarded, and other monies committed will bring water to 60 percent of the homes in Prenter Hollow.

The article continued, "A group of concerned citizens in the Prenter area has been reporting the need for potable water for several years, with limited success (until they organized with the help of Sludge Safety Project). The residents who've complained about water have reported an alarming amount of sickness in many people who are forced to use the water and believe an increase in birth defects and cancer in the Prenter area can be traced to water quality."

While the community awaits the water line extension, which will take at least a year to construct, the Prenter Water Fund is delivering barrels of potable water to area families so they don't have to drink, bathe or cook with their toxic well water.

Your continued support is needed. For ways to help please go to:
WWW.PRENTERWATERFUND.ORG.



Sludge Safety Project Action Goals for the 2009 WV Legislative Session



We want our legislators to take action for health by taking action for clean water:

- The WV DEP (Department of Environmental Protection) must provide the final report to the legislature on the Sludge Study, mandated by SCR15 in 2007.
- Passage of an amendment to SCR 15 to halt slurry injection until the study is complete.
- The WV DHHR (Department of Health and Human Resources) must complete the study *with independent scientists* and conduct health assessments in areas where people are sick and water is tainted.
- Our legislators must support more funding to get clean drinking water to families in places like:
 - ◆ Prenter in Boone County,
 - ◆ Harts and Mud River in Lincoln County,
 - ◆ Jones Branch in Nicholas County,
 - ◆ Bridges Fork in Fayette County.

Quick Background:

- ☞ In 2007, we won the study resolution, SCR 15, to find out what is in coal sludge and how it affects our health and our water.
- ☞ A key piece of the resolution: “to allow independent scientists on site to sample water and sludge,” was left out of the final draft.
- ☞ We met several times with the DEP and learned that only five sites in the state would be sampled for water contamination, and that the DEP would not prioritize places where citizens are sick and have bad water.
- ☞ New information on health and water in southern West Virginia has surfaced since 2007, and we want the legislature to be aware of the facts. We need to know how sludge is affecting our health and our water if we are to improve the health and safety of families living near coal sludge.

Coal Slurry Poisons Water Supplies, State Agencies Do Nothing

A letter to the editor published Jan. 16, 2009, in the *Charleston Gazette*:

A hearing on a permit for a coal slurry injection site in Logan County was held Jan. 12 at the state Department of Environmental Protection. Of approximately 30 people in attendance, none were there in support of the permit.

Coal company representatives were conspicuously absent. Those who spoke reported sickness and death due to water contaminated with coal slurry, most notably in the area of Prenter in Boone County.

Residents suffer from astronomically high rates of gall bladder disease, kidney failure, brain tumors and cancer. Recent reports of efforts to get safe drinking water in Prenter

omitted the cause of the contamination. Folks there have been promised a connection to clean water in two to three years.

If black water laden with heavy metals poured from taps on Kanawha Boulevard, would there be such delay?

Driving home after the hearing, I recalled the fears of terrorist poisoning of city water supplies in the aftermath of 9/11. If a terrorist, foreign or domestic, poisoned West Virginia waterways, there would be a rush to arms never before seen in this state - yet most citizens stand idly by while coal companies do precisely that.

Linda Sodaro
South Charleston

All We Wanted ...

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families in the small communities clustered along the hill between Matewan and Williamson saw their good water turn bad. Sometimes it would be red, orange or coal-black. Even when it was clear, it often left a bad smell or a burning sensation on their skin.”

Blankenship, the Browns and many of their neighbors worked for years to obtain water lines for their communities.

With Sludge Safety Project organizing help, they were finally able to get clean water piped in, and through the Sludge Safety Project they are sharing their experiences with people in other communities, such as Prenter in Boone County, where once-good water has turned bad. To hear the public radio story, go to WWW.SLUDGESAFETY.ORG and follow the “All we wanted was water” link.



Lobbying for Change - Now!



On Jan. 31, 2009,
more than 50

residents of southern West Virginia filled the Senate Judiciary Room of the State Capitol for Sludge Safety Project's 2009 Legislative Kickoff.

They were warming up to work the 2009 West Virginia Legislative session in an intensive lobbying effort.

What do they want? Clean Water!

When do they want it? Now!

Why? Because, as their bright yellow T-shirts proclaim, "Clean Water Makes Healthy Kids."

Join the citizen lobbyists of Sludge Safety Project and fight for clean water and our kids' futures! Go to

WWW.SLUDGESAFETY.ORG to find out how you can help.

DEP Gets Earful on Permit Renewal for Marsh Fork

by Jackie Ayers, excerpted from Jan. 6, 2009, Beckley Register-Herald

Officials from the state Department of Environmental Protection held an open meeting Tuesday night at Marsh Fork Elementary School in regard to the renewal of a Massey Energy permit.

Massey was granted a five-year permit for a coal silo located in close proximity to Marsh Fork Elementary, and it's now up for renewal.

The facility includes a 2.8 billion-gallon sludge impoundment that's situated 400 yards from the school. Environmentalists have contended the impoundment at the facility is leaking and is dangerous to not only the school but the community as well.

Sherry Geisler of Rock Creek asked, "What are we going to do for the people whose homes are in direct

danger of this thing – which will eventually collapse?"

"We care about the kids and the people who live here. We're property owners. My husband didn't work his whole life to have somebody come in and take away our air quality, water quality and standard of living. That's what they do in Third World countries, not here in America."

Bo Webb, a citizen also in opposition to the renewal of the permit, said, "Reissuing this permit is going to cause more sediment, more coal processing; that means more refuse in the dam and that means more dust these kids will breathe. Build us a new school and a safe place away from this operation.

"I'll say two words – Buffalo Creek," Webb added, referring to the dam constructed of coal waste that failed in 1972, killing 125 men, women and children and sweeping away hundreds of homes.

Local resident Sarah Haltom said she's having problems with blasting and dust.

"Between 4 and 5 p.m., I would suspect that most people that live in the Hunter addition probably avoid sitting on their toilet because the blasting is so bad," she said.

"The blasting is intense. I don't think it's fair for people in this area to have to suffer so that someone can make a buck. It's not right. It's not been right since the permit was first issued."

Coal Trucks Troubling You?

Call 1-866-SEETRUX (1-866-733-8789)
from 7:30 a.m. to 10 p.m. to report road
violations by any truck driver, regardless
of cargo, to WV regulatory officials.

DEP Still Ducking Its Responsibility



On Feb. 10, 2009, Sludge Safety Project members, lawmakers and lobbyists packed a hearing room as DEP head Randy Huffman reported to a legislative committee that he had nothing much to report on the progress of DEP's study on slurry injection. SSP continues to demand real accountability from the DEP. Join us!

**Recurring
Donations
Help Keep
OVEC's
Work Going**



If you agree that OVEC's work is critical to protecting West Virginia, please consider joining our recurring donors program. Go to www.OHVEC.ORG, click on the "Donate" button, then click on the blue "Donate Now" button.

Recurring donations help build OVEC's sustainability and help us with our long-term planning, since we can better estimate our members' donations. Remember, donations to OVEC are tax deductible.

Waste Ponds: An Industry Hazard

Excerpted from Jan. 13, 2009, Charleston Gazette editorial

The coal-to-power industry creates two types of waste ponds, both posing safety hazards ... The first is slurry impoundments near mines. This type of dam ruptured in Logan County in 1972, drowning 125 Buffalo Creek residents ...

The second type is ash ponds at power plants. One of these ruptured in the Tennessee Valley in December, swamping 300 acres ...

After the Buffalo Creek tragedy, West Virginia's Legislature mandated tough safety standards and regular state inspections of slurry dams ... State law requires inspections by power company engineers, but leaves state inspections optional.

Reporter Ken Ward Jr. revealed that West Virginia's 16 ash pond dams rarely are examined ... Six haven't been inspected in the past decade.

Read the full article at www.WVGAZETTE.COM/OPINION/200901130587.

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

OVEC's New Organizer Fights to Protect Family Cemetery

by Robin L. Harless Blakeman

Although I've lived "away" for part of my adult life, the hills have called me back. My heritage includes at least eight generations of roots in the Central Appalachian Mountains.

Long before West Virginia became a state, some of my ancestors established Nutter's Fort, and many of my ancestors came to Boone County in the late 1700s and early 1800s. There is at least one Native American in my ancestry. I was born in the coalfields of Logan and raised in Huntington, later graduating from Marshall University and Louisville Presbyterian Theological Seminary. A significant part of my childhood, teenage and early adult years was spent in the mountains of Boone and Summers counties.

It was in these mountains that I learned to respect, care for and revere the wonderful ecosystem we have been blessed with. I truly think of these mountains as "almost heaven."

These connections are never more evident for me than when I am visiting one of our family cemeteries. I have direct ancestral connections to at least four family cemeteries in Peytona and Ashford; one of the Peytona cemeteries dates back to the late 1700s. One of these cemeteries is now situated in the midst of a vast rubble field created by highwall and mountaintop removal operations in the area.

My family is quite concerned about this cemetery; we have an ancestor buried there, named Cumberland Harless, who was a Civil War Veteran. I last visited this cemetery during the first week of January and was appalled – but not surprised – to see that mining operations there have restructured the whole hollow where the cemetery resides; the only thing that is natural looking is the hillside area where the cemetery sits.

Residents of Ashford have complained about blasting shaking their homes and I think I can see their point, because nearby blasting has apparently toppled most of the tombstones in my family cemetery.

I could find only two of the old (19th-century) stones; 14 to 15 were visible just over a year ago. Cumberland Harless's marker was leaning so badly it was almost parallel with the ground. There is no peace in this cemetery. There is a constant industrial rumble of trucks and dozers, and I'm sure blasting shakes the area regularly.

From the cemetery, one can see only views of



One of the family cemeteries on Kayford Mountain. Blasting from mountaintop removal has opened cracks in the ground.

decapitated mountains, rubble fields and blocked streams, where once there were forests, fields and a babbling brook – even a waterfall, I'm told. Trees are removed or toppled on most of the surrounding land. It looks like a war zone. I'm reluctant to go back, yet I know I must return to take care of what I can there and to motivate myself to protect the other cemeteries and our family land surrounding them.

It saddens my heart to be at an age where I truly want to discover and honor my family heritage, and yet the very roots of that heritage are being destroyed.

Therefore, I now want to be part of the human force that is trying to affirm the connections between our

continued on page 12

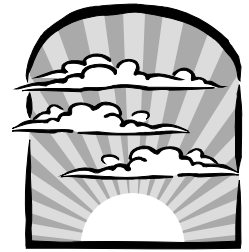
OVEC's Cemetery Protection Bills Introduced at Legislative Session

Many family cemeteries have been damaged or even destroyed as a result of mountaintop removal/valley fill coal mining. During the 2009 legislative session, OVEC is advocating for two cemetery protection bills. The first would increase the buffer zone around family cemeteries from 100 to 300 feet, the same as for occupied dwellings.

The second would lengthen the notification period before moving a cemetery, allow people to petition Magistrate Court for access to a family cemetery and clarify the legal procedures to be followed when human remains are disturbed. To get involved with our cemetery protection efforts, contact Robin Blakeman at robin@ohvec.org or (304) 522-0246.

Faith in Action

Power Company Meets with Stakeholders



Columbus, Ohio, was the site of an annual stakeholders' meeting hosted by American Electric Power (AEP) in late November.

OVEC's faith-based liaison Carol Warren was invited to attend as a faith community representative. The company, which provides electric service to customers in 11 states, has been meeting with a variety of consumers, environmental groups, industrial customers, development groups, state agency officials and others to gather input about the company's role in addressing a range of energy-related issues.

The November meeting dealt primarily with the subject of climate change, a matter of concern to AEP, which acknowledges producing more greenhouse gases than most electric companies in the United States.

The company states that it thus feels a responsibility to take a leading role in local, national and international solutions. This is being pursued through a multifaceted approach of technology development, generation mix (including renewables), public policy initiatives, and consumer

input and collaboration in areas such as energy efficiency and education efforts.

The use of mountaintop removal coal is an issue the company is being pressed to address by a number of stakeholders. Warren related examples of mountaintop removal's effects on communities, including environmental destruction, health problems and the debasement of cultures and lifestyles, and made a direct plea that the company do everything possible to avoid the use of coal from mountaintop removal mines.

Because AEP is a federally regulated utility, it is required to make fuel purchases based on cost rather than on mining practices, in order to provide electricity to customers at the lowest possible rate.

However, AEP is committed to continuing dialogue on the issue, and is looking at all its purchases, from coal to utility poles, to see if there are better alternatives with fewer environmental impacts. Warren will continue to be involved in these discussions.

Cemetery Protection

continued from page 11

Appalachian cultural roots and our ecological mountain heritage. For the sake of our rich heritage, I want to help stop mountaintop removal mining and encourage economic diversity for our people. To do this, I am convinced we will need a spiritual, as well as physical awakening.

To this end, I also bring a background in church service and see opportunities for people of faith to deepen their commitments to honoring cultural roots and taking care of ecosystems.

I also hope that academic communities in our state will increasingly recognize the importance of ecological preservation in our region. I'm looking forward to meeting more people who live in and near mountaintop removal operations so that we can find ways to work together to preserve our mountains.

I have one daughter, a niece and two nephews; it is for them and all children of their generation that this work is of critical importance.

I believe the only reason that my family cemetery near Ashford still exists is due to my family taking legal action



A mountaintop cemetery undisturbed since 1925 is a peaceful scene - for now.
photo by J. Henry Fair

to preserve it, and to ensure our family's right of access.

Please take time to register and protect your family cemeteries! If you have stories about problems accessing cemeteries or damage done to them by mining or other industrial processes, please contact me at the OVEC office, (304) 522-0246.

Notes from Maria Gunnoe, OVEC's Boone County Organizer

Boone County is being blasted from all corners and hauled away – the permits and their effects are more numerous every day.

OVEC needs everyone in affected communities to demand that our regulatory agencies actually regulate the coal industry's excesses. We need you, as volunteers and members, to help organize to protect and preserve your communities from mountaintop removal coal mining.

To make that task easier, OVEC's Mingo County organizer Patricia Feeney, with volunteer help, has developed a "Community Toolkit" that maps out what you can do in your own community to stop the attack on our land and people. You can read and download the tool kit at WWW.SLUDGESAFETY.ORG or contact one of OVEC's organizers for a copy.

We can't wait for someone else to do the right thing; we as community members must unite and stand strong in our commitment to our children and our culture.

Of course, many folks are already daring to publicly stand up for our communities; among them are Boone County residents Jim Foster, Richard White and Michael Workman, who were all quoted in an article in the January issue of *Smithsonian* magazine (see page 3).

Thanks to the entire crew of OVEC volunteers in Boone and in other counties. Because of your efforts, the coal industry's public relations lies are exposed – the industry looks silly (at best) when it repeats its mantra that only out-of-state extremists oppose mountaintop removal coal mining.

Ashford Resident's Comments to DEP - "Spare Our Community"

RE: Mining Permit S-5017-02, Renewal and Amendment
Read Becky Grubbs' entire letter to DEP in the online version of the March 2009 Winds of Change.

My name is Becky Elkins Grubbs. I strongly oppose renewal and amendment of Permit S-5017-02.

I was raised across the river from the ridge that is about to be blown away. My mother and two brothers still live on the same land. Our church sits in the shadow of that same ridge. My dad is buried in Barker Cemetery, which faces this same ridge.

Recently the trees have been stripped from the ridge and roads are being bulldozed. Among other concerns, I fear the noise and dust; the decrease in property values; and the increased coal truck traffic on narrow, curvy roads after the blasting begins.

As I look at the barren mountaintop ridge that

We are currently holding meetings in local communities throughout Boone County. Give us a call at (304) 245-8481, and we can help you get involved in the battle to save what belongs to our children.

Look! Up in the air – It's a bird, it's a plane – Yes, it's Super SouthWings!

Sorry to be buzzin' around over your homes so often, but SouthWings and OVEC are showing legislators what mountaintop removal is really doing for our communities. So far, six state legislators have flown over, and not one has been pleased by what they saw, nor have they attempted to defend it.

Please encourage legislators from your district to take a bird's-eye view of the destruction. If a legislator agrees to go up, let me know and we will get them in the air. And, thanks to the super volunteer pilots who make this happen. We love you gals and guys and we couldn't do it without you: SouthWings provides an invaluable resource for our work.

Challenge Yourself This Spring

Plan a road trip through southern West Virginia's rural communities. Go and find your ancestors in their cemeteries. See for yourself what Big Coal has left in its path. Go and see Twilight, Ashford, Blair, Lindytown, James Creek, Mud, Big Ugly, Bob White, Prenter, Williams Mountain and Kayford while there is still something there. These small towns are nothing but faint shadows of what they once were.

encircles the community of Ashford, sadness and anxiety grips my heart. Ashford does not have a large populace, nor is it rich in material goods.

However, we feel secure embraced in the Appalachian Mountains, surrounded by lifelong friends who genuinely care about us.

The peaceful Big Coal River that runs through our community is integral to our water supply, gardens, recreation and relaxation.

The WV Council of Churches describes our environment as "nurturing of mind, body and spirit." Genesis 2:15 says, "The Lord God took the man and put him in the Garden of Eden to work and keep it." Psalm 121:1-2 says "I lift up my eyes to the hills – where does my help come from? My help comes from the Lord, the Maker of Heaven and Earth."

Supporting the Coal River Wind Project, Sludge Safety and Common Sense

Early on a cold and snowy Feb. 3, 2009, five activists with Mountain Justice Summer and Climate Ground Zero chained themselves to an excavator in order to stop the destruction of part of Coal River Mountain.

In November, after having denied public participation in its decision-making process, the state Department of Environmental Protection approved a permit revision allowing Massey Energy to begin mountaintop removal coal mining on about 150 acres. (In total, Massey wants to strip more than 6,000 acres of the mountain.)

“The governor and county legislators have failed to act, so we’re acting for them,” Rory McIlmoil said. “They shouldn’t allow the wind potential on Coal River Mountain to be destroyed, and the nearby communities endangered, for only 17 years of coal. There is a better way to develop the mountain and strengthen the local economy that will create lasting jobs and tax revenues for this county, and that’s with wind power.”

Soon after Massey workers discovered the five men, state troopers arrived on the scene. The troopers



removed the men and cited them, along with one photographer, for trespassing.

By afternoon, dozens of local residents, friends and supporters from throughout Appalachia converged at the mine’s gate. Eight more citizens, including three OVEC members and two board members, were cited for trespassing. They wanted assurances that a letter insisting that Massey cease the mountaintop removal operation on Coal River Mountain would be delivered to Massey CEO

Don Blankenship.

Not only were the protestors concerned about the loss of wind potential, they also worry because blasting will occur about 200 feet from Massey Energy’s massive Brushy Fork coal slurry impoundment.

“I fear for my friends and all the people living below this coal sludge dam,” said Gary Anderson, who lives on the mountain near the site. “Blasting beside the dam, over underground mines, could decimate the valley for miles. The ‘experts’ said that the Buffalo Creek sludge dam was safe, but it failed. Massey is setting up an even greater catastrophe here.”

Frustrated residents have lost faith in their state government and taken their plea nationwide. On the day of the protest, climate expert James Hansen, the head of NASA’s Goddard Institute for Space Studies, said, “President Obama, please look at Coal River Mountain. Your strongest supporters are counting on you

The photographs speak for themselves to try to act to save Coal River Mountain shut them out of the permitting process stood idly by.

Not

Why Wind Makes More Sense than the Planned Massacre of Coal River Mountain

In December 2008, Coal River Mountain Watch released results of a study it commissioned from Downstream Strategies, LLC of Morgantown. The study shows that wind development for Coal River Mountain would generate, over time, 28 percent more jobs than the 6,000-plus-acre Massey Energy mountaintop removal mine slated for the mountain.

Blasting hundreds of feet off the mountains peaks would destroy its wind potential.

The study shows that the proposed Coal River wind farm, with 164 wind turbines generating 328 megawatts (MW) of electricity, would provide more than \$1.74 million in annual property taxes to Raleigh County.

By comparison, the coal severance taxes related to the mountaintop removal mining would provide the county with only \$36,000 per year.

The wind farm could last indefinitely. But the mountaintop removal operation would last about 17

years (until the coal was mined out), whereas the devastation to forests, streams and nearby communities would be permanent.

When “externalities” such as public health and environmental quality are factored in, the mountaintop removal mine ends up generating an economic loss of \$600 million over its expected 17-year life. A wind farm, running on free wind, would remain profitable. This means that when the true costs of mining are considered, the wind farm option wins hands-down. Read the study at WWW.COALRIVERWIND.ORG.



and stop Massey from blowing up our beautiful mountain. We need to go with the better energy option, and that’s a wind farm, which is perfect for Coal River Mountain. We could have a green energy future for the country, starting right here.”

Cited in the morning action were: Rory McIlmoil, Matt Noerpel, James

McGuinness, Mike Roselle and Glen Collins, all of whom currently reside in Rock Creek. Also cited was photographer Chad Stevens of Athens, Ohio.

Cited in the afternoon action for trespassing were Lorelie Scarbro of Rock Creek; Larry Gibson of Charleston; Charles Nelson of Glen Daniel; Missy Petty of Knoxville, Tenn.; Mary Wildfire of Spencer; Vernon Haltom of Naoma; Allen Johnson of Dunmore; and Heather Sprouse of Charleston.



to stop this madness.”

“We can’t sit by while Massey jeopardizes the lives and homes of thousands of people,” said Vernon Haltom of Naoma, WV. “Gov. Manchin and the DEP have proven that they are unwilling to protect the citizens. What do they expect us to do? Will they wait until we’re in body bags to take this threat seriously?”

A 2008 report by the federal Office of Surface Mining revealed serious deficiencies in the DEP’s regulation of coal waste dams (*see page 16*).

Anderson added, “We need to stop the madness

es. Citizens from West Virginia and elsewhere were forced
ountain after the WV Division of Environmental Protection
cess, Gov. Manchin ignored them and county governments
Photos by Paul Corbit Brown and Chad Stevens

WV Coal-Ash Dams Infrequently Inspected, DEP Admits

by Ken Ward, Jr.,
excerpted from
Jan. 9, 2009,
Charleston Gazette

Most of the coal-ash impoundments in West Virginia haven't been examined by a state dam safety inspector for at least five years, according to data released by the state Department of Environmental Protection.

West Virginia has at least 16 ash impoundments in six counties, according to a preliminary DEP review of dam safety records.

The three sites with the most storage capacity are Allegheny Power's McElroy's Run Dam in Pleasants County, American Electric Power's Conner Run Dam in Marshall County, and AEP's John Amos Fly Ash Dam in



The giant pool of coal-ash contained behind a large dam next to the John Amos power plant near Nitro, WV, looks deceptively peaceful in the bright fall sunshine.

Putnam County.

Some of the facilities have gone more than 20 years without a single government inspection, according to the DEP's preliminary data.

Coal-ash dams are under new scrutiny, following the Dec. 22, 2008, failure of a Tennessee Valley

Authority-controlled dike in eastern Tennessee that sent more than 1 billion gallons of wet coal ash pouring over 300 acres of homes, fields and streams.

Joe Lovett, director of the Appalachian Center for the Economy and the Environment, said that government inspections should be mandated.

Read the full article at WVGazette.com/News/200901090398.

National Park Service Opposes MTR Permit Renewal on Gauley Mountain

The National Park Service's Superintendent for the New River and Gauley River National Park areas asked that a permit for more mountaintop removal there be denied.

Here are some excerpts from Don Striker's Jan. 22 letter to the WV Division of Environmental Protection:

The New River Gorge National River, the Gauley River National Recreation Area and the surrounding environs contain nationally significant aquatic, terrestrial, and recreational resources. The continued operation of Bridge Fork West Surface Mine, and its associated extensive violations for discharge of pollutants ... causes us great concern for potential threats to these resources ...

Powellton has been exceeding permit limits for discharge for daily and monthly averages at an extremely high frequency, **registering a substantial number of violations for multiple parameters including suspended solids, iron, manganese, and aluminum.**

These pollutants pose a threat to aquatic life and human welfare. Precipitates of aluminum, iron, and manganese can coat stream bottom substrate limiting the available habitat for aquatic life, suspended solids are also harmful to aquatic life through the erosion of gills, and

aluminum is known to be toxic to aquatic life, and has been associated with neurological and bone diseases in humans.

The frequency of exceeding permit limits indicates a lack of commitment on the part of the permittee to employ adequate controls that will limit the impacts of this operation on downstream resources.

The proximity of these activities and discharges to Gauley River National Recreation Area (GRNRA) may limit the abundance and productivity of aquatic life in and around GRNRA ...

The NPS is concerned about the continued operation of this mine as a stand-alone operation but is even more concerned about the cumulative impacts of this mine in association with other nearby mining operations within the same and adjacent watersheds... However, the permit process does not address these cumulative effects to the surrounding and downstream resources.

When evaluated as a whole, the extensive mining operations in the vicinity of Rich Creek are jeopardizing the health of the watershed and the other values that are dependent upon it ...

Read the full letter: TINYURL.COM/CNC68V.

We care, We Count, WE VOTE!

GIMME FIVE! - For Clean Election Reforms in WV

OVEC has been organizing and leading West Virginia Citizens for Clean Elections since its creation nearly 10 years ago. Since 2003, we have been fighting hard to get public financing legislation passed by the WV Legislature.

With your help we will be right there in the trenches at the 2009 Legislative Session. Unfortunately, because of current economic uncertainties, our funding for this project has fallen significantly short of our needs.

Why \$5?

We need your help to continue our work. So we are asking each of you **to contribute just \$5 to this Gimme Five! Campaign** to help us keep our efforts going.

A \$5 contribution is in some ways symbolic, but it is also a much needed gift that directly connects to the proposed Clean Elections Bill. Here's why:

Just 5 dollars per household would cover the cost of a public campaign financing program for members of the West Virginia House and Senate.

Under our current system, candidates for public office must have either personal wealth or access to contributions from wealthy special interests. And those special interest groups expect something in return! If we want public policy that benefits all of us, we must take control



of the way political campaigns are financed. The outcome has been positive for states like Maine and Arizona, where clean elections are law. When the public pays for campaigns, our legislators are accountable to only us – the voters!

Under the voluntary clean elections system, qualified candidates can choose public financing and not rely on any outside contributions. To qualify, prospective candidates must collect many \$5 contributions from voters in their district. Once they are certified by the Secretary of State's office, they are eligible to receive a modest amount of funding for their campaigns.

Candidates can spend time talking with their constituents and hearing what local people want instead of making fund-raising phone calls.

Our proposal has traction, so we need your help more than ever! We will continue to fight with the same energy and dedication.

Would you invest \$5 to make your state legislators accountable to you? Hey, OVEC supporter! **Gimme Five!** – an investment in democracy and West Virginia's future!

Please send your contribution to OVEC at: P.O. Box 6753, Huntington, WV 25773-6753.

Thank you so much for giving us five!

Meet, Eat and Greet and Support Clean Elections

Clean Elections supporters at Charleston's Temple Israel graciously hosted a meeting with Kanawha County legislators on the evening of January 7.

The event was part of a series of in-district meetings sponsored by WV Citizens for Clean Elections to raise awareness of the WV Public Campaign Financing Act and to show legislators there is support for the act among their constituents. Louisa Swift, Ann Fishkin and Bill Kroesser created a hospitable setting and a delicious light supper.

Despite the snowy weather, over 60 people attended. An educational program including the video *The Road to Clean Elections* began the discussion. OVEC's Carol Warren and CAG's Julie Archer fielded questions from the floor in a lively exchange about the specifics of the proposed West Virginia legislation.

Following this segment of the program, the legislators arrived and were introduced: Senator Dan Foster

and Delegates Nancy Guthrie, Bobbie Hatfield, Doug Skaff, Carrie Webster and Danny Wells. The crowd also welcomed new Secretary of State Natalie Tennant, who joined the discussion. Each spoke briefly about public financing and support for the concept and encouraged those present to keep plugging away on the issue.

A number of thought-provoking ideas were raised, such as the possibility of special provisions to

Please Help

If you would like to host a clean elections house party, schedule a speaker for a group meeting or receive informational materials on public campaign financing, please contact Carol Warren at peacelovemom@gmail.com or (304) 847-5121.

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We care, We Count, WE VOTE!

Get Active with Clean Elections in WV Now!

The 26 member organizations of the WV Citizens for Clean Elections coalition are busy with strategy for the 2009 Legislative Session and ways to move our WV Public Campaign Financing Act. We are convinced that public campaign financing will eliminate the unfair policy advantages obtained by major campaign contributors and return control of our elections to the voters.

Public financing will allow qualified candidates who have good ideas, but not much in the way of personal wealth or connections, to run for office and have a fair opportunity to win. If we want to achieve goals like better environmental legislation, health care that's accessible to all and investment in clean, good-paying jobs, we need to enable people who share those priorities to be elected.

We are quite pleased and grateful that our lead sponsors in both the House and Senate, Delegate John Doyle and Senator Jeff Kessler, will be working with us again this year. House Judiciary Chair Carrie Webster and her staff have been providing invaluable assistance in obtaining information about our funding mechanism, a surcharge on civil and criminal penalties over \$1,000.

We've recently been hosting in-district meetings with legislators around the state to show them that constituents are interested in and supportive of public financing for campaigns. The meetings have been immensely successful! Please let us know at peacelovemom@gmail.com if you would like a speaker on clean elections for a group meeting

WV Residents Join with Indian Tribal Leaders to Protest OSM Actions

On Dec. 8, 2008, members of OVEC and Coal River Mountain Watch (CRMW) gathered outside the Charleston office of the federal Office of Surface Mining, Reclamation and Enforcement (OSM).

The same day, Navajo and Hopi tribal members were gathering outside the OSM office in Denver, Colorado.

"When we met with folks from the Navajo community out west, we realized we are having the same problems," said Vernon Haltom of CRMW. "They are struggling with bad water, loss of culture and heritage, and systemic apathy from government agencies."

The issue the groups were protesting was a rushed "midnight regulation" the Bush administration's Department of the Interior wanted to issue in favor of Peabody Coal, without public hearings or required environmental reviews.

or house party in your area.

OVEC's Carol Warren and CAG's Julie Archer will be lobbying at the Capitol during the session. With assistance from various coalition partners and our dedicated sponsors, they will be doing all they can to shore up support and convince new legislators to get behind voter-owned elections.

However, as is the case with any piece of legislation, **pressure from the voters is the surest way to get our bill moving**, and we need your help. Please call your representatives and tell them you support the bill!

Weekly updates during the session will appear on our website WWW.WVOTER-OWNED.ORG, so be sure to check them out and keep updated about our progress. Fliers you can print out and a wealth of other information about our public financing proposal are available on the site.

There are also links to sign our clean elections petition, to send an e-mail to your legislator and to send a letter to the editor of your local paper. All of these actions are easy to take and will greatly assist our efforts. Thank you - we appreciate your help!

Meet and Greet

continued from page 17

help new candidates gain name recognition, the issue of some individuals not wanting tax dollars to support candidates with whom they disagree and ways to find connections between various election reforms. Delegate Webster described the Legislature's struggle this past year to settle court issues around the disclosure law for 527 organizations.

After the speakers addressed the issue, everyone was invited to revisit the food table and talk with the legislators individually.

A number of new people took home handouts and brochures, signed the Clean Elections petition and noted that they were pleased to have learned more about the proposal. Support continues to grow!

***"The most common way people give up their power is by thinking they don't have any."
- Alice Walker***

Burning the Future – Coal in America

by Janet Keating

Several years ago, when filmmaker David Novack set out to make a documentary about the important role coal played in building America, little did he know about the dirty secret of the coal industry – mountaintop removal.

In his own words: “Then I met Maria Gunnoe. Maria and thousands of people living in Appalachia are under environmental assault. Their land is destroyed; their loved ones are ill and the mountains they love are being blown away - in the name of ‘cheap energy’ for every American.”

During the three years that he filmed *Burning the Future*, David also met Larry Gibson, Judy Bonds, B.I. Sammons, Carmelita and Ernie Brown, Donnetta Blankenship, Joan Linville, Bo Webb, Ed Wiley, Debbie Jarrell and many others who are standing up for our mountains, communities, streams and especially a way of life.

Because of mountaintop removal, their lives, like the mountains in Central Appalachia, have been forever altered, not only by the impacts of this mining, but by their

very involvement to save what they love and cherish.

David has done our state and nation a great service by devoting so much of his time, talent, and energy to produce this moving documentary. Many Americans may

not know how their electricity is produced, let alone their connection to mountaintop removal. Nor can they imagine the horrendous impacts it has on the lives and future of people who are in the crosshairs of this egregious mining method.

Hopefully, as more people view this documentary, they will be moved to do their part to urge our government to say NO to any new coal-fired power plants and YES to investing in a clean, renewable energy future for our nation.

David’s film has been shown in many film festivals and won numerous awards, including the IDA Pare Lorentz Award for Best Social Documentary of 2008. *Burning the Future* was re-aired on the Sundance Channel on Feb. 3 and Feb. 8 and was scheduled to premier in Courtenay, British Columbia, on Feb. 7 at the World Community Film Festival, BC.

OVEC is grateful not only to David for making this film, but also to all the brave souls who continue to endure the assault on their lives caused by mountaintop removal. We are also grateful to the Civil Society Institute and the Sierra Club who helped fund David’s work. See WWW.BURNINGTHEFUTURE.COM.

Please help spread the word about mountaintop removal by organizing a showing of *Burning the Future* in your community. For assistance, please contact Tonya at (304) 522-0246 or 4themountains@gmail.com.

Kudos to OVEC

“I want to thank you for all that your organization is doing. I get lots of letters in the mail everyday from different non-profits asking for donations but what I liked about OVEC was that (other than you are helping with a great cause!) that your letter was just that, a letter. I did not receive any mailing labels (I now have over 300) and you did not bribe me with saying I will receive a free gift. Your organization has authenticity to it and I appreciate everything that you all have to offer.

“I am the Sustainability Coordinator at Coastal Carolina University, and I plan on showing the movie *Burning the Future: Coal in America* during our Earth Month activities. I saw the advertisement for the movie in the letter you sent me and once I saw the trailer on the website I had to purchase it and I am glad I did. I am from West Virginia and it angers me what happens there, and I am more than happy to give any donations I can to an organization helping to stop the horrible mountaintop removal.

“I would love to receive your newsletter. Thanks again for all of your hard work.”

Marissa Mitzner, Conway, SC



Coalfield Native Writes of Industry's Disregard for Environment

by Harriet Blake, excerpted from the Jan. 19 Green Right Now

A son of Appalachia and its coalfields, Arnold "Bud" Fultz has not forgotten his hometown of Wallins Creek, KY.

After 25 years as an airline exec with now-defunct Pan American World Airways, he felt compelled to speak out about what the coal industry was doing to the part of the country he calls home. In his book *Fixing the Ungodly Mess: A Pathway to Change* (AuthorHouse, 2008), Fultz takes aim at mountaintop removal mining, a technique of withdrawing coal from the mountains by removing up to 1,000 feet of a mountain's summit.

"My heart never left the area and I still had relatives there... I wanted to get back in touch with the people of Kentucky and West Virginia."

While Fultz is encouraged that President Obama says mountaintop removal is an issue he wants addressed by his administration, Fultz does have concerns about how this will be accomplished. "Our new Energy Secretary, [Nobel Prize winning physicist] Steven Chu, has indicated

Drinking Water Problems Obvious, Should Be Investigated

Letter to the Editor, Jan. 1, 2009, Charleston Gazette

I have recently heard a persuasive, well-substantiated presentation outlining the apparent horrendous effects on rural drinking water from coal mine wastewater underground injection.

Hundreds of household samples have been taken and the resultant pattern is undeniable: communities near these injection sites suffer from not only extremely obvious solids contamination but also apparently from invisible toxic heavy metals, since a clear correlation has been shown between very high incidences of gall bladder problems in the injection areas.

Some decades ago similar problems occurred near Love Canal in New York (near Niagara Falls.) What a furor there was! The national press was there - national and international media stories abounded. But here in ignorant hillbilly country we apparently just shrug it off when studies show women in the region dying earlier than their counterparts elsewhere.

State legislators and officials who refuse to investigate should be charged with being accessories before and after the fact to unintended manslaughter.

John Palmer
Charleston

that clean coal will play a part in the country's energy needs."

"All the clean coal in the world will not stop the environmental abuses that now exist," says Fultz...

To fix "the ungodly mess" as his title indicates, Fultz says visionary leadership is needed, with particular attention on three fronts: renewable energy technology; affordable and accessible health care and a revitalized education system.

"My passionate objective is for citizens, both in the Appalachian coalfields and across the country... to rock the hell out of the boat - to reverse ungodly policies, to regain our country's greatness."

Read full article at TINYURL.COM/AZZ2QZ.

Eating For OVEC Keeps Raising \$\$\$

The Eat for OVEC fundraiser continues to be a success. Thanks to everyone who has enrolled in the program for OVEC! Please keep using those gift cards when you purchase your groceries and gas at Kroger.

If you need refreshed on how to use the card, don't have a card yet, or don't know what the program is about, contact Maryanne at (304) 522-0246 or maryanne@ohvec.org, or send in the coupon below. The program doesn't cost you a penny, and it sure helps support OVEC's work.

YES! I want OVEC to receive 5 % of my purchases from Kroger! Please enroll me in the EAT FOR OVEC Kroger gift card program.



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Voices of Buffalo Creek: A Survivor Speaks Out

Buffalo Creek Survivor Kerry Chad is the Miracle Baby. He was only 9-months-old when the Pittston Coal Company's coal waste dams on Buffalo Creek failed in 1972 and 125 people perished.

A rescuer found baby Kerry stuck headfirst in the mud. His mother had thrown him as far as she could up an embankment just before the tidal wave of sludge took her life.

Coal companies are re-mining in Buffalo Creek and apparently plan to reuse one of the failed dams. When Chad, who now lives in New York, heard about the re-mining he told Maria Gunnoe:

"I will say that this doesn't surprise me because of a gut feeling I have had for years. I have no basis for this opinion; call it a conspiracy theory if ya want.

"But something tells me the devastation planned this time is so extreme that they left Buffalo Creek the first time to make the



A dog curls up where the town of Lundale stood before the Buffalo Creek Disaster.

people feel that they will have no job unless it's a coal job. They left to teach the people a lesson, and now that the people do need these jobs they can come in and severely devastate the area this time and no one will say anything because they just want a job.

"Some reasons I have kinda' made this up in my head are: One, if the coal was gone, then they never would have left Buffalo Creek in the first place. And, two, they never removed the railroad tracks. I always found that to be extremely odd. A salvage company could have made a lot of money off the salvage of those tracks, but I bet the coal company knew they'd be back and left them for this purpose.

"It just doesn't make sense to leave a place that has the stuff you're looking for."

Air Quality Compared in Mining and Non-Mining Areas of West Virginia

Dr. Michael Hendryx, Jared Pomery and Michael Balistreri with the West Virginia University Department of Community Medicine, conducted air quality sampling tests from late April to early June 2008 in nine rural locations around West Virginia. They sampled in communities both with and without coal mining activity nearby.

Results showed that air quality was significantly worse in mining locations versus non-mining locations. The poorest air quality was found near mountaintop removal mining sites, followed by community sites close to other mining activity; both of these settings had worse air quality compared to non-mining locations.

Higher levels of air pollution in coal mining locations may pose human health hazards.



Dust from mountaintop mining may affect nearby residents' health.



Fresh construction of a coal belt line is happening at the breach site of the 1972 Buffalo Creek coal sludge disaster.

photo by Antrim Caskey

NPR Interviews OVEC Members on Stream Buffer Zone Rule Change

In December 2008, National Public Radio (NPR) featured an interview with OVEC members Leon and Lucille Miller in a story called “Mining-Rule Change Creates Tremors In W.Va.”

The Millers are the folks who battled Arch Coal all the way to the West Virginia Supreme Court in order to keep part of their Lincoln County land in the midst of the Hobet 21 mountaintop removal site.

In January 2009, NPR’s Elizabeth Shogren interviewed OVEC board member Larry Gibson for a segment titled “Bush Administration Altered Appalachian Landscape.”

Shogren begins her story, “There might not be a better place to contemplate the impact of President Bush’s environmental legacy than Larry Gibson’s mountain in



Larry Gibson shows a reporter the dust-cloaked, boulder-blasted horror that is an active mountaintop removal mining site. Over the years, hundreds of reporters from across the nation and around the world have filed reports from atop the summit of ever-diminishing Kayford Mountain.

southern West Virginia.”

Find links to the story transcripts and audio of both of these stories on OVEC’s “Featured News” webpage at WWW.OHVEC.ORG/FEATURED_STORIES.HTML.

Role of OVEC and CRMW in Helping with Coal Novel and Film

by Ann Pancake

Without the help of OVEC and Coal River Mountain Watch, I would never have started my novel, *Strange As This Weather Has Been*, and I doubt if (my sister) Catherine could have finished her film, *Black Diamonds*.

When we initially contacted OVEC in early 2000 with a request for help visiting mountaintop removal sites and talking to local people affected by its fallout, Vivian Stockman and Laura Forman responded immediately.

Within weeks, we were with Vivian and Larry Gibson on top of Kayford, and we were getting a thorough introduction to the complexities of mountaintop removal through an interview with Laura. A couple of months later,

Larry introduced us to Judy Bonds and Freeda Williams of CRMW. They and others at CRMW opened up to us the devastation and struggle in Boone and Raleigh Counties and beyond. More than once, people at both organizations put their own safety on the line as they helped us learn about mine sites, valley fills, and sediment ponds.

Through the seven years since then, both OVEC and CRMW have worked tirelessly to help Catherine and me. They’ve put us in touch with scores of people who want to tell their stories; they’ve provided all kinds of factual information about mountaintop removal; they’ve helped us network with organizations across the country; and since

continued on page 27



GLOBAL WARMING / CLIMATE INSTABILITY in the Mountain State



The Most Important Number on Earth is 350 - Here's Why

by Mel Tyree

NASA's chief climatologist Dr. James Hansen is a pioneer in the field of human-caused climate change. He and his associates have been taking the world's temperature for some 40 years.

In 1981 Hansen was the lead author of a study, published in the journal *Science*, which projected that massive melting of glaciers and ice caps would occur in the 21st century.

He predicted that the Northwest Passage would also be ice-free. These projections were based on computer models, since next to no data was yet available regarding such potential climate change effects. The Northwest Passage became ice-free for the first time in 2007.

In 1988 Hansen testified before the U.S. Congress that he was 99 percent certain that humans were responsible for global warming. Many of his colleagues at the time believed this, also, but were hesitant to testify.

In 2005, at the annual American Geophysical Union conference, Hansen stated that on a **“business as usual” path human-induced climate change would cross a global tipping point that would lead to catastrophic impacts.**

In its 2007 report the United Nation's Intergovernmental Panel on Climate Change projected that if the world's major greenhouse gas (GHG) polluters didn't significantly reduce their emissions by 2015, catastrophic climate change likely would be unavoidable. Hansen is still sticking to his grim prediction.

In November 2008, Hansen and nine colleagues published a major study – “Target Atmospheric CO₂: Where Should Humanity Aim?” – in *The Open Atmospheric Science Journal*.

This study establishes a redline for the maximum atmospheric carbon dioxide (CO₂) level humanity needs to

shoot for in order to preserve civilization and prevent mass extinctions.

Hansen notes, “If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on earth is adapted, paleoclimate evidence and ongoing climate change suggest that CO₂ will need to be reduced from its current 385 ppm (parts per million) to at most 350 ppm, but likely less than that.”

Hansen and his coauthors base the 350 ppm CO₂ redline limit on how the earth in geological history reacted to natural GHG releases and earth's current reaction to human-released GHGs.

He goes on to recommend that if we can get to 350 ppm CO₂ in the atmosphere, we need to make further reductions to the 300 to 325 ppm range to be safe. These lower levels are about what the levels were just prior to World War II.

His solutions include those that scientists have been recommending for over two generations now, such as eliminating CO₂ emissions from burning coal and “prompt” policy changes.

Environmentalist Bill McKibben wrote an excellent article titled “The Most Important Number on Earth” for last December's *Mother Jones*, explaining the significance of Hansen's study.

McKibben is mounting a world awareness campaign regarding the critical need for reducing carbon dioxide levels to 350 parts per millions via his website www.350.org.

He's a Coalllll Man

U.S. Rep. Nick Rahall, D-WV, chairs the House Committee on Natural Resources.

Rahall's Third District pours more coal into the market than any district in the country. Go to www.rahall.house.gov/ and click on the “E-Mail Me” link to contact the Congressman.



Hear This: We Don't Want Sludge in Our Water!



On Jan. 12, 2009, more than 30 people from seven West Virginia counties gathered at the Department of Environmental Protection headquarters in Charleston for a public hearing on a permit application by Band Mill Coal Corporation. The permit would allow the company to pump coal waste slurry underground in Logan County (Application No. 1230-08-045).

"I would like to know what proof they have that this method is safe," Jane Davies, of Kanawha County, said to the DEP.

Many in attendance voiced concerns for potential health effects from slurry leaching into drinking water and recalled past water contamination problems in Prenter, Boone County and Rawl, Mingo County and other parts of the state.

"We are not anti-mining, we are pro-clean water," said Frank Preece of Logan County. "I have city water, but there are chemicals involved here that may not be filtered out at the treatment plant. And I am concerned about my neighbor who is on well water."

Preece went on to explain the need for clean water in order to attract future businesses to the area and to allow young people to come back after college.

"There are safer ways to process coal that do not risk people's health or put poisons into the drinking water," said Joe Stanley of Prichard, West Virginia. "We pressed out the water from the slurry and trucked the leftover filter cakes to be properly stored in a contained landfill. The technology is available and cost effective."

Stanley worked from 1984–1986 at Marrowbone

Development in Mingo County as a dry press filter operator.

"While coal is being mined, we want it to be mined safe, we want it to be mined right," said Chuck Nelson, a retired union coal miner and board member of OVEC.

Nelson held up a jar of black water from a residence in Boone County. "By requiring this permit to be processed with dry press, you could save peoples lives, you could clean up our rivers and you could give West Virginia a future."

Sludge Safety Project organized turnout for the hearing. Sludge Safety Project is led by OVEC, Coal River Mountain Watch and West Virginia communities working for clean water and community safety near toxic coal waste storage and mountaintop removal sites.

OSM Faults WV Dam Enforcement

by Ken Ward, Jr., excerpted from Jan. 12, 2009, Charleston Gazette

Federal investigators have identified serious deficiencies in West Virginia's effort to ensure coal slurry impoundments do not break into nearby underground mines.

Department of Environmental Protection officials do not properly apply "safety zone" rules for impoundments built on top of underground mine workings, according to the report by the federal Office of Surface Mining, Reclamation and Enforcement.

OSM investigators found DEP officials did not require proper drilling to identify nearby mine workings at two of three impoundments examined for the study.

OSM also found DEP approved one Massey impoundment in Logan County, despite the serious concerns raised by the state agency's own permit review engineer.

"There is no way an impoundment in this area can satisfy the laws with regard to the dimensional requirements for safety zones," the DEP engineer wrote, according to OSM's report.

The OSM report comes as regulators and environmentalists around the coalfields are focused on the potential dangers of impoundments utility companies use to dispose of coal-fired power plant ash. In late December, a coal-ash dump in Eastern Tennessee failed, sending more than 1 billion gallons of wet coal ash pouring onto 300 acres of nearby homes, fields and streams.

Read the full article at www.wvgazette.com/News/200901110512.



SSHhhhhh!! What the Coal Lobby Wants Hidden

By Pam Solo and Janet Keating, published in Dec. 7, 2008, Charleston Gazette

The coal industry lobby recently took exception to our survey that found West Virginia residents agree with the rest of the country on energy issues (“Get to know coal’s benefits,” Nov. 30 by Joe Lucas). What did they find so objectionable?

It turns out that we all want a clean energy future that addresses the challenge of climate change while at the same time helping our ailing economy through the creation of millions of new high-paying green jobs.

A survey by the Civil Society Institute, THECLEAN.ORG and the Ohio Valley Environmental Coalition released in September 2008 found that most adults in West Virginia want the next president and Congress to achieve energy independence by relying on clean energy sources.

When asked what elected officials should make “their number one energy-related priority for the nation” in 2009, over half (52 percent) of state residents said they favored “promoting energy sources such as wind or solar, more conservation of energy, and hybrid or other highly fuel-efficient cars,” compared to 38 percent who favor “promoting energy sources such as more coal-fired power plants, oil from offshore drilling and nuclear power.”

It’s no secret that more West Virginians are now well aware of the negative implications of coal-fired power. A fast-growing list of organizations in West Virginia, including

the Appalachian Center for the Economy and the Environment, Catholic Committee on Appalachia, Christians for the Mountains, Coal River Mountain Watch, Ohio Valley Environmental Coalition, Student Environmental Action Coalition and the West Virginia Highlands Conservancy, have all joined in THECLEAN.ORG campaign to highlight the devastating human health and environmental consequences of mountaintop removal coal mining.

What the folks at the curiously named “American Coalition for Clean Coal Energy” lobby group don’t want the public to know is that new coal-fired power plants are simply too risky an investment, too expensive, and require too long a planning horizon to justify new construction. That is why nearly 50 coal plants have been canceled in the United States since mid-2007. So-called “clean coal” technology - capturing and sequestering carbon from coal plants - only works on paper. It is not the sure-fire fix that the multimillion-dollar ad campaign by the coal industry is trying to sell.

A shift in U.S. investment from coal-fired power to energy efficiency and renewable technologies will mean a better quality of life and standard of living for West Virginia. Thousands of clean-energy jobs can be created in the state. The state’s air and water would be vastly improved.

The status quo on coal is not the answer. A 2004 study put West Virginia first out of 50 states in premature deaths per capita due to particulate emissions from power fired by coal plants.

Even though the Department of Energy in 2007 projected a net decrease in mining-related jobs in the United States, for the near term we fully recognize that many jobs are still linked to the coal industry in West Virginia. That is why TheCLEAN supports developing economic transition plans and targeting early support for those areas heavily reliant on fossil fuels.

As we move away from coal and other fossil fuels, public policy should not create regional disparities in who wins and who loses in the new energy economy.

It may be that the only reason that West Virginia would get “left behind” is if a few powerful corporations and individuals cling to coal too long, allowing the climate solutions/green energy boom to bypass the state that may need it the most.

Solo is founder and president of the Civil Society Institute, which is a co-convenor of THECLEAN.ORG campaign. Keating is executive director of the Ohio Valley Environmental Coalition in Huntington.

GET ACTION ALERTS!

Stay Informed by E-mail: Join OVEC’s Action Alert! e-mail list by sending an e-mail with “join list” in the subject line to vivian@ohvec.org. This is not a discussion list, so you won’t be swamped with e-mails.

Stay Informed by Phone: If you don’t have or don’t like e-mail, call the OVEC office at (304) 522-0246 and ask to be put on our Call List. We’ll need your name and phone number. Don’t worry - we will only call to let you know about major events or actions.

Stay Informed by WWW: Visit WWW.OHVEC.ORG frequently for news and action updates. Check out our extensive background information in the Issues section. Look for your friends in the People in Action section.

Valuing Ecosystem Services: Picturing an End for Mountaintop Removal

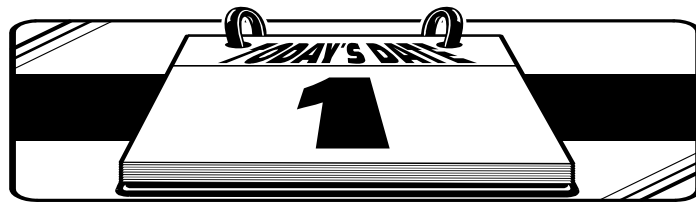
by Sarah Kuck, excerpted from Dec. 5, 2008, World Changing

Flying over the Appalachian Mountains of West Virginia will undoubtedly award you with stunning views of rolling blue-green hillsides, deep misty valleys and high plateaus.

But from your bird's-eye view, you might also be accosted by the sight of unnatural-looking, rocky bald spots where the tops of mountains used to be. (Ed. Note: Photos by OVEC's Vivian Stockman, taken from the plane of SouthWings pilot volunteer illustrated this article.)

Mountaintop removal is a technique used for finding more coal in which coal companies blast off 800 to 1,000 feet of mountain top to get to embedded coal seams. This isn't easy or safe for the surrounding ecosystems, the mine workers or nearby communities.

These mines are more than just aesthetically scarring. They destroy ancient forests and habitats, exacerbate erosion and sediment runoff, and pollute the streams below,



CALENDAR

March 7–15: Mountain Justice Spring Break. WWW.MJSB.ORG.

March 14–18: Fourth Annual End Mountaintop Removal Week in Washington, DC. WWW.ILOVEMOUNTAINS.ORG/ACTION/WIW2009.

April 11: WV Legislative Session ends.

April 17–18: Sustainable Fair 2009, Stonewall Resort, Roanoke, WV. For information e-mail: deniseap@earthlink.net.

May 30: Kanawha Valley Sustainability Fair. For information call (304) 382-1233.

June 19 - 20: Mountain Aid – A Concert to End Mountaintop Removal. Kathy Mattea will perform at the first annual Mountain Aid concert at the Shakori Hills Festival site in Chatham County, NC. WWW.MTNAID.COM.

ruining the water that farms and towns rely on for daily life.

On Tues., Dec. 2, many opponents of mountaintop removal were surprised to hear that the Environmental Protection Agency repealed a rule that restricted this type of mining.

“Once again, the Environmental Protection Agency has failed to live up to its name. With less than two months left in power, the Bush administration is determined to cement its legacy as having the worst environmental record in history,” said Joan Mulhern, senior legislative counsel at Earthjustice.

In October, a nationwide poll on mountaintop removal mining found that two out of three likely voters opposed the rule change. An Oct. 21 New York Times editorial noted that “more than 1,200 miles of streams in Appalachia already have been buried or destroyed by mountaintop removal coal mining.” And then-presidential candidates John McCain and Barack Obama both voiced their opposition to the practice.

The bright green solution to mountaintop removal coal mining is finding a way to more honestly price the resources we use. This method would price energy in a way that directly reflects the true cost of its extraction and the environmental cost of its use, while placing value on the ecosystem services nature provides to us for free.

Pricing energy honestly allows the true expense of blowing the tops off mountains to be seen more clearly. As a result, renewable energy sources look far more attractive. This solution helps us make smart decisions, like valuing ecosystem services and choosing renewable energy sources.

We need a national policy that supports this. If you believe in this, please sign our letter to President Obama asking him to discuss this and other solutions for addressing climate change in his inaugural address.

Read the full article at: TINYURL.COM/59A74K.

Coal that comes from mountaintop removal mining provides about

4%

of our nation's electricity, a percentage that could easily be supplied and surpassed by conservation, increased energy efficiency and truly cleaner energy sources like wind and solar power.

Rant on Rahall

by Janet Keating

Congressman Nick J. Rahall's call for regulation of coal fly-ash waste impoundments following the disaster at Tennessee Valley Authority's Kingston power plant is laudable; however, one wonders why he turns a blind eye to serious water issues related to coal waste impoundments and underground injection of coal sludge in his own district.

During a Washington, D.C., visit, when constituents showed him a photograph of a father and son from Mingo County standing before a sink full of red running water, Rahall lamentably said, "All the water in southern West Virginia looks like that."

Where was Rahall when the residents of Rawl, Sprigg and Merrimac in Mingo County, some seriously ill, fought 15 long years for a municipal waterline because their well water was contaminated – either from underground injection of coal sludge or from the migration of coal sludge from unlined coal waste impoundments?

Why isn't he, rather than local residents, leading current efforts to provide safe water for the people of Prenter

in Boone County, where coal sludge has apparently contaminated wells?

Sixty-five coal waste impoundments, situated in the Congressman's district, containing billions of gallons of toxic coal sludge are classified as Class C dams – "where failure may cause a loss of human life or serious damage to homes, industrial and commercial buildings, important public utilities, primary highways or main haul roads." (WWW.COALIMPONDMENT.ORG).

His call for regulation of coal power plant waste impoundments reeks of political grandstanding.

How about meaningful coal sludge impoundment regulation and enforcement of those regulations here?

Film Help

continued from page 22

Catherine has finished her documentary and I have finished my novel, they have enthusiastically helped us with publicity.

Finally, their example – their courage, persistence, resilience, flexibility, and good humor – inspired me to stick with my novel through the seven long years it took to write it and find a publisher. I am inexpressibly grateful to both organizations.

Strange As This Weather Has Been features a southern WV town plagued by mountaintop removal strip mining that is ruining what is left of its mountain life.

This story of lives suspended by danger is delivered through the perspectives of several members of one family – a couple and their four children. Working at a "scab" motel, one of the children, 15-year-old Bant, becomes involved with a young miner while her mother contemplates joining the fight against the mine owners. As domestic conflicts escalate, the children are pushed more and more outside among junk from the floods and felled trees – the only nature the youngest have ever known. But Bant has other memories and is as curious and strong-willed as her mother. Ultimately, through her eyes, we come to discover the very real threat of destruction that looms in the landscape and in her home. Based on interviews and real events, the stories of these people merge and finally explode into a harrowing, yet life-affirming, conclusion.

Ann's novel was released in October 2008 and is available at Taylor Books and Frog Creek Books in Charleston and other independent bookstores around the country. For more info, see ANN PANCAKE.BLOGSPOT.COM/.

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Remember – All donations to OVEC are tax deductible!

BLACK FRIDAY

On Friday the 13th of Feb. 2009, a-three judge panel from the U.S. Fourth Circuit Court of Appeals overturned two favorable decisions granted by U.S. District Court Judge Robert C. Chambers in one of our major lawsuits.

“It’s not a time to despair, but a time to redouble our efforts and try to get the Obama administration to recognize and act upon the problems here,” said Joe Lovett, an attorney with the Appalachian Center for the Economy & the Environment (ACEE).

“We believe the decision is wrong on the law and the science,” said Earthjustice attorney Steve Roady.

In September 2005, on behalf of the OVEC, West Virginia Highlands Conservancy and Coal River Mountain Watch, attorneys at Earthjustice and ACEE filed this lawsuit challenging the way the Army Corps of Engineers issues permits at several West Virginia mountaintop removal operations.

Reading the Fourth Circuit’s 2-1 opinion is tortuous. We are instructed to rely on the Corps’ “best professional judgment,” which has already cost Appalachia a minimum of 1,200 miles of smothered streams, water polluted, mountains, forests and the communities supported by them destroyed, habitat gone, gone, gone...

“The problem is that the corps and the court are not listening to the scientists,” said Jim Hecker, environmental enforcement director for Public Justice, which also represented the citizen groups.

While we consider our options in appealing this decision to the full 4th Circuit or the U.S. Supreme Court, we will redouble our efforts in organizing and educating the public on the national disgrace that is mountaintop removal. We’ll amplify our voices in asking the Obama administration to ban this extreme form of coal mining.

Take action now: TINYURL.COM/BC2766.

As this went to print, OVEC, Highlands Conservancy and Sierra Club sent a notice of intent to sue the new Hobet 22 mountaintop removal mine in Lincoln and Boone counties for illegally discharging toxic amounts of selenium into streams. Also, OVEC and Highlands just filed a lawsuit dealing with deficiencies in WV DEP’s process of evaluating cumulative hydrologic impacts in areas where several different mines are operating.

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