



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Major News: EPA May Do Its Job!

On Sept. 11 the U.S. Environmental Protection Agency announced that it has concerns about the environmental harm that would be caused by the issuance of dozens of mountaintop removal permits that the agency had been reviewing since June.

EPA's actions were welcomed by local and national groups working to end the practice of mountaintop removal. While noting it is only a first step, the groups commended EPA for its decision.

"While many mountains, streams and communities continue to be impacted or annihilated by mountaintop removal because of years of lawless mining, EPA's announcement today provides people with some hope that



Does EPA's review signal the beginning of the end of coal company greed and destruction, which people across the coalfields, including OVEC board member and Keeper of the Mountains founder Larry Gibson work tirelessly to expose?

us and for future generations," she said. Others agreed.

"EPA's action today creates a welcome reprieve for the people who live below these enormous mining sites and

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DEP Biologist: Agency Chief Huffman's Testimony to Congress Was Ill Informed

In August, the *Charleston Gazette* reported on an internal memo written by a WV Department of Environmental Protection biologist. The memo said that DEP Secretary Randy Huffman was ill informed when he testified before Congress about the damage being done by mountaintop removal coal mining.

Huffman spoke before a Senate subcommittee in June, saying that there's little evidence that mountaintop removal is doing much damage to Appalachian streams.

OVEC's Maria Gunnoe also spoke before that *continued on page 3*

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Thinking About Your Legacy: An Open Letter from Dr. Ken Hechler

Dear OVEC members and supporters,

I am writing you about a delicate subject: Your legacy gift to OVEC; that is, remembering OVEC in your will. I have been associated for more than two decades with OVEC, an extraordinary grassroots environmental group. The organization has a history of winning and a culture of standing side-by-side with citizens.

As a former public servant, and now as a private citizen, I say, from the bottom of my heart, OVEC is one of the most effective grassroots groups in West Virginia – and maybe even in the nation. I shudder to think of how many more mountains would be destroyed without OVEC in the forefront of the resistance movement.

As OVEC organizes to oppose the outrageous practice of mountaintop removal mining, it successfully amplifies the voices of coalfield residents, providing citizens with the tools they need to ensure that their concerns are heard above the din of polluters and industry lobbyists. As a former U.S. Congressman, I know about the power of organized citizens to create the political will for change – like those who organized for the passage of the 1964 Civil Rights Act. OVEC has a sterling reputation for getting hundreds of people involved in their work.

OVEC volunteers and staff – people like 2009 Goldman Environmental Prize winner Maria Gunnoe – work tirelessly, connecting documentary filmmakers, local, state, national and even international journalists with local citizens impacted by mountaintop removal and other mining abuses. Coalfield residents’ voices, the voices of real experts on mountaintop removal, have been heard across the globe – from the *New York Times* to *Der Spiegel*, from *National Geographic* and “O” magazine to *People*. Their stories truly inspire others to speak out!

OVEC is tough, tenacious and relentless in its dedication to preserve and protect West Virginia’s environment and people. But we shouldn’t take OVEC’s long-term financial well-being for granted. Foundations that support groups like OVEC come and go or change their areas of focus. If the stock market declines, like it

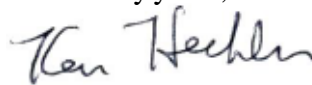
has in the recent past, foundations may rein in their giving, which can endanger a non-profit’s longevity. OVEC has clearly demonstrated that they are “in it for the long haul,” it’s up to us

to help ensure that OVEC is sustained.

We are conscious that all good things come to an end, including our earthly journey, but that doesn’t mean that we cannot create a legacy – a lasting gift to benefit future generations and our environment. As you write your wills and ponder your legacy gifts, please consider a bequest to one of the best grassroots environmental groups around – the Ohio Valley Environmental Coalition.

For more information about including OVEC in your will, please call Maryanne at (304) 522-0246.

Sincerely yours,



Dr. Ken Hechler

Dr. Ken Hechler served as congressman from West Virginia from 1959 to 1977 and was West Virginia Secretary of State from 1985 to 2001.

Creating A Lasting Legacy

Have you thought about your legacy? Are you looking for a long-term way to make a meaningful difference in the **movement to build a cleaner energy future**? Please consider making a planned gift to OVEC today. Planned giving options include:

- Gifts of stocks and bonds.
- Including OVEC as a beneficiary in your life insurance policy.
- Including OVEC as a beneficiary in your will.

Tax benefits apply to each of these options. Please contact your attorney or a financial advisor for more information, or go to LALWV.ORG.



EPA To Do Its Job

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the waste dumps they put into our waters,” said Judy Bonds, co-director of Coal River Mountain Watch. “We will continue our fight for a total, complete reprieve for our children and for our beloved mountains and streams.”

Of the 79 permits under review, EPA has determined that – for each and every permit at issue – the destruction of streams and harm to watersheds in the region raise questions about the legality of the permits under the Clean Water Act.

Under a procedure adopted by the Obama administration in June, EPA’s action is expected to trigger a 60-day joint review of the permits between EPA and the Army Corps of Engineers, if the Corps disagrees with EPA’s initial review. Assistant Secretary of the Army Jo-Ellen Darcy joined EPA Administrator Lisa Jackson in making the announcement.

“We are pleased, but not surprised, that these 79

mines failed to pass muster under the Clean Water Act at this stage in the review. We have been saying for years that these types of mines are too destructive to proceed,” said Joe Lovett, executive director of the Appalachian Center for the Economy and the Environment. “It is satisfying to know that there are finally leaders at EPA and in other federal environmental agencies who are willing to acknowledge that reality.”

“For this stage in the permitting review process, EPA
continued on page 4

Huffman Ill Informed

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subcommittee about the impacts mountaintop removal has had on her family, her community and the streams near her home.


The three-page memo, written by Doug Wood, a stream assessment biologist with the DEP’s Division of Water and Waste Management, conveyed Wood’s hope that Huffman “will be better informed the next time he represents our agency’s current state of knowledge to federal authorities and elected representatives.”

Wood wrote about numerous reports he has produced since 2002. Wood wrote, “it appears that Secretary Huffman is unaware of the findings of our efforts to understand the effects of mountaintop coal extraction to aquatic ecosystems in West Virginia.”

The *Gazette* reported that Wood didn’t send his memo directly to Huffman, but rather sent it to his DEP supervisors. One of them, Pat Campbell, told reporter Ken Ward Jr., “**I’m really not so much concerned about the content, but with how this document got to you,**” Campbell said. “This was an internal memo that nobody has had a chance to read yet.”

Campbell told the *Gazette* he was preparing a memo for Huffman, because he had also noted an inaccuracy in Huffman’s testimony to the Senate Environment and Public Works.

The week after the *Gazette* article ran, DEP issued a statement in response, which Ward posted to his *Coal Tattoo* blog, and which confounded many *Tattoo* readers with its circular logic.

To read Wood’s memo, with explanations on the science that says mountaintop removal is negatively impacting streams, and to explore the DEP’s convoluted follow-up and reader reaction, see “WV DEP responds to *Gazette* article on MTR memo” at BLOGS.WVGAZETTE.COM/COALTATTOO/ 

TAKE ACTION!

Comment to the EPA on its list of 79 MTR permits. It’s easy to comment. **Take action now.** Go to: ILOVEMOUNTAINS.ORG/EPA-PERMIT-LIST/COALFIELD-ACTION.PHP.

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OVEC is a founding member of Community Shares of West Virginia, a member of the WV Environmental Council and the Alliance for Appalachia, and a 501(c)(3) non-profit organization registered with the IRS and the WV Secretary of State.

When you're finished with this newsletter - PASS IT ON!

EPA May Do Job — *continued from page 3*

is doing the right thing, and we commend Administrator Jackson for her leadership,” said Joan Mulhern, senior legislative counsel for Earthjustice. “These mines, if permitted, would destroy many miles of streams in a region already devastated by mountaintop removal. We are confident that if EPA and the Corps do the ‘enhanced’ review as promised, they will determine that all of the mines with valley fills will cause unacceptable harm and violate the law. The next step should not only be to conduct the review and deny permits for mines that destroy waters, but the administration must also reinstate the clean water rules that prevented industries from dumping their waste into streams.”

In contrast to the result of an earlier review of other similar permits, where EPA allowed some mines like Peg Fork, which have destructive valley fills, to proceed even though they would cause unlawful destruction of waterways, EPA’s action today shows that it is now looking closely at the law and science in its permit review process and also providing some welcome public transparency.

Earlier this year, the EPA conducted a review of 48 applications pending before the Army Corps of Engineers for Clean Water Act permits to fill streams. At the end of its review, the EPA identified the Peg Fork MTR mine in Mingo County and five other mines as projects of high concern, and instructed the Army Corps not to issue those permits.

Unfortunately, the EPA raised no objections to 42 of those 48 mines, and eventually allowed the issuance of the Peg Fork mine permit with minimal additional conditions.

Despite that decision, **those permits still fail to satisfy the requirements for permits issued under the Clean Water Act.**

Many of these permits would still have unacceptable adverse impacts on local waterways and therefore violate the Clean Water Act. (See “Corps Approves Controversial Permit” on page 9.) 🗳️



We can only hope that the EPA will view mountaintop removal mining in a different light than the Army Corps of Engineers, which sees this type of wholesale destruction and devastation as something minor.

Reflecting on EPA’s Announcement

by Dianne Bady

Lisa Jackson said that she wants to assure that mountaintop removal/valley fill “permits issued are protective of water quality and affected ecosystems.”

I’ve spent a lot of time in federal courtrooms over the past few years, listening to coal officials and experts and Bush government officials defend MTR/valley fill mining with really, really bad science.

It has always seemed to me that our (OVEC, Coal River Mountain Watch and WV Highlands Conservancy) lawyers and scientific and engineering experts demolished the “scientific” testimony of the coal guys and their friends in government. Joe Lovett’s team knew what they were doing.

I learned in those courtrooms that there just doesn’t seem to be a way to do large scale mountaintop removal so that the “permits issued are protective of water quality and affected ecosystems.”

Will EPA ever have the political ability to admit that?

Will Obama be willing to blatantly reverse (in practice) his strident campaign promises regarding how sound science will lead decision making in his administration?

I certainly hope we don’t have to go through the torture of watching the Obama administration, which has pledged to utilize valid science, bring out fake science like the coal industry does to rationalize continuing mountaintop removal / valley fill mining. 🗳️

**Please support OVEC through
Community Shares**

JOBS in the Coalfields, the Right Way

by Chris Shepherd

“You live *where*?” Sadly, having returned to my home state of West Virginia and settled in Mingo County, that incredulous response is what I hear most often from people when I tell them of my current whereabouts.

I can understand where they’re coming from. Growing up in West Virginia, I never thought much about where I would live as an adult.

Upon reaching adulthood, the relative lack of options here, compared to those available out of state, made my path clear. So like every single one of my childhood friends, I moved out of West Virginia to pursue opportunities that did not exist here in our mountains.

With my fancy job in a big city, I soon realized I wasn’t really giving anything back. I went to the mountains of Georgia to teach school. But, the mountains of Georgia were not my mountains, not *our* mountains. So, I returned to West Virginia, with more questions than answers.

One burning question: What can we do to make West Virginia a livable state for all generations? I believe sustainable development is the answer to that question.

I was sold when I first learned of the JOBS Project (Just and Open Businesses that are Sustainable), for which

Families in Mingo Co. Sue Over Flooding

According to the Associated Press, in September, 20 families along Pigeon Creek in Mingo County filed lawsuits against mining companies over property damage.

The families contend mining operations, including construction of part of the King Coal Highway, worsened damage to their properties from a flood this spring. Named as defendants in the lawsuit are Alpha Natural Resources Inc. of Abingdon, Va., and three subsidiaries.

Alpha spokesman Ted Pile told the Associated Press, “It was a natural disaster caused by exceedingly high rainfalls and ground saturation. It was an act of God, not an act of man.”

The suits charge that the companies have committed negligence, trespass and property damage. The cases seek punitive damages as well as a halt to mining operations.

The potential number of plaintiffs in the cases could cause a backup in the court system if the case were tried at the circuit level, the lawyer handling the cases said, so he has requested the cases be referred to the Mass Litigation Panel, which is a group of judges who are assigned to handle cases that could overwhelm a circuit court. 🗿

I currently work full time in Mingo County.

Our goal is simple: Develop renewable energy projects where we need them the most – right in the heart of the coalfields.

We’re learning that starting renewable energy is not as simple as throwing up a few wind turbines and plugging them in.

Electricity generation is a long-term process. We’ve crafted a comprehensive and viable plan for renewable energy production, one that emphasizes above all else community planning, involvement and ownership of the projects.

Studies already show that existing community owned operations create more local jobs and keep a far higher percentage of revenue in the locality, rather than in the standard corporate model seen with coal and large wind.

We’re working with a renewable energy firm based right in Huntington called FRIEnergy. We’ve also teamed up with the Marshall and West Virginia Universities to continue to assess potential wind power sites.

We’ve forged relationships with the White House’s Council for Environmental Quality in Washington, DC, and with Windustry in Minnesota, along with others.

We recognize that even with these auspicious alliances it will still take awhile to get the operations up and running, but as a wise friend said, “You’ve got to start at the beginning.”

So yes, I am a prodigal son of West Virginia, but I genuinely hope and believe, that by coming back, I will play a small part in inspiring others to return and to stay. I believe that the best way to honor the mountaineer nobility of West Virginia is to protect and further develop its economic viability, not just for the realities of today, but also for a limitless future in the mountains.

OVEC is a partner in the JOBS Project. We provide funding for some JOBS staff time, JOBS-related OVEC staff time, and for JOBS expenses. Contact the JOBS Project at (304) 784-0864. 🗿



Asking the Highest Court in the Land to Hear Our Case

On August 27, the Appalachian Center for the Economy & the Environment and Earthjustice filed a petition to the U.S. Supreme Court, asking for an appeal of a recent decision made by the Fourth Circuit Court of Appeals over one of our lawsuits.

“The Supreme Court must intervene in a case that strives to provide essential protections for Appalachian mountain streams under the Clean Water Act,” said Joe Lovett, executive director of the Appalachian Center. “The Corps has not adequately controlled mountaintop removal mining activity and has allowed for the wholesale destruction of our vital waterways.”

The lawsuit, filed by OVEC, West Virginia Highlands Conservancy and Coal River Mountain Watch in 2005, claims that the U.S. Army Corps of Engineers has violated the Clean Water Act by issuing permits which allow coal companies to dump waste from mountaintop removal mining into waterways without following basic requirements of federal law designed to prevent irreversible harm to the nation’s waterways.

In March 2007, we won that lawsuit before U.S. District Judge Robert C. Chambers. The ruling would have

Dear Friends at OVEC

I just wanted to take a minute to say THANK YOU! You guys do an AWESOME job! I can’t imagine how much time it takes to do the constant updating of the media links, but you ARE my one-stop-shop to stay informed.

I have written a number of letters to my congressmen in DC as well as my representatives in the West Virginia Legislature due to your excellent reporting and alerts. I feel that because of you guys I really am KNOWLEDGEABLE concerning the issues, and am thereby able to express myself intelligently (not just passionately) to those in power.

Thank you for all that you do, and keep up the GREAT work. There is nothing so powerful as an idea whose time has come - and the idea of keeping West Virginia (and all of Appalachia) wild and wonderful is certainly an idea whose time has come.

Your fellow in the struggle,
Shaun Amos

**That’s all nonviolence is -
organized love.**

**- Joan Baez,
singer, songwriter, activist**

required the Corps to conduct more extensive environmental reviews before issuing permits to coal companies wanting to bury streams.

In February, a panel of federal judges in the U.S. Court of Appeals for the Fourth Circuit ruled 2 to 1 in favor of the Corps in the case, with a strong dissent from one judge on the panel.

We then requested rehearing by the full court of appeals, but in late May, by a close vote of 4 to 3, with 4 additional judges abstaining from the vote, the court denied that petition. Two judges filed strong dissenting opinions this time.

In his dissent from the denial of rehearing, Judge M. Blane Michael, who also had dissented from the panel’s February decision, explained that: “The ecological impact of filling headwater streams with mining overburden is both profound and irreversible... No permit should be issued until the Corps fulfills each distinct obligation under the controlling regulations. And this court should not defer to the Corps until the agency has done its job.”

“We’re constantly hearing about the decreasing amounts of clean water within our nation as well as ‘water wars’ between states,” said OVEC member Carolyn Van Zant. “Yet the coal industry is recklessly burying and polluting our headwater streams under millions of tons of mining waste in central Appalachia. We hope that the Supreme Court realizes how vital, urgent and necessary their input is on this matter.”

A MILLION Times Over !!!

In August, the site meter (which counts “hits”) on OVEC’s website, www.OHVEC.ORG, recorded our one millionth hit. Yup, our website has been viewed more than *one million times!* We’ve been spreading the word (and photos) about mountaintop removal for years, and that shows in the growing national movement to abolish this extremely destructive form of coal mining. Click on...



LINDYTOWN - Threats, Dead Horses and Shattered Dreams As the Draglines Creep Ever Closer

This photo is a view from the property Lora Webb was forced to leave because of mountaintop removal mining – you can see the steadily-approaching dragline in the distance (close-up below).

Rainforest Action Network recently toured mountaintop removal areas with OVEC’s Maria Gunnoe. On Sept. 2, they posted this on their *Understory* blog:

Today, we arrived in Lindytown in time to meet Lora Webb, as her friends packed up her house and got her ready to move two hours away. Lora doesn’t want to move, and she’s furious at what the coal companies are doing to her community.

She faced threats and intimidation before she agreed to sell her land. And even after signing a contract, her horse was killed and a truck

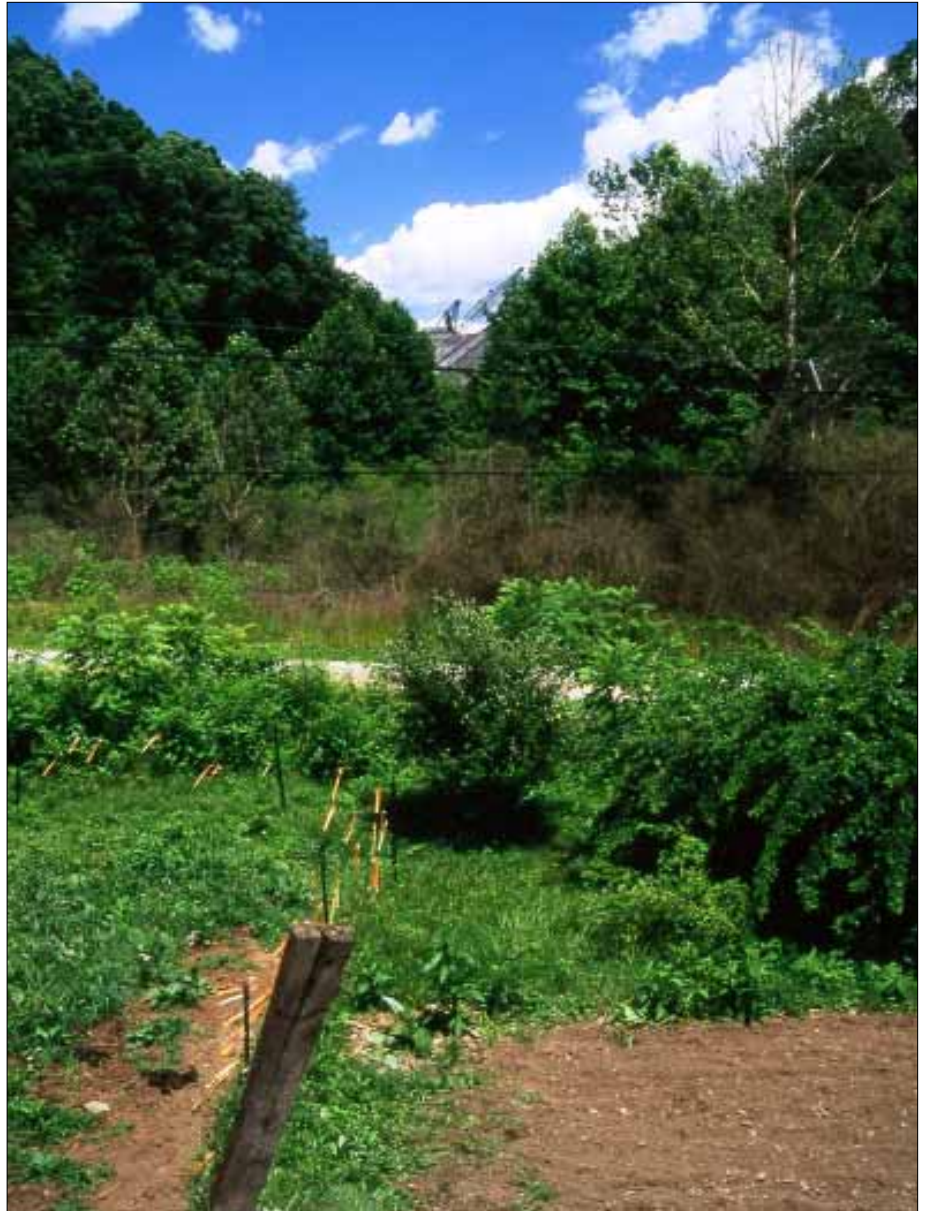
knocked out her phone lines. She’s mad as hell – and just moving farther away isn’t going to stop her from speaking her mind. But right now, Lora’s primary concern is safely relocating her life, her family, her property and the animals she’s rescued to the new property before Massey decides she’s taken too long and denies her further access to her property.

Lora is a plant person, and she’s nurtured many rare and endemic plants on her land. Some are underground now, so she can’t relocate them.

I also saw her well-tended garden with the ripening tomatoes that will likely never be eaten.

Photos by Mark Schmerling

(More photos on page 8)



LINDYTOWN - From Nice Little Mountain Town to Virtual Ghost Town

Lindytown is in Boone County in southern WV, near other places threatened by mountaintop removal mining, slurry injections and coal sludge impoundments, which are familiar to *Winds of Change* readers - Twilight, Bob White, Prenter, Marsh Fork ... the



list gets longer every month. OVEC volunteer organizer and board member Chuck Nelson (white hat) and a reporter (back to camera) caught up with Lindytown resident James Smith on his last day in the area.

Like Webb, Smith did not want to move, but the approaching mountaintop removal mine, with its constant dust, blasting and noise was driving him away.

Each month, there are more abandoned homes in Lindytown. The one at left, ironically, has a large Friends of Coal sticker in the front window, defaced by paintball vandalism. 🍄



*Photos by Vivian
Stockman*

EPA Moves to Block WV's Largest MTR Mining Permit

by Ken Ward Jr., excerpted from Sept. 8, 2009, Charleston Gazette

Citing “clear evidence” of likely environmental damage, the Obama administration has moved toward revoking the largest mountaintop-removal permit in West Virginia history.

In early September, the U.S. Environmental Protection Agency urged the federal Army Corps of Engineers to revoke or suspend the corps’ approval of a Clean Water Act permit for Arch Coal Inc.’s Spruce No. 1 Mine in Logan County.

William E. Early, acting regional EPA administrator, recommended the corps conduct a



new environmental impact study of the permit proposal to evaluate “new information and circumstances” and “recent data and analyses” of mountaintop removal.

In a five-page letter, Early cited the Spruce Mine’s “potential to degrade downstream water quality,” the need for the company to give “serious consideration” to reducing valley fill size, and scientific studies that show mine operators cannot effectively replace the environmental functions of streams buried by mining waste.

The Obama administration has promised “unprecedented steps” to reduce the environmental impacts of mountaintop
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Corps Approves Controversial Permit Despite EPA's Objections

In early August, the U.S. Army Corps of Engineers issued a Clean Water Act permit for Consol Energy’s Peg Fork mountaintop removal coal mine in Mingo County, WV.

This controversial decision marks the first time during the Obama administration that the **Army Corps approved a mine permit to which the U.S. Environmental Protection Agency had previously objected.**

“We are not willing to sacrifice our homes to the potential of flooding from a mountaintop removal coal mine,” said Mingo County resident and OVEC member Wilma Steele. “The Army Corps should protect our homes from being washed away.”

The permit would violate the Surface Mining Act as well as the Clean Water Act. This mining operation would be impermissible under the Surface Mining Act’s buffer zone rule, which protects intermittent and perennial streams.

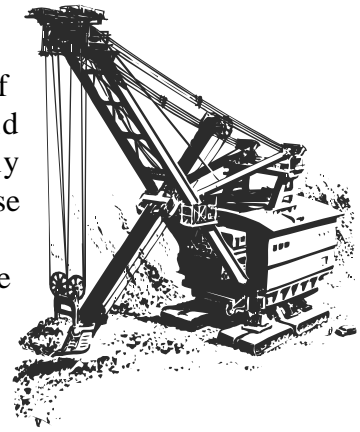
The Department of Interior, therefore, has the duty to use the buffer zone rule to prevent giant stream destruction projects like those at the Peg Fork mine from going forward.

“The Department of Interior’s continuing failure to force the mining industry to comply with the buffer zone rule is a reminder that it is business as usual at Interior,” said Joe Lovett, of the Appalachian Center for the Economy & the Environment. Lovett called for Secretary Ken Salazar to “reverse the Bush Administration’s refusal to enforce the Surface Mining Act and to protect our irreplaceable streams.”

Earlier this year, the EPA conducted a review of 48 applications then pending before the Army Corps for Clean Water Act permits to fill streams. At the end of its review,

the EPA identified the Peg Fork mine and five other mines as projects of high concern, and instructed the Army Corps to not issue those permits.

Following the EPA’s review, the Army Corps revised Consol Energy’s permit for this mountaintop removal



mine and issued the permit on Friday, August 7.

But the revised permit still fails to satisfy the requirements for permits issued under the Clean Water Act.

The original permit application proposed mining over 800 acres of mountainous terrain and dumping mining waste into eight valley fills and over 3 miles of streams.

The revised permit that received EPA approval still allows two valley fills immediately, with the potential for up to six additional valley fills if EPA is satisfied with the results of downstream water quality monitoring from the initial fills.

Even with these alterations, the Peg Fork mine would still have unacceptable adverse impacts on local waterways and therefore violates the Clean Water Act.

“Science and the law are at odds with this permit decision,” said OVEC staff member Vivian Stickman. “In my opinion, the Corps’ decision to issue this and other permits boils down to political pressure from coal-friendly legislators.”

EPA Moves

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removal. But a federal judge blocked one of those steps – the reversal of a Bush administration rule change that eased permit standards. And while EPA has resumed some role in reviewing Clean Water Act permits issued by the corps – something that was all but abandoned during the Bush years – EPA has not yet made public clear standards for what level of impacts it will allow or prohibit.

Still, environmental groups considered the EPA move on the Spruce Mine a major step. It is the only mountaintop-removal mine for which the corps has ever

The Trail of Tears - History Is Repeating Itself in WV

by Katheryne Hoffman, Ansted Historic Preservation Council

How long does it take to eliminate a group of people from an area?

Remember how Andrew Jackson did it when he moved the Cherokee people from their homeland in Appalachia? The only difference in what happened then, and what is happening now, is that the removal of the Cherokee was a forced march.

Today, to remove people from an area, one first destroys their homeland by removing the mountains and filling the valleys. The air and water are poisoned, trees and vegetation are removed, wildlife disappears and the culture vanishes.

This is not a forced march, but the devastation of first one hollow, then the next, then the next mountain and the next ridge, until an entire range of mountains has disappeared.

Soon, the companies no longer must be granted permits, obey the Clean Water Act, notify citizens regarding blasting or fulfill any governmental obligations to the public,

completed a detailed Environmental Impact Statement (EIS), and thus EPA is demanding additional study of a mining proposal that has already been studied more than any other Appalachian strip mine.

Joe Lovett, director of the Appalachian Center for the Economy & the Environment and other environmentalists have been fighting the Spruce Mine since 1998, when it was proposed as a 3,113-acre mine that would bury more than 10 miles of streams in the Pigeonroost Hollow area near Blair.

Read the full story: [HTTP://TINYURL.COM/KRMLLW](http://TINYURL.COM/KRMLLW) 

as if they ever did.


When a people become demoralized and hopeless, they are easy prey for political maneuvering. They are susceptible to the rantings of the likes of Don Blankenship and his bought and paid for cronies. These people would have one believe that the only future for West Virginia is coal.

If coal is the only answer, why has China put 40 percent of its stimulus monies into clean energy as opposed to the 15 percent the US has committed?

The greatest legacy our President and West Virginia's congressional delegation could leave the future citizens of this state is to follow suit.

Instead, they are being led by Don Blankenship, Ted Nugent, and Bocephus. What role models!

Some of us have been trying to save the Gauley Mountain range since 1991. We have written letters, signed petitions, asked for help from the WV DEP, done flyovers, held meetings, had Blessings for the Mountains, been menaced by Friends of Coal on four-wheelers and in pick-up trucks, visited our Congressmen and travelled to DC.

We continue our fight. As Churchill said, "We shall fight on land and on sea; we shall fight on the beaches ... WE WILL NEVER SURRENDER." 

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 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!

JOE-ISMS: DISPATCHES FROM WV'S COAL-LOBBYIST-IN-CHIEF:

"If I say in West Virginia that we are basically using every bit of disturbed land to enhance the quality of life ... how in the world can a person look at me and say that's not responsible, you can't do that..."

WV Gov. Joe Manchin

Policy Efforts on Family Cemetery Protection Issues

The combined efforts of OVEC staff and our faith community allies obtained an important tool for helping to protect family cemeteries on private land.

The Catholic Social Ministries Office arranged a meeting with the Attorney General's Consumer Division staff person, Jill Miles, to discuss gaining access to such cemeteries. Todd Garland of the Diocese of Wheeling-Charleston and Jeff Allen from the West Virginia Council of Churches joined Carol Warren and Robin Blakeman in expressing concern about protecting sacred spaces and assuring citizens access to the resting places of their ancestors and loved ones.

The group explained that having access is important when there are industrial operations such as surface coal mining, timbering and oil and gas drilling taking place near a cemetery.

Being able to visit the cemetery allows family members to monitor the effects of the operations and make sure that the cemetery is not being damaged or undermined and that headstones are not being moved or destroyed. **Those present pointed out that there are documented cases of cemeteries disappearing entirely or being "moved" without the family's knowledge.**

The faith community strongly supports the protection of cemeteries as places of prayer and ritual that are important in remembering and honoring those who have gone before. Many people choose a location that they have loved as their resting place, and that choice should be respected.

West Virginia families often have a long history with a particular cemetery, with several generations of relatives

being buried there.

Under the current law, if a person is denied access to a cemetery on private land, the only recourse is to take the landowner to court.

The purpose of the meeting was to seek an intermediate step by which the issue of access might be resolved. The Attorney General's Consumer Division agreed to receive complaints from families being denied access through the same process by which it receives other consumer complaints.

This includes filling out the consumer complaint form, which can be found online at WWW.WVAGO.GOV/PDF/GENERAL-CONSUMER-COMPLAINT-FORM.PDF.

Much of the information on the form does not apply to cemetery access, **but there is a section on the third page of the form where citizens can describe their problem and how they would like it resolved.** One of the division's mediators will then be assigned to the complaint.

On the legislative front, thanks to volunteer and staff efforts during the 2009 session and beyond, a Study Resolution on cemetery

issues was assigned to Judiciary Subcommittee A.

OVEC staff have been in touch with House Judiciary Chair Carrie Webster and with the Subcommittee Co-Chairs Delegate Bonnie Brown (a co-sponsor of our 2009 legislation) and Senator Herb Snyder.

Both are supportive and have stated that the study resolution will be addressed during the interims.

We hope that a solid piece of legislation can be crafted for introduction in 2010. 🍓



A family cemetery in WV seems peaceful enough until you realize what is in the background - a mountaintop removal mining operation. How long will it be before this cemetery, too, simply 'disappears'?

Join the Cemetery Protection Group And Help Find Long-Term Solutions

On August 9, nine concerned citizens and faith community leaders met in Charleston to strategize methods to enhance cemetery preservation throughout West Virginia. The group included people who have had long-term ongoing

problems with cemetery access and desecration, as well as people who are just beginning to experience these problems.

We updated one another on current legislative and

continued on page 12

Cemetery Protection Group

continued from page 11

community contacts relevant to cemetery preservation. Next, Sierra Club's Bill Price led us through a strategy-planning process, during which we assessed our resources, values, and allies.

We then set goals, including:

✚ Law enforcement officers (county and state) will become educated about and fulfill their duties related to cemetery protection.

✚ Legislature will pass cemetery protection bills and remove an interpretive exemption clause in the current legal code.

✚ Legislature will appropriate funds and mandate on-the-ground cemetery surveys.

✚ General public will become much more active in the campaign.

✚ Coal companies will follow the cemetery protection legal code.

As you can see, we have some ambitious goals, but we all agree that cemetery preservation is an issue in which we can, and must, prevail!

Our goal is to gather a much larger group of spokespeople and concerned citizens around the issue of cemetery preservation. We hope to soon do targeted mailings to increase the number of people in our networks.

We've yet to decide on a definite name for our group; we have considered calling ourselves the Cemetery Preservation Group (CPG). We are also exploring the idea

Awareness is Where It's At

"Awareness," an art exhibit, was on display at the Habitat for Humanity Restore in Charleston, WV, from May 30 to June 30 as part of FestivALL. OVEC sponsored the exhibit, which featured the work of five visual artists seeking to raise awareness of the environmental issues surrounding everyday life.

Many thanks go to lead organizer of the event, artist Cristofer Botkin, who said, "Living on Earth is analogous to renting an apartment; if we are bad tenants and trash someone else's property, the landlord will eventually evict us."

Thanks also to photographer Paul Corbit Brown, whose amazing photographs have appeared in numerous publications, including this one. Brown said:

"As you look at this work, I ask that you open your heart and your mind. Do not simply say, 'Isn't that sad?'" but rather ask yourself, "What can I do to change this, to make a better world, for myself as well as for all life on this planet?" 🍄

of developing a blog on the OVEC website that would be specifically for sharing cemetery stories. So, stay tuned for more news related to cemetery preservation.

If you would like to be included in this group or are interested in helping with this issue in any way, please contact Robin Blakeman at (304) 840-4877 or robin@ohvec.org.

We certainly need anyone who values cultural and cemetery protection in our state. 🍄

Please Pray for Webster County

Webster County advertises itself as West Virginia's "Mountain Playground." But no one is going to want to play there if two large mountaintop removal proposals move forward. International Coal Group has 8,000 acres slated for mining in the Grassy Creek, Jumbo, and Diana area.

This will take out the **entire Elk Mountain range** and be visible all along the now beautiful Holly River Road (Route 15).

This is a location where many people have vacation cabins as well as 100-year-old homes. In addition, Massey Energy has plans to mine 12,000 acres in the northern end of the county, which will be visible from Hodam Mountain **and parts of Holly River State Park.**

In early April, OVEC placed an ad in the *Webster Echo*, including a photograph of what people can expect to see if these sites fall victim to mountaintop removal. Members of the community are upset that the County Commission would encourage the ruin of Webster's tourism industry – the only long-term business interest in the county at present.

People have been sending e-mails to Lisa Jackson, Administrator of the U.S. Environmental Protection Agency, protesting these permits and the huge scale of destruction they would cause.

Please help us oppose these permits by e-mailing her at jackson.lisa@epa.gov.

Agnes Insley, a woman in her eighties and member of St. Anne Church in Webster Springs, sent the following letter to the *Webster Echo*:

"Jesus loved the mountains. Before dawn, he would go up to the mountains and pray. Now the coal companies are trying to get permits for Mountain Top Removal, which means they will take out all the trees and ruin the soil so nothing will ever grow there again. When the rains come the soil will wash down and fill our streams and ruin our drinking water. I just know God isn't going to let that happen and it won't if we all pray and do the right thing." 🍄

Cook Family Cemeteries: Ancestors No Longer Rest In Peace Due to Mountaintop Removal Mining

Your great-grandparents chose their resting place. It's on a hill, close to heaven, and to other family members who had gone before them. You've always known they were there. They are part of your childhood and your sense of your own history, part of family picnics on Memorial Day – and you visit on the anniversaries of their deaths.

Imagine waking up one morning to find that a mining operation has blocked your accustomed access road. It appears not to have been an accident, because there are multiple piles of tree limbs and other debris strategically placed in the middle of the road by humans. When you finally scramble to the site of your family cemeteries, you find mountaintop removal mining and blasting taking place a scant couple of hundred feet from the burial grounds. The mine superintendent says he isn't aware of any cemeteries on the permit site.

Most people would react to this nightmare with sheer panic, but not Danny Cook and his sisters Vickie, Delores, and Nada and her son.

The family members kept their wits about them, pulled together and took constructive action to protect their cemeteries, which includes the grave of their ancestor Civil War veteran William Chapman "Chap" Cook, on Cook Mountain, near James Creek in Boone County.

OVEC staff mobilized immediately to work with the Cooks in every possible manner. Organizer Maria Gunnoe assisted the family in initiating contact with DEP and Horizon Resources to gain access to the cemetery. Robin Blakeman informed them about the process for registering their cemetery with the State Historic Preservation Office. Vivian Stockman sent out press releases and media updates. Carol Warren contacted legislators charged with an interim study of cemetery protection issues and worked with the Attorney General's office on a complaint procedure.

The family was promised that access to the gravesites would be possible from the Lindytown side of the mountain, but they found that was not the case. A huge rut in the middle of the road rendered it unsafe for vehicles. The question was raised also as to why James Creek Road, which the family was accustomed to using, had obviously been purposely blocked. Photojournalist Antrim Caskey and videographer Jordan Freeman documented and disseminated evidence of the roadblocks and nearby mining.

In a show of solidarity, a number of volunteers with Climate Ground Zero and Mountain Justice accompanied



Left to right: Danny Cook, Dustin White and Nada Cook joined members of OVEC and Coal River Mountain Watch, as well as representatives from the Mountain Justice and Climate Ground Zero movements, to protest DEP at the agency's headquarters in Charleston on August 11.

the Cooks up that road with tools for removing the roadblocks. As they were working, Randall White from the Boone County Sheriff's office appeared.

His cousin Marvin White happened to be with the Cooks, and confrontation was avoided when he explained the situation to the sheriff. Sheriff White vowed that nothing would be allowed to happen to the cemeteries, and the group departed peacefully with the promise that guards would be posted to keep watch. The sheriff and Danny Cook agreed to meet again to mark the boundaries of the cemetery together.

Since late June, the Cooks have been in the process of seeking an access arrangement from Horizon Resources to make regular visits to the cemetery without having to negotiate a dangerous road.

West Virginia legal code states that reasonable access must be granted to persons desiring to visit cemeteries on privately owned land for the purpose of maintaining ancestral gravesites. OVEC folks will continue to accompany the family in bringing attention to their situation, and in seeing it resolved to the Cooks' satisfaction. 🍂



Coal Slurry: New York Times Nails Clean Water Act Crimes (Many) and Punishment (None)

by Jeff Biggers, excerpted from an article in AlterNet

Many readers of the *New York Times* probably dropped their jaws in amazement at the lead story on Sunday, Sept.13. Seven-year-old Ryan Massey, of Prenter, WV, showed his capped

teeth, the enamel devoured by toxic tap water. His brother sported scabs and rashes, courtesy of the heavy metals – including lead, nickel – in their bath water. A horrifying slide show and video accompanied the article.

Thanks to *Times* reporter Charles Duhigg, the rest of the United States got a glimpse of daily life in the coalfields of Appalachia, where coal companies are “pumping into the ground illegal concentrations of chemicals – the same pollutants that flowed from residents’ taps.” And the coda: **“But state regulators never fined or punished those companies for breaking those pollution laws.”**

Duhigg’s portrait of the Clean Water Act violations in West Virginia – and the indifference of state agencies – blew the cover on one of the worst kept secrets in Appalachia: coal slurry injected into abandoned mines and dumped into waterways has contaminated the watersheds of American citizens and their drinking water...and no government agency did anything about it for years until the community finally fought back. (Go Prenter Water Fund and Sludge Safety Project!)

“How can we get digital cable and Internet in our

Victory! Public Water Lines Finally Coming to Prenter

In August, Gov. Manchin and other officials made headlines by announcing that 155 households in Prenter will have piped-in clean water in about a year.

It’s a huge victory for citizen organizing, though the officials failed to recognize citizens’ efforts at the pipeline groundbreaking ceremony.

The Associated Press reported, “Residents of Prenter and Seth are suing eight coal companies they believe poisoned their wells by pumping coal slurry into old underground mines. They claim cracks in the earth allowed the slurry to migrate and pollute the aquifer.

“For months, many residents have been hauling

homes, but not clean water?” said Ryan’s mother, Jennifer Hall-Massey, a senior accountant at one of the state’s largest banks.

According to Duhigg’s research in Prenter,

“Tests show that their tap water contains arsenic, barium, lead, manganese and other chemicals at concentrations federal regulators say could contribute to cancer and damage the kidneys and nervous system.”

That’s just the beginning. As the Aurora Lights “Journey Up Coal River” has noted: “Unsurprisingly, the health problems in this community are also massive: from kidney and liver failure to Parkinson’s-like neurological problems, common respiratory illnesses that last for years despite treatment, and many different cancers. **On a single 300-yard stretch of road, five people were diagnosed with brain tumors and nearly every family has someone in and out of the hospital.**”

Mathew Louis-Rosenberg was not surprised by the *Times* article. The young activist took time from a busy day of lobbying with the Sludge Safety Project in Charleston, WV, to discuss his work on the Project and the Prenter Water Fund.

Biggers: “Do you think your work, along with other residents and advocates, helped to get the story out to a national audience?”

continued on page 16





SLUDGE SAFETY PROJECT

Goodbye Patricia, Welcome Stephanie! - New Organizer Joins SSP Effort

by Tricia Feeney, former OVEC organizer, lifelong OVEC ally

We are pleased to welcome Stephanie Tyree as OVEC's newest organizer and Sludge Safety Project Coordinator.

Tyree is returning to her home state of West Virginia after receiving her bachelor of arts degree from the University of Pittsburgh and her law degree from New York University.

She worked for two years as Environmental Policy Coordinator at WEACTION for Environmental Justice in New York, and we are thrilled that she is bringing her experience and skills to the OVEC team.

Over the past four years, it has been an absolute privilege for me to organize for OVEC and to be a part of the Sludge Safety Project. I have now stepped down as Sludge Safety Project Coordinator and am pursuing a new path toward rural primary medical care.

Although it has been anything but easy to leave a place that has felt like home and to say good-bye to so many inspiring and loving people, something in me knows this is right, and I am excited to see how OVEC will grow in the coming years.

The Sludge Safety Project team, including the SSP Citizen Committee, Coal River Mountain Watch, the WV Environmental Council and countless allies, has made real success possible. With the momentum we have created around the issues of public health and clean water, now is the perfect time for the new energy, creativity and fresh,



Stephanie Tyree, left with OVEC staff Carol Warren, Maria Gunnoe, Dianne Bady, Robin Blakeman and Patricia Fenney, at an organizing team meeting.

knowledgeable perspective that Stephanie Tyree brings.

It has been an honor to work alongside our members and to be a part of a group that is making real change in West Virginia. Thank you, OVEC, and all of our supporters for making this important work possible.

Sincerely,
Tricia Feeney



Sludge Safety is a project of the Ohio Valley Environmental Coalition, Coal River Mountain Watch and West Virginia communities working for clean water and community safety near toxic coal waste injections sites and coal sludge dams.



Louis-Rosenberg: “Absolutely. The one thing that I was disappointed about in the article was the lack of any mention of the tireless work of community leaders in Prenter and their allies to bring this story to light and win the many victories we have won on this issue.

“Nobody but nobody had heard of Prenter, WV, until organizing began there in 2007. Now we are a household name around the State Capitol in Charleston. Many of the leaders and organizers in Prenter spent many hours on the phone with the *Times* reporter telling their stories, providing information and connected him with other residents.”

Biggers: “What impact do you think the *Times* piece will have on the WVDEP in addressing the water issue?”

Louis-Rosenberg: “I think the article has the potential to be a great weapon for us here in Charleston. I spent all day lobbying in the Capitol today to line up sponsors

for a bill to ban coal slurry. We took around copies of the *Times* article and, boy, did people’s ears perk up when they found out about it.

“The DEP is such a completely failed agency. No! That’s not strong enough. The DEP is so completely the lapdog of the coal industry that I don’t expect this to change their ways.

“But now when we go to the legislature asking them to ban slurry, when we go to the EPA asking them to take over the DEP, we can say, “Look. The cat’s out of the bag. Everyone knows what’s going on here and you can step up and do something about it or be the people who fiddled while the coal companies poisoned the waters of this state and murdered communities like Prenter.”

To get involved with Sludge Safety Project, e-mail stephanie@sludgesafety.org or call Stephanie at (304) 475-3873. 🍄

WVU Studying Effects of Coal Slurry Injection on Health

In August, several members of the Sludge Safety Project attended a meeting where WVU researchers outlined their work on Phase II of SCR15 – the study of coal slurry injections’ impacts on human health mandated because of Sludge Safety Project’s work.

The researchers are asking for a wide range of data, including personal health stories, which document the impact of slurry injection on surface water, ground water, well water and drinking water supplies.


Through an agreement negotiated between WVU and the WV Bureau for Public Health, researchers will evaluate existing environmental and human health data concerning coal slurry injection and produce a risk assessment document.

The researchers acknowledged that there’s not much data out there. They also noted they don’t have the time, the money or the mandate to conduct studies themselves.

The upshot seemed to be that what the researchers would produce by their December deadline would be a listing of all the “data gaps” there are. **Help fill in the gaps – the researchers need to hear from you!**

Sludge Safety Project wants to help you get your information to the researchers. Please e-mail stephanie@sludgesafety.org or call Stephanie at (304) 475-3873. You can directly contact the scientist via Terry Polce at (304) 293-2867, ext. 5450, coalslurry@mail.wvu.edu or visit WWW.COALSLURRY.NET. 🍄

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.

Remember, donations to OVEC, a 501 (c)(3) organization, are tax deductible.

You can go to WWW.GOODSEARCH.COM/ and raise money for OVEC every time you search the web! It's easy and free.

Working to Reduce Coal Prep Plant Air Pollution



Many people in the coalfields have serious problems with coal dust and other pollution from coal preparation plants. Some have had to leave the area to escape the resulting health problems, taking big financial losses from the devaluation of their property.

This summer, the U.S. Environmental Protection Agency proposed some emission control improvements at prep plants, but it is obvious that much more needs to be done to protect human health.

We're grateful to Sierra Club and Earthjustice attorneys who submitted 21 pages of comments to EPA on behalf of OVEC, the Appalachian Center for the Economy & the Environment, Southern Appalachian Mountain Stewards (VA) and Appalachian Voices.

Our lawyers told the EPA that the agency should

revise its performance and work practice standards "to reflect the best technological systems of continuous emission reductions which have been adequately demonstrated." They also argued that there are economically feasible control options for fugitive dust from coal piles.

We argued that the owners and operators of coal prep plants must be held responsible for emissions that occur beyond the boundaries of the plant, and that the EPA must require continuous emissions monitoring.

Other needed improvements include tighter limits on emissions of sulfur dioxide, nitrogen oxides, carbon monoxide and volatile organic compounds.

If you'd like a copy of the entire document, call Dianne at (304) 360-2072. 🗣️

Six Southern WV Communities to Benefit from EPA Grant

Funding from the U.S. Environmental Protection Agency to Wheeling Jesuit University (WJU) will help six West Virginia communities tackle environmental problems. EPA awarded a \$269,374 Community Action for a Renewed Environment (CARE) grant to WJU for environmental health work in Mud River, Prenter, Cabin Creek, Ansted, Logan and Varney.

WJU will use this grant to focus on specific problems including impacts from mining and coal slurry; water and wastewater management; reducing exposure to toxins; and developing new expertise in community medicine. Some

communities will have their drinking water sampled to determine its safety.

The work will be done under the umbrella of the collective



community organization Appalachia CARE Partnership.

The CARE grant program supports community-based solutions to environmental problems. See WWW.EPA.GOV/AIR/CARE/BASIC.HTM.

For information on Sludge Safety Project's work with CARE, e-mail stephanie@sludgeafesafety.org. 🗣️

Judge Thornsburry Disqualified from Presiding in Slurry Injection Case

by Julia Roberts Goad, excerpted from Aug. 20, 2009, Williamson Daily News

Mingo Circuit Court Judge Michael Thornsburry has

been disqualified from presiding over a trial in which his impartiality was questioned.

The case in question involves over 600 plaintiffs who claim they have suffered major health problems after Rawl Sales, a Massey Energy subsidiary, injected coal mining slurry into the ground and contaminated the local water supply.

Thornsburry had, as an attorney, represented Rawl Sales in some cases in the 1980s involving some blasting that the company conducted at Rawl. One of those plaintiffs, Raymond Fitch, is a plaintiff on the current case.

Attorneys in that case claimed that the blasting contributed to the contamination of the water table at Rawl.

The current trial is scheduled for October, but the location for the trial has not been determined. 🗣️

JOE-ISMS: DISPATCHES FROM WV'S COAL-LOBBYIST-IN-CHIEF:

"They're (EPA) on a mission and I think it's an ill-advised mission.

"It's not only not good for West Virginia, it's not good for this country."

WV GOV. JOE MANCHIN

COAL COUNTRY - THE MOVIE

Film Debuts To Packed Crowd After Concerns Almost Cancel Showing

Coal Country, a documentary by Mari-Lyn Evans and Phyllis Geller, premiered to a standing-room-only crowd at the WV Culture Center in Charleston on July 11.

The film was originally scheduled to screen at the LaBelle Theatre, but LaBelle officials canceled the showing at the last minute, saying they feared a run in between mountain toppers and mountain lovers although no specific threats were made.

There was a mad scramble to secure funds for the new venue. The publicity surrounding the LaBelle cancellation no doubt helped with turnout. People love a banned film.

Sylvester Dustbusters Mary Miller and Pauline Canterberry are the sweethearts of the film, captivating audience members. Maria Lambert and Kathy Parsons, from Prenter, help tell the story of coal-poisoned water.

Coal River Mountain Watch's Judy Bonds has loads of matter-of-fact zingers. OVEC board member Chuck Nelson offers the perspective of a former deep miner who



A scene during the filming of the documentary *Coal Country*.

understands the urgent need to transition out of the fossil fuel era.

Scientist Michael Hendryx weighs in on the true – and deadly – costs of coal, as does Ohio farmer Elisa Young, while Joe Lovett explains the assorted court cases his organization, Earthjustice and Public Justice have filed for environmental groups.

The coal industry gets its say in the film, too. And at the Charleston screening, the coal supporters even

got in their heckles.

In Akron on Sept. 12, at the Civic Theater, the film drew more than 1,400 people, but no hecklers.

Kathy Mattea sang to open the event. Oberlin College environmental scientist and OVEC friend David Orr introduced Ohio Senator Sherrod Brown, who seemed to oppose mountaintop removal, even though he has yet to cosponsor S696, the Appalachian Restoration Act.

See below for details on how you can help more people see *Coal Country*. 🗣️

Help End MTR and Help Coal Country – Have a Party!

Call it a great excuse to have a party... Thanks to Mari-Lynn Evans and Phyllis Geller, the makers of *Coal Country*, and the national Sierra Club, OVEC is asking members and supporters to host a house party.

You can do your part to educate friends, relatives and neighbors about the impacts of mountaintop removal by inviting them to watch a 40-minute version of the new film about mountaintop removal (some of you may have seen the full-length version at its West Virginia premiere at the State Culture Center in Charleston).

Support OVEC - Help Stop MTR! Make an automatic monthly donation on-line



Click on the DONATE button at www.ohvec.org today

By registering online at the Sierra Club's website beginning in early October, hosts or hostesses will receive a packet containing all the information needed to set up a house party.

Some details are still in the works, but here's what we know already. The house parties will take place from November 10–14, leading up to the national TV premiere of *Coal Country* as part of the Reel Impact environmental film series on Planet Green, a digital cable network affiliated with the Discovery Channel.

Any host/hostess with a speaker phone will be able to join a short conference call with a local coalfield resident (hopefully someone featured in the film), to learn more or to ask questions about mountaintop removal.

Keep an eye out in early October for an OVEC e-mail action alert for more details on how you can host a fun gathering while, at the same time, doing your part to bring an end to the destruction of our mountains and communities. To see a trailer of *Coal Country*, go to the movie's website, WWW.COALCOUNTRYTHEMOVIE.COM/. 🗣️

OVEC: Power With!

by Janet Keating

Power. What and who does the word evoke? Brute strength? World leaders? Wealthy CEOs? The United States military? Or, something more low key?

In general, power is defined as the ability to act and to influence events. Power comes in many forms. For example, wealthy people often exercise power by using money to get what they want - including the good they want for others (e.g., Microsoft's founder and billionaire Bill Gates providing funding for global health initiatives).

Or, on the darker side, coal company CEOs sometimes donate millions of dollars to political campaigns to gain influence over and access to West Virginia politicians. That's what we know as "power over," or abuse of power.

Obviously, having buckets of money is one way to achieve the power to act and to influence events. But what if you don't have buckets of money and you have a lofty goal, like ending mountaintop removal coal mining in West Virginia?

Is money the answer? Well, it certainly is part of the answer. Memberships, donations, fundraising events and foundation funding all help OVEC accomplish many goals, small and large within the course of a year; however, money is not enough. Someone once said that in order to win a campaign, one either needs organized money or organized people.

In OVEC's case, we believe it takes some of both. Our volunteers and members play a necessary, vital role in our successes.

For example, would the director of the WV Division of Environmental Protection, Randy Huffman, have acted on his own to declare a moratorium on new underground injection of toxic coal slurry this March? No way. He wouldn't have considered it, much less have taken action, had not organized citizens demanded action.

Citizens from Mingo, Raleigh, Nicholas and other counties made numerous trips to the State Capitol with OVEC staff. For several years, during legislative sessions

What Happens In Valleys Is As Important As What Happens On Mountain Peaks

The fate of the peaks has drawn international attention, but what goes on in the valleys is in many ways more significant. These streams, often no more than a foot wide, teem with microscopic, insect and animal life that is the foundation of the forest and river food chains. Plug up

and interims, they came carrying water samples and filters. They enlisted the aid of scientists and experts; they told their personal stories to the media and met with lawmakers.

They demanded action and accountability. Some testified at committee meetings. They exerted their personal power and, most importantly, their collective power.

This is a great example of having "power with" others. "Power with" is central to organizing and winning campaigns. OVEC helped amplify the voices of citizens most impacted by toxic coal slurry.

When we examine the deeply entrenched power of the coal industry in West Virginia and throughout central Appalachia, we know that bringing many more people together will be essential to stopping the destruction of our mountains, streams and communities.

The balance of power appears to be shifting in our favor, but OVEC needs to continue increasing its membership statewide. This is where, you, a current OVEC member, can step up and use your personal power to increase our collective power.

All of us have at least one friend who shares our values and hopes for clean air, water and land – and, yes, intact mountains.

Will you accept the following challenge? **Will you pledge to actively recruit at least one more OVEC member before the end of 2009?** People can join or donate to OVEC online

(WWW.OHVEC.ORG).

If your friend doesn't have access to a computer, he/she can call the OVEC office at (304) 522-0246. Use your personal power today to help increase OVEC's collective power to act and to make good things happen! 🍌

those streams with mining debris, and the ecological fallout extends far beyond the edge of the valley fill, into the surrounding forest and the larger perennial streams down the mountain. – John McQuaid in *The Razing of Appalachia: Mountaintop Removal Revisited*. 🍌

Plundering Appalachia - The Book, Is Here!

After three years of work, the coffee-table book *Plundering Appalachia* is now available. OVEC is thrilled to have been, according to editor Tom Butler, “invaluable” in production of the book.

OVEC’s Vivian Stockman has the cover photo and 20 or so other photos in the book. She networked the editors with assorted photographers and essayists whose work appears in the book.

In the tradition of earlier books from the Foundation for Deep Ecology (*Clearcut, Fatal Harvest, Thrillcraft*) that used powerful imagery, compelling writing, and a large-format design to illuminate various ecological outrages, *Plundering Appalachia* considers the devastating assault on natural and human communities being waged by the coal industry as it commits mountaintop removal.

Contributing writers include heroic coalfield activists like Judy Bonds, Maria Gunnoe, and Teri Blanton and prominent writers such as Robert F. Kennedy Jr., Wendell Berry and Richard Heinberg who draw the larger connections between surface coal mining and a failed energy economy.

Pulitzer Prize-winning journalist Ross Gelbspan draws the coal–climate connection, calling the coal and power industry interests who sought to delay action on global warming “criminals against humanity.”

Pulling no punches, *Plundering Appalachia* asks the reader to become informed, and then to become engaged, to join the growing number of Americans who are working both to end radical surface mining in Appalachia and transition toward an energy economy that works for nature and people.

OVEC, WV Highlands Conservancy and Coal River Mountain Watch are working together to distribute the books in West Virginia.

For starters, we will deliver or send a copy to every library in the state. Other member groups of the Alliance for Appalachia are distributing the books in other states, and DC.

See WWW.PLUNDERINGAPPALACHIA.ORG and be sure to check out the video! 🎥



Chemicals and Their Dangers Force People From Kanawha Valley

May 7 letter to the editor in the *Charleston Gazette*

When I retired and returned to Charleston in 1998 I found out about mountaintop removal and thought that was the worst environmental disaster in West Virginia. I didn’t know about the Bayer plant back then. I’ve lived here for the past 10 years blissfully unaware of the dangers Bayer was visiting on me, my relatives and my friends.

I call on our local officials and our governor to direct the Department of Environmental Protection to rid this area of methyl isocyanate (MIC) and phosgene and to disclose to the citizens all of the toxic substances which are stored in the Kanawha Valley. Forget about the homeland security trash talk. Bayer represents more of a danger to our health and safety than any terrorist organization. Because of our terrain and weather conditions there couldn’t be a more dangerous place to store toxic chemicals.

When I left this area more than 40 years ago, the

Charleston population was 86,000. Today we’re sliding below 50,000 and wondering how to keep our numbers up. After this incident, the word is out about the perils of Chemical Valley and no one would choose to live here. As a matter of fact, I’ve decided not to buy a house here. I’m relocating away from Charleston at the end of May. My siblings who once thought this would be a good place to retire have changed their minds. As long as these chemicals are stored in the Valley, we will continue to lose population.

Sincerely,
Regina Hendrix

(Ed. Note: Hendrix, an OVEC board member, has moved to Charles Town, WV. Learn more about MIC and Bayer – join People Concerned About MIC. E-mail PeopleConcernedAboutMIC@gmail.com or call the OVEC office at (304) 522-0246.) 🎥

We care, We Count, WE VOTE!

Clean Elections - Saving WV From Future Scandals

Remember the highly embarrassing scandal surrounding Massey's CEO Don Blankenship spending \$3 million to elect Brent Benjamin to the WV Supreme Court?

The way to keep money and its influence out of our Supreme Court and other judicial elections is by adopting public campaign financing. When special interests pay for our judges' election campaigns, how can we expect judges to remain completely impartial?

But when the public pays the bills, the candidates are accountable only to the law and to the public.

Governor Manchin's recently appointed Judicial Elections Commission has begun its work. Several public hearings on a variety of issues have been scheduled: campaign financing, judicial selection, and a mid-level appellate court.

Our longtime ally for clean elections, Senator Jeffrey Kessler, will be addressing the commission on the topic of public financing.

With citizen support, it is certainly possible that a public financing program could be one of the recommendations of the commission when it reports to the

Follow the Money

Why Manchin and Co. Don't Care About Health in the Coalfields

Why do West Virginia's elected officials have such a lackadaisical attitude when it comes to investigating why the health of our state's people is so poor?

After all, poor health costs our state in both compensated and uncompensated health care, prescription drug costs, days lost from work and school, and children who will not develop their full adult potential.

Yet, the governor and many members of the Legislature have blithely ignored recent studies focusing on the health and well being of coalfield residents. Could part of the answer be that their campaign contributors in the coal industry discourage them from investigating?

Although the state's population tends to be older, it's not just the elderly who suffer from poor health – the health of young people and children also appears to be in jeopardy. Recent university research studies have revealed troubling data:

☠ A summary of a Harvard University study released by West Virginians for Affordable Health Care, appropriately called "Early Deaths," noted that women in four West

governor on November 15.

WV Citizens for Clean Elections, which OVEC leads, will be participating in the hearings and watching the outcomes closely and would certainly rally itself to strongly support resulting public campaign financing legislation.

The Clean Elections coalition plans to continue its support of the public financing bill for the WV Senate and House of Delegates members as well.

There are a good number of loyal legislators who are in favor of a public campaign financing option, but we are still seeking a champion who will make it a top priority to move the bill forward.

The Clean Elections bill at the federal level, the Fair Elections Now Act (FENA), recently received a favorable hearing in the Committee on House Administration. Co-sponsors are still signing on, so please contact your Senators and Representative to support S752/HR1826. Imagine our congressional delegation free of the influence of special-interest campaign contributions!

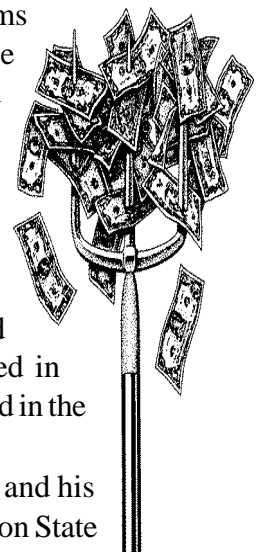
Don't forget to check the Citizens for Clean Elections website (www.WVOTER-OWNED.ORG) for updates. 🍓

Virginia counties (Mingo, Logan, Wyoming and McDowell) have life expectancies in the lowest 1 percentile nationwide. *On average, these women are losing a decade of life.*

☠ In the town of Sylvester, citizens complained about coal dust and air quality problems for several years before a protective dome was built over the local coal processing plant.

☠ A 2007 study, "Hospitalization Patterns Associated with Appalachian Coal Mining" by Dr. Michael Hendryx, of WVU, found that rates of hospitalization for hypertension and chronic pulmonary disease increased in proportion to the amount of coal mined in the immediate area.

☠ Another recent study by Hendryx and his associate Melissa Ahern of Washington State University appeared in the respected journal



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Follow the Money

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Public Health Reports. It concluded that, although the coal industry generates about \$8 billion in economic activity per year in Appalachia, the societal costs in terms of premature deaths across the region is – at a conservative estimate – **\$42 billion, or more than five times as much.**

The 2007 Legislature commissioned a study of the effects of slurry injection, after coalfield citizens with our Sludge Safety Project haunted the capitol with jars of their contaminated orange, black and brown well water.

Former DEP chief Stephanie Timmermeyer said the agency had plenty of time and funding to complete the study by the end of 2007. When the DEP finally reported to the Joint Committee on Water Resources in June 2009, DEP

Eating For OVEC Keeps Raising \$\$\$

The Eat for OVEC fund-raiser 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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My \$5 check is enclosed (please write Kroger Gift Card on the memo line). Send me a Kroger gift card with a \$5 balance so OVEC can start benefitting from my purchases *today*. Make checks payable to OVEC. Mail with this coupon to: OVEC, P.O. Box 6753, Huntington, WV 25773.

chief Randy Huffman contended that, because the DEP had not done its job in testing water quality around the injection sites prior to allowing the practice, they now have no idea whether the injection has affected the water quality. The DHHR's part of the study, identifying possible health implications, has barely begun.

It's no secret that the coal industry wields significant political influence in West Virginia. But did you know that **between 1996 and 2008, coal interests contributed more than \$4 million to candidates for governor and seats in the Legislature? That includes more than \$1 million to Governor Joe Manchin's campaigns and inaugural celebrations.**

Sometimes money talks loudly enough that the lobbyists need not say anything. It is just assumed that the true human and economic costs of coal production will never come to light.

And coal's campaign spending doesn't stop with the governor and the Legislature. West Virginia is clearly following a national trend in which coal and other special interests are trying to exert significant monetary influence in state Supreme Court races. Between 1996 and 2008, coal interests made \$868,163 in direct contributions to candidates for the West Virginia Supreme Court.

This does not include the nearly \$3 million Massey Energy CEO Don Blankenship spent in 2004 to unseat a Supreme Court justice who had often sided against Massey.

Public campaign financing for candidates in West Virginia would help remove special interest money from the election process, along with real or perceived conflicts of interest, by providing candidates with an alternative source of "clean" funding.

This would help ensure that the governor and legislators are free to represent the interests of the citizens. They could pursue policies, such as making health care affordable and enforcing pollution controls, because they would be accountable only to the voters.

For Supreme Court candidates and sitting justices, public financing would mean their campaigns would no longer have to raise money from special interests and attorneys whose cases they may later adjudicate. 🍄

JOE-ISMS: DISPATCHES FROM WV'S COAL-LOBBYIST-IN-CHIEF:

"There's no plateaus, there's nothing flat, there's nothing to build on."

WV GOV. JOE MANCHIN



GLOBAL WARMING / CLIMATE INSTABILITY In the Mountain State



Carbon Tax: Our ACES in the Hole for Real Change

by Mel Tyree

The current version of the American Clean Energy Security Act (ACES) must not be signed into law. At the very least, any proposed environmental legislation should do no harm. That would not be the case with the ACES if the cap and trade scheme remains in the bill.

In theory, a cap and trade scheme would put a high enough price on greenhouse gas (GHG) emissions to encourage energy efficiency and investment in clean, renewable energy. Cap and trade would do this by setting emission limits (a cap) on GHGs on industry.

Industries that reduce their GHG emissions below these caps could sell their unused allowances in the form of permits or carbon credits to industries that exceeded their caps. Putting a high price on excess GHG emissions would encourage polluters to clean up their acts due to financial incentives.

If cap and trade is enacted by the United States and continues to be the primary mechanism to reduce GHG emissions by the rest of the world, our planet will be doomed to irreversible catastrophic climate change.

For over a decade, the countries that signed the Kyoto Protocol have used the cap and trade system.

The vast majority of those countries didn't achieve even reduced mild goals due to exclusions, unregulated carbon offsets that failed and other loopholes. Other countries just ignored the emission goals because there was no enforcement under Kyoto.

In fact, according to J. Houghton's 2004, *Global Warming: The Complete Briefing*, the countries whose

GHG emissions fell by the greatest margins – those of the former Soviet Union – did so because of economic collapse and not through compliance with policy.

Other dangers of a cap and trade scheme include: (1) Unpredictable price volatility placed on the value of carbon by Wall Street speculators, (2) Overhead costs and complexities, including inviting lobbyists to delay implementation and (3) Potential corruption through investment in sham technologies that don't reduce GHG emissions and investment in fraudulent carbon offset schemes.

A better mechanism for putting a price on GHG emissions and reversing climate change would be a carbon tax with a 100 percent refund.

A carbon tax would be assessed on industry at the point of carbon production (a mine or oil wellhead).

Consumers would be taxed a set amount on each ton of carbon dioxide they emitted per year.

A 100 percent carbon tax refund would mitigate most of the financial burden of increased carbon costs to the consumer.

For example, if an individual paid \$3,000 a year in carbon taxes, they'd get that \$3,000 returned to them at the end of the year – or even on a monthly basis.

A carbon tax would be simpler to administrate. Plus, it would eliminate the potential for greedy Wall Street speculators to game the system by artificially manipulating the value of carbon credits.

Cap and trade has had a 10-year record of failure. It's time to try a solution that has a chance of succeeding. 🍀

Report: Global Warming Causes 300,000 Deaths A Year, Toll to Increase

Climate change is already responsible for 300,000 deaths a year and is affecting 300 million people, according to the first comprehensive study of the human impact of global warming.

It projects that increasingly severe heat waves, floods, storms and forest fires will be responsible for as many as 500,000 deaths a year by 2030, making it the greatest humanitarian challenge the world faces.

Economic losses due to climate change today amount to more than \$125 billion a year - more than all the present world aid. The report comes from former UN

secretary general Kofi Annan's think tank, the Global Humanitarian Forum. By 2030, the report says, climate change could cost \$600 billion a year. If emissions are not brought under control, within 25 years, the report states:

- U 310 million more people will suffer adverse health consequences related to temperature increases;
- U 20 million more people will fall into poverty;
- U 75 million extra people will be displaced by climate change.

Climate change is expected to have the most severe impact on water supplies. 🍀

Remembering Conley Branch - May It Always Be In My Heart

by Marlene Adins Thames

I am a Mud River, WV, girl. More specifically, I am a Conley Branch girl. Although not born on Conley, most of my childhood was spent there, leaving me with many wonderful memories of that area alive within me.

There was so much to love. I loved the open fields that my great-grandfather, Lorenza Adkins, and my grandfather, Alfred, plus his siblings, cleared when they settled down on Conley. Being small at the time, I thought the mountains were the biggest in the whole world.

I loved the mountains that surrounded our little three-room house and Grandpa and Grandma Adkins' four-room house. It was as if the mountains were there to protect us.

The mountain to the east of our house was my absolute favorite. Amongst all of the trees that are indigenous to the area stood a huge pine tree. It jutted out far beyond the top of the forest as if to say, "I am here. I will protect and shelter you from harm."

I made several trips a week up the mountain to that tree. Underneath the tree's canopy was a solid bed of moss. Mountain Tea, with sweet, red berries, provided substance. This was my refuge; this was my solace.

One day, Daddy broke his back as he and I hauled coal down from the little abandoned mine on our property. I ran screaming to find my Mother, who sent me running to the only neighbor that had a vehicle.

After the neighbor came with his truck and lifted Daddy onto the bed on a makeshift stretcher, I ran up the

hill to my tree, my solace. I was so scared. I found comfort there.

There were other sad times when I sought out the comfort of the mountain. I ran to my tree when my grandmother died. I ran there when I got into trouble with my parents. I ran there when my cat disappeared and when my grandma's dog died.

That tree and that mountain shared some of my darkest moments, but I always felt better because they provided me a place where I could grieve alone, be scared of what was happening, or to simply be happy on "my" mountain.

I wish I could run there today, but the mining companies came after I left. Neither Conley nor Mud River will ever be the same. In my heart, I know "my" mountain is gone.

Conley is now blocked off with a "No Trespassing" sign at what used to be the turn off to enter the hollow. I can no longer go up the hollow to enjoy the scenes from my childhood. The mining company won't let me.

The mountain at the turn into Conley is even gone. No trees. No wild flowers. No squirrels. Like a lot of places in the Appalachians, nothing is left except what the mining company did not want.

Even the oldest mountains in the world could not stand up to the power of money.

I pray that those of us who love this land are strong enough to stand up for the mountains that remain. They have provided strength, solace, protection, and even life, to us. It is now our turn to return the favor. 🍂



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.

**Stay current on
federal climate
and renewable
energy
legislation -
join
TheClean.org**



Red Bandanas, Dreadlocks, Clean-Cut, Old Folks and Young

by Terry and Wilma Steele, excerpted from an opinion piece published Sept. 5, 2009, in the Huntington Herald-Dispatch

The United Mine Workers of America is getting ready for its 71st Labor Day Rally at Racine. There will be much talk of clean coal, pro-coal, pro-union and to top it off, a bashing of environmentalists.

Our (UMWA) president, Cecil Roberts, will probably support mountaintop removal, because the union represents a few hundred MTR miners. A few of them will be there, but some may be over in Holden on a MTR site for the “Friends of America” event.

That event is hosted by Don Blankenship, CEO of Massey. Don’s guest: Vietnam draft dodger Ted Nugent. I wonder if he will once again come on stage with AK-47s ranting obscenities about Obama and Hillary.

Next, Hank Williams Jr. singing, “Why do I drink and why do I roll smoke? It’s just a family tradition.” Teachers, how’s that for an excuse? Or maybe the union MTR miners will join him in the lyrics, “...union against the worker, working against his will...” I’m sure your union granddads would love that.

What the UMWA had better realize is that some of its strongest union men are fighting with the environmentalists against MTR. These miners, like this writer, have lived and worked all their lives in WV. We have watched the deep mines close; MTR mines take our jobs, our land and our union. More recently, we watched the muddy flood waters pour off these sites, as it took roads and homes.

Just a few MTR mines chained the union to the real enemy. There are only two sides to this issue. On the right is Don standing at Logan, wrapped in the pretense of American freedom, with his bought judges, DEP agents and many misled souls. Don stands with promises of jobs and security. In one hand, is a new mining permit, and in the other is dynamite. In his heart and mind is power to put down the UMWA, the environmentalist, and to mine coal his way: nonunion, unregulated, any way he wants!

Over in Racine is Cecil Roberts, a descendant of Bill Blizzard. In one hand is the mine safety laws that saved thousands, in the other hand is a history of the proud stand of the working man that yielded a better life.

Today, miners are divided between Racine and Holden. In the middle is Blair Mountain. Eighty-eight years ago in the months of August and September another Don, backed by big coal and Gov. Morgan, rained down

explosives on Blair Mountain and the union miners. There were many red bandannas streaked with blood and sweat but redeemed by honor and courage. Don won the battle but lost the war!

Now, another Don, backed by big coal and Gov. Manchin, is trying to remove Blair Mountain from the Historic Register. Don has it in his crosshairs and armed with explosives, he plans to blast it away.

Standing up to these giants is a ragtag, multicultural, red bandanna army made up of old UMWA miners, their families and the environmentalists. The only weapons they carry are courage and truth. Their mission: stop MTR!

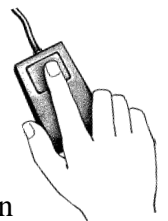
They scale the highest cranes; row across the dirtiest sludge ponds; ride trains and fly planes; they dance in peace amid obscenities and threats; they lobby Washington; chain themselves to the DEP office doors and trees; fight to protect graveyards; write grants; clean mud from floods; photograph and film history to shout the truth until someone listens!

Unchain yourselves from Don and let the truth set you free!

(Terry L. Steele is a member of UMWA Local 1440 and Wilma L. Steele is a Mingo County teacher. Both are members of OVEC.) 🍌

TV News Fails to Cover Mountaintop Removal Well, Or At All

Aug. 22 letter to the editor in the *Huntington Herald-Dispatch*

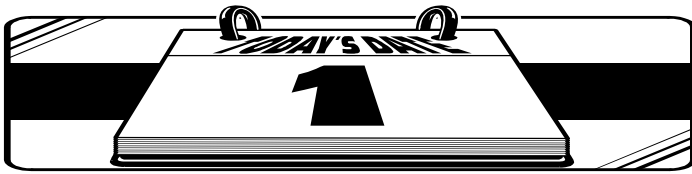


Television news has no credibility when it comes to covering mountaintop removal. They only talk, incorrectly, about the job situation, never about the horrible consequences of mountaintop removal.

For one thing, laws are not being enforced. Because of this, people are dying from drinking well water they thought was safe, but had been poisoned. People in the community have to breathe rock and coal dust due to the blasting of the mountains, which causes people to get seriously ill. People’s homes flood because of mountaintop removal – bare rock, no soil, no trees make flooding a lot worse.

A lot of people in the coalfield communities are in their retirement age and have no choice but to fight coal

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CALENDAR

2 p.m. on the second Saturday of each month: JOBS / Wind Project meetings in Mingo County. Southern West Virginia Community and Technical College, Williamson Campus. Plan, learn and take action to bring renewable, safe jobs and clean energy alternatives to WV's southern coalfields. All are welcome.

Oct. 3: Turning a New Leaf: Ecumenical Faith Community Green Event at Rock Lake Presbyterian Church in South Charleston. For more info, contact Robin or Carol at (304) 522-0246.

Oct. 9-11: Regional Powershifts, including one in Huntington, WV, sponsored by the Student Energy Action Coalition. For info, contact lkemp4life@gmail.com.

Oct. 10-11: Annual Changing of the Leaves Festival on Kayford Mountain. Music starts at noon each day. Bring a covered dish to share. For more info, call Larry Gibson at (304)542-1134.

Oct. 16 - 18: Mountain Justice Fall Summit in Rock Creek, WV. Register at www.MOUNTAINJUSTICE.ORG/SUMMIT09.

Oct. 18 -20: Create WV Conference, Big Sandy Arena, Huntington, WV. Include 1 – 4:00 p.m. pre-conference workshop “Good Jobs, Green Jobs.” www.CREATEWV.COM

Oct. 24: The 350.org project, led by environmentalist Bill McKibben, is spearheading an international day of climate action. The goals are: (1) To promote awareness of the critical need to reduce atmospheric carbon dioxide levels back to 350 ppm to avoid catastrophic climate change and (2) To create world-wide public momentum to encourage success at Copenhagen. www.350.ORG.

Nov. 9: OVEC's annual meeting. Call the office (304) 522-0246 for details.

Nov. 10-14: Host a House Party to show Coal Country. For details, contact Janet Keating at 304-522-0246 or make sure you are on OVEC's action alert list. Sign up at www.OHVEC.ORG by clicking on “Action Alerts” and filling in your information.

Nov. 14-19: Watch *Coal Country* on the Planet Green digital cable channel.

March 6-10, 2010: Save the date and plan to attend the Annual Stop Mountaintop Removal Lobby Week in Washington, DC. Contact OVEC at (304) 522-0246.

Be sure to check OVEC's online calendar at www.OHVEC.ORG frequently for updated information.

TV Coverage

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companies. That's the sad truth.

Television news has a lot of blood on its hands for not reporting the truth about mountaintop removal. To them, money from coal companies is more important than people's lives. People should have a right to a healthy community.

What you do to land, you do to the people. It all comes down to who you are going to trust. The common person's word or the bought off?

Michael Morrison,

Barboursville, WV

(Ed. Note: Morrison is an OVEC board member.) 🍄

Nominations for OSM Chief

As the Obama Administration moved to appoint someone to head the federal Office of Surface Mining, Reclamation and Enforcement (OSMRE), OVEC worked with groups nationwide to try to assure that the appointee would be good for coalfield communities.

In September we rushed to DC, with one day's notice, for meetings obtained by the Citizens Coal Council, to voice our opposition to OSMRE nominee Joseph Pizarchik. As head of Pennsylvania's DEP, Pizarchik had a dismal record of caring about the coal industry's impacts on communities and the environment.

Present at the DC meetings were people from West Virginia, upset with OSMRE's record on mountaintop removal; people from Pennsylvania and Illinois upset with Pizarchik's promotion of the “beneficial” uses of toxic coal combustion waste and with OSMRE's poor oversight of longwall mining; and representatives of the Navajo nation where OSMRE lets coal companies exploit the people and the land, drain aquifers and dump poisons.

Our thanks to our colleagues in Pennsylvania, the Environmental Integrity Project, Public Employees for Environmental Responsibility, the Alliance for Appalachia, Citizens Coal Council and numerous other groups. 🍄

University Divesting of Massey Stock, Others May Follow

Roane County Catholic worker Jeannie Kirkhope hosts university students from across the United States for service-oriented alternative Spring Breaks each year.

The students who stay with her learn about mountaintop removal from labor history activist Wess Harris and OVEC and WV Highlands Conservancy members. Kirkhope writes:

"I just got e-mails from a couple students from Santa Clara University (California) who have been here for Spring Break in the past. Their school's new president met with them today to tell them that SCU has divested from Massey. This has been four years in the making – tours and talks when they are here and at school; students going back year after year to talk to assorted administrators; writing letters to the editor, doing presentations and starting Mountain Mondays, when they all wear their I Love Mountains t-shirts on the same day around campus to raise awareness... Our hope is now to get the rest of the schools to follow suit!"

OVEC staffer Carol Warren notes that assorted faith community members are applauding efforts such as these, and she is encouraging the universities to mostly divest, but to hold onto a couple shares so that university representatives can attend shareholder meetings and

participate in stockholder resolutions for more environmentally-friendly business practices.

In his 2009 State of the University speech, SCU president Father Michael Engh, said:

"Presidents receive many kinds of letters. They address a wide range of issues, and an early one caught my eye. Two students, Douglas Wheeler and Julia Mock, wrote to protest the university's investment in a company noted for environmental degradation.

"Massey Energy mines coal through a process of mountaintop removal, a process witnessed by the students during an immersion trip to Appalachia. In my inquiries, I learned from the president of Wheeling Jesuit University in West Virginia that, yes, Massey Energy causes widespread damage to the environment in that state. This was corroborated by the research of a student intern in Environmental Studies. From our Finance Office I learned that the university did hold a small amount of stock in the company.

"This investment had been made unknowingly and it contradicted our ethical guidelines for investment. Once aware of this error, we divested. I thank the Finance Office staff, and the students, for such environmental responsibility." 🍄

Toxic Legislation: Selenium at the Legislature; OVEC Appeal to EPA

The coal industry in West Virginia predicted a year in advance that it would not be able to meet the EPA's selenium effluent standards by April 2010. And because DEP Secretary Randy Huffman initially stated that he opposed any extension (a position he was unable to maintain for long), the industry went to its friends in the Legislature for a two-year extension, to last until 2012.

This process began in 2003, and DEP stated that there have been at least two extensions previously. Some of the legislators were curious as to what progress has been made in meeting the limits, but neither industry representatives nor DEP staff could provide any definitive answer to that question.

Selenium is a naturally occurring element, and a certain amount is needed for good health. Studies have shown that selenium has the narrowest margin between nutritional necessity and toxicity of any essential element.

Recent studies in Italy have established links to increased incidence of cancer and neurological problems as a result of excess selenium in water supplies.

Concerns about human health and water quality led

OVEC allies in the WV Council of Churches and the Catholic Conference to strongly oppose any extension of the 2010 deadline for compliance.

These groups sent letters to the Legislative leadership and joined OVEC and the WV Environmental Council in efforts to halt the legislation.

At the very least, any request for an extension should have begun with the agency in charge (DEP) and have included a public comment period. DEP promises that all relevant permits will be considered on an individual basis, with opportunity for public input and input by the EPA. We can only hope the EPA's response will be, "Time's up."

In May, Derek Teaney, counsel for OVEC, the West Virginia Highlands Conservancy and the Sierra Club wrote a letter to EPA urging the agency to oppose the state's new legislation because, "The state bill, SB 461, illegally authorizes the West Virginia Department of Environmental Protection to extend the compliance deadline for meeting selenium water quality standards until July 1, 2012."

On June 2, EPA replied that the agency was reviewing our requests. Stay tuned. 🍄

Ohio Valley Environmental Coalition
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From Coal Country, the movie: *“Chuck Nelson is a retired union coal miner who spent 35 years underground. When Massey Energy built a processing plant in his home town of Sylvester, West Virginia, Chuck was horrified by the dust and debris threatening the town. He began to protest. He lost his job and his family home. In order to get health insurance, Chuck had to take a job for a non-union mine...run by Massey Energy. Now Chuck works full time with the Ohio Valley Environmental Coalition (OVEC). We follow him as he helps organize another community trying to protect its land and water.”*