

1987-2007 Highlights of OVEC's History



OVEC—20 Years of Standing Our Ground

- 1987 OVEC is formed to fight a proposed huge BASF toxic waste incinerator near Ironton, Ohio, a heavily polluted area. After 8 months of successful petition drives and organizing, **the incinerator proposal is cancelled.**
- 1989 OVEC uncovers and publicizes evidence indicating toxic waste leakage at the Aristech Chemical Company's Haverhill, Ohio hazardous waste deep injection disposal well. As a result of OVEC pressure, Ohio and U.S. Environmental Agencies issue stiff fines and the company agrees to close the well. **In 2007, toxic wastes from that well are still being pumped out!**
- 1989 OVEC protests the then-unregulated burning of chemical wastes as boiler fuel at the BASF plant in Huntington. OVEC's work on this issue leads to additional state inspections at the plant. New federal regulations follow.
- 1990 OVEC members petition the U.S. EPA to investigate abandoned chemical dumps along the Guyandotte River in East Huntington for Superfund cleanup status. While EPA action lags, OVEC's pressure on West Virginia officials results in the surface of the **dumps being covered** to reduce public exposure to contaminated dusts. Children had been riding bikes there.
- 1990 OVEC publicly issues a "Pollution Prevention Challenge to Tri-State industries" demanding that the "Toxic Top 20" industries implement pollution prevention programs to reduce their use and emissions of toxic and hazardous chemicals. Several companies, including Ashland Oil, Allied-Signal, Aristech Chemical, Armco Coke and Steel, Dow Chemical, Dupont, and Goodyear respond and most announce emissions reduction plans.
- 1987-1997 OVEC holds numerous citizens' meetings and public forums with government officials in the Kenova WV area, to build citizen pressure to end serious pollution violations at the then-Ashland Oil refinery in Catlettsburg, KY. Members take many trips to visit state and federal regulators and politicians, and hold public events to bring attention to the problems. Regional and national media coverage grows.**
- Early 1990s The Ashland Oil Employees Group mounts a vicious public newsletter and letter-to-the-editor attack campaign against OVEC leaders. Members work together to get the truth out and support each other when attacked.
- 1990 In response to continual OVEC pressure, the first of several University and government studies is released showing high illness rates around the

- Ashland Oil refinery. OVEC researches and publicly releases a series of reports documenting the violations and lack of enforcement. A member, at a public event, asks the refinery CEO to take a taste of his garden lettuce covered with Ashland's "safe" particulate fallout, and he refuses.
- 1991 An OVEC telephone and letter-writing campaign to the West Virginia Air Pollution Control Commission results in **placement of a carbon monoxide monitor in Kenova, WV to monitor emissions from the Ashland Oil refinery.**
- 1992 OVEC receives \$75,000 in grants and **hires 3 full time staff persons** – Dianne Bady, Janet Keating and Kim Baker. Laura Forman is hired in 1994.
- 1993 OVEC's Diana Bowen is shot at while videotaping illegal Ashland emissions.
- 1993 In response to OVEC members' videotapes and demands, the Kentucky Division for Air Quality sets up the first-ever-in-the-US 24 hour a day **video surveillance system** to record emissions from the Ashland Oil refinery.
- 1994 After OVEC instigates a barrage of public comment letters to the US Army Corps of Engineers requesting a public hearing on the issue, Addington Inc. **withdraws its permit application** to build a dock on the Ohio River at Wurtland, KY to receive massive amounts of out-of-state garbage via barge.
- 1994 After much citizen pressure from OVEC members, the EPA announces that it will **conduct an audit of Ashland's toxic air emissions** to determine if Ashland's air pollution estimates were accurate.
- Early-mid 1990s OVEC researches and publicizes problems with the proposed Apple Grove, WV pulp mill, which would discharge deadly dioxin. OVEC organizes numerous citizen meetings, public forums, and events. OVEC organizes a series of protests at the WV State Capitol. After **over 1,000 people attend a protest**, Sen. Jay Rockefeller publicly drops his support of the mill.
- 1994 After OVEC, the Affiliated Construction Trades Foundation, and several private citizens (including Vivian Stockman) file legal appeals, the WV Environmental Quality Board **suspends the water pollution discharge permit for the proposed Apple Grove pulp mill.**
- 1994 Then-OVEC board member, Carol Ramey, files a lawsuit to stop Huntsman Chemical, which had serious pollution problems elsewhere, from locating two chemical plants adjacent to heavily-polluted Kenova. **The company never locates there.**
- 1996 The US EPA's Tri-State Geographic Initiative, a result of OVEC's efforts to reduce pollution, begins measuring toxic chemicals in the Kenova WV area. Subsequent US EPA reports document serious air quality problems.
- 1997 First public forum on mountaintop removal held by OVEC at Marshall University, where Larry Gibson speaks. (Larry was quiet and shy then!)
- 1997 Citizen Clearinghouse for Hazardous Waste inducts OVEC into its National Grassroots Hall of Fame.
- 1997 **APPLE GROVE PULP MILL VICTORY!** OVEC stops what would have been the largest dioxin-producing pulp and paper mill in the country.

- 1998-2007** OVEC, often with Coal River Mountain Watch, WV Highlands Conservancy and other groups, organizes numerous Stop Mountaintop Removal citizen meetings, rallies, protests, and educational events. This builds our membership and brings growing national and international media coverage.
- 1998 OVEC launches its World Wide Web site.
- 1998 OVEC and WV Highlands Conservancy win a lawsuit forcing the U.S. Environmental Protection Agency to develop water pollution clean-up plans for WV waterways.
- 1998 As a result of OVEC members, the WV Highlands Conservancy and others joining in a lawsuit led by attorney Joe Lovett, **Hobet Mining Inc. is blocked from a 2,100 acre mountaintop removal mine near Blair, WV.**
- 1998 After extensive outreach by OVEC, the Commission on Religion in Appalachia and **five religious denominations pass a resolution** calling for an end to mountaintop removal mining, including the United Methodist Church, of which then-WV Governor Cecil Underwood is a member.
- 1998 **ASHLAND OIL VICTORY!** After OVEC applies **ten years** of unrelenting pressure on environmental regulators and politicians, the U.S. Justice Department and US EPA level the then-largest fine in their history (\$38.5 million) against Ashland Oil, requiring that they bring all their U.S. refineries into compliance with environmental regulations.
- 1999 **OVEC receives the National Methodist Social Justice Award.**
- 1999 Vivian Stockman receives the WV Environmental Council's highest award – the Mother Jones Award.
- 1999 **Mike Miano, head of the WV DEP, resigns** after OVEC files a lawsuit under the federal Clean Water Act to remove him from office due to his conflict of interest as a former coal industry executive.
- 1999 Chief U.S. District Judge Charles Haden rules that mountaintop removal affecting some streams is illegal. OVEC members are plaintiffs on this suit.
- 1999 OVEC and Larry Gibson organize the “Walk for the Mountains” to raise awareness of mountaintop removal in West Virginia. Larry, often with Julian Martin and others, walked from one end of West Virginia to the other, a total of over 490 miles. Many weekends and evenings Larry led programs at towns he walked through, generating much support and attention.
- 2000 U.S. District Judge Robert C. Chambers refuses the WV DEP's request to dismiss the Cumulative Hydrological Impact Assessment mining lawsuit filed by OVEC and Hominy Creek Preservation Association.
- 2000 U.S. District Judge Robert C. Chambers issues a Temporary Restraining Order, blocking Green Valley Coal's attempt to expand its valley fill waste dumps into the Hominy Creek watershed.
- 2000 A permit that would have buried the headwaters of a naturally reproducing trout stream in Nicholas County **is overturned** after OVEC files a lawsuit against the WV DEP for their routine failure to enforce provisions of the federal Surface Mining Act when issuing mountaintop removal permits.

- 2001 Dianne Bady, Janet Keating, and Laura Forman win one of the Ford Foundation's inaugural Leadership for a Changing World awards – with a prize of \$130,000. They are chosen from more than 3,000 nominees!
- 2001 Longtime OVEC organizer Laura Forman organizes a mountaintop removal protest at the US Army Corps of Engineers in Huntington. She collapses and dies of a heart arrhythmia at the protest. Four hundred people attend her four-hour-long memorial service. We take time to mourn.
- 2002 Work by the WV People's Election Reform Coalition results in legislation being introduced into the WV legislature that would provide for public financing of elections. OVEC and WV Citizen Research Group are founders.
- 2003 The Sylvester "DustBusters," Coal River Mountain Watch and OVEC members Pauline Canterbury and Mary Miller, along with local residents, **win a major lawsuit against Massey Energy** for coal dust pollution from the Elk Run processing plant, costing the company \$2 million in damages.
- 2003 Homer III Processing, a subsidiary of **Massey Energy, is denied a permit** to build a similar coal processing plant in nearby Peytona.
- 2003 After OVEC and other groups sue EPA for their approval of West Virginia's inadequate plans to protect water quality, U.S. District Judge Joseph R. Goodwin sends the anti-degradation policy back to the EPA to be rewritten.
- 2003 Due to legal pressure from OVEC and Coal River Mountain Watch, the WV Surface Mine Board **orders Massey Energy to monitor groundwater** near the Brushy Fork sludge impoundment for toxic heavy metals, including mercury, lead, arsenic, cadmium, cobalt, and copper.
- 2003 OVEC and others launch a national "road show" to raise awareness about mountaintop removal and the Clean Water Protection Act. Thanks, Dave Cooper!
- 2003 Dianne Bady wins the WV Citizen Action Group's Excalibur Award.
- 2004 Janet Keating receives the Mother Jones Award, the WV Environmental Council's highest award.
- 2004 After a lawsuit by OVEC and others, U.S. District Judge Joseph R. Goodwin bars the U.S. Corps of Engineers from approving mountaintop removal mining activity that affects waterways under a streamlined permit. The Appalachian Center for the Economy and the Environment represents us.
- 2004 The **West Virginia Supreme Court blocks the sale** of the Caudill family's ancestral home place in Lincoln County that would have made room for mountaintop removal on their land.
- 2005 Dianne Bady is the cover girl for *On Wisconsin* magazine and the keynote speaker at the 16th annual Midwest Renewable Energy and Sustainable Living Fair, the largest such event in the world.
- 2005 After pressure from Coal River Mountain Watch, OVEC, and Mountain Justice Summer, the WV Department of Environmental Protection **revokes the permit for a second coal silo to be built adjacent to Marsh Fork Elementary School**.

- 2005 OVEC works with Sierra Club and others resulting in the West Virginia Archives and History Commission agreeing that **Blair Mountain belongs on the National Register of Historic Places**. Thanks, Regina Hendrix!
- 2005 U.S. District Judge Robert C. Chambers rules that the Office of Surface Mining cannot rubber stamp rule changes by the WV DEP that weaken limits on the amount of damage coal companies can do to West Virginia streams and ground water. OVEC is a plaintiff in this legal action.
- 2005 A coalition of Clean Elections supporters, which OVEC took the lead on organizing, results in the **West Virginia legislature passing a first-in-the-US law curbing political contributions** to 527 groups, like Massey Energy CEO Don Blankenship's "And for the Sake of the Kids."
- 2006 During the 2006 West Virginia legislative session, six legislators co-sponsor legislation calling for a moratorium on the permitting of additional coal sludge impoundments and to prevent the expansion of existing ones.
- 2006 OVEC leaders in Rawl, WV succeed in getting **\$15,000 in emergency funds** for replacement water and a municipal water line because their wells have been polluted by underground injection of toxic coal waste.
- 2006 The US Army Corps of Engineers **suspends four Massey Energy mountaintop removal permits** that OVEC challenged in federal court, including one which would have impacted historic Blair Mountain, site of the famous battle of Blair Mountain.
- 2006 OVEC leaders in both Boone and Mingo County **win reverse 911 systems** (know as WARN) to alert entire communities in the event of a sludge dam failure or potential flooding.
- 2006 Abraham Mwaura wins a *Generation Next Award* for West Virginia's up and coming young leaders, sponsored by the *Charleston Daily Mail*.
- 2006 Maria Gunnoe wins the *Joe A. Callaway Award for Civic Courage* presented by the Shafeek Nader Trust for the Community Interest.
- 2006 **A jury awards \$200,000 to two OVEC members** (vocal opponents of mountaintop removal) in a major Strategic Lawsuit Against Public Participation (SLAPP suit).
- 2006 The **U.S. Fourth Circuit Court of Appeals upholds a decision** in a case brought by OVEC barring the federal Office of Surface Mining's approval of a change by the state in the definitions it uses to review new mountaintop removal mining permits.
- 2007 Citizen efforts coordinated by OVEC result in the West Virginia legislature passing a resolution **requiring that state agencies study the effects of toxic coal sludge injection** on drinking water and the environment as well as determining the composition of coal sludge.
- 2007 After several years of citizen organizing by OVEC in Mingo County, a **municipal water line project** is completed, serving over 700 people whose water is contaminated by underground injection of toxic coal sludge.
- 2007 OVEC receives the Appalachian Studies Association e-Appalachia award for our outstanding website, which averages 500 hits per day! **On one day** in August, **after the New York Times ran a front-page article, our website had 37,000 hits!**

- 2007 OVEC board member, Larry Gibson, is chosen as a CNN Hero. A segment focusing on Larry's fight to save his home place from mountaintop removal was broadcast three times on CNN in August.
- 2007 U.S. District Judge Robert C. Chambers rules that the U.S. Army Corps of Engineers violated the law by issuing permits that permanently buried vital headwater streams near five mountaintop removal mines in West Virginia. He **orders the Corps to comply with the law and rescinds the permits.**
- 2007 In a second order, Judge Chambers outlaws the common coal industry practice of turning small stream segments downstream of valley fills into waste treatment systems declaring that the Corps had no authority under the Clean Water Act to permit the discharge of pollutants into these stream segments. OVEC is lead plaintiffs on these lawsuits.
- 2007 After these court decisions, a mountaintop removal friendly West Virginia newspaper editorializes that "Opponents of coal are winning inch by inch. They have succeeded through persistence... Uncertainty about the viability of future mining operations keeps investors away."
- 2007 Judge Robert C. Chambers issues a temporary restraining order on a Boone County, WV mine. For the first time ever, a federal judge rules that **permanent damage to streams and the environment trumps the temporary economic losses for a mining company.**
- 2007 American Electric Power, one of the largest power generators in the US agrees to **pay \$4.6 billion to reduce pollution in the Northeast.** AEP is required to **pay an additional \$75 million** in civil penalties, clean-up and mitigation costs to help heal parkland and waterways damaged by their pollution. The settlement marks one of the largest government fines in an environmental case. OVEC is one of a dozen environmental groups in nine states that brought suit against AEP.
- 2007 Maria Gunnoe wins the Rainforest Action Network's World Award.