



# Winds of Change

the newsletter of the

## Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

## Streams and the Lives That Depend on Them Win One

For 30 years, coal companies and regulators have ignored a crucial provision in federal law requiring that when companies bury streams, they must replace the “structure” and “function” of those streams.

Coal companies have been allowed to satisfy this requirement by building drainage ditches, although drainage ditches do not restore the function of streams. Now companies and agencies will be required to demonstrate that the function of streams will be restored in waterways slated for burial.

**If this new guidance is enforced, new valley fill permits will be very difficult to obtain.** In order for a new permit to be granted, companies and agencies must demonstrate that the company will replace the functions of buried streams, something that has never been done before. Leading stream biologists believe this may be impossible to do.

Headwater streams deliver important nutrients and

water downstream, process bacteria and give life to ecosystems, and we know that ecosystems are the lifeblood of human existence.



**The “minimal impact” of a mountaintop removal mining site was self-evident to everyone, except the US Army Corps of Engineers.**

In 2007, this issue came to light in OVEC litigation. US District Judge Robert C. Chambers ruled in our favor, throwing out four Massey permits for new valley fills, in part because the loss of stream *function* was not considered. The judge cited “alarming cumulative stream loss” in West Virginia.

Massey filed an appeal of Judge Chambers’ 2007 decision, and the Fourth

Circuit Court of Appeals threw out the judge’s ruling. So OVEC and other groups appealed to the US Supreme Court,

*continued on page 4*

## Nationwide Permit 21’s “Minimal Impact” Given the Boot

In mid-June the US Army Corps of Engineers announced that it was eliminating Nationwide Permit 21, the streamlined permitting process for surface coal mining operations in Appalachia.

Remember, last fall’s “public hearing,” where many of us were bullied, threatened and kept from making our public comments, was about the Corps’ proposal to eliminate NWP 21.

The Corps said, “The Corps determined after a thorough review and consideration of comments that continuing use of NWP 21 in this region may result in more

than minimal impacts to aquatic resources. Activities that result in more than minimal impacts to the aquatic environment must be evaluated in accordance with individual

*continued on page 4*

### Inside This *Winds of Change*

Wind Energy: Get Local	.....page 2
Slurry Study Lacking	.....page 9
Youth Build It Up!	.....page 14
Spruce No. 1 Comments	.....page 21
Appalachia Rising!	.....page 25

# Wind Energy: Get Local With It

by Chris Shepherd

As our very own governor likes to point out, West Virginia is the third windiest state in the East. Wind energy has certainly become the handiest symbol of a brighter and cleaner energy future, and West Virginia is already the site of several operational or proposed large-scale, corporate wind farms.

And under a federal goal of providing 20 percent of our nation's energy from wind by 2030, wind energy absolutely WILL be a component of West Virginia's own energy and economic future.

Clearly, we should embrace a future of renewable energy; however, West Virginians should be very wary and deliberate in our approach to wind development, as there is a worse way, and a better way.

While it is easy to perceive wind energy as sexy and ideal, the existing model of wind energy in West Virginia is surprisingly *not a good deal for West Virginians* (despite the undeniable environmental benefits of wind energy as an energy source).

To put it in simple terms, wind development here follows the same pattern of coal extraction: Out-of-state corporations own all large-scale wind energy in West Virginia, and mere pennies on the dollar from the lucrative energy sales stay inside West Virginia. That's right: Our native wind sends vast profits out-of-state, with only a trickle of revenue staying here, mostly in the form of modest land lease payments and tax revenue for the host county. The lion's share of revenues immediately leaves the state. Sound familiar?

**As always, there is a better way: Locally-owned wind energy.** This model of economic development, already widely used in the wind-rich Midwest, has as its foundation local involvement and investment at every step of the development process.

Instead of a corporate behemoth setting up shop with no regard for the local populace, locally-owned wind

farms have community involvement and greater community benefits at their core.

Studies have verified that local revenue from locally-owned projects are at least doubled, if not tripled or more. Temporary construction jobs and permanent energy jobs increase as well. And because of direct and proactive citizen involvement, the unnecessary problems often associated with industrial wind farms (such as poorly sited turbines and disregard for ecological health

of birds and bats) can be avoided.

Simply put, under the locally-owned model, citizens have a direct stake in a more equitable and sustainable energy future in West Virginia.

Because of this better way, **OVEC has been directly working on the creation of**

**West Virginia's first locally-owned wind farm.** We're working together with Windustry, a Minnesota group which has taken the lead on helping develop many community wind farms in Minnesota and elsewhere (see [WWW.WINDUSTRY.ORG](http://WWW.WINDUSTRY.ORG)).

Working toward a locally-owned community wind farm is no small commitment. Wind projects are a vast and painstaking undertaking involving engineering studies. This will be a long process: From identifying a feasible site, to involving the local community and landowners to ensure their interests are upheld, to performing the assorted feasibility studies (which take at least two full years), to completing the necessary permitting. Undertaking responsible wind energy development will take time and persistence.

This is a long-term commitment, but then so are the long-term benefits of responsible and locally-owned wind energy. No one said creating a renewable energy future in West Virginia would be easy, but with our eyes on that prize, let's get started!



Commercial wind turbines in Tucker County, WV.

# Making A Stand in Twilight

In Boone County, WV, the people of the 50-dwelling town of Twilight have seen what happened to their friends and neighbors in nearby Lindytown, where the community was annihilated in less than two years.

They see the mountaintop removal draglines creeping closer to their own community. Some of them even feel the blasting shaking their homes.

OVEC member Frankie Mooney owns 9 acres of land, along with all mineral rights, situated between the encroaching MTR draglines and the town of Twilight. His land is crucial to Patriot Coal's apparent plans to continue their mountaintop removal, thus depopulating Twilight.

OVEC is working toward a partial purchase of 4.9 acres of Frankie's land, which contains two cabins that can be used for meeting and sleeping space. When the money for this partial purchase is secured, Frankie Mooney and OVEC will become joint owners of that land.

A partial purchase by OVEC will be a clear demonstration to the good folks of the Twilight area that OVEC is a stakeholder in their community, and that we are with them for the long haul in the struggle to save and improve the community. Frankie Mooney says "I can't save my land or our community alone. But with OVEC's involvement,

together we can work to save Twilight."

A partial purchase will make it much easier for OVEC staff and volunteers to continue to organize in the Twilight area. It will provide the strongest legal standing to

OVEC in litigation focused on stopping illegal mining practices. Our organizing and legal work has the potential to prevent Twilight from becoming the next community lost to mountaintop removal.

Many communities in southern West Virginia have been obliterated by mountaintop removal mining. We want to make Twilight's story the dawn of a new day for southern West Virginia. We want to save not only the community, but also the subsistence-based way of life that is being lost as elders die and as people are driven out of their homes.

These are some of the most resilient people in this country. The history of underground mining there is one of frequent mining stoppages due to factors such as temporarily declining markets, accidents and strikes.

In a time of serious economic stress nationwide, these residents have a lot to teach us all about living off of the land, and surviving during times of economic adversity.

Please visit [WWW.MTRSTOPSHERE.ORG](http://WWW.MTRSTOPSHERE.ORG).

## Selenium Lawsuits Target MTR Mines at Twilight, Catenary, Others; Highlight Serious Problem for Entire Coal Industry

by Dianne Bady

On June 18, OVEC and others filed federal lawsuits against five subsidiaries of Massey Energy and two subsidiaries of Arch Coal for their continuing violations of selenium water limits. Joining the suits are Sierra Club, West Virginia Highlands Conservancy and Coal River Mountain Watch.

The poisoning of streams by selenium is a serious problem for "business as usual" at mountaintop removal mines in West Virginia.

At Patriot Coal's Hobet MTR mines, the legal limit for monthly averages of selenium is **4.7 micrograms/liter**, but the company's actual monthly averages are as high as

*continued on page 6*



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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 US Internal Revenue Service and the WV Secretary of State.

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

## *MTR Continues to Destroy Mountains and Communities in WV*

Since Climate Ground Zero formed two years ago in the Coal River Valley, more than 150 people have been arrested in actions involving non-violent civil disobedience.

According to Mike Roselle: “We have watched as these gigantic machines tear into one ridge after another along this beautiful stretch of the Coal River. We have seen graveyards pushed over the side and we have seen towns obliterated, and we have seen relocation and depopulation, the kind of things you expect to see in a war, but not in America ... They are still dumping the exploded rubble and toxic coal slurry into the hollows and covering the streams of this community.

“Mountaintop removal happens each and every day, and no matter what happens with the permits that the EPA is holding up for now, nothing is going to change the fact that **there are plenty of active permits that can keep companies like Massey Energy busy blasting the tops off mountains for five to ten more years.**

“On September 25 through 27, we will assemble in



**Climate Ground Zero activists approach the 20-story-high dragline on the Twilight MTR mine complex, June 18, 2009. Fourteen were arrested; criminal charges were resolved, but a dubious civil lawsuit from Massey still looms.**

Washington, DC, and demand justice; justice for the mountains, justice for the communities who are being obliterated, and justice for the Earth. Please join us.”

See [WWW.CLIMATEGROUNDZERO.ORG](http://WWW.CLIMATEGROUNDZERO.ORG) to learn more about how you can help, including help with ongoing costs. 🍌

### **Streams Win One**

*continued from page 1*

which agreed to hear our case. But now, with the new agency guidance on stream function, the agencies have corrected the problem that was presented in our Supreme Court case, so we have asked that our appeal be dismissed.

Since 2007, the composition of the Fourth Circuit Court of Appeals has changed. More moderate judges have been appointed. This could be important in any future legal appeals.

In our 2007 litigation, expert witnesses Dr. Margaret Palmer and Dr. Emily Bernhardt testified that Massey’s mitigation plans would not replace the critical functions of headwater streams. Even the Army Corps of Engineers, which issues permits for valley fills, has admitted that **there has never been a successful stream creation project** (one that replaced the functions of buried streams).

Our co-plaintiffs in the 2007 litigation were WV Highlands Conservancy and Coal River Mountain Watch. We are extremely grateful to our attorneys with the Appalachian Center for the Economy and the Environment, Earthjustice and Public Justice.

In spite of this and other recent successes, the mountaintop removal problems have not been solved. Under

existing permits, mountains, ecosystems and communities continue to be obliterated.

That’s why we continue our work, and that’s why we need you to be a part of that work. Please keep your membership in OVEC current, join our action alert list and let us know if you would like to volunteer. See [WWW.OHVEC.ORG](http://WWW.OHVEC.ORG) for more info, or call (304) 522-0246. 🍌

### **NWP Booted**

*continued from page 1*

permit procedures. Therefore, NWP 21 has been suspended in this region and coal mining activities impacting waters of the U.S. in this region will be evaluated in accordance with individual permit procedures.”

We had long argued in court that valley fills cause far more than “minimal impact” and should not be permitted under NWP21.

While this is a victory, the Pine Creek permit (see story on page 5), shows that both the Corps and EPA are still willing to dance around the science, ignore cumulative impacts, pretend that rules will be enforced, and pretend that stream loss can be mitigated and stream function restored. 🍌

# Much-Lauded Strict Mountaintop Mining Guidelines Not So Strict

## *EPA's First Decision Under New Mountaintop Mining Guidelines is to Approve Coal Permit; Permit Would Create Three New Valley Fills*

In June, the U.S. Environmental Protection Agency gave the Army Corps of Engineers a green light for the Pine Creek mine permit, a mountaintop removal mining site in Logan County, WV.

This is the first permit decision the EPA has issued under the new mountaintop mining guidelines, which came out last April and were anticipated to provide tougher oversight of mountaintop removal coal mining. In July, the Army Corps issued the individual Clean Water Act permits the mine needed.

The new MTR guidelines were understood to provide greater protection for headwater streams by curbing the practice of dumping waste in neighboring valleys to create what is known as valley fills.

The Pine Creek permit is the first test of these guidelines, and green lights three new valley fills (each over 40-acres large).

It was anticipated that these guidelines, by requiring mining operators to control levels of toxins in nearby streams, would significantly reduce the dumping of mining waste in valleys, which the EPA said was scientifically proven to contaminate drinking water and wreck ecosystems.

“This is a devastating first decision under guidelines that had offered so much hope for Appalachian residents who thought the EPA was standing up for their health and water quality in the face of a horrific mining practice,” said Amanda Starbuck of the Rainforest Action Network.

“The grand words being spoken by Administrator Jackson in Washington are simply not being reflected in the EPA’s actions on-the-ground. This continues the inconsistent and contradictory decisions that have plagued the EPA’s

process on mountaintop removal coal mining all along.”

In announcing the new guidelines in April, Administrator Jackson said: “We expect this guidance to change behaviors, to change actions, because if we keep doing what we have been doing, we’re going to see continued degradation of water quality . . . Minimizing the number of valley fills is a very, very key factor. You’re talking about no or very few valley fills that are going to be able to meet standards like this.”

The Pine Creek Surface Mine permit will allow Coal-Mac, a subsidiary of coal giant Arch Coal, **to mine through more than two miles of streams that are already suffering dangerous levels of pollution from surface mining.**

Extensive mountaintop removal mining has already ravaged Logan County, location of the infamous Spruce mine.

In response to the possibility of more blasting in Logan County, OVEC’s Vivian Stockman said: “In approving the Pine Creek permit, the EPA has failed our community. Any more mountaintop removal mining in Logan County is going to further degrade the watershed, increase pollution-related health impacts and increase the likelihood of more flooding.”

“Moving forward, it is clear that the EPA cannot end mountaintop removal coal mining pollution without abolishing mountaintop removal altogether,” Starbuck added. 🍌

## **TAKE ACTION!**

Go to this link: [ACT.RAN.ORG/P/DIA/ACTION/PUBLIC/?ACTION\\_KEY=2250](https://ACT.RAN.ORG/P/DIA/ACTION/PUBLIC/?ACTION_KEY=2250) to tell the EPA that the Pine Creek permit was not strong enough.

## *Judge Says Patriot Coal, DEP Failing to Curb Selenium Violations*

by Dianne Bady

The widespread violations of selenium water limits downstream of valley fills are an Achilles heel for the mountaintop removal industry.

For example, at Patriot Coal’s 25-square-mile Hobet mountaintop removal complex in Lincoln and Boone counties, scientists have found fish with deformed spines and with two eyes on one side of the head. Experts cited high selenium levels as the cause of these deformities. Excessive selenium intake also endangers human health.

In 2003, the federal government’s draft Environmental Impact Statement on MTR turned up violations of selenium water standards. In 2004, a U.S. Fish and Wildlife Service report also documented selenium problems. A summary of some recent selenium legal actions: **2007: OVEC et al. vs. Apogee Coal (Patriot subsidiary)**

We sued for violations of selenium water limits on one Apogee MTR permit and several Hobet MTR permits, asking for an injunction to stop this illegal pollution. Joining

*continued on page 6*

## Selenium Violations

*continued from page 5*

OVEC in this suit was the West Virginia Highlands Conservancy.

Our litigation against Apogee resulted in several agreements by Apogee, including that Apogee would comply with the relevant selenium limits no later than April 2010.

In the meantime, Apogee would conduct pilot treatments to reduce selenium to legal limits. Five status reports were due on specific dates to Judge Robert Chambers in the Huntington District Federal Court in order to update the court on the required progress.

### **2008: OVEC et al. vs. Hobet**

OVEC and the West Virginia Highlands Conservancy sued Hobet again in Federal Court, arguing that after DEP filed suit against Hobet in 2007, DEP let the case languish for over a year, taking no action whatsoever.

**We believe that DEP's 2007 legal action against Hobet was actually a way for DEP to allow Hobet to continue their illegal pollution, by protecting the company from our lawsuit.**

We argued to Judge Chambers that DEP's litigation against Hobet did not qualify as diligent prosecution, and the court agreed to hear our case.

However, several months later, DEP entered into a consent order with Hobet that required Hobet to pay over \$4 million in penalties and use more than half of this to help fund projects to fix the selenium problems.

## Selenium Lawsuits

*continued from page 3*

### **34.55 micrograms/liter.**

In 2008, Dr. Dennis Lemly, one of the world's top experts on selenium, concluded that Hobet's illegal selenium discharges put the Mud River ecosystem on the brink of ecological collapse. And still, Hobet's selenium-laced water discharges continue to illegally pour into waterways.

As of March, DEP planned to approve extensions on at least 14 mining permits that are violating selenium limits. DEP denied 17 other requests from mining operations to extend their deadlines to comply with selenium limits. Some of these companies turned down by the DEP then filed

### ***Judy Bonds Would Appreciate Cards***

Coal River Mountain Watch heroine Judy Bonds is ill right now. To send cards:

Judy Bonds  
P.O. Box 135  
Rock Creek, WV 25174



Our 2008 suit against Hobet was ultimately dismissed because the court found there was no realistic prospect that the violations would continue under DEP's new legal action.

### **2009: OVEC et al. vs. Hobet (again)**

In October 2009, OVEC and the West Virginia Highlands Conservancy filed another lawsuit against Hobet, this time for its Hobet 22 facility on Berry Branch in Lincoln County.

The Hobet 22 mine was an extension of the massive Hobet 21 facility, and Hobet opened the mine knowing full well that it could create perpetual selenium discharges.

On June 14, 2010, Judge Chambers ruled in our favor in the Hobet 22 suit, **saying that DEP's efforts to allow Hobet more time to comply "look more like stalling techniques than like real attempts at compliance."**

Judge Chambers scheduled August hearings to determine the scope of a court order against Hobet and to consider our request to find Apogee Coal in contempt of court for failing to comply with the court ordered deadlines set in 2007.

After a three-day trial, Judge Chambers ordered the parties to negotiate to determine if the matter could be settled, and set closing arguments for August 30, 2010.

As of this writing, negotiations towards a final settlement are ongoing. 🌰

appeals with the West Virginia Environmental Quality Board (EQB), asking the EQB to suspend DEP's denials. The EQB granted the companies' request for a stay on DEP's denial of their requested time extension, pending a legal hearing on the appeals.

And the toxic selenium continues to flow into streams.

Meanwhile, US EPA is working on new, tighter standards for selenium discharges from coal mines.

Here in West Virginia, some neighbors of MTR mines cannot use their well water because it's so highly contaminated with selenium. These problems will only become worse as the illegal levels of selenium continue to contaminate the waters.

What will be more important to the politicians and regulators who make such decisions – the continuing "right" of MTR mines to operate, even if they cannot operate legally, or the right of humans and wildlife to have water that is not poisoned? 🌰

# SSP Makes Presentations at Legislative Hearings

by Jimmy Tobias, Delta Merner and Stephanie Tyree

On June 15, representatives from our Sludge Safety Project presented information regarding the effects of coal slurry before the Joint Judiciary Subcommittee A at the State Capitol in Charleston.

The hearing was the first of at least three scheduled this summer as coal slurry's toxic effects on waterways and human health increasingly come to the attention of state lawmakers and citizens.

Three citizens, Joe Stanley, Pam Johnson and Chuck Nelson testified, highlighting the impacts of slurry contamination on communities across the state. They bore witness to the devastating effects of coal slurry on their friends, families, neighbors and local ecosystems.

Their testimony followed statements by representatives of the coal industry and by scientists developing alternative technologies for coal preparation that would eliminate the need for slurry injection and impoundments.

At the hearing, Johnson, who is a registered nurse with experience in Prenter in Boone County, told the gathered legislators about the community's struggle with the numerous diseases that are associated with exposure to the toxins contained in coal slurry.

Johnson told the lawmakers that, in Prenter, "We found a higher than average number of cases of cancer, renal failure, ADD, ADHD, autism, GI problems – nobody in Prenter had a gallbladder. Nobody on Prenter Road had their own gallbladder. They'd all had total cholecystectomies. High number of tumors, infants' teeth came through the gums decayed. Toddlers had to have their teeth extracted – or capped, depending upon the income of the family."

Johnson closed with an indictment of the coal industry: "Toxic waste from coal slurry has destroyed our food and water. Coal companies have done this to us. And somehow they have determined, somehow coal companies have determined, that people living near mining sites are

somehow less than. That they're expendable. But I assure you, we are not less than. We are not expendable. And we are not



collateral damage. We are human beings."

Chuck Nelson, a retired coal miner and member of SSP, also spoke. He discussed the dangers of coal slurry impoundments, the enormous earthen dams where many billions of gallons of coal slurry are stored across Appalachia.

Lawmakers held the second hearing on June 20. Dr. Ben Stout, a biologist and professor at West Virginia Jesuit University, and his student Zack Birchard presented recent findings on dissolved metal contamination in West Virginia waters.

Stout and his colleagues tested for primary drinking water standards in four communities. They sampled wells, springs, water heaters and local streams to gain a better understanding of water quality in the test areas. Findings suggest that coal slurry is reducing the quality of drinking water in the state. Overall, approximately 25% of wells tested exceeded safe drinking water standards.

Dr. Stout cautioned the legislators that many of the primary drinking-water contaminants that are regulated by the EPA typically have no odor or taste when present in

*continued on page 8*



**OVEC volunteer Chuck Nelson addresses legislators during the June hearings on coal slurry issues.**

*photo by Vivian Stockman*

**Sludge Safety Project is a project of OVEC, Coal River Mountain Watch and West Virginia's concerned communities.**

**We work together for clean water and community safety near toxic coal waste impoundments and injection sites.**

**Get involved! E-mail**

**info@sludgesafety.org or call (304) 896-9622 and visit [WWW.SLUDGESAFETY.ORG](http://WWW.SLUDGESAFETY.ORG).**

## Legislative Hearings

*continued from page 7*

drinking water. Therefore, there is an urgent need to address this problem throughout the state.

Dr. Scott Simonton, a professor from Marshall University and an environmental engineer specializing in groundwater hydrology, joined Dr. Stout to respond to questions from the legislators. Although Dr. Simonton stressed the difficulty of predicting groundwater flow, he clearly stated that the underground mines where coal slurry is injected are not containers; therefore, materials injected into them will migrate.

During the hearing, Dr. Stout acknowledged that there is a need to better understand the connection between wells in communities and coal slurry storage. For a more detailed study, however, there is a need for cooperative industry partners.

Finally, Nick Schaer, a geologist with the WV Department of Environmental Protection, presented on the agency's Underground Injection Control program, through which all coal slurry injections are permitted. After explaining the permitting process, the DEP was asked to provide all

metal exceedences associated with UIC to the legislators for further review. A third hearing was held



**SSP volunteer Bev Walkup speaks with a reporter as the July slurry hearing adjourns.**  
*photo by Vivian Stockman*

impacts of underground injection of coal slurry (see story on page 10). Medical experts working with communities in Mingo County that are battling slurry injection-contaminated water through the courts also spoke at the hearing.

Thanks to the work of SSP, legislators called these hearings in order to understand more about slurry's health and safety impacts. They also seek to examine the economic feasibility of alternatives to slurry injections and sludge impoundments.

As we move into fall, the hearings will aim at drafting a bill to ban slurry production and shifting the coal industry away from wet processing of coal in preparation plants. Be a part of this shift – get involved with SSP! E-mail [info@sludgesafety.org](mailto:info@sludgesafety.org) or call (304) 896-9622 and visit [WWW.SLUDGESAFETY.ORG](http://WWW.SLUDGESAFETY.ORG). 🌰

### **July 4 on Kayford Mountain**

Hundreds of folks turned out to celebrate the annual Fourth of July potluck at Stanley Heirs Park on Kayford Mountain, including climate scientist James Hansen, former Congressman Ken Hechler and Affrilachian Poet Crystal Good. Kayford is the homeplace of OVEC board member Larry Gibson.

Thanks to all the musicians who donated their time, including Becky Jean, Jen Osha, T. Paige Dalporto, Michael and Carrie Kline, Duo Divertido, 600 Lbs. of Sin and Ben Sollee. 🌰



### **OVEC WORKS!**

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

**THANKS!**



# SSP-Prompted Study Shows Need to Know More About Slurry Injection

Legislators have waited 3-1/2 years and spent more than \$220,000 to learn whether coal slurry pumped into abandoned underground mines is dangerous to people who live nearby. The answer? No one knows.

So began an August 5 article, “WVU study can’t declare coal slurry injection safe,” by Vicki Smith of the Associated Press.

The West Virginia University researchers who carried out the study noted that huge “data gaps” meant the 418-page report couldn’t draw conclusions as to whether injecting coal waste underground is safe.

State Senator Jeff Kessler (D-Marshall) told the AP that the practice should be stopped since it can’t be deemed safe. “We shouldn’t be playing Russian roulette with public health.”

“The absence of sufficient data implies a need to learn. It does not necessarily imply the absence or presence of a problem or a means to do assessments in the absence of data,” the report said.

Sludge Safety Project volunteer James Tawney released a statement about the report:

**“While it might not be peer-reviewed, the bad water and sick people in Rawl and Prenter are enough evidence for us to know that toxic coal slurry is affecting the health and safety of West Virginia communities.**

“It’s good that the WVU report says that coal slurry is toxic, current regulations don’t keep us safe, and we should

be using the precautionary principle to protect drinking water and public health. But the precautionary



principle should mean that if something might be killing people, we should stop doing it.

“The DHHR (Department of Health and Human resources) saying ‘they don’t know’ whether it’s safe and that we should just monitor it more isn’t good enough. **The reason there’s not enough evidence on this is because the DEP has been asleep at the wheel for decades. Only through the work of West Virginia citizens and the Sludge Safety Project has that started to change.**”

The report said there’s reason to believe slurry injection “does not always work as intended” and can contaminate ground and surface water. It noted that there is virtually no useful monitoring data from the 12 active injection sites in West Virginia or dozens of others that were used for decades.

In his *Coal Tattoo* blog about the AP story and the report, Ken Ward Jr. reminded us about “WV DEP’s ‘Don’t ask, don’t tell’ policy on coal slurry, which documented that while WVDEP said it didn’t have enough information to say if coal slurry was a problem, agency officials also had historically not required the type of monitoring that would generate that important data.”

SSP is working to change that. Get active with SSP! 🍌

## United Nations Declares Clean Water A “Fundamental Human Right”

In July, the United Nations declared that access to clean water and sanitation is a fundamental human right.

The text of the resolution said that 884 million people have no access to safe drinking water and more than 2.6 billion lack access to basic sanitation.

One-hundred and twenty-two nations voted in favor and no nations voted against the resolution which reads, “The right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of the

right to life.”

Forty-one nations abstained from voting, including the US, Canada, the United Kingdom, Australia and Botswana. Their reasoning was that the resolution could undermine a process in the UN’s Human Rights Council in Geneva to build a consensus on water rights.

The resolution urges the international community to “scale up efforts to provide safe, clean, accessible and affordable water and sanitation for all.” 🍌



**Does anyone really wonder if coal sludge in your drinking water is good for you? We sure hope not!**  
*photo by OVEC*

## Volunteer in Action:

# Summer with the Sludge Safety Project



by Ivan A. Titaley

When I first came to West Virginia and people first met me, the typical question they would ask, other than, “What is your name?” and, “Where are you from?” was, “How did you find out about the Sludge Safety Project?”

It almost always amazed people (including me) when I answered that question. My first encounter with SSP was in no way related to sludge issues at all.

At first, I learned about the issue of acid mine drainage in Wheeling, WV. This issue captured my attention because of its connection with the study that I plan to pursue, environmental chemistry.

A couple of months later, motivated by the need to find a place for my summer work of service, I e-mailed my chemistry professor, asking if he knew of any organizations that worked in the AMD issue. He then forwarded my e-mail to a Berea College alumna who had worked with SSP. She e-mailed back to me mentioning SSP, and that was how I found out about it.

What followed was an experience that taught me quite a bit, not just about the issue of sludge, but also about the struggle for a clean and just environment in West Virginia in particular and in Appalachia in general.

My role at SSP is as part of the sludge vulnerability assessment project that is mapping the scale of the effects of sludge in the state.

I was able to participate in some other projects, as well, such as canvassing a community in Nicholas County to promote city water to families who are using well water.

One pretty significant memory is of a mother who

told us that the water coming out of her tap was orange and smelled like “rotten eggs.” She added, “My kids are not allowed to drink that, but I keep on drinking it. I’ve been sick a lot, and I was wondering if it was because of the water.”

What really engraved that moment in my mind was her face, which seemed to express both desperation and submission to the situation. Even I found it hard to believe that she really had orange water coming out of her faucet.

My next fieldwork with SSP, taking water samples at a community in Boone County, cured my skepticism. I expected to see poor water samples, but the one that really surprised me was a literally black water sample we took out of a water heater.

When we put the acid in it, it was so dark and bubbly it almost resembled a cola soda. It was also hard to hear about how the gentleman resident had already gone through about forty dialysis procedures. He added that he also showered with this same water every day.

I have learned many things so far through SSP, from working in the office as well as in the field.

This whole experience has shown me the reality of what is happening here in Appalachia – That even basic essentials like water are still a huge problem affecting quality of life.

It has also encouraged me, as a student living in Appalachia and aspiring to pursue a career in environmental issues, to work harder in helping to find solutions to these problems, to use these precious lessons learned at SSP in any area in which I live. 🍌

## *Sculptor Donates Original Work for Fundraising Effort*

Thank you to West Virginia artist Carter Seaton for her unique piece, *Sculpting the Earth*. This original sculpture is made with coal from Kayford Mountain, WV.



You can enter a drawing for *Sculpting the Earth* and support the Keeper of the Mountains Foundation. Nov. 1 is the drawing date. Chances to win will be given in the following amounts:

- \$10 – 1 entry
- \$50 – 7 entries
- \$100 – 15 entries

**Please make tax-deductible checks to “Keeper of the Mountains Foundation” and mail to: Robin Blakeman, P.O. Box 6753, Huntington, WV, 25773. 🍌**



# SSP Needs YOU!



Are you concerned about the quality of your drinking water?

Have you or your neighbors noticed that your wash turns red, gray or other colors no matter what detergent you use?

Are you worried about the practice of underground injection of coal slurry and the safety of the massive multi-billion gallon sludge impoundments checkering the state?

Are you sick of companies getting the green light from our state regulators to pollute West Virginia streams, creeks and aquifers while regular people are subject to heavy fines if they throw anything into the water?

Do you think EVERYONE has the right to clean, safe drinking water – and a right to know what toxins might be in their water?

Our Sludge Safety Project is looking for Clean Water Advocates across the state to stand together and demand clean, safe water for all West Virginians.

How can you get involved?

✓ **Lobby our Legislators!** Join us at the State Capitol each month from September – January for our Clean Water Lobby Day during the Legislative Interims. E-mail

info@sludgesafety.org to be added to our mailing list and get specifics about each lobby day.

✓ **Volunteer with SSP!** We have a number of volunteer opportunities available, including research, archiving, graphic design, website help, community outreach and other projects. E-mail Delta at lorax@riseup.net or call (304) 896-9622 to get involved.

✓ **Invite SSP to your community!** Concerned about water in your community? Contact SSP for resources and materials on how you can test your water, organize with your neighbors and work with local officials to make sure that your water is safe and healthy.

✓ **Spread the word!** Word of mouth is often the best way to keep everyone informed and spark action. Talk with your family, friends and neighbors about concerns you have about water quality, coal sludge and other contaminants that impact health and safety.

**For more information, resources, and help contact SSP at (304) 896-9622 or info@sludgesafety.org and visit us at WWW.SLUDGESAFETY.ORG.** 🍌

## OVEC Sends Delegation to Detroit for the US Social Forum

by Chris Worth, OVEC board member

In June, the city of Detroit hosted the US Social Forum. It is interesting that such a progressive gathering – one focused on new beginnings – had as a backdrop a decaying city, a city where our old models of functioning as a society have been exposed as no longer working.

The US Social Forum brings together people from all walks of life and serves as a breeding ground for new ideas. It allows people who may feel isolated and alone in their struggle to see the large and vital community in which they actually participate.

Working with the Alliance for Appalachia, OVEC sent a group of folks to the forum. We communed with others who are dealing with mountaintop removal.

Over coffee, we learned of some of our partners' struggles and of their hidden, more personal, triumphs. We learned from each other in workshops, while spreading the word about MTR to people from all over the United States.

It was really good to get a feel for the greater community working against MTR. Of course, many of us often talk to one another, but few of us have time to sit down for a coffee in our daily lives and share moments of

learning and teaching. The experience couldn't have happened without the outlet of the US Social Forum.

OVEC sent three board members to the forum: Michael Morrison, Jeff Bosley and me, as well as Chris Shepherd and Stephanie Tyree.

We worked on tabling for OVEC and for others sharing our mission. Lots of folks attended an Alliance workshop, Economic Transition in Appalachia.

Stephanie co-organized a workshop on environmental justice called EJ Leadership Development for Sustainable Movement Building. I had many one-on-one conversations with people from all over the United States about OVEC specifically.

This trip was beneficial because it strengthened our community, and we could bring that strength back to our members.

I have a clearer understanding of the importance of our work as part of a larger community addressing MTR, and I'm sure many others do, as well.

In reflecting on this trip, my conversations have been about the hope that MTR is ending at last, but our commitment to the southern mountains has truly just begun. 🍌

## BOONE COUNTY:

# Tennessee University Students Clean Boone County Cemeteries

In late May, several graduate students from the University of Tennessee – Knoxville and Pellissippi State Community College organized a research trip to Boone County, WV.

Although all the students on the trip have a passion for the fight to stop mountaintop removal coal mining, many had not seen a MTR site, other than in pictures.

Each student came with her or his own set of questions, but they all came with a determination to help those living amid such devastation and to learn more about the community efforts to fight MTR.

The group spent their first day asking questions and gathering as much information as they could.

Student Lisa East said, “Hearing first-hand from Maria Gunnoe the many injustices that occur throughout Boone County and in many communities throughout Appalachia was very eye-opening. But it’s also encouraging and exciting to hear about the many struggles and collective efforts to fight MTR and protect communities throughout the region.”

The second day was dedicated to family cemetery clean-ups. The last of these was to prepare for a Memorial Day service to be held in Lindytown, a town almost

completely bought out by the coal industry and visibly surrounded by MTR sites.

Student Sara Malley said, “It was beyond sad to see so many homes destroyed and slated to be burned. On the same note, I was so grateful to have the opportunity to help prepare the local church and cemetery for the Memorial Day ceremony.”

The final day allowed the students time to travel through other parts of coal country. One stop was at Marsh Fork Elementary School, where children and parents worry daily about the dangers associated with MTR.

Student Katie Morris said, “Seeing MTR in person for the first time was heartbreaking. I do not understand how anyone can justify this after seeing what it is doing to the mountains, communities and culture of Appalachia. Despite the struggles and obstacles they face, people like Maria and Danny Cook embody such strength, courage, and hope – it was amazing to meet them.” 🌰

## EPA Addresses Environmental Justice

“Communities have unique knowledge of their goals, needs, and vulnerabilities.” That doesn’t sound like a quote from a government document. So often one can feel that the needs and experience of community people are ignored, overlooked, or in fact, devalued in government processes. The Environmental Protection Agency may be about to change all that.

EPA recently proposed a draft document, “Guidance for Environmental Justice Concerns.” It reads more like procedures from a non-profit organization, or even a church social teaching document than a typical government document.

After multiple discussions with community groups like OVEC, the EPA acknowledged that there are communities that suffer disproportionate impacts from environmental decisions made by government agencies. This in itself is an important step. Communities that are impoverished, that have a population of people of color, or indigenous people, are likely to show more health effects, environmental pollution, and negative impacts. In this guidance document, the agency shows that it is serious about being more accountable to these communities in considering possible impacts and alleviating them.

EPA is seeking comments on its draft guidance document. To read the draft and make comments, go to: [WWW.EPA.GOV/ENVIRONMENTALJUSTICE](http://WWW.EPA.GOV/ENVIRONMENTALJUSTICE). 🌰

**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](http://WWW.OHVEC.ORG), click on the "Donate" button, then click on the blue "Donate Now" button.**

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

**BOONE COUNTY:**

# Lindytown Memorial Service Held

On Memorial Day Weekend, family members from the Boone County communities of James Creek and Lindytown reunited in a memorial service organized by local OVEC members.

The service was to recognize the historic value of area cemeteries and their connection to who we are today. As Leo Cook, from nearby Bandytown pointed out, “Preservation of these cemeteries and the mountains they are in is the preservation of who we are.”

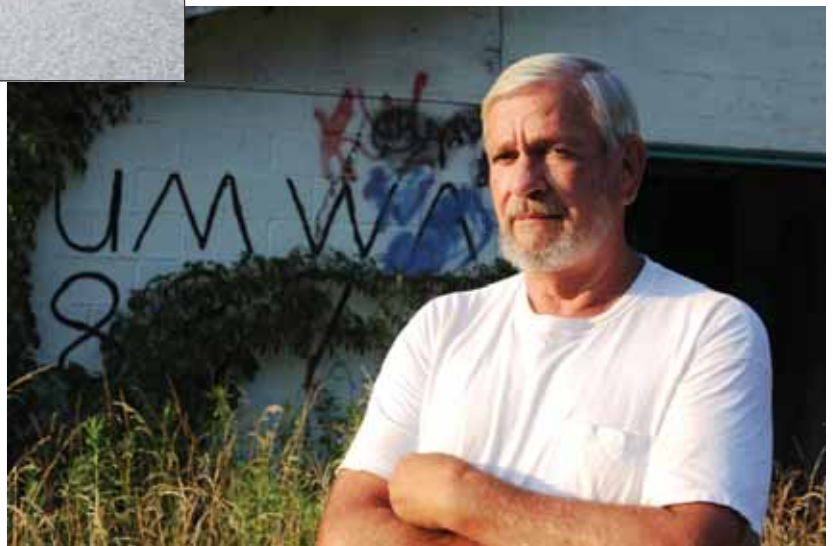
Thanks to Sage Russo for the wonderful teaching on Psalms 37. Six volunteers from the University of Tennessee came to help prep the cemeteries for our event. They worked with OVEC volunteer organizer Danny Cook and OVEC organizer Maria Gunnoe. It was tough but rewarding work. OVEC volunteer Helena Lee contacted Sue Morris at the Capitol St. Farmers’ Market in Charleston, who donated five flats of flowers for decorating the graves. 🌰



**Sage Russo, foreground, of Christians for the Mountains and OVEC volunteer organizer Chuck Nelson clean a cemetery in the heart of Lindytown. Most of the town residents have been driven away by encroaching mountaintop removal. *photo by Maria Gunnoe***



**Lawrence and Quinnie Richmond pose in Lindytown amidst the boarded homes of their former neighbors in July. Lawrence, 85, died on August 16. Our sympathies go to Quinnie, who with her son, living next door, has not sold out. Then there is Frankie Mooney, right, of Twilight, in front of the building that used to serve as a UMWA local meeting place. Frankie was involved in that local. *photos by Mark Schmerling***



# Youth Build It Up, West Virginia!

by *Build It Up Participants*

There's something building in the mountains of West Virginia. Instead of going away on MTV-style vacations or working crappy summer jobs, many young people are growing healthy economies in the coalfields.

For six weeks this summer, West Virginia youth worked side-by-side with southern mountain community groups on grassroots sustainability projects through a program called Build It Up, West Virginia! We helped strengthen local economies in Fayette, Boone, Raleigh and Kanawha counties. Our work supported local organizations in building community gardens and greenhouses, weatherizing homes, running a community bicycle shop and building a community kitchen.

We decided to run these programs as a way to develop community-run sustainability efforts in areas where green jobs are few and far between. Our vision of West Virginia, where communities run their own economies and produce their own goods, is being achieved through the hands-on work we started this summer.

Morgantown resident Joe Gorman, the group coordinator, describes the program's mission of long-term progress, "It's about solidarity, not charity. We're helping build the capacity of these groups, so that when the program ends, the groups will have even more power to create real change in their communities. We're also learning leadership skills, so that we can pioneer similar projects in our own communities all over the state."

"It's a learning experience," said Daniel Hudson, a participant from Buffalo. "Instead of working at a diner at home, I'm actually helping build something permanent. We're there for the 'before' shots and the 'after,' as well. In the gardens, we plant and we harvest. We demolish and rebuild. We named the program Build It Up, because that's what we're doing," he said.

On a typical day in the Coal River Valley, for example, participants rose early from their sleeping bags to eat a skillet breakfast made from local organic vegetables. Site and group coordinators set goals and ran through the day's agenda before the group split into teams.

One team joined neighborhood children in painting

a community-designed mural on an abandoned building, while passing cars and coal trucks honked their horns in support. The scene depicts a coal miner with his pick and a woman farmer with a basket of produce standing in front of towering mountains and the West Virginia sky.

Another team transformed a building. A former kitchen manager demonstrated to one participant how to operate a floor buffer, while others put the finishing touches on paint in what will be the canning kitchen. We scraped, peeled and chiseled old vinyl tiles off the floor. The next



day, two local craftsmen would teach us how to install the new flooring.

After lunch that day, some participants picked peaches with a member of the community group at his backyard orchard. The peaches were prepped and preserved back at the canning kitchen, while program participants went door-to-door with a local resident to get more locals involved in various community projects. One resident pledged to talk to members of his church about the new canning kitchen and craft shop, and a local firefighter expressed interest in selling his homemade furniture at the craft store. He invited community group spokespeople to give a presentation at the next weekly firefighters' meeting.

Amber Whittington, of Belle, was one of the volunteers canvassing the community about the mural project. "When you get a chance to explain what the local

groups are doing here, people really get talking,” she said. “It’s reaffirming. We learned a lot from (the firefighter), but I think he also learned a lot from us and how we’re trying to reunite the community. And working side-by-side, we get to see that shared vision come to life.”

“The only way a community can flourish is if they can manage their own resources and sell their own products so the money stays in the communities. Sustainable community-owned projects are the only way to survive,” said Dustin Steele, a southern Mingo County native who was one of this summer’s participants.

“We gave the participants living allowances to cover the cost of their time and prioritized low-income applicants in our selection process in order to make the program accessible to a diverse group of people,” said Danny Chiotos, program coordinator. “And everyone involved in the program is a West Virginia native or a resident who’s here for the long haul, so we’re not only accountable to the groups we work with, we’re building connections for year-round organizing.”

One evening, when our working hours were over, a caravan of cars wound up a mountain to a barbecue at a local resident’s backyard pool. Guitars and singing mingled with the smell of s’mores around a campfire. Participants in the program have written an entire album’s worth of original songs since the program began in June and plan to record some of them to help publicize the program in the coming year.

Along with supporting specific projects, participants have learned the importance of personal connections. “You’re my heroes,” said Kevin Hodge, a four-year-old from the Coal River Valley community of Ameagle. “You’re



my friends and you’re doing good here.”

Lauren Tussey, a Marshall University student, explained that for her, “what stands out most are the connections I’ve made with these communities – it’s getting in, talking to them and learning their stories. People used to take the time to sit down and help their neighbors and be there for one another. That’s the biggest part of community building.”

Our summer program fostered change in every community we worked in, from expanding the Pedaler’s Paradise community bike shop in Charleston to planting a community garden at the Southern Appalachian Labor School in Fayette County. We are making that change the best way we can: with our hands, minds and hearts – building real-world sustainability in the areas of West Virginia that need them most.

Build It Up, West Virginia! is a project of the Student Environmental Action Coalition (SEAC) and is sponsored by Americorps VISTA, Step-by-Step West Virginia, Ohio Valley Environmental Coalition, and Coal River Mountain Watch.

The 2010 program ran from June 6 to August 1. 🍌



# Hot Off The Press: Our Cemetery Preservation Brochure

As of July 1, HB 4457 is in effect. The law improves family cemetery protection throughout West Virginia.

Our Cemetery Preservation Group helped birth the law during the 2010 Legislative Session.

**For the new law to be most effective, citizens need to be watchful of their cemeteries and educated on the law's provisions.** That's why the CPG has developed brochures focusing on how to use HB 4457.

The brochure outlines steps that concerned citizens can take to report violations (even potential violations) such as damage to a family cemetery or denial of access to a cemetery.

## *Eating For OVEC and Raising \$\$\$*

The Eat for OVEC fundraiser is an ongoing 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 a reminder 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](mailto:maryanne@ohvec.org), or just send in the coupon below with your check. *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.**



Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

E-mail \_\_\_\_\_

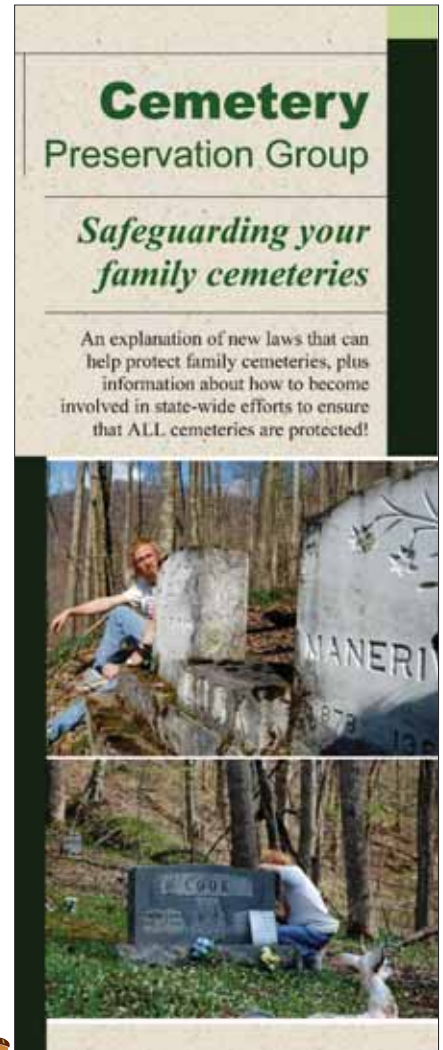
**My \$5 check is enclosed (please write Kroger Gift Card on the memo line). Send me a Kroger gift card with a \$5 balance so OVEC can start benefitting from my purchases *today*. Make checks payable to OVEC. Mail with this coupon to: OVEC, P.O. Box 6753, Huntington, WV 25773.**

It also reminds folks how important it is to register their cemeteries with the State Historic Preservation Office so there is an official record of them and to help make sure they stay protected.

To activate and inform the public, CPG needs your help to distribute the brochures.

**Please contact an OVEC organizer, CPG volunteer Danny Cook, or Carol Warren at (304) 522-0246 for copies of the brochure.**

Help protect your sacred ground! 🍂



## Revving Up the Campaign to End MTR

For about a year, Billy Talen has been using his unique brand of political theater in his hometown, New York City, to rev up the campaign to end mountaintop removal. Talen tries to make New Yorkers understand their connection to MTR. For instance, you may have caught news of the mountains of mud he and his cohorts have built in the lobbies of JP Morgan-Chase Bank, bringing awareness to the bank's financing of MTR operators.

Talen is better known as Rev. Billy of the Church of Stop Shopping. "We don't believe that consumerism is any way to structure a society," Talen said.

"It is said that one-third of Times Square is supposed to be lit up by dirty coal. How do you stop that? How do you stop the air conditioners, the computers and the gadgets?" Talen asked a *Charleston Gazette* reporter. Talen told the paper that people have to start by reducing consumption and accepting some responsibility. 🍂



# *Cemetery Damaged by Gas Company Reconsecrated*

Time means nothing to God. Christians in particular can agree that when a person is laid to rest with the rites of their faith, and the prayers of their loved ones, they are committed to God's loving care forever. God is faithful to that commitment for fifty years, for a hundred years, for a thousand years . . . endlessly.

It is in that spirit that the West Virginia Council of Churches has been standing alongside the African-American families whose loved ones were buried in the Crystal Block Cemetery in Logan County.

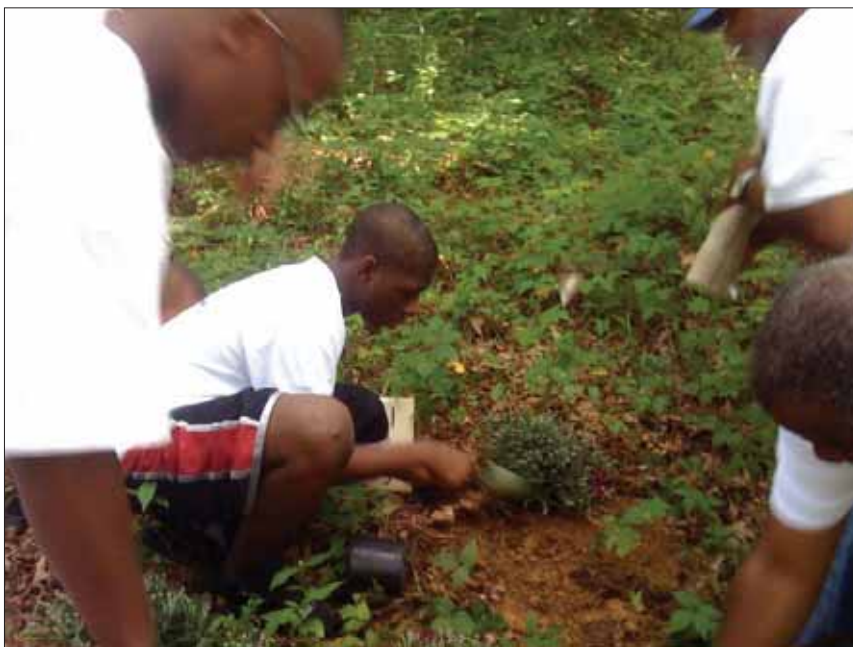
In May, OVEC staffers Carol Warren and Robin Blakeman, both active in the faith community, accompanied Rev. Jeff Allen of the WV Council of Churches and Deacon Todd Garland of the Catholic Diocese Office of Social Ministry to visit the cemetery with James Olbert and J.C. Early.

About six years ago, the cemetery was heavily damaged when trucks associated with a gas pipeline company cleared a road through it. Newspaper and personal reports stated that the drivers knew there was a cemetery, but used a racial epithet when warned. The matter is still in litigation, and justice has been slow for the family.

The WVCC group witnessed the overturned stones and scattered metal markers, placed by a funeral home when the family cannot afford a stone.

Mr. Early stated that he had picked up a bag full of metal markers that had been tossed aside by the equipment. Based on these experiences, the Council is considering filing an amicus brief on the family's behalf.

WVCC wanted to do something concrete to



**Members of the Olbert family plant mums at the Crystal Block Cemetery.**  
*photo by Carol Warren*

express sympathy and sorrow about the cemetery, so in consultation with the family, it was decided to do a "reconsecration" or blessing of the cemetery and those still interred there.

This event took place on August 7, at the cemetery, with about 15 family members who had come to town for their annual reunion and picnic.

Prayers were offered by Pastor Willie Lewis, whose church the family attends, Rev. Jeff Allen and Rev. Robin Blakeman. Carol Warren contributed a small wooden sign reading "Crystal Block Cemetery" and provided several potted mums that were planted by family members at the site. 🍷

## **Self Care Essential to Saving Mountains, So Take the Time**

*by Linda Sodaro*

"It's a hard road to walk and a mighty long way ..." So goes the line from an old gospel song and it's an apt description of the battle to end mountaintop removal. How many people have suffered stress related illnesses and yes, even death, on that road?

The work of activism is challenging, with a roller coaster of emotions that take their toll on body, mind and spirit. These negative effects can be mitigated through the use of mind-body skills for self care and the good news is, it doesn't cost a lot or take a lot of time.

The foundation of mind-body work is the breath,

beginning with simple attention to its quality. As you're reading this, notice how you're breathing. Shallowly or deeply? Fast or slow? Even or ragged? Close your eyes and just breathe for a few minutes, settling into your seat and finding as much relaxation as you can. If your mind wanders, that's alright, just bring your attention gently back to the breath. Do this a few times a day, especially when you're feeling anxious.

Self-expression is a good way to access what's going on in your body and mind. Begin keeping a journal if you don't already and try to write a little something every

*continued on page 20*

# Thomas Kincaid Honored with the Steven J. Ferguson Award

OVEC is so fortunate to attract remarkable volunteers who are outstanding in so many different ways. Among them is Thomas Kincaid, who has served on OVEC's board of directors for nearly a decade.

This May, Kincaid was recognized for his community service at the Victims of Violent Crime Memorial in Huntington, WV. The event was established to honor the memory of four teenagers who were tragically murdered nearly five years ago on prom night in front of a home that has since been converted to the Hope House.

Jeff Bosley, OVEC's board chair, who attended the

award ceremony with his wife, Victoria, also on OVEC's board, said, "We all know of Thomas' deep regard for the stewardship of God's creation, it's no surprise to see his concern extends to his local community. Several folks spoke of the positive impact Thomas' caring and concern has had on their lives."

Huntington Mayor Kim Wolfe recognized Kincaid, who received the Neighboring Initiative Board's third annual Steven J. Ferguson Award.

Congratulations, Thomas – you are an inspiration to us all! 🍌

## Gasland, the Movie, Comes to WV - And It's Not A Good Thing

Can you imagine being able to set your tap water on fire? The mind boggles at such a contradiction in terms: water is supposed to extinguish fire. So, if you have not seen Josh Fox's award winning documentary *Gasland* (which has been airing on HBO), you are in for a number of startling revelations. This is a "must see" film.

Fox began making the film when a gas drilling company offered him \$100,000 to lease his family farm in northeastern Pennsylvania for gas production in the Marcellus shale field. This huge deposit of gas underlies parts of New York, Pennsylvania, Ohio and much of West Virginia.

Before consenting to the lease, Fox determined to find out about possible health and environmental effects of hydraulic fracturing (fracking), the method often used in drilling in the Marcellus formation. Most of the time, when the people being affected contacted the gas companies, they were told that, although several hundred chemicals are used in the process, it was impossible that those chemicals could be getting into anyone's water. The companies basically said, "prove it."

At the Department of Environmental Protection Oil and Gas Program Review meeting on July 28, citizens from Wetzel County Action Group showed slides that told a sadly similar story: Water supplies compromised, choking air near venting flares, trucks that overturned on the narrow roads and spilled their contents onto the roadside, water withdrawn from creeks already nearly dry and leaks and cracks in holding ponds releasing "produced water" into the environment. Citizens from Monroe County expressed great concern about the prospect of drillers in their beautiful and sensitive karst areas. A woman from Doddridge County told of finding orange gel all over the bank of her creek following a drilling operation. Our state is definitely part of *Gasland*.

DEP can ask the Legislature to implement emergency rules immediately – and so can citizens! Although there may be some aspects of Marcellus drilling that merit more study, we also have plenty of evidence of harmful effects that need to be remedied at once. Water withdrawal

permits; air-quality standards on drilling operations; Clean Water Act standards for water returned to the environment from drilling operations; safety measures for ponds; restitution to people whose water is ruined by fracking (and plans to prevent such damage) and increased rights for surface owners are only a few measures that must be addressed. 🍌

## Members Growing OVEC

by Chris Worth, OVEC board member

Earlier this summer, OVEC formed a committee tasked with retaining and growing our membership. Still in the formation stage, this committee has done a lot of work. We first defined what our role is as a committee. We now have an understanding of this, but that may change as the committee matures.

We have seven on the committee, but we are looking to expand that number. We could especially use the help of people who proficiently use a computer, like to take notes and / or have connections with other community organizations.

We explore new and creative ways to retain members, attract new members and grow our donation base. We are working on ways to call on our members to sustain their giving. The larger our membership and grassroots fundraising, the more we are member driven.

We ponder the question, "What is a donation?" We gratefully acknowledge our frequent contributors, but we also look for ways to help people to become more active in OVEC events. In other words, in answering our question, "what is a donation," we have come to understand that sweat equity can be just as powerful as the dollar bill.

The membership committee is in the very early stages of putting timelines and events together into a plan that will help OVEC's staff grow the organization.

If you would like to help the membership committee grow OVEC, please contact Robin Blakeman at (304) 840-4877, Michael Morrison at (304) 736-7986, or Chris Worth at (304) 942-6959. 🍌

# We care. We Count. WE VOTE!

## WV Clean Elections Pilot Project Gets Underway

The West Virginia Citizens for Clean Elections is a coalition of 26 groups led by OVEC and WV Citizen Action Group.

Our coalition had a wonderful opportunity to celebrate the passage of the Supreme Court Public Financing Pilot Project, as Governor Joe Manchin signed it into law at an official ceremony on May 13, 2010.

A dozen coalition members were present at the signing, during which the governor presented OVEC staffer Carol Warren and CAG's Julie Archer with signed copies of the legislation in recognition of their long-term work on the issue.

But celebration has given way to work once more, and our coalition plans to be an active participant in following the implementation of the legislation.

In late June, the Secretary of State's Office announced the proposed rules for the pilot project and began a public comment period extending until July 19, accompanied by a public hearing on July 15.

The rules for the pilot project cover a variety of procedures:

- ☞ How a candidate qualifies for public funding;
- ☞ Distribution of the initial funds and rescue funds;
- ☞ Reporting requirements for certified candidates;
- ☞ Resolution of disputes regarding the program;
- ☞ Protecting the public funds if a candidate wishes to withdraw.

## *Supreme Court Ruling Has Coal Industry Showering Cash on Campaigns*

Wouldn't you just know it? One of the first industries to take advantage of a Supreme Court ruling that loosens campaign finance restrictions is the coal industry.

In July, the *Lexington Herald-Leader* ran an article, "Coal execs hope to spend big under new rules to defeat Conway and Chandler."

Salon was among several media outlets that picked up on reporter John Cleves' story, saying you couldn't find a better example of how the Supreme Court's ruling in the Citizens United case would end up corrupting the political process.

Cleves obtained a copy of a letter sent to the

Warren and Archer both attended the July 15 hearing. They informed the Secretary of State's staff that they were impressed by the staff's excellent work in formulating the rules for an extremely complicated piece of legislation.

They noted that the coalition would submit written comments on technical questions and suggestions for clarification, rather than any substantive disagreement with the proposed rules.

The West Virginia Elections Commission met on July 29 to consider the rules package. Most of our coalition's suggestions were accepted with thanks and incorporated into the rules, which were then approved. The rules have now been sent to the Legislative Rule Making Review Committee for legislative action.

The coalition is considering a variety of activities around the pilot project that will encourage men and women who would be outstanding candidates for the West Virginia Supreme Court to run for office using the program.

We welcome your input! We will need to continue working with legislative allies to ensure that the program is fully funded. We are planning a press conference, at which those present can make contributions to the election fund for the project, in order to encourage supporters around the state to donate to the fund.

For more information or to become involved, please contact Carol Warren at: [peacelovemom@gmail.com](mailto:peacelovemom@gmail.com). 🍌



executives of a group of coal companies by Roger Nicholson, senior vice president at International Coal Group of Scott

Depot, WV. Nicholson wrote, "With the recent Supreme Court ruling, we are

in a position to be able to take corporate positions that were not previously available in allowing our voices to be heard..." He suggested the coal companies make a coordinated effort to take advantage of Citizens United to

defeat Democratic politicians in Kentucky and West Virginia perceived as being "anti-coal."

*continued on page 20*

# We care. We Count. WE VOTE!

## Supreme Court Ruling

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*continued from page 19*

One race Nicholson wants coal industry money for is that of Democratic US Rep. Nick Rahall against Republican Elliott “Spike” Maynard in West Virginia’s Third Congressional District.

Recall that Maynard was the WV Supreme Court Justice photographed vacationing in Monaco with Massey CEO Don Blankenship, while Massey had cases pending before the Court.

Jay Bookman of the *Atlanta Constitution-Journal* opined that, “the full implications of the Citizens United ruling that corporations and unions are people, and thus have a free-speech right to spend as much of their enormous resources as they wish to influence elections, are only gradually coming into focus.” But Nicholson’s letter was a good place to start, Bookman said.

The *Daily Kos* website noted, “In his letter, Nicholson said his company and three others – Massey Energy, Alliance Resource Partners and Natural Resource Partners – ‘have already had some theoretical discussions

about such an effort and would like to proceed in developing an action plan.’”

“Several of those companies have been involved in recent mine disasters that led to congressional scrutiny of their safety problems. International Coal Group owned the Sago mine in West Virginia where 12 miners died in 2006. Massey owned the Upper Big Branch mine, also in West Virginia, where 29 miners died in April. Two miners died in April in a Western Kentucky mine owned by an Alliance Resource subsidiary.”

Mine safety expert Tony Oppegard told the *Kos*, “It’s disturbing to see companies that don’t have strong safety records try to defeat politicians, like Ben Chandler, who have fought for stronger mine safety.”

*Kos* concluded, **“This is the tip of the iceberg, and exactly what conservatives and their allies on the Supreme Court hoped for when they gutted campaign finance law.”**

To learn more and take action, visit [WWW.PUBLICCAMPAIGN.ORG](http://WWW.PUBLICCAMPAIGN.ORG) and search for “Citizens United.” 🍌

## New York Times Reports on Spruce No. 1 Controversy in West Virginia

On July 14, the *New York Times* ran an article titled “Project’s Fate May Predict the Future of Mining” about the Spruce No. 1 Mine.

The story opened: “Federal officials are considering whether to veto mountaintop mining above a little

### Self Care

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*continued from page 17*

day, even if it’s, “I don’t feel like writing in this dang journal today.” It doesn’t have to be the great American novel, just write whatever you’re feeling.

The word “meditation” gives most people a mental picture of someone in the lotus position, chanting the OM. While this certainly qualifies, many of us can’t sit still, but anything done in a mindful way can be a meditation.

Washing dishes, walking or driving can all be meditative. There’s an active meditation called shaking and dancing, and it’s my personal favorite mind-body skill.

This is an ancient practice, with indigenous peoples around the world practicing “the shake.” It can be an outlet for emotions that are stuck in the body.

*Sodaro is a licensed massage therapist and facilitates mind-body skills groups for self care.* 🍌

Appalachian valley called Pigeonroost Hollow, a step that could be a turning point for one of the country’s most contentious environmental disputes.”

Earlier, OVEC’s Maria Gunnoe had taken reporter Todd Heisler to meet Jimmy Weekley, Charles Bella and others who live near the mine site.

*The Times* noted that Weekley’s house is in sight of Spruce No. 1’s boundary. In 1997 he decided to fight the permit because other nearby mining operations had already filled his hollow with dust and noise.

“You couldn’t see out of this hollow,” Weekly told the *Times*. “I said, ‘Something’s got to be done or we’re not going to have a community left’.”

Bill Price, Sierra Club’s Environmental Justice Coordinator for Central Appalachia, told the *Times*, “Spruce 1 is a test of whether the EPA is going to follow through with its promises. If the administration sticks to its guns mountaintop removal is going to be severely curtailed.”

The *Times* noted that Charles Bella once was a mountaintop miner who now regrets that work. “I know it put bread on my table, but I hate destroying the mountains like that.”

Read the entire article: [WWW.NYTIMES.COM/2010/07/15/US/15MINING.HTML?\\_R=2](http://WWW.NYTIMES.COM/2010/07/15/US/15MINING.HTML?_R=2) 🍌

# *We Comment to the EPA on Spruce No. 1 Permit*

On May 18, the Environmental Protection Agency held a public hearing in Charleston, WV. The EPA was collecting input on whether to restrict or deny a permit for the Spruce No. 1 Mine, located near the town of Blair in Logan County.

The permit, issued by the US Army Corps of Engineers, is for one of the largest mountaintop removal mines ever permitted. Legal challenges spanning more than a decade have prevented full-scale starts on the mine.

Recall the “public hearing” the Army Corps of Engineers hosted in Charleston in fall 2009. The Corps failed to control a mob that shouted down MTR opponents’ comments. Some people were barred from entering the hearing; others were threatened, pushed around and followed to their cars. To prevent a repeat scene at the EPA hearing, OVEC and other groups repeatedly contacted EPA and law enforcement to make certain our concerns about safety were heeded.

We felt safe at EPA’s orderly hearing and everyone who wanted to comment was able to do so. Here we share a couple of the comments that people made.

## **Chris Shepherd**

“My name is Chris Shepherd. I was born here in Charleston and grew up on a farm 20 miles from here. I love my state, I thank God for being born here, and I want a life here where my children and grandchildren can thank God for being born and raised here as well.

“However, today, I am the only one of my siblings and friends that grew up here who still lives here in our home state. Every single one of them has left our home

## **38 PAGES OF COMMENTS**

Working with OVEC, Coal River Mountain Watch, West Virginia Highlands Conservancy and Sierra Club, lawyers with the Appalachian Center for the Economy & the Environment, Earthjustice and Public Justice submitted to EPA 38- pages of comments and citations on the flaws of the Spruce No. 1 Mine permit.

They wrote, “If mining were to proceed, the Spruce No. 1 Mine would destroy great expanses of Appalachian mountains, forests, and waterways. It would cause irreparable harm to already devastated local watersheds and the communities, fisheries, and wildlife that rely on them. Based on the factual record, the best available science, and the legal requirements of the Clean Water Act, EPA must veto the Spruce permit to prevent these unacceptable adverse effects.”



**A mountaintop removal mine looms over a small West Virginia town.**

because of the lack of opportunity for a good life here. I, too, am finding it difficult to stay in my home state due to the chronically poor economic conditions here.

“Clearly, something has gone wrong here in West Virginia. We are the most beautiful state in America, but also one of the poorest. We are one of the proudest states, yet we are one of the least educated states. Despite our great heritage, we are also the unhealthiest state, the most obese state, and even the state with the least teeth per capita.

“What happened to us? Why has a state with such great wealth, such great beauty, with such a vast wealth of natural resources and human resources, how have we become so destitute? The answer to this is the same reason that the counties richest in coal are also categorically the poorest counties in West Virginia.

“That answer goes back to the founding of our great state, and the same condition continues today, and that condition is simple: just as landholding companies from New York and Philadelphia snapped up our mineral rights upon our state’s founding, so today have out-of-state corporations made us a puppet state, a resource colony that serves solely to make a few corporations wealthy. All West Virginians are exploited by this process that has made our once rich state so poor.

“We must halt this long downward cycle. Quite simply, the argument that our economy is helped by mountaintop removal mining rings hollow when you take a look at the economic reality here in West Virginia, particularly at the dire economic reality in our coal-producing counties

*continued on page 22*

## We Comment

*continued from page 21*

where mountaintop removal mining is most prevalent. Simply put, mountaintop removal mining is the crack cocaine of economic development, and it shows.

“The EPA can instead help my home state become whole again by doing its job, and halting the liquidation of my home and its greatest assets for cash, cash that primarily lines the pockets of these out-of-state corporations.

“I therefore urge the EPA to veto the permit, so that we can, together as West Virginians, get on with the business of finding ways to mine our coal in responsible ways that increase employment, and in ways that do not rob my children of a future here in the great state of West Virginia.”

### **Briana McElfish**

“Good evening. Everyone is struggling in these hard times. I know this is the main concern and at the forefront of almost every mind here. That’s because this is about people.

I want to say that this is not just about trees, birds, fish, plants, or even the oldest, most beautiful mountains God ever made.


“This IS about people. This is about our heritage, our homeplace, and most importantly, the very health of our communities. Of our children. Of MY future children.

“I am not anti-coal. I am actually pro mining; pro mining RESPONSIBLY, and not in a way that endangers the health and wellbeing of West Virginians. The EPA has vetoed this permit because of egregious concerns for environmental safety. Make no mistake: environmental safety

means YOUR safety. As a born and raised West Virginian with mountain heritage and community running through my veins, I oppose this dangerous mine that jeopardizes the health and safety of my state and its people.

“West Virginians are the strongest, most resourceful, hard working people in the blessed United States. I KNOW that we can come up with better options. I ask the EPA to maintain this veto and not to sacrifice our health for fleeting profit. I believe in West Virginia, and I know we’ll get through this. Thank you and God Bless.”

## MORE THAN 4,000 COMMENTS

EPA received more than 4,000 comments on its decision whether to veto the Spruce No. 1 Mine. That decision is now delayed until Sept. 24. But, as Ken Ward Jr. points on in his *Coal Tattoo* blog, “the decision EPA is talking about here is the Regional Administrators Recommended Decision under Section 404(c) of the Clean Water Act. ... this Recommended Decision goes to EPA headquarters in Washington. Officials there must give the Corps of Engineers another shot at fixing the permit, and then have more time to issue a final decision - which in this case might not come until early 2011.” For in-depth information go to [BLOGS.WVGAZETTE.COM/COALTATTOO](http://BLOGS.WVGAZETTE.COM/COALTATTOO) and search for “Spruce No. 1.” 


## Coal Industry Costs WV State Budget \$97.5 Million More Than It Generates

Excerpted from a June 22 entry by Ken Ward Jr. at [BLOGS.WVGAZETTE.COM/COALTATTOO](http://BLOGS.WVGAZETTE.COM/COALTATTOO)

Does the coal industry help or hurt West Virginia’s state government budget? The conventional wisdom is that coal keeps the state running, and is a – if not the – major driver behind the state budget.

But a new, must-read report from the folks at Downstream Strategies and the West Virginia Center for Budget and Policy raises major new questions about that bit of conventional wisdom. According to the report:

While every job and every dollar of revenue generated by the coal industry provides an economic benefit for the state of West Virginia and the counties where the coal is produced, the net impact of the West Virginia coal industry, when taking all revenues and expenditures into account, **amounted to a net cost to the state of \$97.5 million in Fiscal Year 2009.**

It was being released with a similar report on coal’s impacts on Tennessee’s state budget. Both are available at: [WWW.DOWNSTREAMSTRATEGIES.COM/EXP\\_PUBS\\_REPORTS.HTM](http://WWW.DOWNSTREAMSTRATEGIES.COM/EXP_PUBS_REPORTS.HTM). 

### 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](mailto: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](http://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.

# Mr. White Goes to Washington

by *Dustin White*

Because of my volunteer work with OVEC, the Alliance for Appalachia asked me to DC in late July, for a ‘mini-lobby’ session.

Representatives of several Alliance member groups converged for four days of lobbying for the Clean Water Protection Act (H.R. 1320) and the Appalachian Restoration Act (S. 696).

Both bills are designed to reverse rule changes made by the Bush administration, changes that allow mine waste to be dumped into streams and waterways. If either bill is passed, the new law would greatly hinder the coal industry’s attack on Appalachia with mountaintop removal mining.

I joined up with Save Our Cumberland Mountain’s Ann League for the trip from my nook of West Virginia to DC. This was only my second time visiting our nation’s capitol; the first was when I attended the 5<sup>th</sup> Annual Week in Washington. I only wish I was visiting on different terms.

A year ago I would have never imagined I would be in DC lobbying to stop the destruction of my home state. But thanks to OVEC introducing me to lobbying at the State Capitol, I felt confident to head to DC to speak out about one of the greatest “intentional” environmental disasters on the planet.

With the recent obliteration of my family history and the home of my ancestors in cemeteries on Cook Mountain due to MTR, I jumped at the chance to go back to lobby to

## *It Runs in the Family ...*

Dustin White recently learned that his great grandfather’s brother, Ivan Ray White, was elected in 1970 from Boone County to the House of Delegates. White was strongly opposed to strip mining in southern West Virginia. In 1971, White stood beside Congressman Ken Hechler during a Congressional briefing on Hechler’s bill to phase out and ban strip mining. See: [WWW.KENHECHLER.US/KENHECHLER/MTR\\_SCOURGE.HTML](http://WWW.KENHECHLER.US/KENHECHLER/MTR_SCOURGE.HTML). 🌰

## *Study of Energy Expansion Fund Mandated by WV Legislature*

by *Chris Shepherd*

This past legislative session, we successfully lobbied for a Senate Resolution and a House Resolution that mandate that our state legislature examine potential state policies that increase the use of renewable energy (RE) and energy efficiency.

In other states, primary drivers of increased RE capacity are Energy Expansion Funds (also known as Clean Energy Funds). These are financing mechanisms that directly

help bring an end to it once and for all.

Ann and I teamed up with J.W. Randolph, Austin Hall, Brittney Baker, and Kate Rooth from Appalachian Voices and we hit Capitol Hill, braving the heat and humidity. Our first day was very busy with several meetings

with staff of different senators. Time after time we explained our goal to get support for our bills. I was asked to share my personal story of growing up in the coalfields, witnessing MTR and experiencing first hand what it is like to lose something to it. Most were receptive and understanding, others seemed only vaguely interested.

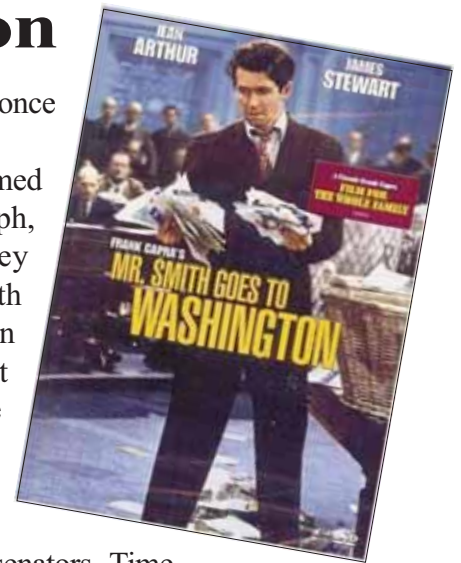
I am glad to announce that our endeavors did not go without reward. Rep. John Garamindi (D-CA) became the 172nd co-sponsor of the Clean Water Protection Act HR1310; more importantly he is the 29th co-sponsor on the crucially important Transportation and Infrastructure Committee. The Congressman had inadvertently walked in while we were meeting with Josh Franco of his staff. When he saw what we were discussing, thanks to a copy of *Plundering Appalachia* we had sitting out, he seemed very interested.

I would like to thank everyone at OVEC, Appalachian Voices and the Alliance for Appalachia for everything they do and inviting me to lobby with them.

I had a great time and was glad to be of help. I received a lot of “Thank You’s” from folks back home while I was there. Austin even referred to me as a hero at one point. I’m no hero and deserve no thanks. I am just a guy from West Virginia trying to make sure there will always be a West Virginia to go home to. 🌰

stimulate the development of RE and energy efficiency capacity, infrastructure and innovation across the state.

Twenty states across the US, including Maryland, Pennsylvania and Ohio, have these dedicated funds that promote RE technologies. Through 2006 alone, these initiatives have resulted in over 300 large-scale RE installations, totaling over 3,500 MW in capacity, while also providing incentives to residential and small business customers to install thousands of small-scale RE projects. 🌰





## GLOBAL WARMING / CLIMATE INSTABILITY in the Mountain State



### Civil Society Institute Study Details Path for Breaking Away from Dirty Energy

In May, OVEC partnered with The Clean to release a report that details how West Virginia and the rest of the United States could make the transition to a cleaner electricity future.

Synapse Energy Economics of Cambridge, MA, prepared the report for the nonprofit and nonpartisan Civil Society Institute.

The report develops a scenario in which West Virginia (and the rest of the country):

- ✦ Cuts electricity use 20 percent from today's requirements through increased energy efficiency, or nearly 40 percent from a "business as usual" scenario.
- ✦ Retires the existing fleet of coal-fired power plants and builds no new coal-fired generation, rather than burning more coal. Tens of billions could be saved in avoided pollution control costs at the coal-fired plants retired between 2010 and 2020.
- ✦ Reduces electric sector emissions of carbon dioxide by

### 10/10/10 - The Day To Act Up on the Global Climate Crisis

At the end of the hottest July in the nation's record, the US National Oceanic and Atmospheric Administration released its annual State of the Climate Report.

Ten indicators show that global warming is happening: rising humidity; rising sea-surface temperature as well as heat stored in deeper waters; shrinking sea ice, glacier and springtime snow cover; rising temperatures over land and sea; and rising sea levels. All data are based on actual observations. Read the report: [WWW.NCDC.NOAA.GOV/BAMS-STATE-OF-THE-CLIMATE](http://WWW.NCDC.NOAA.GOV/BAMS-STATE-OF-THE-CLIMATE).

Meanwhile, Congress does not act and some powerful special interests want to keep EPA from regulating greenhouse gases.

## What if the Climate Bill Dies?



theCLEAN.org

Sound too good to be TRUE?

Check out "Plan B" at [www.TheClean.org](http://www.TheClean.org)

Good News! "PLAN B" is better!

Progress on mitigating **climate change and a clean energy economy** won't be accomplished by special interest deals for coal power, nuclear energy and Wall Street. In fact, we may be better off if current climate legislation is dead on arrival.

The good news is that America can get the job done by other means with a combination of more energy efficiency and increased investments in off-the-shelf technology that works. The plain truth is that **Congress is on the wrong path** with schemes that invest tens of billions of dollars in boondoggles such as "clean coal" and costly nuclear power that will just soak taxpayers ... and leave America no closer to real climate and clean energy solutions.

And **we can't afford to blow it**. Increased efficiency and major investments in genuinely clean energy will yield increased manufacturing, more jobs and the kind of **spark that is needed** to get our economy moving again.

This roadmap for change prepared by Synapse Energy Economics for the nonprofit and nonpartisan Civil Society Institute shows how even without a federal carbon policy – the United States can move from the "business as usual" status quo to a dramatically cleaner and healthier approach to meeting our electric power needs. **It's time for solutions – not business as usual.**

82 percent, nearly 2 billion tons per year.

- ✦ Boosts renewable energy – including wind, solar, and biomass – throughout the nation, eventually providing for half of the nation's electrical requirements.
- ✦ Achieves all of the above at a cost less than a business as usual energy future by 2050.

Read the complete report at [THECLEAN.ORG](http://THECLEAN.ORG). 🍌

An organizer for Vermont's SolarFest wrote, "All this information can depict a hopeless scenario. It's clear that just changing over to compact, florescent light bulbs will not save the planet.

"So what can we do? The answer is: Do anything! Do everything! 350.org is a good place to start. Moving beyond demonstrations and protests, 350.org is coordinating a global work party, a worldwide day of action and constructive steps to reduce global warming and pressure our leaders to finally lead. It will be the largest global action in history. The date is 10/10/10, the event is what you organize and the action is up to you."

See [WWW.350.ORG](http://WWW.350.ORG) for ideas on what YOU can do. 🍌



# *Appalachia Rising! Voices from the Mountains converging on DC*

Join advocates from across America in Washington, DC, for Appalachia Rising: Voices from the Mountains, a weekend conference culminating in a day of mass mobilization calling for the abolition of mountaintop removal and surface mining.

**On Sept. 25-26, please join us in Washington, DC, for Appalachia Rising: Voices from the Mountains.** This conference will grow the national movement against strip mining with a weekend of workshops and cultural events. We envision a vibrant weekend during which thousands will learn about the challenges Appalachia faces. We'll plant the seeds of a sustainable, just and prosperous Appalachia.

Then, **on Sept. 27, Appalachia Rising culminates with a mass mobilization in DC. We will call for the abolition of mountaintop removal and surface mining.** Mountain community residents, students, youth, people of all faiths, families, celebrities, underground miners, activists and artists will converge for a permitted rally.

Register today at [appalachiarising.org/](http://appalachiarising.org/). The \$50 registration fee covers housing, food, workshops, and trainings. Scholarships are available, but organizers ask that you try to raise your own funds.

## *Update on Efforts to Preserve Blair Mountain from Further Damage*

The National Trust for Historic Preservation, the Ohio Valley Environmental Coalition and the Sierra Club have learned that archeological sites on West Virginia's historic Blair Mountain are being destroyed.

The legendary 1921 Battle of Blair Mountain was a clash of 10,000 people, with coal miners rising up against coal barons in defense of their right to unionize and exercise their civil liberties. It was the largest armed insurrection since the Civil War and the biggest labor struggle in American history. In 2006, Blair Mountain was listed on the National Trust's list of America's 11 Most Endangered Historic Places.

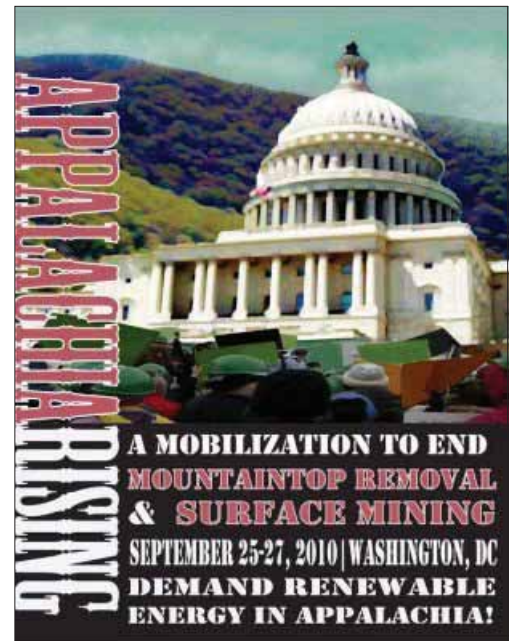
On December 30, 2009, the National Park Service removed the Blair Mountain Battlefield from the National Register of Historic Places, after coal industry lawyers argued fiercely for the de-listing. The NPS said the de-listing was necessary due to a procedural error in calculating the percentage of property owners who objected to the site's listing.

Recently, archeologists provided proof that localized but highly detrimental disturbances have occurred at five

For those who choose, there will apparently be an opportunity for non-violent action and dignified civil disobedience. We'll focus on the politicians and agencies that can abolish surface mining with the stroke of a pen.

OVEC is helping to organize travel to the conference and the permitted rally. We need folks willing to drive vans and passengers for the vans. We need folks willing to organize local carpools.

Contact Stephanie Tyree now if you want to help drive a van, help fill a van, need a ride or can donate to help cover the costs. Call (304) 574-6121 or e-mail [stephanie@sludgesafety.org](mailto:stephanie@sludgesafety.org). We can only make this happen with your help! 🍌



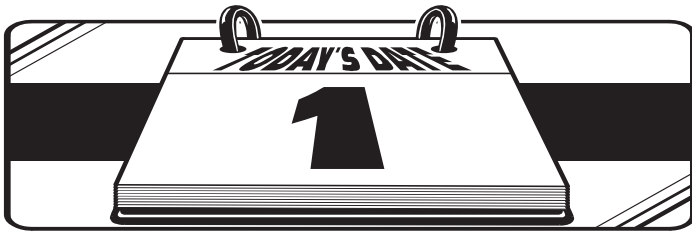
locations in the southern part of Blair Mountain – the Blair Gap area.

As bulldozers from an unknown source destroyed these archeological sites, the National Trust, OVEC and Sierra Club filed a petition with the National Park Service to re-list Blair Mountain on the National Register of Historic Places. In late July, the petition was denied. We are examining all options, including litigation.

“Preserving Blair Mountain is a priority for me because it’s a matter of respect for West Virginians, especially those of us who grew up in the coalfields,” said OVEC board member Regina Hendrix, who has been active in the Blair Mountain preservation efforts for many years.

We also appreciate the dedication of OVEC member Brandon Nida, a PhD candidate in archeology at the University of California-Berkeley, who has spent the last few years researching and working to preserve Blair Mountain.

Learn more at [WWW.FRIENDSOFBLAIRMOUNTAIN.ORG](http://WWW.FRIENDSOFBLAIRMOUNTAIN.ORG) and [WWW.YOUTUBE.COM/WATCH?v=FQfMfG\\_TPSA](http://WWW.YOUTUBE.COM/WATCH?v=FQfMfG_TPSA). 🍌



## CALENDAR

OVEC's membership committee will host membership picnics and tabling events this fall. Call Robin at (304) 840-4877 for details.

**This fall:** Three Rivers Avian Center presents "Birds of Prey of West Virginia," co-sponsored by OVEC and the Greater Huntington Parks and Recreation District, at the Ritter Park Amphitheater in Huntington, WV. For date and more information, call OVEC at 304-522-0246.

**Sept. 11:** Ecumenical Prayer Service on the Care of Creation. Salyersville, KY. To carpool from Huntington area, call Robin at (304) 840-4877.

**Sept. 18:** 2-4 p.m. Blessing of Creation at Bellepoint Park in Hinton, WV, below the Bluestone Dam. OVEC will have information here.

**Sept. 21:** Pittsburgh, PA and **Sept. 28:** Louisville, KY. EPA hosts hearings on its proposal to regulate the disposal and management of coal ash from coal-fired power plants. More hearings in other cities on other dates. Details: [WWW.OHVEC.ORG/EVENTS\\_CALEDAR](http://WWW.OHVEC.ORG/EVENTS_CALEDAR).

**Sept. 25-27:** Appalachia Rising in Washington, DC. A conference and mass mobilization to end mountaintop removal. Register: [APPALACHIARISING.ORG](http://APPALACHIARISING.ORG).

**Oct.10:** Global Work Party on Climate Change. [WWW.350.ORG](http://WWW.350.ORG).

**Oct. 17-19:** Create West Virginia Conference. [www.CreateWV.com](http://www.CreateWV.com).

**Nov. 1:** Drawing for "Sculpting the Earth" sculpture by Carter Seaton. Proceeds benefit Keeper of The Mountain. For details, call Robin at (304) 840-4877.

**Nov. 19:** Deadline for written comments to EPA on regulating coal ash. See: [EDOCKET.ACCESS.GPO.GOV/2010/PDF/2010-12286.PDF](http://EDOCKET.ACCESS.GPO.GOV/2010/PDF/2010-12286.PDF). 🍌

## Comments on Proposed EPA Coal Ash Rules Due By Nov. 19

The US Environmental Protection Agency is considering rules that would finally set federal standards for the toxic ash that comes from burning coal. Coal ash contains concentrated amounts of many toxic heavy metals that threaten our health and environment.

Coal-fired power plants in the US produce about 130 million tons of coal ash per year. Until now, coal ash has been unregulated by the EPA; lax state laws have resulted in this toxic waste leaching into our groundwater, blowing in the wind from dry ash dumps, and being used as fill material on construction sites and even as fertilizer! Here are the two options in the EPA proposal:

Option C would regulate coal ash as a "special waste" – requiring permitting, monitoring, standards for transport, phasing out wet ponds, etc. – while still allowing for beneficial reuse. We support Option C but ask that it be amended to include cessation of the use of coal ash until a government study has proven that the uses are not harmful in the immediate or long term to public health and safety.

Option D proposes essentially the same regulations as Option C, except they're "guidelines." States have been allowing power plants to do what they want with coal ash for years, why would they change that now? Clearly, we need option C to protect our health and environment.

**The EPA is accepting public comments until Nov. 19. Your voice is crucial to getting a rule that finally protects our health from toxic coal ash.** No matter what method you use, be sure to identify your comments with: Docket ID No. EPA-HQ-RCRA-2009-0640. Go to [WWW.REGULATIONS.GOV](http://WWW.REGULATIONS.GOV) and follow the instructions:

▲ E-mail: [rcradocket@epa.gov](mailto:rcradocket@epa.gov).

▲ Fax: (202) 566-0272/

▲ For snail-mail address see: [EDOCKET.ACCESS.GPO.GOV/2010/PDF/2010-12286.PDF](http://EDOCKET.ACCESS.GPO.GOV/2010/PDF/2010-12286.PDF). 🍌

## Go Tell It With A Television Ad

Some people still don't know about mountaintop removal. In order to reach those who still haven't heard, the Alliance for Appalachia has crafted an ad about MTR suitable for national television.

The ad draws from one of the most famous commercials in the history of television: Lyndon Johnson's 1964 "Daisy Girl" ad, where a young girl plucking flower petals looks up to see a nuclear explosion in the distance. In the MTR version the nuclear blast is replaced by a mountaintop removal blast.

See the ad and contribute to getting it on the air: [WWW.ILOVEMOUNTAINS.ORG/TV-AD](http://WWW.ILOVEMOUNTAINS.ORG/TV-AD). 🍌

# Ghana Group Amazed at Destruction Allowed by MTR

In March, a professor from Duquesne University contacted OVEC asking if we would set up a multi-day program of site visits and meetings on mountaintop removal for a group of 22 young professionals from the African nation of Ghana.

The US State Department had given a grant to the university's School for Leadership to host the Ghanaians this summer. They would study the environmental impact of Marcellus shale natural gas extraction and mountaintop removal coal mining. They would examine the interaction of community, government and industry leaders in addressing environmental and societal issues.

"Because of the very recent discovery of offshore oil in Ghana, the need is critical for leaders in Ghana to manage this appropriately to maximize benefits to its citizens and to minimize negative environmental and societal impact," Dean Dorothy Bassett said.

In June, OVEC staffers traveled with the group for three days. On day one on Kayford Mountain, they met Larry Gibson, Chuck Nelson, Lorelei Scarbro and Julian Martin, as well as the youth involved in Build It Up, West Virginia. Julia Sendor facilitated small group discussions, which sparked even more discussion later that evening at a dinner hosted by the Unitarian Universalist Congregation in Charleston. After dinner the group watched a 30-minute version of *Burning the Future*.

The next day, in Mingo County, the group toured several MTR sites and then lunched with OVEC members Wilma and Terry Steele and Mickey McCoy, from Inez, KY. Wilma served a delicious multi-course meal. With their stories of mining history and current-day coal industry abuses, Wilma, Terry and Mickey clearly moved the Ghanaians.

On their final day, the group saw the beauty of West Virginia as they traveled through Fayette County to meet up with Plateau Action Network. PAN showed the group a site where they are partnering with government agencies to clean up acid mine drainage. PAN's Levi Rose and Eric Autenreith were peppered with questions about the project.

**Over and over, the Ghana group expressed amazement at what they were seeing and hearing. All thought they had come to the United States to learn "best practices."** They thought they would learn about success stories that could be used to refine mining procedures in Ghana. Instead, they were appalled by the way the industry and government treated the people living near the resource extraction areas.



## The Ghanians on Kayford Mountain, stunned by MTR.

Tour participant Sheila Ashong, a program officer at Ghana's Environmental Protection Agency, said, "My expectations for coming to the US have not been met, because **I was hoping to learn best practices in impact assessments. However, I have learnt from the mistakes of the United States. I have seen everything that Ghana should not do.**"

Asked to give a message directly to OVEC members and supporters, Ashong said, "I think it is very sad that so much destruction can be caused to such a sensitive ecosystem. I think it is a pity really, because in my line of experience we value our mountains. We are doing our best to protect our ecosystems. I wouldn't call it a perfect case, but I think, by and large, we appreciate what our mountains are doing for our rivers and our streams. I think that if development must take place, if coal must be mined, then it should be done in such a way that the communities are not disadvantaged in any way. People's lives must not be compromised."

Hearing about the health impacts of contaminated air and water near Marcellus shale extraction sites, Martin Asmah, a graduate student at the University of Ghana, wondered out loud, "**Is this the United States? Then Ghana has to be careful about the oil and gas drilling ahead!**"

Arriving home after the trip, journalist Hannah Asomaning wrote, "In Ghana, the biggest concern is how the government formulates policies that will ensure that every Ghanaian benefits positively from the oil find . . . The citizens of Ghana all have a role to play in ensuring transparency in the oil policy that government formulates." 🍌

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## *Removing Mountains and Tourism, Not A Good Combination*



**This mountaintop removal site in Fayette County, WV, continues to grow. Tourism in Fayette County is growing by leaps and bounds - new attractions like ziplines near the gorge and the new National Boy Scout High Adventure Camp will be drawing thousands more tourists to this stunningly beautiful area. This MTR mine is just a few miles away from one of West Virginia's top tourist areas, the New River Gorge / Hawks Nest area. People live directly beneath these giant machines; people who loved the mountain that has always stood above them, and who are grieving as it is being blown up. The streams, well water and private property are also suffering damages. The dust rising from the blasts is likely laden with silica, a health hazard to those living nearby.**

*Photo by Maria Gunnoe. Flyover courtesy SouthWings.org.*