

WALK FOR THE MOUNTAINS

by Vivian Stockman

From July 7 to August 21, opponents of mountaintop removal/valley fill mining walked 492 miles across West Virginia, from Harper's Ferry to Huntington. They walked, carrying the state flag, along the edges of narrow mountain roads, coal-truck-traveled highways and city streets. They walked through stunning mountain landscapes, along poverty-stricken hollows, through sprawling suburbs and alongside chemical plants. They walked to raise awareness about the ecocidal coal mining practice known as mountaintop removal.

Larry Gibson was with the walk from start to finish. National magazines and newspapers and national and international TV news programs have broadcast images from Larry's home place, Kayford Mountain. Kayford is almost surrounded by mountaintop removal operations.

OVEC staff and volunteers worked intensely to organize the "Walk for the Mountains," with much support from the WV Highlands Conservancy and a dozen other groups. Hundreds of people contributed to the success of the walk by organizing speaking events along the walk, contacting the press (the walk received especially good media coverage in northern areas of the state where mountaintop removal hadn't previously received much publicity), or providing the walkers a meal, a shower and a bed.

Larry was thrilled with the outcome of the walk. He emphasized the great response he got from people all over the state: "The walk was the most successful thing I've ever done, a high point in my life, other than my daughter being born.

"It was all because of the people. So many people got involved that weren't involved, because of the common goal to stop the destruction of the state. I am very grateful and I can't say enough for the people. People do want to take back control of the state."

Larry also credited OVEC's organizing work and Julian Martin's companionship as essential in making the walk a success. Julian walked from the July 7 until August 5. Julian's coal-miner grandfather fought in the Battle of Blair Mountain and his father lost an eye in the coal mines.

"We walked through incredibly beautiful country," he said. "People were really kind to us. They don't want to see anything happen to their mountains. People invited us to stay in their homes, fed us and gave us words of encouragement."

Sometimes Julian and Larry walked alone, taking turns driving a support vehicle. Sometimes others, from one to 20 folks at a time, walked with Larry and Julian for a few hours or a few days (about 200 people took part in the final day of the walk).

Secretary of State Ken Hechler and native West Virginia novelist Denise Giardina joined the walk several times. Even in the southern coalfields, where coal mining has been the principle way to earn a living for over 100 years, the public was overwhelmingly sympathetic to the walkers' simple message - "Stop mountaintop removal!"

Julian said, “We took a count as we walked from Summersville halfway to Fayetteville. We had 32 positive honks to 2 negative fingers. The next day as we walked into Fayetteville it was 56 honks to 7 fingers.”

Schoolteacher Sharon Roon joined the walk for several days. “I went down to help Larry with the walk because of a spiritual connection with the mountains, the valleys, the streams and the critters,” Sharon said. “There is something inside of me that screams, ‘Stop the madness!’”

At events along the walk, artist Carol Jackson set up her “mountaintop removal cemetery,” 1,025 tombstones in the mock graveyard, each representing one of West Virginia’s streams, mountains or communities that has been leveled, buried or otherwise severely impacted by mountaintop removal.

The display has moved some people to tears, others to anger. At two events during the walk, Jackson was prohibited from setting up the display because it was deemed “too controversial.”

During the 1999 legislative session, Delegate Bob Kiss kicked one of the tombstones and managed to get the previously permitted display removed from the State Capitol.

Whenever they talked with folks, the walkers cited People’s Election Reform Coalition (PERC) data. PERC reports document political campaign contributions from coal industry and other sources. The data make it clear that coal companies use large campaign contributions to exert enormous influence on state politicians.

(A version of this story first appeared in *Graffiti*)

COMMUNITY TO KING COAL: PUT PEOPLE BEFORE PROFITS

by Laura Forman

It was the kind of June day when everything shimmers in the heat. The white T-shirts with the bulls-eye targets on the back flashed the message, “Island Creek, we’re next.” The gaudy gold trim on the building housing Arch Coal’s West Virginia headquarters reflected the sun’s glaring rays and sent its own message of corporate bottom-line greed over basic human rights.

About 30 concerned citizens gathered in downtown Huntington to convey the message that Island Creek would not be sacrificed to Arch Coal.

“We are headed for extinction, the same as Blair and Rum Creek if Arch has its way,” said Island Creek resident Moss Burgess. Arch Coal has applied for permits from the state for mountaintop removal/valley fill operations that would obliterate almost 4,000 acres surrounding Island Creek in Logan County. AT Massey wants to destroy about 1,000 acres there as well.

Island Creek is nestled in a very narrow hollow. Over 5,000 people make their homes in Island Creek, which is located in a 100-year flood zone.

Floodwaters devastated much of the area in May 1996 and President Clinton declared it a national disaster area. In 1984, The U.S. Army Corp. of Engineers reported that timbering and strip mining contribute to flooding on Island Creek.

The protest was held in order to bring attention to land Creek’s precarious situation and to garner much-needed support from across the region. While the coal industry continues to use manipulation and intimidation to control Logan County, a small group of concerned Island Creek residents have had the spirit and strength to speak out to protect their homes and health.

Despite mass intimidation in the coalfields, this group got over 900 signatures on petitions to save their community from Arch Coal and A.T. Massey.

During the protest, folks carried signs, distributed information, chanted loudly, "Save our mountains, save our communities," and received waves and honks of support from passing motorists. "What's going to be left when the coal is gone? Wal-Marts? We need to preserve our mountain heritage," Buffalo resident Jeff Young said. Arch Coal's David Todd looked on from a "safe" distance as the group chorused "Arch Coal, where's your conscience?" and "Stop Mountaineer Removal."

The Earl of Elkview, George Daugherty, displayed his usual passion and wit through music, leading the group in songs like "The West Virginia Hills" and "We Shall Save Our Hills" sung to the tune of "We Shall Overcome." The air resonated with the voices of people united in song as well as their commitment to environmental and social justice.

And David Todd continued to spin Arch Coal's web of deceit. He said that "outlawing mountaintop removal mining would cause economic damage that could destroy communities." His concern for communities is a bit odd considering the situation in Blair, or maybe he doesn't consider quality of life a part of community life. From 1996 to 1998, citizens made over 200 complaints about dust and blasting from Arch's Dal-Tex mine.

According to an article by Ken Ward Jr. in the *Charleston Gazette*, lawsuit depositions revealed Arch Coal's intentions toward the Blair community. "It's easier to mine coal without people around," said Arch Coal land agent Terrence Irons. Arch Coal also admitted to the following:

- No serious efforts made by the company to reduce the mine's impacts on Blair residents;
- Company executives planned to buy out people who made complaints about the mine;
- Anyone selling to Arch had to sign an agreement to never protest strip mining or to live in or own property in a 25-square mile region around Arch's mines.

Todd said Arch Coal's "record is exemplary." At the Dal-Tex mine alone, there were 92 violations issued by the state Division of Environmental Protection from 1996 through August 1998.

Todd also lamented the loss of jobs that a ban on mountaintop removal would bring. If Todd is so worried about miner's jobs, perhaps he should express concern for the thousands of deep miners who have lost jobs recently. Bigger equipment like giant draglines means fewer workers but greater profits.

Maybe Arch Coal believes Island Creek is another disposable community, as disposable as Blair, as disposable as the streams they bury and the mountains they blow up.

It took a lot of courage for the people in Island Creek to deliver their message. Their refusal to be cowed by King Coal is an inspiration to all of us.

ON SUMMITS AND TRENCHES

by Dianne Bady

The site for the First Interstate Summit for the Mountains (August 27-29) couldn't have been more appropriate. From the mountaintop near Pipestem, WV, the view is magnificent - forested ridge after forested ridge, breathtaking beauty as far as the eye can see.

It was a good place to face the unthinkable - awe-inspiring landscapes like this are being blasted away at an ever increasing pace. At the same time that West Virginia is stepping up its tourism-boosting efforts, many of “our” politicians are bending over backwards to help the coal industry annihilate mountains, bury streams and destroy human communities that get in the way of the draglines.

This Summit, organized by Virginia activist Sam Cook and OVEC, brought together representatives from 17 organizations to make plans for regional work to stop this carnage. While West Virginia leads the nation in mountaintop removal/valley fill strip mining, several other states are also affected, especially Kentucky and Virginia.

It was appropriate that our Summit was held in southern West Virginia, as the federal Office of Surface Mining has written that however the mountaintop removal controversy is resolved in West Virginia, it will set the national precedent on this type of mining.

Voices of pain mingled with sounds of hope as concerned people discussed the ecocide. Folks talked of dried up water wells, decimated communities and mountains turned to moonscapes. We also talked about “big picture” economic factors which help make mountaintop removal happen. Growing political campaign contributions to West Virginia politicians from coal industry sources seem to result in bought-and-paid-for politicians. The tax breaks bestowed on the coal industry by these same politicians make it economically feasible for companies to invest in 20-story-high draglines. The huge machines make it possible to mine coal with far fewer workers, workers who are increasingly militant about keeping their jobs.

We also talked about the many ways that people are coming together to challenge the massacre of the mountains. We didn’t minimize the intensity of this struggle - after all, several conference participants, including WV Secretary of State Ken Hechler, had arrived at our Summit just after being kicked, shoved and pelted with eggs by mountaintop removal miners. The miners were angered by the Blair Mountain Historical Organization’s reenactment of the 1921 Miners’ March on Blair. Blair Mountain was the site of the largest internal battle in US history, other than the Civil War, as miners fought coal company forces who were determined to keep the union out of southern West Virginia.

Today, union miners want to be put back to work on Arch Coal’s stalled mountaintop removal job which would take down much of what’s left of Blair Mountain, and dump it into the hollow where Jimmy and Sibby Weekley live. The Weekley’s are some of the few residents left near the town of Blair. Most have been displaced by Arch Coal’s quest for profits.

Summit participants renewed our commitment to peaceful, non violent tactics. Our weekend gathering concluded with plans for some of our next regional steps, and with agreements by many to take on specific tasks. The music that was interspersed with our meetings, and the personal relationships that were renewed or developed, buoyed our spirits as we came down from the mountaintop and prepared to get back in the trenches.

Special thanks to these folks for helping to facilitate the Summit: Carol Johnson of Citizens Coal Council, Andy Mahler of Heartwood, and Pete Hill. Thanks also to Kate Long for her great music.

THROUGH THE EYES OF A CHILD

by Tashina Savilla

Imagine that as a child you often visited a favorite picnic spot, set on a mountain. Beautiful mountains and endless forests surrounded you, as far as you could see. The cool, crisp smell of the fresh mountain air soothed your lungs as you breathed. It was as close to heaven as you would ever get in your whole life.

Now imagine going back to that same spot, as an adult, but instead of the wilderness, you only saw bare mountaintops, stripped of their beauty by mining companies.

There are several ways in which mining can be safe and environmentally effective. For instance, deep mining doesn't destroy the surface of the mountains as much, but mining companies don't want to spend that much money when they can save a few bucks and completely destroy West Virginia's mountains.

Mountaintop removal and valley fills will forever be a curse to West Virginia's beautiful mountains, unless we can do something to save them. Our mountains are too precious and our wildlife too significant to just let them slip away without a fight. Once they are gone, it will never be the same, no matter how much the companies reclaim.

The simple insignificance of money can never take the place of this. It is the profit motive and, too often, greed, that has cursed West Virginia's mountains. Coal mining has destroyed too much of every Mountaineer's principal blessing: our majestic mountains. Our mountains can't take much more.

(Tashina is a high school student who lives on Cabin Creek, in the heart of massive mountaintop removals and valley fills).

THROUGH THE EYES OF A CHILD 2

by Monty Fowler

As I was going through photos for this issue of *E-Notes*, my 9-year-old daughter looked over my shoulder and pointed to one large color photo that consisted mostly of grays, browns and blacks. "What's that?" she asked.

"It's West Virginia, honey," I said. There was silence for a few seconds.

"No, it's not. That looks like the desert. We learned about that in school," she said confidently.

"It's a mountaintop removal mining site. You know, where they blow off the top of the mountain to get at the coal underneath."

"Why?" she asked, that devastatingly simple question that all children learn to yield with remarkable skill.

"Well, honey, I guess so some people can make some money," I said. "Why?" she asked again.

I had no good answers, so I did what parents always do, I hugged her close and vowed she wouldn't have to see any more pictures like that ever again - because no one has a good answer for the "why" of mountaintop removal mining.

MOUNTAIN TRUTH

by Janet Fout

Ancestral mountains.
Keepers of eternal Truth -
Steep, hard-rock truth.
Pre-dawn wood thrush, echoing
down-in-the-valley truth;
Perennial streams cascading,
clear-running may-fly, caddis fly truth.
Wild ginger-covered hillside truth;
Wild, wild, wild winged truth.
Tree-nesting, ground-nesting cerulean and
black and white warbler truth;
Moth wings and pink lady slipper truth.
Water shrew and fox squirrel truth;
Rich, dark sweet-smelling, soft under each footfall
top-soil truth.
This soul. This soul. This wretched, lonely, God-longing soul
seeks and finds in these untamed mountains
Truth.



MTR NOTES 1

A June editorial in the *Huntington Herald-Dispatch* reported that 2,700 West Virginia coal mining jobs were lost in the previous year. (Most of these job losses occurred at underground mines, NOT at mountaintop removal mines, though the only job losses politicians seem to notice are the several hundred at Arch Coal's Dal-Tex mountaintop removal mine. *E-Notes* editor)

From the September 8 *Huntington Herald-Dispatch*:

The biggest coal dragline bucket in the East was just produced by Engines Inc., a Milton, WV, company. The bucket can move 120 cubic yards of mountain every 45 seconds, says CEO Carl Grover. Engines Inc. employees worked on the bucket 24 hours a day, seven days a week, for eight weeks.

This bucket is only expected to last for six to eight weeks. Arch Coal subsidiary Catenary Coal will use the bucket at their Cabin Creek mountaintop removal mine, near Kayford Mountain.

THANK YOU DOESN'T NEARLY SAY IT ALL, BUT IT'S HEARTFELT

Please help us thank the following sponsors of the OVEC Tree Hugger's Ball by patronizing them frequently: In Huntington: Calamity Cafe, River Cities Natural Health Center, Back Country (BC) apparel, Renaissance Book Store and Coffee House, New Earth Resources, Frame Express (Southwest Design). In Teays Valley: Wild Birds Unlimited

Special thanks to artists Clarice Kumlien, Denise Poole, Jeff Bosley and Mike Ellis for their generous donations to the Ball.

Thanks to Eric Fout for organizing the Tree Hugger's Ball and the musicians who volunteered their time and talents: The Porch Band, Blake Sypher, The Bosnian All Stars and Mosquito.

Thanks to these folks who helped us with all the OVEC activities - including those who assisted Larry and Julian with "The Walk." It would be impossible to thank everyone who helped in some way with the "Walk for the Mountains," but we wanted to try and especially thank those folks who did the most: Larry Gibson, Julian Martin, Carol Jackson, Susan Hayden, Elinore Taylor, Tom Jones; Missy, Gregg, Jeremy and Noah Anthony; Charley Kincaid, Carlos Gore, Dan Kash, Carol Kitzmiller, Ken Hechler, James and Sibby Weekley, Sharon Roon, John Taylor, Lynda Ann Ewen, Megan Nestor, Winnie Fox, LaShonda Bare, Tom and Kathy Skergan, George and Suzanne Daugherty, Sam Cook, John McFerrin, Jake and Dara Krack, Joe Johnson and Grand Safari, Shirley Stewart, Doyle Coakley, Robin Godfrey, Mary Ellen O'Farrell, JoAnn Hammond, Tracey Browning, Moss Burgess, Andrew Caldwell, Bonnie McKeown, Patricia Gillikin, Rich Packman, Cindy Rank, Marie Glotfelty, Anne Harvey, Martha Murphy, Dave Cooper, Rev. Jeff Allen, Sandy Ellidge, Todd Garland, Carol Warren, Maggie and Basil Crawford, Fred and Uschi Ascher, Rev. Rose Eddington, Chris and Dave O'Brien, Kit Patton, Abbie Walker, Nancy Taylor, Jennifer Joy, Julie Fox, Rose Palmer, Mike Hasty, Mike Walton, Laurie Chase, Charlie Winfree, Barbara Amtower, Molly and Dick Gillette, Monty Fowler, Kentuckians for the Commonwealth, Lori Halderman, Mae Ellen Wildt, Anne Harvey, John and Carol Williams, Joe Marshall, Jeff Young, Jason Huber, Jack Waldeck, Kate Long, Suzanne Offutt, Mike Zagarello, Bob Mayhew, Nathan Fetty, Linda Cooper, Susan and Joe Brookerson, Judy Rodd, Bill Reed, Mike and Carrie Kline, Rev. Melvin Hoover, Shawna Smith, Deana Smith, Greg Carroll, Allen "Doc" Davis, Janice Nease, John Price, Lew Baker, Eric Fout, Becky Clark, John Price, Becky Hoff, Jeff Bosley, Rick Bady, Mike Forman, Rose Ritter, Diane Wellman and Sheila and Vicky Gibson.

Thanks to Bob Henry Baber for donation of his books. Thanks to Mason Kincaid for all his work on OVEC's web page. Thanks to Shane McElwee for the delicious vegetarian fare at the Summit for the Mountains.

Thanks to these groups for their help with "The Walk": WV Highlands Conservancy, Stanley Heirs Foundation, Coal River Mountain Watch, WV Rivers Coalition, WV Environmental Council, WV CAG, Heartwood, Blair Mountain Historical Organization, Citizens Coal Council, Patagonia Inc., Monacan Indian Nation, Appalachian Voices, members of the Baha'i faith, Harrison County Eco., Trees for the Planet, Fayetteville youth group H.O.P.E. (Helping Out Planet Earth), Methodist Federation for Social Action and Potomac Valley Audubon Society.

MU GRADUATE STUDENT NEEDS HELP WITH NEW APPALACHIAN ANTHOLOGY PROJECT

Andrea Fekete is a graduate student at Marshall University who is independently compiling an anthology entitled "Appalachia Uncovered: Voices of Differences and Dissent," with another person, Maura Conway (associated with the Center for the Study of Ethnicity and Gender in Appalachia), along with Dr. Lynda Ann Ewen, the project advisor.

The book will contain poetry, essays and photographs from and about Appalachians left out of the current archetype and traditional stereotype. All proceeds from the book will be donated to the Center, and any donations that they receive prior to publication will go towards preparing and advertising the book. They are seeking material and donations to support this project.

Mail to: Maura Conway, CSEGA, 358 Old Main, Marshall University, Huntington, WV 25755, or e-mail at fekete@marshall.edu, or call 525-5225.

FREE ELECTRONIC ALERT LIST

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

RESEARCH PROJECT - OHIO RIVER VALLEY AIR STUDY RESULTS COMING SOON

by Denise Poole

Over the past year I've had the interesting experience of diving into the world of air quality - or lack thereof.

Specifically, the health impacts on people living in West Virginia, Ohio and Kentucky along the Ohio River Valley area caused by ground-level ozone.

Ground-level ozone is formed when those nasty nitrogen oxide (NOx) emissions (primarily from coal burning power plants) combine with heat during summer months becoming particularly dangerous to our health.

Now nearing completion, the final report will be out by mid-October. Spearheaded by the Ohio Environmental Council (OEC), OVEC and RECOVER worked together utilizing data from the 1997 and 1998 ozone season.

Twenty hospitals and other medical centers submitted requested information on patients treated for asthma, bronchitis, emphysema and other chronic lung ailments.

Our region is proving to be both a source as well as a recipient of poor air quality due to ground level ozone impacts.

OVEC will be participating in the upcoming outreach portion of the project, with plans to bring our findings to affected communities in the latter part of October and early November.

These sources which provide us with so much electricity also provide us with unhealthy air to breathe, and lung diseases are on the rise. Industries, along with state officials, are fighting the ozone State Implementation Plan, set forth last September by EPA.

The new standards, they say, are too stringent and they must meet increasing demands for electricity.

But times - they are a-changin'.

Our report will play a key role in providing statistics that correlate and link health impacts directly to specific power plants damaging our health in this region.

New York state has just announced it is suing fifteen individual power plants in WV, Virginia, Ohio, Kentucky and Indiana for failure to upgrade equipment that cleans smokestack emissions when they made other big investments.

Seven are in WV (including John Amos and Mount Storm) and five are in Ohio. These plants contribute to our poor air quality and therefore, contribute to our non-attainment status. Some of these plants are included in our study.

More detailed information will be provided as soon as final touches are completed on the report. Look for announcements, press releases, and scheduled Outreach programs in the coming months!

For more information, or to get involved please contact me through the OVEC office.

LET THE JUDGE HEAR FROM YOU!

If you haven't written to Judge Charles Haden, who has asked for public input on mountaintop removal/valley fill mining, please do so now!

Although his formal public comment period ended on Sept. 30, we doubt that he will suddenly stop reading his mail. If you've already written, there's nothing wrong with writing again. Just write from your heart, telling him how you feel.

His address is: P.O. Box 3924, Charleston, WV, 25339.

FOR YOUR INFORMATION -

We've received a number of inquiries about the recent re-enactment of the miner's march from Marmet, WV, to historic Blair Mountain. OVEC was incorrectly identified in the *Charleston Gazette* as one of the organizers of the march, which was organized by the Blair Mountain Historical Organization, Coal River Mountain Watch and Appalachian Voices.

STAKEHOLDERS' GET RUNAROUND IN REGULATORY PROCESS

by Perry McDaniel with Viv Stockman

If your eyes glaze over when you read the acronym “TMDL,” you might keel over if you had to endure a TMDL stakeholder meeting.

Stay awake! Think of TMDLs as River Cleanup Plans, essential to restoring our state’s waters so that we can safely drink, swim and fish.

The stakeholders - representatives from environmental, sportsmen, industry, forestry and agriculture groups and the WV Division of Environmental Protection - met twice a month from February through May. We are now meeting every six weeks.

Stakeholders submitted an initial report to the DEP’s director on May 25, available, along with minutes from the meetings, at: www.dep.state.wv.us/tmdl. These meetings were initiated due to a settlement of a lawsuit filed by OVEC and the WV Highlands Conservancy against the US Environmental Protection Agency.

Prior to the lawsuit, the WV DEP had failed to properly list “impaired” (polluted) streams and develop cleanup plans as required by the Clean Water Act. The EPA had failed to make the state do its duty. The settlement says that EPA will step in to develop cleanup plans if the state fails to act, but the state must begin taking responsibility for cleaning up our streams.

Things are looking up at DEP. More impaired streams are being listed. The lists have improved information about the pollutants and the particular segments that are polluted. The list can be accessed at www.epa.gov/owow/tmdl.

So far, EPA has completed TMDLs on the Upper Blackwater River, the South Branch and tributaries of the Potomac, Ten Mile Creek and the Buckhannon River. For September, EPA is developing TMDLs for seven bodies of water, including dioxin in the Lower Kanawha River. EPA has finally proposed new regulations for the TMDL program, available at www.epa.gov/owow/tmdl. Comments should be submitted by October 15, 1999.

Eventually, the DEP Office of Water Resources must assume responsibility for the river cleanup plans and implementation of these plans. For this to happen, OWR needs adequate funding. Stakeholders agreed funds could come from a combination of general revenue money and special revenue fees. For instance, the coal industry should be responsible for the acid mine drainage TMDLs.

For development and eventual implementation of the cleanup plans citizens must participate in the process. The TMDL under development for the Lower Kanawha River addresses dioxin from Nitro to the confluence with the Ohio River.

OVEC board member Lew Baker has focused attention on the dioxin in that segment of the Kanawha River. He has identified old Monsanto dumping areas near the river as the source of the dioxin. (For more information see: www.grafwv.com/dioxin.htm).

TMDL work proved Lew right. EPA’s response is under question – they suggest most of the dioxin be left in place. Citizens along Armour Creek and Heizer Creek (tributaries of the Kanawha) created enough interest that EPA hosted additional meetings in August to address the issue of disposal of the dioxin.

Citizens must review the impaired waters (303(d)) lists. Citizens can nominate streams they would like to see listed as pollution impaired.

The next listing is April 2000, but DEP promised stakeholders it would release the draft list to the public before it is submitted to EPA for final approval. Citizens must then apply pressure on regulators to address the causes of the pollution.

MTR NOTES 2

From “Employees speak up for industry”, an article praising WV Arch Coal miners for defending a mountaintop removal permit, in the July/August *Mining Voice* (Washington, DC):

According to Deck Slone, Arch Coal’s communications director, “Environmental groups started actively casting about in 1997 for a new cause to pursue...”

According to Greg Butcher, a miner with 20 years worth of experience and a member of the WV House of Delegates, environmentalists from outside the area have been partially successful in helping to pit local citizens against miners and coal companies. Butcher claims that “the environmentalists don’t live anywhere in the area, but are using it, carpetbagger style, for their own cause. They have no interest in southern West Virginia. They don’t give a doggone about these mountains...”

(Gee, we sure thought we saw many hundreds of West Virginians at the two large mountaintop removal protests held at the state capitol this year... And what about the hundreds of other West Virginians who helped with the 500-mile Walk for the Mountains?... *E-Notes* editor)

MAKING THE WORLD SAFE FOR MONSANTO'S \$\$\$\$\$\$

by Lew Baker

In June 1999, the EPA released its draft TMDL (Total Maximum Daily Load) for dioxin for the Kanawha River, Pocatalico River and Armour Creek, all located mainly in Kanawha County, WV. The period to enter public comments ended on August 16.

The following are excerpts from comments submitted to EPA by Lew Baker on behalf of the West Virginia Citizen Research Group and OVEC.

In August, 1998, “the West Virginia Citizens Research Group provided US EPA Region III Administrator McCabe and Assistant Administrator Voltaggio a dioxin fingerprint analysis for the Ohio and Kanawha Rivers, tracing most of the rivers’ dioxin toxicity back to Monsanto at Nitro, WV.”

"The draft Kanawha River Dioxin TMDL failed to mention data in EPA’s possession which “fingerprints” Monsanto’s dioxin in soils, sediments, fish and river water.

"The draft also failed to mention Monsanto’s wastewater discharge as a potential source, although EPA has records of dioxin in the wastewater dating from the 1980s.

“This draft TMDL did not compare fish data to cancer risk levels, in order to establish dioxin load allocations, as did the EPA’s dioxin TMDL for the Columbia River.

"On a spring day last year, the Kanawha’s measured dioxin load was 25 percent greater than EPA’s estimated total daily dioxin discharge from 104 pulp mills!" Baker said.

EPA has not formally responded to these, or other, public comments as yet.

They do recognize the draft TMDL was inadequate, and have been talking to Perry McDaniel, OVEC’s lawyer when we sued EPA for failing to do any TMDL assessments in West Virginia, as required by the federal Clean Water Act.

EPA wants another year's extension of their TMDL deadline, which originally expired a quarter century ago. I feel EPA should be substantially penalized if it gets any more continuances to break the TMDL section of federal law. How about you?

There is no way EPA can honestly continue to deny Monsanto's role in one of our nation's worst cases of dioxin contamination. Other sites contaminated from production of 2,4,5-T for Agent Orange are at the top of EPA Superfund list of 1,300 worst hazardous waste sites. None of Monsanto's huge dioxin mess in Nitro, WV, is on that list.

No doubt Monsanto's political influence has kept them above the federal laws, such as the Clean Water Act and the Superfund Act.

After all, the very first Administrator of EPA, William Ruckelshaus, left the agency to work for Monsanto, later returned to head EPA again, then back to the company.

Monsanto's special status with our federal government was renewed only last month, as President Clinton levied heavy tariffs on imported items from Europe, in retaliation for resistance by our allies to eating Monsanto's bio-engineered foods.

Forget making the world safe for democracy, or safe to raise a healthy family in, we must fight to make it safe for Monsanto's bottom line.

'DIOXIN CONTAMINATION IN THE OHIO AND KANAWHA RIVERS'

by Lew Baker

Executive Summary

This study of dioxin in the Ohio and Kanawha Rivers was conducted by the West Virginia Citizen Research Group, and was made possible through funding from the Virginia Environmental Endowment.

Dioxin in the Kanawha River, and other water bodies downstream of Nitro, WV, including hundreds of miles of the Ohio River, is chemically traceable back to Monsanto's former production of 2,4,5-T at Nitro between 1948 and 1969. Production stopped then, after the US Army discovered 2,4,5-T in Agent Orange was too toxic to be used in warfare. It was the dioxin, an unwanted contaminant within the 2,4,5-T, which caused this extreme toxicity.

Monsanto's flawed (fraudulent?) health studies of its workers exposed to dioxin at Nitro, were used by Monsanto and the US government to deny compensation for workers and veterans for years.

Monsanto's dioxin, three decades after production of 2,4,5-T was stopped, still resides in the soils, sediments, groundwater, and river water of the Nitro area. The dioxin has become concentrated up through the food chain, where it renders the Kanawha River's fish 1,000 times more likely to cause cancer in the consumer than from US EPA's "safe" level. On a spring day last year (1998), when the Kanawha River was up and its contaminated sediments in suspension, it carried a dioxin load which exceeded US EPA's estimated total dioxin discharge from the entire US pulp industry. US EPA should no longer deny that Monsanto's Nitro area dioxin legacy is of National Priority List status.

US EPA's just-released draft TMDL of the Kanawha's dioxin failed to report the geographic proximity of dioxin hotspots in the river's sediments to Monsanto's riverbank pesticide dumps and the former location of the 2,4,5-T building. The draft TMDL report failed to

mention Monsanto's (now Solutia/Flexsys) wastewater outfall as a potential source of dioxins, even though the wastewater facility is permitted to discharge contaminated groundwater from the riverbank dump areas where groundwater has been found to contain high levels of dioxin.

In general, the draft TMDL continues US EPA's "Velvet Glove" treatment of Monsanto. This favoritism may be traced to the first US EPA Administrator, William Ruckelshaus, who alternated two terms at the helm of US EPA and in the employ of Monsanto. The current US EPA Administrator, Carol Browner, may become convinced to scrutinize Monsanto's Kanawha River dioxin, if US EPA investigates it to the same extent as GE's PCBs in the Hudson River.

The proper stance for US EPA would be to publicly recognize the National Priority status of Monsanto's dioxin contamination of the Nitro area and the Kanawha and Ohio Rivers. US EPA should include Monsanto's dioxin sources in the Nitro area on its National Priority List (NPL) of Superfund sites, as it has done with other major Agent Orange sites.

Unfortunately, US EPA has adopted the policy of not accepting new sites to its 1,300 site NPL, without the recommendation of a state's governor. West Virginia Governor Cecil Underwood was a vice president of Monsanto during the height of 2,4,5-T production at Nitro. Given past histories, US EPA and Underwood are both unlikely to do what is right, unless sufficient public awareness is raised on this issue.

On August 25 and 26, US EPA Region III held public relations meetings with citizens of the Nitro area. US EPA would like to set up a "Citizen Advisory Group," composed of concerned citizens and US EPA personnel. Potential citizen members were advised to "put the past behind you, and trust US EPA and Monsanto to take care of the dioxin from this point forward."

Citizens would be well advised to remain skeptical of the motives of Monsanto and government bureaucrats. Those who ignore history are doomed to repeat it, or in this case, have it done to them repeatedly.

ONE PERSON'S THOUGHTS: A DAY IN THE LIFE OF 'WALK FOR THE MOUNTAINS'

by Vivian Stockman

Thursday August 12, 1999

Revvng up Kayford Mountain in my friend's little convertible after 2 in the morning verged on madness, but how else were we supposed to squeeze in time to watch the Perseid meteor showers? Bats swooped above us, lucky to have food and habitat here in West Virginia's southern coalfields.

Around Kayford, mountaintop removal operations have turned square mile after square mile of forests, streams, mountains and valleys into dusty piles of lifeless rock; forlorn man-made deserts created for short-term profit without regard for the future. Here and there patches of "reclaimed" land sport grasses that not even cattle will eat. Scrub trees grow on a very few spots. But the vibrant diversity of life that once graced the coalfields' decapitated mountains will not return anytime soon.

Before we ascended the mountain, coal trucks were passing us every few minutes. On the steep road up, we pulled aside to allow two coal trucks to pass. Their brakes screamed eerily under the load, and dust boiled all around us, a whiteout at night.

At the summit of Kayford, we saw only one other vehicle besides Larry Gibson's. It looked like, come daylight, the "Walk for the Mountains" wouldn't have many walkers as we traversed Cabin Creek, the hollow where so many people depend on coal mining for their livelihood.

We stretched our camping mats under a shelter, so that we could watch the sky for meteors. Soon, I could hear D.L. Hamilton's steady sleep-breathing. Hoping to fall asleep, too, I tried to concentrate on the gentle nighttime woods-song of katydids and crickets.

But a continuous low, loud rumble interspersed with the groaning and "beep-beep-beep" of backing vehicles kept me awake. The screech of brakes on coal trucks echoed up the mountain like some sort of tortured whale song. Every half hour or so, pickup trucks, many in need of new mufflers, roared passed our sleeping shelter. I learned later that workers at the mountaintop removal sites around Kayford must travel up and over the mountain to get to work at all hours of the day and night. At first light I gave up the struggle to sleep, getting up to wait for Larry.

In the morning, Larry emerged from his cousin's modest shelter, glad to see more people ready to join the walk. His overnight guest was Rick Eades, a hydrogeologist with WV Citizens Action Group. Larry and Rick had talked late into the night about the walk, worried because a handful of miners had promised to rough-up Larry if he walked through Cabin Creek.

Some coal miners blame "environmentalists" for layoffs. Legal challenges to mountaintop removal operations have resulted in the suspension of work at some mountaintop removal mines. For decades, governmental regulators and mine operators have failed to follow state and federal mining laws. For the past 20 years, the coal industry has been replacing workers with big machines to increase profits. The economies of some southern counties depend almost entirely on coal, with little economic diversification. Despite coal company claims of providing prosperity, these same counties have the highest poverty rates and some of the worst infrastructure and school systems in the state.

Both men went to sleep recalling the miner's threats of violence and wondering if others would join the walk on Thursday. As day dawned, Rick recalled the Native American philosophy summed up by the phrase, "Today is a good day to die." As we pondered that, another vehicle arrived on Kayford's summit. Novelist, outspoken mountaintop removal opponent and gubernatorial candidate Denise Giardina and her campaign manager Vince George would join us on the walk.

We drove down the mountain to the Kayford Freewill Baptist Church, about the only structure left in the "town." We waited for others who had promised to walk. Long minutes passed. As coal trucks rumbled by, each of us swallowed hard, thinking about passing the Samples Mine entrance. That's where the miners who had promised to beat up Larry worked. We didn't worry long, though, as walkers began appearing to join us. Soon 20 people gathered at the church, including Blair residents James and Sibby Weekley. Like Larry, they have been harassed and intimidated for daring to take a stand against the eco-slaughter. Channel 8 news showed up, and later a Channel 13 news crew joined us.

We gathered up the state flag and a "Stop Mountaintop Removal" sign. We trod the first steps of a six-hour-long walk from Kayford to Sharon, along the Cabin Creek hollow,

overshadowed by a line of steep mountains, some not as steep as they used to be. Their height blocked us from seeing the mining operations that were scouring the landscape all around us. We estimated that at least 150 coal trucks passed us as we walked on the edge of the narrow road. The trucks, weighing about 30 tons empty and up to 100 tons full, lumbered over little bridges where signs indicate a weight limit of 8 or 12 tons. Many coal trucks far exceed the legal weight limits. At least 50 other trucks rolled by, each one pummeling the asphalt as they carried fuel, explosives and pieces of huge equipment to the mine sites.

Our steps were buoyed by the presence of four young teenagers and three even younger kids. Most of the kids used to live in the Kayford and Red Warrior communities that, as the mining intensified, shriveled like the mountains around them. Larry told the kids he was walking for them, for their futures.

We waved to the coal truck drivers. One coal truck driver purposely buzzed us, but all the rest swung wide. We were well aware that we were making their job more difficult, so we walked as far from the road as we could. Some drivers gave us the finger. Most ignored us, but a surprising number waved back. Perhaps they shared the sentiment of a worker at a coal tippie, where a coal train slowly lumbered, creaking and groaning and spewing dust as coal crashed into the empty cars. "I don't like mountaintop removal either," he shouted at us across the street, "but it's my job!"

None of us disagreed that jobs were at stake. But all of the walkers knew that, at most, there's only about 30 years worth of jobs left for an ever-decreasing number of workers. (Studies say that at the current rate of extraction, West Virginia's coal reserves will be gone in about 27 years.) The destruction wrought now will last centuries, at the very least. One teenager who walked with us said that five members of her family are employed at the Samples mine. Still, she walked because she knows there is no future in mountaintop removal. She walked because she has seen what mountaintop removal has done to her hometown.

In one community, a pastor painting his church steeple called to offer us a drink of water. He had been up all night working in a deep mine, and had come directly from work to paint his church. Like people all along the route, he offered us words of encouragement. In Cabin Creek, where many depend on mountaintop removal for jobs, the sentiment against it runs strong. If you live in the shadow of this kind of mining, you know what it means.

After ten miles of walking, we stopped for the day. We were all so hot and our leg muscles twitched, but the discomfort didn't matter. We were elated at the support we had received, right here in the heart of coal country.

Denise, Vince, Rick - all West Virginia natives - and I (hey, my granny and grandpa were from West Virginia) went back up to Kayford to look at the mine sites. Clouds of dust from blasting muddied the sky. We looked out over miles of destruction, unable to distinguish what had been valleys from what had been mountains. After long minutes of sullen silence, Denise began to sing "Oh, the West Virginia Hills..." Vince and Rick joined her and the song grew louder. The song had no mountains and valleys through which to echo. But about a week later, 200 people celebrated the last day of the Walk for the Mountains by singing that song on the State Capitol grounds. It will echo in the heart of all those people as they do their part to stop mountaintop removal.

RALLY FOR OUR MOUNTAINS!

“Here we are - once again. Fighting back... And we are here - outside - because West Virginia’s political system is so crooked, so corrupt, that lobbying doesn’t make much sense...few legislators are going to challenge the powerful interests that pay their campaign bills and wine and dine them while they’re in session. For over a hundred years now we have had to march, picket, and protest because there is little justice in West Virginia and very little real democracy...We won’t be able to win legislatively until we get election reform. And the people who will be thrown out by such reforms are very unlikely to vote it in!”

On the State Capitol grounds a crowd of over 600 cheered the words of OVEC member Lynda Ann Ewen, spoken at the April 24 Rally for the Mountains. OVEC took the lead on organizing the rally with involvement from other groups, including WV Citizen Action group, WV Highlands Conservancy and Coal River Mountain Watch. On the perfect spring day, Lynda continued:

“We are going to have to pick up the proud mantle of our West Virginia forefathers and foremothers. We are going to have to reclaim our history as a proud, fighting people.

"We are going to have to go to the grassroots. We are going to have to build coalitions with people unlike us, but who, like us, are being denied their rights.

"We are going to have to find a common ground for the common people. And we shall have to stand and proudly say - or sing - that old hymn, ‘We Shall Not Be Moved.’”

In the spirit of the hymn, people spoke, sang and danced to communicate their demands for an end to mountaintop removal. The rally was both a celebration of the songs of life and a dirge for the already decapitated mountains.

Over 1,000 of Carol Jackson’s tombstones helped us mourn for West Virginia’s lost streams, forests, mountains and communities. Jude Binder’s dance of masks, a tribute to nature, was her way of reconnecting with the Earth and honoring all the people who put themselves on the line defending her.

Other performers and speakers supported the rally’s overall message - together, we can stop mountaintop removal.

OVEC's Janet Fout told the crowd, “The mountains are a spiritual symbol, a symbol of our heritage and a symbol of our culture. For too many years they have been exploited by outsiders - people who don’t have our interests at heart. They have one thing on their mind - money. We have to band together and take our government back from those who controlled it for over 125 years.

"We have power of our own. We’ve got to hook into that power, supporting one another, coming to functions, doing whatever it takes to change the contour of politics in West Virginia,” Fout said.

Ron Steif, a minister with the United Church of Christ, reiterated that we must work together, especially since the Governor and the coal companies “have come out and said the church isn’t for the poor people if it opposes mountaintop removal. The church isn’t for workers if it opposes mountaintop removal.

"I have one word to say to that: Baloney!”

Novelist Denise Giardina noted that even if coal companies were given free reign to decapitate every single mountain in West Virginia that contained coal, the mining would last only another 30 years.

“Is it worth 30 years of a few more jobs? Is it worth 30 years of a few severance taxes? Is it worth 30 more years of dependence on coal?”

“The young people now will look back on this time and they will curse our memory ...unless we get involved and change our process,” Giardina said.

MTR NOTES 3

From Steve Gormezano:

“Three hundred and fifty union coal miners were put out of work in West Virginia when the mine that they were deep mining had their coal contract bought out by a mountaintop removal mine operation. It was a Valley Camp Coal operation that was bought out by Arch Mineral. Many of those miners had only one or two years to go to get their 20 years retirement in. Ask Frank Thurman, of that local union, what he thinks of mountaintop removal mining. Let me save you a call. He hates it. He told me that one-fifth of the miners are used on a mountaintop removal mine to extract the same amount of coal as a deep mine...”

PERC/WV: BIG COAL IS, BIG SURPRISE, BIG CONTRIBUTOR

by Janet Fout

In 1996, the People’s Election Reform Coalition-WV (PERC/WV) was formed to address the issue of campaign finance reform in West Virginia. PERC/WV is a multi-issue, non-partisan organization which has compiled a database to identify the special interest campaign contributions to West Virginia politicians.

In a true democracy, every person should have an equal right to participate in the political process - regardless of race, color, creed, gender, sexual orientation or economic status.

Yet, under our current system, it is increasingly difficult for an ordinary citizen to be successfully involved in politics - either to be elected to public office or to be heard above the moneyed special interests (that finance election campaigns).

As a result, many issues essential to the general public are rarely addressed by politicians who tend to focus their time and energy on issues important to those who “pay to play.”

Data contained here was obtained from each candidate’s report filed with the West Virginia Secretary of State’s Office and compiled for PERC/WV by folks from WV Citizen Research Group.

In 1996, the coal industry was the top contributor (\$713,654) to the legislative races and governor’s campaign and inaugural.

From 1996 to 1998, contributions to legislative candidates increased 23 percent, from \$195,350 to \$240,920.

In 1998, an off-year, eleven legislators received 57 percent of all coal contributions.

House Speaker Bob Kiss was the top recipient of all coal donations - \$31,575, or 13 percent of coal’s total contributions.

Is it any wonder that Governor Underwood (a former coal executive who received over a half a million dollars for his political campaign and inaugural party from the coal industry and its supporters) appointed Bob Kiss to fill a vacancy on the West Virginia Supreme Court?

The *Charleston Gazette* recently reported that according to PERC/WV, Kiss still has \$193,545 in unspent campaign contributions from his last campaigns largely given by coal (\$31,575), medical and pharmaceutical professionals (\$31,825), oil and gas companies (\$9,725), gambling interests (\$8,087) and construction companies (\$7,050).

Because the West Virginia Code of Judicial Conduct imposes more rigorous rules for circuit court and Supreme Court justice candidates, it is unclear whether or not he can spend his previously collected contributions that he solicited from these special interest groups for his Supreme Court race in 2000.

For instance, one section of the code states, “A candidate shall not personally solicit or accept campaign contributions or personally solicit publicly state support. A candidate may, however, establish committees for responsible persons to conduct campaigns for the candidate....” Like other legislative candidates, Kiss worked to raise money for his own campaign for House of Delegates.

Ever wonder how these campaign “investments” pay off for special interest industries? Read on.

While Kiss was House Speaker, the Legislature passed a bill which increased the size of mountaintop removal strip-mining valley fills from 250 to 480 acres before coal companies were required to pay “mitigation fees” for the loss of water resources (this controversial legislation was all but rescinded in the last session).

In addition, the coal industry was given a severance tax reduction on the mining of thin seam coal - the coal found on the tops of mountains. Some major coal contributors to Kiss are among the 19 defendants in the \$200 million Workers’ Compensation Fund lawsuits that the governor and his Employment Program Commissioner, William Viewig, hope to dismiss (while small businesses have to pay and pay and pay).

For the first time in West Virginia’s history, we now have back-to-back data from two consecutive election cycles to help us all better understand the growing influence of money in politics in the mountain state. Here are a few results of PERC’s analysis:

- Campaign contributions to the current legislature increased by 53 percent or nearly \$1.4 million from 1996 to 1998 (an off-year election);
- Tobacco-related donations increased by 853 percent between 1996 and 1998 (and the proposed tax on smokeless tobacco failed - surprise, surprise);
- Donations from corporate lawyers increased by 420 percent in the same time period;
- Gambling donations grew 216 percent from 1996 to 1998 (and the bill for a county referendum on proposed casino gambling at the Greenbrier Resort passed, despite overwhelming statewide opposition, especially from the faith community);
- Donations from groups and individual concerned about social issues, tourism, and the environment totaled less than 1 percent of all campaign contributions combined!

Percentage of growth does not include tens of thousands of dollars donated by lobbyists for these industries or money spent on entertainment for legislators.

(OVEC, WV Citizen Research Group, and Common Cause-WV are the “parents” of PERC/WV.)

PROJECT EAR AIMS FOR GREATER ECONOMIC JUSTICE

by Janet Fout

Try to imagine a VALUES-based economy in Appalachia! That's exactly what 33 people from church, community groups and labor did at the Third Annual Project EAR Summer Institute at Bishop Hodges Pastoral Center in Huttonsville, WV.

Project EAR (Economics in the Appalachian Region) is a program within the Commission on Religion in Appalachia (CORA) that uses interactive education workshops that allow folks to share their economic knowledge, insights, hopes and experiences and to connect social problems with failed economic policies.

We've allowed ourselves to believe that economics is complicated - in part to keep us from getting involved in important economic policy matters which could translate to greater justice for all people of Appalachia. Project EAR aims to change that. Its workshops shift the focus of economics from numbers (profit) to VALUES.

One long-term goal, through building a strong coalition with churches, community and environmental groups, and labor organizations, is to pressure our elected officials into transforming tax and budget policies in Appalachia from ones that favor big (and often polluting) industries to ones that put the needs and welfare of everyday citizens first.

As a Project EAR trainer since 1996, my tasks at this Institute included presenting the workshop called "Economics is all about Values," which lays the foundation for the rest of the trainings. People were asked to imagine an economy and society based on their values and then to compare it with our current economic realities. As you might have guessed, our ideal vision was far different from the current system.

We then compiled two lists - one headed "Community or Spiritual Values" the other, "Marketplace or Big Business Values." Just as our vision for society and the current economic reality differed, these two lists also were worlds apart. For example, some "Community Values" might be "justice," "equality" or "love" while "Marketplace Values" included "profit," "survival of the fittest" or "efficiency."

The group generally agreed that while we all participate in the present economy driven primarily by policy-makers who ascribe to "Marketplace Values," it is our individual and collective responsibility to help transform this system into one which is more in sync with our values of economic justice.

To learn more about Project EAR contact Jerry Bone, Project EAR Coordinator with CORA at (423) 584-6133 or call Gary Zuckett, West Virginia Project EAR coordinator at (304) 659-3193.

AT DEP, IT'S RING OUT THE OLD, RING IN THE SAME OLD

by Laura Forman

The names have changed but the coal industry will continue to be protected by the WV Division for Environmental Protection. Mike Miano, a former coal industry executive, resigned in late July as the DEP's director to take a position at the Division of Highways.

OVEC and other groups had filed suit under the federal Clean Water Act to remove Miano from office due to his conflict of interest. By law, Miano could not oversee water pollution programs for an industry where he worked within the past two years. EPA voiced its concerns over Miano's appointment but capitulated under industry pressure. The DEP was allowed to create a loophole and hire someone else to do the water pollution permits. Miano remained in his position as director.

Not only was Miano's appointment illegal, it was immoral. Would Miano's inclination toward the coal industry's perspective suddenly have vanished after two years?

In Miano's place, Mike Castle became Underwood's third appointment as head of the DEP with firm coal ties (3 for 3). Again we see the question of legal and moral conflict of interest. Castle worked for a number of coal companies, including A.T. Massey. Castle also ran a mining and construction company that operated a mountaintop removal job in West Virginia. Castle's company was cited for numerous environmental violations.

Thanks to the WV Environmental Council's Elizabeth Sampson and DEP's Environmental Advocate Pam Nixon, citizens had the opportunity in August to meet with Director Castle.

While Castle was unable to directly answer many questions about the agency due to his short time in office, his deputies displayed a defensive attitude throughout much of the meeting.

OVEC Board member Elinore Taylor asked if the DEP knows what mountaintop removal's impacts are on water quality throughout the state. The DEP replied that the draft Environmental Impact Statement should be ready in July. Elinore responded, "Doctors say first do no harm. Shouldn't you not allow this if you are not sure of the dangers?"

Castle's response: the law allows mining. Unfortunately, mountaintop removal is another example of the fact that the burden of proof currently lies on the affected citizens to prove that industries are harming us.

Even when the government knows that refineries, incinerators, mine sites and chemical plants are seriously damaging the health of people and the environment, these industries continue to operate, often with little regulatory intervention. Mass citizen pressure is what stimulates the government to act.

Skipp Kropp, chief of the Office of Air Quality, proudly proclaimed that there was a great increase in fines collected and citations issued under his leadership. Larry Gibson expressed a common concern that big companies would rather pay relatively small fines than make changes in their operation or upgrade facilities: "They (coal companies) can do what they want up there." When asked if DEP had ever shut down an industry for numerous violations, Kropp, one of two former industry lawyers now in DEP, said they had.

It turns out the "industry" was a dry-cleaner. Dry-cleaners certainly have environmental hazards but it is typical of DEP to take on small businesses rather than the major polluters in the chemical valley. The little guy pays while the big guy plays.

Mary Ellen O'Farrell brought up the concern that the stakeholder process is phony and the playing field is not level. Mary Ellen noted that industry has many experts at their fingertips.

She emphasized citizens' need for special assistants and technical advisors and that the DEP should help pay for them. Castle's response was that the DEP didn't have the budget for that.

Apparently the DEP does have the budget to hire an outside law firm to defend itself in a federal lawsuit on mountaintop removal. The DEP is defending its "right" to sue environmentally questionable permits to coal companies. When an OVEC member brought this to the DEP's attention at the meeting, Castle was not able to give an answer as to why this is possible.

A frequent concern expressed at this meeting was that the DEP has abandoned its mission statement, which says: "To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."

The DEP is often considered to be an agency overly preoccupied with issuing permits to polluting industries. Castle even said that a primary concern of his is to get the mountaintop removal permits back on track.

When Viv Stockman asked, "When is DEP going to shape up and enforce the laws?" she was probably expressing the thoughts of many citizens throughout West Virginia.

When Castle stated that his background in industry would give his tenure at DEP a balanced perspective, Tom Degan asked if Castle had ever been a member of any environmental organization. Response from Castle; no, but he was a NIMBY (not in my back yard protester) once.

There are many people employed within DEP who do their jobs. But when the upper management is filled with industry champions, there can be no real balance. Mike Castle should openly acknowledge his conflict of interest and resign. And he should take some of his friends with him.

SUMMER INTERN MEETS 'SOME PRETTY AMAZING PEOPLE'

by Aaron Bady

This summer, as an OVEC intern, I've had the opportunity and privilege to work with some pretty amazing people.

Everyone seems to like OVEC (or you wouldn't be reading this newsletter) but it's not just the organization, it's the people.

On a typical day, Laura and Janet arrive in the office to find half a dozen messages waiting for them, each of which may take anywhere from ten minutes to an hour of phone time. The phone never stops ringing while they are there, so much so that often I had to screen their calls just so they can get some other work done.

The Walk for the Mountains was a colossal amount of work, something that wasn't that obvious. Every day, there were calls and press releases to local and national media, local contacts with which to coordinate each event, and since we did it with very little lead time, we were planning and making arrangements for later stops while the walk was actually in progress.

Larry and Julian had a place to stay everywhere they went, which is, of course, through the generosity of the people who made them welcome, but also through a great deal of effort on the part of the OVEC staff.

I'm not just trying to give credit where credit is due here. One of the difficulties with this kind of work is the ever-present danger of burnout.

The ecological problems we are faced with cannot be solved by one, two, or even a dozen people, no matter how dedicated.

There are too many tasks, too many bad guys, and far too few hours in the day for a handful of staff members to do it all themselves – but strong-hearted people like Janet and Laura and Dianne demand exactly that of themselves.

This summer I was able to do a lot of the little things and take some of the weight off their shoulders, giving them time to do the really important work of organizing. In order to keep things running smoothly, there are a host of little tasks that must be done.

Making copies, proofreading letters, sorting petitions, putting together information packets – all these are things that staff have to do before doing the real work of environmental organizing, things like networking with citizens and other groups, planning protests and events like the Walk for the Mountains, raising money and staying abreast of what is going on.

OVEC has had a great deal of success in attracting volunteers. Tom Jones walks from his apartment and volunteers on a regular basis. This summer, Megan Nestor, home from school on summer vacation, found us in the phone book and decided to volunteer. Board member John Taylor came to the office one day just to clean the bathroom and do the dishes. And there is never any shortage of willing volunteers to help with mailings and newsletters.

Not everyone can go that far, but the most important thing is to get involved in whatever way you can – donations and memberships are important, but they alone don't win the battles.

A few paid environmental staff people didn't stop the pulp mill – it was thousands of letters, phone calls, and involved citizens.

If we are to curb mountaintop removal (and we will!), it will be through massive citizen involvement and the selfless giving of those who are concerned about Appalachia's future.

"THE RESTORATION POTENTIAL OF EARLY SUCCESSIONAL HARDWOODS GROWN IN ORGANICALLY AMENDED MOUNTAINTOP REMOVAL FILL MATERIAL" (TRANSLATION: THERE AIN'T NONE)

by Jocelyn B. Eikenburg

Abstract

Mountaintop removal is a common mining practice in Appalachia, especially southern West Virginia, that involves removing the soil and rock from the tops of mountains to reach underlying coal seams. The restoration of land leveled by mountaintop removal poses a challenge because it initiates primary succession, the result of a more catastrophic disturbance where the pre-disturbance soil is no longer present.

This experiment addresses the possibility of restoring native West Virginia forests altered by mountaintop removal through organic matter amendment of fill material. Several questions were addressed in this experimentation: (1) will *Liriodendron tulipifera*, *Prunus serotina* and *Robinia pseudo-acacia*, three native West Virginia trees, grow in the fill material? (2) Does the amendment of fill material with organic matter improve tree growth in this medium? (3) If so, what level of amendment is necessary for sustainable growth of native species?

In a greenhouse pot study, seedlings of three early successional West Virginia hardwoods, *Liriodendron tulipifera*, *Prunus serotina*, and *Robinia pseudo-acacia*, were grown in fill material amended with topsoil at 0 percent, 10 percent and 25 percent levels by volume, plus a 100 percent topsoil control. Height, basal diameter and number of new shoots were recorded during eight weeks of the 3-month growing period.

Following growth, ammonification, nitrification, pHKCl and electroconductivity were measured for all pots. Organic amendment of fill material enhanced the growth of *P. serotina* and *R. pseudoacacia*. The trend of decreasing or negative growth with increasing fill material levels was observed in half of the species' growth data. Electroconductivity significantly decreased with the addition of greater than or equal to 75 percent fill material, implying that fill material is low in dissolved ions essential for plant growth.

Although ammonification and nitrification data were uniformly low in all treatment groups, the lack of nitrogen in *R. pseudoacacia* pots suggests that fill material hinders its ability to enhance soil nitrogen levels. A longer growing period (>1-2 years) may reveal more obvious responses to environmental stress among organic amendment levels.

SHAMELESS APPEAL FOR MONEY

OVEC's recent expenses have been greater than we'd expected. We're counting on you, our members and friends, to help our organization continue its important work. All donations are greatly appreciated. Thank you!

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