



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Celebration Highlights Our Many 2010 Successes, Launches New Sustainer Campaign Initiative

January 21. A cold and icy night. But the party must go on, and it did. Nearly 100 people came out for OVEC’s membership committee’s Victory Celebration.

And what a celebration it was. As one attendee remarked, “With this kind of work, you have to know how to party.”

We gathered at the Charleston Women’s Center, decorated with balloons and sparkling centerpieces. A delicious catered meal sent tantalizing aromas throughout the room, as people listened to some speechifying about OVEC’s 2010 successes, our programs, the OVEC Kroger Gift Card (a method to donate to OVEC without sending us a cent) and our new sustainer membership drive. (For details about the latter two, see page 8 and page 27. Many of the details of our 2010 successes can be found in our newsletters from that year, available online at www.ohvec.org.)

We surely had much to talk about, and many people



Larry Gibson was given a standing ovation when he received the Laura Forman Passion for Justice Award at the Victory Celebration and banquet.

remarked that they learned something new about OVEC. For instance, one person was immensely excited to find out we are working on campaign finance reform – and immediately saw how that work ties in with all the rest of our work.

During the speeches, folks could watch a slideshow
continued on page 4

EPA Action STOPS Destructive Spruce No. 1 Mine

by John McFerrin, excerpted from Feb. 2011 *Highlands Voice*

The US Environmental Protection Agency (EPA) has decided to stop mining waste discharges to high quality streams at the Spruce No. 1 mountaintop removal strip mine located in Logan County, WV.

EPA’s decision prohibits five proposed valley fills in two streams, Pigeonroost Branch, and Oldhouse Branch, and their tributaries.

Mining activities at the Spruce site are underway in Seng Camp Creek as a result of a prior agreement reached in the active litigation with the Mingo Logan Coal Company. EPA’s Final Determination does not affect current mining in Seng Camp Creek.

The decision was based on several major environmental and water quality concerns. The proposed

mine project, if allowed to proceed, would have:

- ✂ Disposed of 110 million cubic yards of coal mine waste into streams;
- ✂ Buried more than six miles of high-quality streams in Logan County with millions of tons of mining waste from the dynamiting of more than 2,200 acres of mountains and forestlands;
- ✂ Buried more than 35,000 feet of high-quality streams

continued on page 5

Inside This *Winds of Change*

OVEC does Sundancepage 2
Hobet Follows You Whereverpage 11
New MTR Tactic Unveiled page 14
Re-Named Rallypage 21
New! Sustainer Support Program.....	page 27

The Last Mountain Premieres at Sundance

Film Becomes the First Documentary on Our Work to End MTR to Achieve Theatrical Distribution

It wasn't easy for Maria Gunnoe and other OVEC staff to decide whether or not she should miss our January 21 Victory Celebration (see story on page 1). But an e-mail from writer and producer Clara Bingham convinced us:

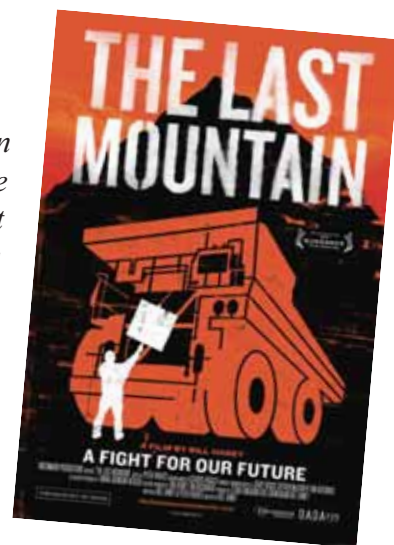
On behalf of our team at The Last Mountain, I would like to extend our invitation to Maria Gunnoe to come to the Sundance Film Festival in Park City Utah on January 21 and 22. Our film, which OVEC has played such an important role in, is one of 16 documentaries – out of a total of 841 applications – to be accepted into competition at Sundance – the holy grail of film festivals for documentaries.

We are honored that Robert Redford himself will be introducing the film at the premier on Friday January 21 at 5:30, and we would very much like to have Maria there for the screening and then the next day to participate in a series of national press interviews.



Gunnoe and Kennedy at Sundance. photo by Eric Grunebaum

In short, this is an opportunity not to be missed. Our goal at Sundance is not just press attention, but to interest funders in helping us market the movie for a nationwide theatrical release in the spring of 2011. We believe that The Last Mountain has the potential to be seen by millions of Americans who have never heard of mountaintop removal, and who will be moved to act. Maria's presence at this very first launch would help put The Last Mountain in a position to make a real difference in Appalachia and beyond.



Work on this film began in July, 2007. OVEC volunteers, staff and board member Larry Gibson gave the film's producers and crew a tour of Kayford Mountain. That trip included a flyover of MTR sites with SouthWings and a visit with Marsh Fork Elementary School activist Ed Wiley. Robert F. Kennedy, Jr. was among those here that summer. The crew returned to film different locations and people over the years, and the years of work have paid off. At Sundance, a film distribution company committed to a seven-figure distribution budget to ensure that the film will screen in at least 20 American cities in late spring.

“This amazingly uplifting David and Goliath film combines superb storytelling and extraordinary cinematography,” said MJ Peckos, president of Dada Films, the distribution company. “The fight for Appalachia . . . has consequences which affect every American; the heroism and effectiveness of the ordinary Americans who are taking on the coal companies will inspire everyone who sees it.”

Gunnoe was on several panels at Sundance, and she met Michael Moore and Harry Belafonte and gave them both an OVEC flyer. Hmmm. Maybe they will join our sustainer campaign. (Don't wait on them; see page 27 and

continued on page 4

Fayette County Battles Impacts from Increased Mountaintop Removal

It looks like the coal industry will not stop until they've taken every last ounce of coal from southern West Virginia – regardless of other resources and opportunities nearby.

Fayette County is a central hub for tourism in West Virginia. The New and Gauley rivers attract visitors from across the globe to adventure on their world-class rapids.

Hawks Nest and Summersville Lake are among the state parks and recreational and historical sites that families and school groups from across the state visit.

And Fayetteville, of course, is the Coolest Small Town, a lively artistic hub in the middle of the state.

West Virginians know the many treasures contained within Fayette County. You can see it every time you pick



Hawks Nest, just one of the many reasons to curb mountaintop removal mining in Fayette County.

up a *West Virginia Gazetteer* and see the front-cover close-up of Fayette County.

Local governments, and the state, also know the benefits that come from the vibrant Fayette County tourism economy. Every year, this economy has increased, sometimes exponentially. Revenue for local governments from tourism increased 350 percent between 2000 and 2008, bringing in \$621,000

in 2008. The state makes almost \$4.5 million from tourism in the county. And that doesn't even count the \$70.6 million that came into the state from tourists' spending while traveling in West Virginia.

A look into Fayette County's future could be a picture of continued expansion of recreation and preservation of one of the most beautiful parts of the state. Or, it could be a turn towards the devastation and depopulation that has troubled the surface-mined southern coalfields of the state.

Although tourism opportunities are expanding with the construction of the Boy Scouts of America camp north of Beckley, mountaintop removal is moving into the center of Fayette County.

On the mountain range between Fayetteville, Oak Hill and Page (Rt. 19 and Rt. 61), a 3,000-acre mountaintop removal site is proposed by Frasure Creek Mining Co.

Frasure Creek has already received permits to mine over 1,600 acres in this area, stretching from Beards Fork and Page down almost into Oak Hill along Rt. 61. And the company hopes to nearly double this operation, pushing back into the mountain and heading towards the communities of Beckwith and Fayetteville.

If Frasure Creek receives all seven mining permits they have applied for, the operations will completely surround the community of Beards Fork and sweep dangerously close to dozens of houses in nearby communities.

The scope of the potential mining is daunting. And, already, much damage has been done. Blasting complaints have been lodged against the company since the moment

continued on page 4

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Winds of Change Editor	Vivian Stockman
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Ohio Valley Environmental Coalition
P.O. Box 6753, Huntington, WV 25773
phone: (304) 522-0246 fax: (304) 522-4079
web page: www.ohvec.org

OVEC is a member of the WV Environmental Council, the Alliance for Appalachia and The CLEAN, and is 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!

Celebration Highlights

continued from page 1

of OVEC volunteers, board members and staff in action in 2010. After viewing the slideshow, several people remarked that they were surprised at how much we accomplish in one year.

Next, we had dinner by candlelight at round tables just perfect for meeting new friends. As the dishes were cleared, a DJ spun tunes from several different decades. People from ages 5 to 90 took to the dance floor. Those who remained seated seemed to have a little too much fun watching the dancers. Next time, we'll get you on the floor, too, so you can't laugh at the dancers.

It's hard to choose a highlight of the evening, but a special moment was when board member Larry Gibson received the Laura Forman Passion for Justice Award (see story on page 6).

If you came to the event, you probably received a reminder phone call from folks on OVEC's membership committee – most likely Charlene Tincher, who about wore out her fingers on the telephone keypad. Charlene sent this

Fayette County Battles

continued from page 3

they started operating, and they have received a number of water discharge violations. This is a company that apparently does not hesitate to engage in illegal mining, hoping the DEP is, as usual, looking the other way.

Frasure Creek is a newly expanding mining company in West Virginia that has already gotten itself a bad reputation in Kentucky. There, Frasure Creek is one of the largest mining operations in the state and is in the midst of a lawsuit charging it and another company with committing over 20,000 Clean Water Act violations.

Not only does the company *routinely* pollute local waterways, it also has a history of operating without permits, blasting illegally and putting local communities at significant risk from flyrock and other impacts.

In 2009, a half-ton flyrock flew off a Frasure Creek

The Last Mountain

continued from page 2

become an OVEC sustainer.)

Gunnoe also met Jay Inslee, a Congressman from Washington. He may possibly help set up a congressional viewing of *The Last Mountain*.

Beside Gunnoe and Kennedy, others in the film include coal lobbyist Bill Raney, Bo Webb, Michael Shnayerson, Joe Lovett, Dr. Allen Hershkowitz, David

note to staffer Robin Blakeman: "It's Saturday morning after a great evening out with many kindred spirits. You are to be applauded for a very successful event last evening. Everyone had some enlightenment about some area of OVEC, and what great fun we had, too. Please tell the staff I appreciate them and their service for all of us.

P.S. Jimmy had a really good time, too. He has never danced that much."

The thanks go to you, Charlene, and everyone else on the membership committee who worked so hard to make this event a success. Thanks also to all our speakers, to everyone who helped with set-up and clean-up, to those who donated beverages and to staff. Thanks to everyone who volunteered time and/or funds in 2010 – because of your efforts, we really had something to celebrate.

As people were heading home, we heard from many who said they were so glad they came out. They had learned a lot about OVEC and had new motivation to get involved. **Here's to working together for a long list of successes in 2011!** 🌰

site in Floyd County, KY, and crushed a trailer. Luckily, no one was home at the time.

Fayette County residents are not sitting by quietly and letting outlaw coal companies destroy their homes. Community members on all sides of the proposed mining operation are organizing to educate themselves, make sure DEP is enforcing the laws, and try to limit the scope of future mining.

It is up to us to protect our homes, our families, and our futures. The choice between a bright future or a blighted one is on the table for Fayette County.

What will YOU do to help protect our state treasures and resources?

To get involved or for more information, contact Stephanie at stephanie@sludgesafety.org or (304) 360-2110. 🌰

Aaron Smith, Jack Spadaro, Ben Stout III, Jennifer Hall-Massey, Gus Speth, Ed Wiley, Don Blankenship, Susan Bird, Ron Burris, Joseph Byron, Antrim Caskey, Devra Davis, Joe Gorman, Joshua Graupera and Gary Gump. The narrator is William Sadler.

Watch the OVEC website, www.OHVEC.ORG, for details of film screenings. See a trailer of the movie by going to THELASTMOUNTAINMOVIE.COM/VIDEO/ 🌰

Toll of Coal Conference Examines Impacts of Coal on Human Health

In November 2010, OVEC partnered with the Sierra Club and the Marshall University (MU) Student Environmental Action Coalition to sponsor the very successful Toll of Coal on Human Health Conference. The goals of the conference were to:

- 🌍 Raise public awareness about the various impacts coal has on human health from cradle to grave – from mining to coal ash disposal;
- 🗣️ Encourage health professionals and academics to speak out about the health impacts of coal;
- 👤 Encourage student activism and research; and
- 🗣️ Encourage attendees to influence policy-makers that a speedy transition to clean, renewable energy offers a clear path to a healthier, more sustainable future for people and

Spruce No. 1

continued from page 1

under mining waste, which will eliminate all fish, small invertebrates, salamanders, and other wildlife that live in them;

☠️ Polluted downstream waters as a result of burying these streams, which will lead to unhealthy levels of salinity and toxic levels of selenium that turn fresh water into salty water.

☠️ The resulting waste that then fills valleys and streams can significantly compromise water quality, often causing permanent damage to ecosystems and streams;

☠️ Caused downstream watershed degradation that will kill wildlife, impact bird life, reduce habitat value, and increase susceptibility to toxic algal blooms;

☠️ Inadequately mitigated for the mine’s environmental impacts by not replacing streams being buried, and attempting to use stormwater ditches as compensation for natural stream losses.

Additionally, during the permitting process there was a failure to consider cumulative watershed degradation resulting from past, present, and future mining in the area.

The EPA took this action pursuant to its authority under section 404 of the federal Clean Water Act. This is what is generally referred to as a “dredge and fill permit.”

Dredge and fill permits are issued by the US Army Corps of Engineers. In the case of the Spruce mine, the Corps of Engineers completed its review and authorized the permit in 2007.

Authorization by the Corps is not, however, the end of the story. Under Section 404 of the Clean Water Act, the EPA has the authority to review permits issued by the Corps and refuse to approve the activity where the environmental impacts are truly unacceptable.

the planet.

About 75 people attended the conference held at MU. Speakers included residents whose health has been compromised by mining-related activities, an academic researcher on health in coal communities, and one medical doctor.

Print and television media coverage was widespread and positive. After each presentation, we asked participants to come up with the steps needed to address each issue, such as policy initiatives, organizing steps, etc. The discussion will help us develop ways to address the problems.

A video and document of the conference proceedings are in the works, and will be distributed to attendees, EPA officials and others. 🍌

That was the case here. **“The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend,”** said EPA Assistant Administrator for Water Peter S. Silva.

The EPA did not take this action precipitously. Throughout the history of the Spruce No. 1 Surface Mine Corps of Engineers permit, EPA has raised concerns regarding adverse impacts to the environment. It has never said that it considered the mine to be environmentally acceptable.

It has also shown a willingness to work with the mining company to find a way that would be less environmentally destructive.

In announcing its decision to not allow the mining, the agency said, “EPA’s final determination on the Spruce Mine comes after discussions with the company spanning more than a year failed to produce an agreement that would lead to a significant decrease in impacts to the environment and Appalachian communities. Despite EPA’s willingness to consider alternatives, Mingo Logan did not offer any new proposed mining configurations in response to EPA’s Recommended Determination.”

In addition to its own deliberations, the EPA published a notice of its proposed action and held public hearings to consider comments upon its proposed action. See the June, 2010, issue of *The Highlands Voice*.

Read the full article at wvhighlands.org. While there, please also see “Spruce Mine Veto Myths” by the WV Highland Conservancy’s Cindy Rank. 🍌



Rally After KY Governor's Office Is Occupied

About 1,275 folks turned out on Valentine's Day for Kentuckians For The Commonwealth's I Love Mountains Rally at the Kentucky State Capitol. The crowd, which included a sprinkling of OVEC members, cheered on the 14 MTR opponents who had just emerged from occupying Gov. Steve Beshear's office for several days. 🍓

Larry Gibson – A Passion for Justice, Personified

by Dianne Bady

At OVEC's January 21 celebration, Larry Gibson was awarded our Laura Forman Passion for Justice Award. This award has rarely been given. Laura was an OVEC volunteer and organizer for nine years. She died unexpectedly in 2001, at age 39, during a protest against mountaintop removal that she had organized.

Laura demonstrated extraordinary courage, persistence, and inspiration to others, in the then-new fight against mountaintop removal. Larry was often at her side,



Larry, in ball cap, explaining mountaintop removal to visitors from Ghana.

or out in front.

I'm proud that OVEC was one of the first groups focusing on grassroots organizing to oppose MTR. But long before OVEC was involved in this fight, Larry Gibson was a lone voice in the wilderness, talking to anyone who would listen about how the mountains around his ancestral home on Kayford Mountain were being blown apart; how graves and gravestones in his family cemetery were falling into the

abyss created by explosives and greed.

Since then, Larry has traveled all over the country talking to groups about the horrors of MTR.

He's been quoted in hundreds of news articles, some of them written in other languages. Thousands of people have taken him up on his invitation to visit Kayford Mountain and see the destruction for themselves.

And when I personally have felt too nervous to go up to Larry's mountain at a particularly contentious time, Larry was there and never backed down, even in the face of repeated threats.

Few people give of themselves to the extent that Larry has, and he deserves far more recognition than we can give him. Larry heads the Keepers of the Mountain Foundation. We also appreciate Larry's faithful service on OVEC's board. Larry, you're a winner! 🍓

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!

E-Day! Press Conference Highlights Marcellus Shale Issues

On February 9, the WV Environmental Council's annual E-Day! featured a press conference about Marcellus Shale issues. The E-Council, OVEC, the WV Surface Owners Rights Organization and The Sierra Club WV Chapter organized the press conference.

Delegates Fleischauer (D-Monongalia), Manchin (D-Marion), Manypenny (D-Taylor) and Senators Kessler (D-Marshall), Foster (D-Kanawha) and Klempa (D-Ohio) spoke, as well as representatives from the citizen groups.

In a front-page article, the *Beckley Register-Herald* reported:

"Environmentalists who have been struggling to protect the state from the coal industry and a few new groups came forward to express concern about the potential impacts of the Mountain State's next energy boom. Lawmakers assured the groups that unlike with coal, with natural gas West Virginia would 'do it right.'"

Carol Warren, Ohio Valley Environmental Coalition project coordinator, said lawmakers are listening to the many concerns about the potential dangers of Marcellus shale

development.

"In the midst of all the dollar signs, what we can't afford to do is lose sight of the things that West Virginians care about most – our homes, our health, our today and our grandchildren's tomorrow, our clean air and water that is our heritage and our beautiful rural landscape, which really makes West Virginia almost heaven," Warren said. "No monetary value can be put on any of those."

Warren says, "this is the year, now is the time," to ensure that responsible legislation is passed to regulate the natural gas industry.

Lawmakers asserted that they want to make sure drilling does not harm communities.

"We are committed to do it right," Kessler said.

Klempa acknowledged, "We need economic development. But we also need fresh clean water and fresh clean air."

The Sierra Club's Beth Little worried about the chemicals used in the fracking process.

"Our water may have more heavy metals, radioactive materials and toxins polluting it," she said. 🍌

Legislators Look at Shale Drilling Regs, More Inspectors, Higher Fees

On January 10, spectators packed the House Judiciary Committee room for the meeting of Joint Interim Judiciary Subcommittee A.

Some people wondered whether there would be a quorum – the December meeting was canceled because too few legislators attended. Citizens and industry lobbyists alike were waiting to hear the discussion of the subcommittee's draft bill, which would place additional regulations on horizontal gas drilling.

The draft bill contains many positive provisions for citizens and the environment, although advocates would like to see some other items included. Those present were not disappointed; a quorum eventually appeared, and a spirited – even entertaining – discussion followed.

Committee members called upon the DEP's Kristin Boggs to answer regulatory questions about the bill. She stated that, because the DEP had drafted its own bill (which the members of the committee did not have), she was not as familiar with all the provision of the committee's bill.

Legislators questioned why the permit fees were being raised by such a significant amount, to \$10,000 per well in the DEP bill, and \$15,000 in the committee bill.



Current permit fees are from \$400 to \$650 per well.

Boggs stated that additional funding was needed to hire new inspectors, because the hydraulic fracturing and other techniques used in drilling in the Marcellus Shale required more oversight.

Del. Barbara Fleischauer (D-Monongalia) asked how many inspectors DEP currently has for oil and gas. Boggs replied that there are

12 inspectors for the oversight of 59,000 wells. DEP wants to hire 15 more inspectors with proceeds from the permits.

Legislators wondered whether that would be enough, but Boggs stated that the agency believed that would be adequate. One of the members mentioned that West Virginia has a severance tax that generates funds from the gas industry, while other states like Pennsylvania do not. However, West Virginia does not fund DEP with severance taxes, so those funds would not help provide inspectors.

Del. Mike Ross (D-Randolph) asked if the current inspectors could be allowed to work weekends and other

continued on page 8

Drilling Regs

continued from page 7

overtime. Boggs said she would prefer to have a fully staffed department. Del. Ross further inquired if she were aware of the problems with pension funds that some state agencies were having, to which Boggs replied, “No, sir, I have enough problems with the environment.”

Sen. Clark Barnes (R-Randolph) and Sen. Frank Deem (R-Wood) initiated a discussion of the draft bill’s proposal for forced pooling. Although forced pooling is a key component of the industry’s wish list, both senators believed it was unfair to the mineral owners to be forced to give up property against their will. Eventually, Sen. Deem

Eat for OVEC and Raise \$\$\$ Too!

The Eat for OVEC fundraiser is an ongoing effort and has been a continued 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, 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.

offered an amendment to remove the forced pooling provision, which passed.

Its fate seemed uncertain until House Majority Whip Mike Caputo (D-Marion) spoke. “I’m hearing a lot about this from constituents who have questions and concerns,” he said. “We need to address and satisfy their concerns. Do we need a permit fee of \$10,000? Or \$15,000? I don’t know. But I’m pretty sure it needs to be more than \$400. I’d like to see this bill advanced in its present form without recommendation. This gives us a vehicle to start from, instead of having to begin all over,” he said. On that basis, the members unanimously advanced the bill.

By the time this article is published, we will know the fate of the bill. If you want to help with our work to address the health and justice problems associated with Marcellus Shale gas drilling, contact Carol Warren at peacelovemom@gmail.com. 🌰

Welcome to Our New Board Members

Regular, long-time readers of OVEC’s newsletter will recognize the names of our four new board members, as we have previously printed their words and news of their works.

Danny Cook is a retired emergency medical technician and Boone County native who serves on OVEC’s Membership Committee and is a volunteer leader of our cemetery preservation group.

Cook is working to protect several of his family’s cemeteries and his dedication to that work helped pass the 2010 legislation that enhances cemetery protection in West Virginia.

Crystal Good is a mom and a director at a marketing company who is into quantum physics. She is an active member of the Affrilachian Poets. (*Winds of Change* is proud to have been the first to publish one of her poems.)

She is working on her first book of narrative prose that explores themes in quantum physics, Appalachian culture, race and mountaintop removal.

Brandon Nida is from Salt Rock, WV. He is working on his Doctorate in Archaeology at the University of California, Berkeley. He is one of the leaders of Friends of Blair Mountain and a strident friend of labor.

Judy Whitley worked in auditing and has a degree in accounting.

She is once again serving as the board’s treasurer – she was OVEC’s first treasurer, more than two decades ago. Things have changed a bit since then.

Welcome to the new board members! 🌰

Plugging into SSP Efforts Rewarding to Volunteers



We, Elena Stein and Jake Ratner, came to Raleigh County for two weeks at an exciting time. Newcomers to West Virginia, we wanted to see mine sites, hear personal stories and see the campaign for ourselves. But we also wanted to contribute – something that wouldn't typically be possible in a two-week period.

Despite our limited knowledge and time frame, the Sludge Safety Project (SSP) welcomed us as volunteers. Highly organized and efficient, they plugged us right in, beginning by asking us to create a database of journalists who had previously written articles on slurry – a method of contribution that would give us a chance to read through their articles and build our knowledge of coal slurry and its impacts on human health.

Within a week, we felt we had not only contributed materially, through preparing a media packet, designing bumper stickers and apparel, and making outreach phone calls, but also equipped to stand face-to-face with legislators and explain our adamant support for the Alternative Coal Slurry Disposal Act.

On the morning of January 20 we went lobbying with SSP. The SSP organizers' efficiency, intelligence and skill were immediately apparent.

We met for an hour before departing for our respective meetings, where SSP members walked us through all relevant materials – lobbying tips, potential responses, background information on delegates – while encouraging us to participate in each conversation to whatever extent we felt comfortable. By the end of the day, we felt we had effectively made ourselves heard.

SSP has a huge task ahead of it. The Alternative Coal Slurry Disposal Act will only pass by way of a committed and sustained effort. It will take a multifaceted approach: lobbying legislators at the capitol, encouraging community members to call or write letters expressing their support, planning outreach strategies at events, equipping journalists with relevant materials, and so on.

Each of these tasks and strategies take an immense effort on the part of SSP organizers. And yet they deliberately take the time to educate volunteers, provide support, and encourage them to take part in all aspects of the campaign.

It was their dedication that allowed us to have an experience that was not only educational and deeply moving, but that provided us a means by which we could act on these new convictions. 🍂

SSP's Legislative Update

The Sludge Safety Project's bill to ban underground slurry injections was introduced during the 2011 Legislative Session and was moving towards a vote as Winds of Change went to print. We are closer now than we have ever been to banning slurry injections.

The Alternative Coal Slurry Disposal Act, HB 2850/SB 248, is an interim committee bill that was passed during the January Interim session by Interim Judiciary Subcommittee A. This interim committee passed the bill with recommendation that the entire Legislature pass it during the 2011 session.

There are eight Senators sponsoring the bill this year! Our sponsors are Acting Senate President Kessler (D-Marshall), Senator Snyder (D-Jefferson), Senator Foster (D-Kanawha), Senator Browning (D-Wyoming), Senator McCabe (D-Kanawha), Senator Plymale (D-Wayne), Senator Klempa (D-Ohio) and Senator Yost (D-Brooke).



On the House side, bill sponsors are Delegate Caputo (D-Marion), Delegate Ferro (D-Marshall), Delegate Fleischauer (D-Monongalia), Delegate Manchin, (D-Marion), Delegate Moore (D-McDowell) and Delegate Wells (D-Kanawha).

The bill is fairly straightforward and has two parts. It ends slurry injections by prohibiting new permits, permit renewals and permit modifications.

For the 10 coal processing plants currently injecting slurry in WV, this bill would give them until the end of their current injection permit period to move their coal waste streams to aboveground storage such as impoundments and slurry cells.

None of these plants are union mines, and many of them only inject a small amount of slurry and are shifting away from injections towards increasing aboveground storage of slurry in impoundments already.

continued on page 10

continued from page 9

The second part of the bill provides a tax credit to industry to assist in the transition to new technology to reduce and/or eliminate coal slurry. This tax credit is up to 50 percent of the corporate net income tax.

While the ban on injection permit renewals affects only 10 operators, the tax credit is available to all coal companies in the state. With this incentive, we hope companies will move forward in installing new, safer processing technologies.

The bill has been referenced to the Judiciary and Finance Committees on both sides.

The bill is a win-win-win for all sides. Communities can rest easier knowing that their health and safety is no longer in danger from toxic slurry injections. Companies

Cheers for “Deers and Beers” – A Truly Unique Fundraiser

We extend an extra-big thank you to Sylvia Ellsworth of Appalachian Art for Appalachian Families (AAAF) in Shepherdstown, WV.

In November 2010, she organized “Deers and Beers,” a fundraising dinner at the Shepherdstown Train Station, featuring tastes of locally-brewed beer and wild game. Diners had a chance to purchase art and photography

Alternate Energy Trust Fund Bill Introduced in WV Legislature

by Chris Shepherd

We’re continuing our efforts at the Capitol in Charleston to ensure that, in the 21st Century, West Virginia expands its economic possibilities beyond fossil fuels, while also maintaining our traditional leadership as an energy producer.

Annual world investment in renewable energy has now surpassed investment in traditional fossil fuels. This gives West Virginia an opportunity to stay on the leading edge of energy production – but only if we choose to seize our destiny by investing now in our considerable renewable energy potential, be it wind, solar, geothermal, energy efficiency, or sustainable biomass.

In pursuit of this economic revitalization, several delegates have introduced the West Virginia Energy Expansion Trust Fund.



What’s This Envelope Tucked Into My Winds of Change?

If you appreciate OVEC’s work, please take a minute to donate! We’ve made that easier to do by enclosing a pre-addressed envelope. **Your donations keep us at work. Thank you!** 🍂

can reduce their environmental impacts and get help installing new technology that will be used for decades as they continue to operate.

And state legislators can show that they can protect communities and clean water while supporting the industry as it moves into the future.

By the time you read this article, we will know whether our legislators are willing to stand behind their colleagues and vote for a bill protecting community health and clean drinking water – or whether they have given in once again to the pressures of the dinosaur coal industry. Check WWW.SLUDGESAFETY.ORG to see what happened with the bill – and to find out how to contact your own representatives to let them know how you feel. 🍂

by West Virginia craftsmen, including photographer Paul Corbit Brown, who spoke about his work chronicling human rights abuses, including mountaintop removal.

The event raised about \$800 for the artists and \$1,650 for OVEC and Coal River Mountain Watch’s Sludge Safety Project. The funds will be used to purchase water testing kits. 🍂

Twenty other states have created such a fund, specifically targeting investment and innovation in renewable energy and energy efficiency. So should the WV Energy Expansion Trust Fund. Not only is this a way of expanding our energy leadership, it would also serve as direct economic development: these funds have proven to leverage five dollars of outside, additional investment for every dollar of state investment.

To capitalize the fund, every customer would pay a “systems benefit charge” on her or his monthly electricity bill, at a cost of less than a postage stamp per month for the average residential customer. What’s more, consumers would save more money than that modest surcharge if they take advantage of the energy efficiency measures offered through the fund. Yes, we want to pay the cost of a stamp for proven economic development, more energy options, and greater energy savings through efficiency improvements!

With the larger world of energy slowly but surely pivoting away in greater favor of new and more efficient energy sources, the WV Energy Expansion Trust Fund will ensure that our state will proactively embrace greater economic fortunes in this still new century. 🍂



Hobet Mine Follows You – Wherever You Live

Anita Miller grew up in Lincoln County, in what used to be the community of Mud. Her parents and the whole community were forced to abandon their homes by the Hobet mountaintop removal operation.

That ever-expanding operation is now moving closer to Anita's current home in Alkol. Anita recently posted on her Facebook page: "Does your house shake every morning? If it does call (DEP) and complain, 1-800-654-5227, ask for Pam Nixon. My windows rattle every day. Your house can only stand so much shaking, then the walls will start to crack. They told me that it's normal for the door to burst open from the pressure. I sure don't want that. Do You?"

Friends of Anita have responded: "Even down this far we have felt it shake, but mostly we just hear the noise from the blast."

And: "They are just over our mountain. I can see them at night. We shake a lot. Trust me, sometimes I think we are gonna cave in, and oh my God, our water is awful."

An official with DEP told Anita that Hobet was more than two miles away, the blasts are in compliance. Plus, residents living closer were not complaining. Hmmm. Is there anyone closer left?

Perhaps the official hasn't been to the area to notice that people who were just recently living up Berry Branch are now all gone. Anita has kin buried in the cemetery at the head of Berry Branch hollow. The once-public road is now marked "No Trespassing" and going to visit your ancestors' graves involves paperwork and waiting for the coal company

TAKE ACTION! How to File a Blasting Complaint:

If you are concerned about the impacts of blasting on your property, water supply, health or safety, you have a right to speak up for your quality of life and protect your home and community.

Quick Tips

- ☛ Keep a log of all the blasts: time, date and all details, including health effects, what the dust cloud looks like and what happened inside your home. If you can take video or photos, do.
- ☛ Each time you feel a blast, mail in a blast report and call the DEP. Call DEP's chief of the Office of Blasting and Explosive Dave Vande Linde at (304) 926-0464. Ask for a written response from DEP.
- ☛ Make sure your neighbors are doing the same thing.



Anita Miller stares out at ongoing work at the Hobet 21 MTR site in Berry Branch, WV, not far from her family's home.

photo by John McQuaid for Yale Environment 360

to grant you access – with an escort.

The official told Anita that her house would shake and the windows would rattle, **but of course it wouldn't hurt anything, and there was not a lot he could do about it since the company was blasting in compliance.** The fellow left all this nice information on Anita's answering machine.

Next blast, she will call again. And likely get the same treatment from the state agency. But Anita, and all of us, must not let agency inaction frustrate us into our own inaction.

If you are in the situation where you are feeling blasts and breathing blast-associated dust, get active! 🍌

What Do I Put in a Blasting Complaint?

- ☛ Who you are: Your name, mailing address and phone number.
- ☛ Where you are: Your physical address, nearest town, county, and directions to your house.
- ☛ Which company is doing the blasting: Include the permit number if you know it.
- ☛ The complaint: Tell exactly what happened and when it happened in as much detail as possible.
- ☛ Ask for a written response from DEP.
- ☛ Keep a copy of your complaint. (Not that the DEP would ever lose anything ...)

Where Do I Send My Complaint?

continued on page 12

Blasting Complaints

continued from page 11

Mail to: ✉

David Vande Linde

Chief, Office of Explosives and Blasting

WVDEP

601 57th St.

Charleston, WV 25304

E-mail: ✉

David.L.Vandelinde@wv.gov

Pamela.Nixon@wv.gov

Phone: ☎

Dave Vande Linde: (304) 926-0464

Pam Nixon, Citizen's Advocate : 1-800-654-5227, x 1328

See WWW.DEP.WV.GOV/DMR/OEB for more information on what DEP is supposed to do.

What If DEP Doesn't Seem To Care?

If you believe DEP is in any way neglecting to carry out its duties, your next step is to contact the federal Office of Surface Mining's Charleston field office to have that

Lazarus House Church Honors Rev. Jim Lewis with a Gift to OVEC

The Lazarus House Church, Inc., located in Silver Spring, MD, bestowed a generous contribution of \$10,000 to OVEC in honor of the Rev. Jim Lewis, an Episcopal minister from Charleston, WV.

This gift was a tribute for his "faithful and tireless work for peace and justice." Not only does OVEC join with them in their praise of Rev. Lewis, but also we are so grateful for all the work he does on behalf of the people and the land of West Virginia.

He is a familiar face and voice at rallies, protests and public hearings in West Virginia on issues of justice and peace. His presence and counsel never fails to strengthen people as they work to protect our beautiful earth and all its amazing life.

We appreciate Rev. Lewis' generous use of his time whether it's attending and speaking at a rally or helping to facilitate a difficult conversation with others. We are thankful that we share his path and hope he will be richly blessed with good health and a long, peaceful and joyful journey.

We also want to express our appreciation to Mike Little of The Lazarus House Church for the generous donation to OVEC. Because \$5,000 of their gift was earmarked as a challenge grant, OVEC was able to raise an additional \$5,000.

Our thanks also go out to OVEC donors who helped us meet the \$5,000 challenge goal by the end of December. The grand total of the gift to honor Rev. Lewis therefore

agency review DEP's investigation of your blasting complaints.

Call Dennis Boyles at (304) 347-7162 , x 3022 or (304) 347-7158.

He'll need written materials, and may have to refer you back to DEP for more information, so if you already have written reports from DEP, you are in better shape.

E-mail: dboyles@osmre.gov ✉

Dennis Boyles

OSM Charleston Field Office

1027 Virginia Street East

Charleston, West Virginia 25301

Be Persistent

We sometimes hear that "no one is complaining." That could well be because people are so fed up with dealing with the agency runaround and feeling disrespected.

But **keep at it**. Don't let the companies and agencies get away with pretending you and your community aren't being harmed by the blasting. 🍂

was \$15,000, funds that we will use to help abolish mountaintop removal.

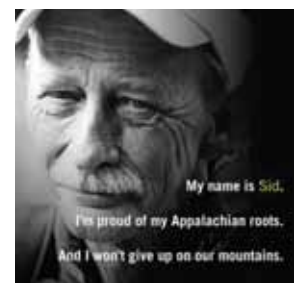
Goodbye to Richard Goldman

Richard Goldman, co-founder of the Goldman Environmental Foundation, died in late November at his home in San Francisco. He was 90.

Goldman and his late wife Rhoda Haas Goldman were deeply passionate about the environment, which led to their desire to create the Goldman Environmental Prize in 1989.

Regional women have won the Goldman Prize for environmental, including OVEC's Maria Gunnoe and the late Judy Bonds of Coal River Mountain Watch for their work to end mountaintop removal, and Terri Swearingen for her work on toxic incineration. We extend our deepest sympathies to the Goldmans, and we thank them. The family has helped improve the plight of humanity worldwide. 🍂

Become one of the Real Faces of Coal and expose the truth about mountaintop removal mining in a visual petition. See page 18 for details about how you can help.



EPA Environmental Justice Division Visits WV Coalfields

For years, residents of Central Appalachia's mountain communities have implored EPA officials to rise out of their Washington and Philadelphia offices to come see the impacts of mountaintop removal firsthand.

Just days before Thanksgiving 2010, EPA officials from federal and regional offices, whose work focuses on environmental justice, heeded the call.

They took an MTR ground tour in West Virginia and met with community members from Kentucky, Virginia and West Virginia.

Officials visited with community members from Prenter, learning about the public health horror which that community has faced from underground slurry injections and nearby surface mining.

They visited the Dustbusters, Pauline Canterberry and Mary Miller, in Sylvester to hear about their decades-long battle with a nearby coal prep plant that is fouling the air.

Next, the officials toured the depopulated community of Lindytown, where only a few shells of houses remain. This ghost town showed the EPA what the future holds for so many communities if mountaintop removal continues.

Just down the road, community members from near and far gathered in Twilight for a picnic with the EPA officials.



Mountain community residents from three states await the arrival of the EPA Environmental Justice officials in the ruins of Lindytown in Boone County, WV.
photo by Vivian Stockman

There, Frankie Mooney and his neighbors outlined a different future. These folks are working with OVEC to preserve land and build a new community resource center (see story on page 14-15).

The ground tour left Boone County and moved to Lincoln County, with a trip to one of the few remaining homes in what once the town of Mud.

There, EPA officials met with members of the Caudill family, whose neat little farmhouse sits in the middle of the massive Hobet MTR operation. Just months earlier, EPA had approved yet another expansion of the Hobet mine.

A conference room was the venue for day two of the meeting, with more community members trying to help the officials understand how MTR has ruined their homes, health and communities. Speakers numbered about 20, and represented several groups that work together under the Alliance of Appalachia.

Bob Mullins, with the Virginia-based Southern Appalachian Mountain Stewards, later mused, "Hopefully there will be some positive ideas come out of this meeting, and hopefully Samantha Beers (woman from EPA Region 3) will pass our words and stories up the ladder to someone who can really make a difference. I don't know if they can see through her eyes or not, but maybe she can make them understand what we are going through. Hopefully she will take the stories back and let it be known."

OVEC's Stephanie Tyree, Maria Gunnoe and Chuck Nelson and CRMW volunteers Rob Goodwin and Bo Webb are among those who continue to stay in contact with the EPA officials. 🍂



Lindytown in October 2010. By the time the EPA visited in November, these houses were gone as the systematic razing of the community continued.

OVEC Buys Land in the Path of MTR

A New Tactic in the Struggle to Protect Mountains

“They have taken everything away from me and now the final insult is, in what should be my retirement years, area coal companies want to buy our life’s work and destroy it and run me and my family out of Twilight along with everyone else that lives here, just to mine the coal.” *-Frankie Mooney*

by Dianne Bady

Coal may have taken one more thing from 62-year-old Frankie Mooney this past January – his life. Frankie died of a blood clot to his one good lung (the other was crushed years ago in an underground mining accident).

Day in and day out, he breathed the inescapable, chemical-laden dust contaminating the air in his hometown of Twilight. Frankie said that sometimes the dust was so thick he could taste it. The three MTR operations creeping closer to Twilight have long been causing dust problems for all the people living in this 50-home town in Boone County.

A few months before his tragic passing, thanks to Frankie’s original vision, OVEC bought a small portion of the nine-acre Mooney property that sits between Twilight and an encroaching Massey MTR mine, along with a building and the almost 20-feet of coal that lies beneath.

Frankie had witnessed the annihilation of Lindytown and other southern West Virginia communities wiped out from MTR and knew that Twilight was next. “I am selling a portion of my land to OVEC because we cannot fight the battle to save Twilight alone. We must take this stand together to protect our land, culture and heritage,” he said.

Frankie, whose ancestors were among the original settlers of Twilight, loved the land, his community and the mountains; and his goal was to help save Twilight.

In his words, “The coal companies are being allowed by the regulatory agencies to run over top of us. We, as citizens, cannot fight these companies and corruption alone. It’s only right to fight what these companies are doing to our



Frankie Mooney enters a graveyard in Twilight while, behind him, people wrap up the picnic with EPA officials who came to see firsthand the environmental justice issues.

people. We must take this stand together and protect who we are and where we are from. These peaks are being reduced to rubble and MTR is responsible. This has to stop. It’s killing people and impacting our culture so greatly that our culture is being lost.”

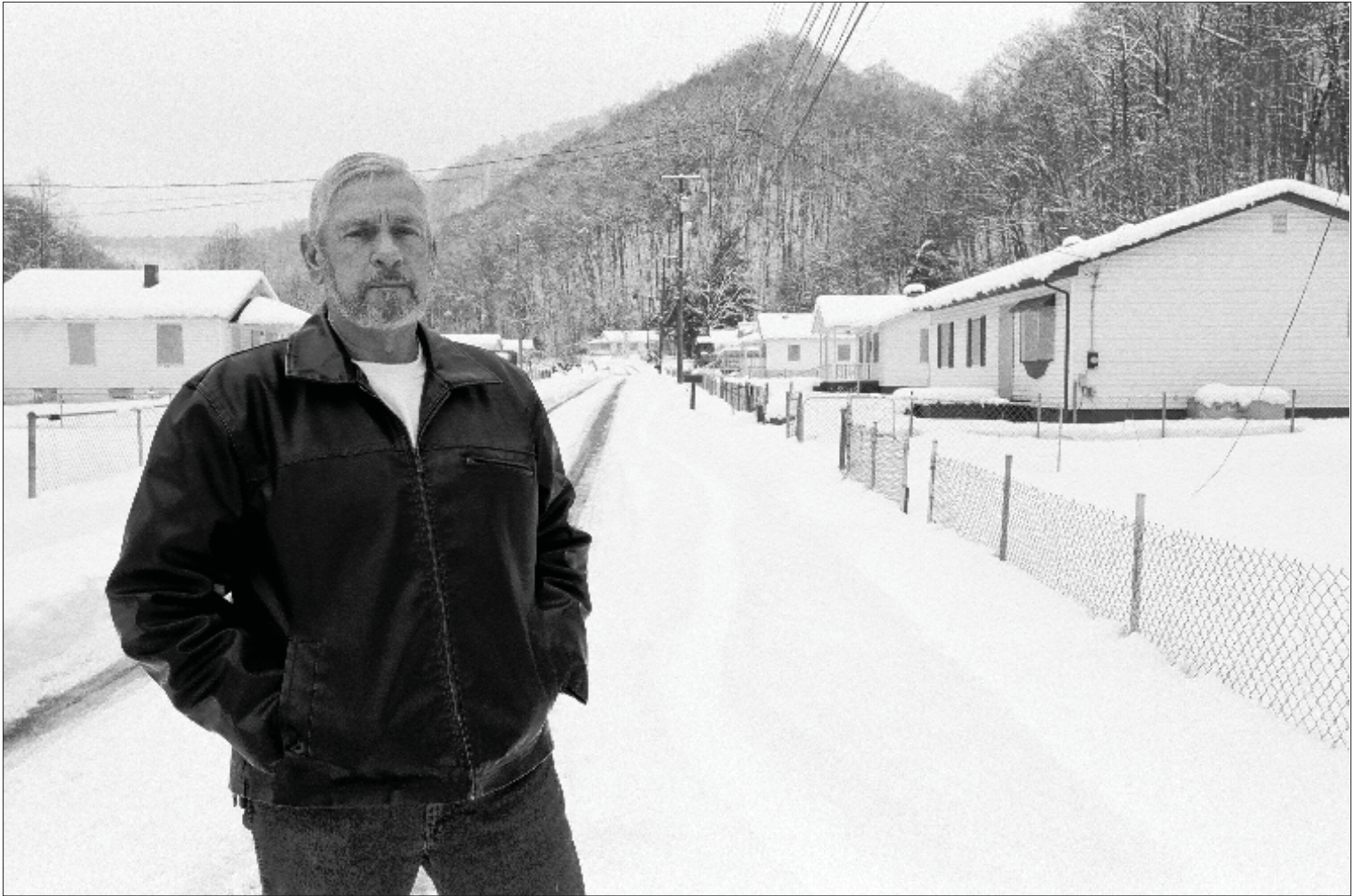
Because of Frankie and the efforts of many others involved, OVEC is now a stakeholder in the Twilight community; and we are with both them and Frankie in spirit for the long haul in the fight to save the community. OVEC’s land purchase stands as a firm challenge to the abominable practice of MTR.

Frankie recently bought wood siding and was planning to put it on OVEC’s building, which sits above the community and will serve as a place for residents to gather in case of severe flooding.

Risks of flooding are higher living downstream of scraped-away mountains and forests that don’t hold rainwater the way they used to. There are community-based plans underway to store emergency supplies at the site. Other possibilities for the building’s use will depend on what folks want.

Looking to the future, it won’t be an easy task to save Twilight; but OVEC bought this land because we want Twilight to be the example that leads other communities to refuse to be annihilated by MTR.

Because of mountain range removal, horrible human tragedy has spread all over southern West Virginia. With gratitude to Frankie, though, we stand together; and we will act together in hope. We hope for a future where the next generations will live here in peace and can continue living the cultural heritage passed onto them by their elders, surrounded by the majestic beauty, abundant wildlife and God-given bounty of these forests and mountains. 🍄



A Farewell to Frankie

by Maria Gunnoe

On January 9, I spoke with Frankie Mooney about the surgery he had scheduled for the following morning. He spoke with all confidence that he would be fine. Procedures like knee surgeries were a part of being a retired underground coal miner and he had already breezed through many such surgeries.

He talked about how he was looking forward to healing and getting to work putting his dream to reality.

Sadly, on January 16, Frankie passed away. He left us to carry out his plan with only the beginnings of his knowledgeable guidance and sense of direction. Frankie was very focused on how he could work with others to stop MTR expansion and save the land of his homeplace, as well as his family's place in the history in the beautiful mountains of Boone County.

From the time he first contacted OVEC with his land intentions, Frankie worked tirelessly with OVEC's board, staff, volunteers and many media outlets to help OVEC raise funding to purchase a portion of his family land

Frankie Mooney in Lindytown, WV, December 2009

photo by Mark Schmerling

in Twilight.

The eventual goal is for OVEC to own the entire nine acres, complete with mineral rights. Frankie's vision of having an OVEC multipurpose organizing house in the midst of one of the most mining-impacted areas in the country was unlike any I could have come up with on my own.

He was a 38-year UMWA member, and having worked as a union officer in UMWA Local 8377, was very hard schooled in how to get organized in a place like Twilight.

He also knew the importance of this land to OVEC's continued efforts on Rt. 26. Without it, OVEC may have had no choice but to limit its efforts in Twilight. Frankie was a staunch believer that the rich history of the towns on Rt. 26 connected to the wars throughout US history, and he valued his family's participation in this history.

Frankie trusted OVEC to raise the funding to purchase his life's work in order to protect it and to preserve what's left of Rt. 26. He trusted us to work with people there to try to prevent Twilight from becoming the next town

continued on page 16

Farewell Frankie

continued from page 15

eliminated by MTR.

With OVEC's initial land purchase complete, the underlying coal will forever be sequestered; and the surface will be tended to in a sustainable way that will make as little impact as possible on the natural beauty of the land.

We recall also that Frankie talked with us about long-term goals of having solar-powered electricity and creating inspirational community gardens on the land.

James Franklin "Frankie" Mooney has left his own historic mark on Twilight. While I've known Frankie all my life (he was a friend of my father), our plan to try to save Twilight began with his calling me in the summer of 2008.

Because he allowed OVEC the opportunity, OVEC has now drawn the line in Twilight; and we will not sell out or back down. Frankie's foresight has changed the face of our struggle to save our mountains and communities from the ruin of MTR.

I personally want to say thank you to everyone who has worked with Frankie and me in Twilight. It has been an honor to get to introduce you all to this wonderful human being. Sadly, we must honor another fallen hero.

In Frankie's memory we've got a lot of work to do to save Twilight and to set an example for other communities threatened by the horror of encroaching MTR.

Very much love and respect to all the friends and family of Frankie Mooney. 🍂

Still Seeking Justice For All - OVEC at Annual Council of Churches' MLK Jr. Event

"Although Jesus says the meek will inherit the earth, I'm pretty sure that still doesn't include the mineral rights," said OVEC staff member Carol Warren at the West Virginia Council of Churches' Martin Luther King, Jr. Breakfast on January 17.

She was speaking about the many risks of the projected boom in Marcellus Shale gas drilling and the council's policy position that drilling must be done with the utmost care and responsibility.

The Council favors provisions that grant surface owners on split estates input at all stages of the gas development process. Warren clarified that, although there is money to be made, most West Virginians place a higher, non-monetary value on their communities, families and homes, which must be protected.

The Martin Luther King, Jr. Breakfast has become



Remembering Frankie

by OVEC board member Chuck Nelson

This movement now is a worldwide issue, with so many great people doing great things. But Frankie and I go way back, and I've never known anyone that showed more courage, standing up against the abuses of dirty coal companies, than Frankie Mooney.

He was, and still is, very instrumental in the fight to end mountaintop removal. And yes, Twilight could very well be where MTR stops. I can't help but think, that Frankie, Judy Bonds, Jim Foster, Laura Foreman and many others who have given their lives in this fight are all gathered together, looking down on us all. A reminder: each of their wishes was to see MTR abolished, and I just want everyone to stay true to their commitment, to see that their wishes are fulfilled. Stay strong everyone.

We all mourn and miss our leaders that have passed on. My heart goes out to the Mooney family, and Frankie will be missed, and loved, by us all. 🍂

a traditional time for the WVCC to introduce and highlight its annual policy positions, because the event is attended by legislators and interested citizens alike. The emphasis on justice for all fits perfectly with the work and vision of Dr. King. This year, Acting Governor Earl Ray Tomblin headed the list of speakers. He expressed gratitude for the work of the council and willingness to work with the WVCC on its priorities.

In addition to Warren's remarks about gas drilling, Renate Pore spoke about the need for prompt implementation of health care exchanges. Rick Wilson addressed unemployment protections for victims of domestic violence forced to relocate or leave their work to care for children. Rev. Matthew Watts emphasized the necessity of improving programs to keep at-risk youth out of prisons and for a state office of minority affairs. 🍂

Judy Bonds' Memorial: Fight Harder!

On January 3, Judy Bonds succumbed to cancer. She was 58 years old and was the executive director of Coal River Mountain Watch (CRMW).

CRMW's co-director Vernon Haltom said, "I can't count the number of times someone told me they got involved because they heard Judy speak, either at a university, at a rally or in a documentary."

News of Bonds' death spread quickly. The Associated Press reported that Bonds was a descendant of generations of West Virginia coal miners, who "became an activist after deciding the state's coal industry had taken too great a toll on the environment. She became known as a passionate and fearless opponent of mountaintop removal

mining for devastating the environment and lives of coalfield residents." AP noted that Bonds was nationally and internationally known for her work. She won the Goldman Environmental Prize for her efforts in 2003.

"Judy was one of the first ones that I met that opposed the practice of blasting away our mountains and covering up our streams," OVEC's Maria Gunnoe, a fellow winner of the Goldman Prize (2009) told the AP. "She helped to make us all realize that being a hillbilly's a proud thing and there's reasons behind that. We're very unique people and we have the ability to make it when other people can't ... Judy helped me to recognize the value of our culture to our children's future."

As news outlets and Internet social media spread word of Bonds' death, the thousands of people Judy inspired and moved to action mourned. Even as they mourned, though, people encouraged one another to redouble their efforts to end mountaintop removal. That is what Bonds wanted.

Larry Gibson blogged, "Do not let her passing be

in vain. Let her be an example for you to stand and speak out and say 'Enough is enough.'"

Bonds was buried on January 5 at her Coal River home in Rock Creek, WV, in a private ceremony. Haltom shared word of the service, "I had the honor to serve as

pallbearer, along with Bo Webb, Ed Wiley, Judy's grandson Andrew, and two others. The casket, like Judy, was unadorned, simple, straightforward and practical. I remembered Judy saying, long before her cancer, that she had no intention of being embalmed ('why put more poison in the Earth?'). Green to the end. Rev. Jim Lewis conducted the service."

On January 15, about 500 people

attended Bonds public memorial service at Tamarack in Beckley, WV. The service was three hours long, but the time went by in a flash. Hundreds lingered for the reception afterwards. OVEC's director Janet Keating later remarked that the service was part tribute and memorial service, part revival and part rally.

West Virginia native and two-time Grammy winner Kathy Mattea sang two songs and gave a moving speech, recounting Judy's blunt honesty. Other singers included Jen Osha, and author Shirley Stewart Burns and T. Paige Delperto, both of whom composed beautiful songs in memory of Bonds.

West Virginia's famous novelist Denise Giardina spoke, moving many to tears. Author Jeff Biggers and activist Chris Hill stirred folks to action. Bonds' daughter Lisa Henderson mesmerized the audience with her remembrances of her mother. Speaker after speaker moved the audience from tears to laughter to applause and standing ovations.

Filmmaker Mari-Lynn Evans said, "Judy Bonds was

continued on page 18



Judy doing one of the things she did best, telling our story, to whoever would listen, about the horrors of mountaintop removal mining and what it was doing to the land and the people of the Coal River Valley in West Virginia.

Judy Bonds

continued from page 17

a true Appalachian heroine... In her memory, I will continue to fight the good fight to save our beloved Appalachia. I will fight and then I will fight harder.” Filmmaker Jordan Freeman presented a video tribute to Bonds.

Janet Keating said, “OVEC has had the privilege of working with Judy for more than a decade. How we admired her for her fire and tenacity – her courage, her humor and straight talk, her abiding love for her family, her community, her beloved mountains and state – the way she embraced her inner hillbilly. While Judy didn’t seek the spotlight, when she was in a crowd, she became the light and inspiration for so many. Booker T. Washington said: ‘There is no power on earth that can neutralize the influence of a high, simple, and useful life.’”

Heartwood activist Andy Mahler wrote a song just for Judy that seemed to sum up what everyone was saying Judy would have wanted. Here’s a verse and chorus of the song that had people on their feet, singing along:

Fight Harder (What Would Judy Do?)

When they’re blowing up the mountains
When they’re fillin’ in the holler too
When they’re building toxic sludge dams, ask
yourself -

What would Judy do?

CHORUS

Fight Harder! Fight Harder!
For the mountains and the water
Fight Heart-er! Fight Smarter!
For the people and the planet too
Fight Harder! Fight Harder!
She never quit once she started
We could always count on her;
Can she count on you?
What would Judy do? 🍌

Real Faces Expose the Truth About MTR and Its Costs

OVEC extends big thanks to Liz Judge and others at Earthjustice and to photographer Mark Schmerling for “Mountain Heroes: Stories of People Fighting to Stop Mountaintop Removal.”

Earthjustice is one of the “big greens” that first answered our call for help in MTR. The group has long dedicated much time, resources and Washington, DC-know-how to ending MTR.

The Mountain Heroes campaign features Schmerling’s portraits displayed as Public Service Announcements in airports and other spots around Washington, DC. One ad features Boone County resident

What Would Judy Do?

Maria Gunnoe opined to an e-mail list service:

“Judy would be writing letters to the editor (LTE) hand-over-fist right now, if she were still with us. In Judy’s memory, everyone should be writing letters right now. Cover any aspect you want; just get these letters in.

Judy was always right on this; we don’t get a fair shake from the media in this state. LTE are the only way that we can keep this issue in the news.”

Even though she hadn’t seen this note, one OVEC volunteer took it upon herself to write to two news organizations – not with a letter she was seeking to have published, but one seeking action.

Deborah Griffith had noticed the distinct lack of news coverage of Judy Bonds’ passing in the Parkersburg region. She contacted television and newspaper news editors there:

“An inspirational and often controversial West Virginian died on Monday, Jan. 3, in Charleston. *The Washington Post*, the *Los Angeles Times*, and numerous other news outlets carried the story, and *NPR* aired a tribute to Julia “Judy” Bonds, but I’ve seen no mention at all of her passing in our local media.

“You may remember her as the woman who was assaulted by a Massey miner’s wife at Marsh Fork in the summer of 2009, the head of Coal River Mountain Watch, one of the standouts in the movie *Coal Country*, or winner of the 2003 Goldman Environmental Prize.

“I’ve just learned, too, that her memorial service will be held at Tamarack on Saturday, Jan 15. People need to know this!”

No story ever ran in the *Parkersburg News and Sentinel* (owned by Ogden), nor was a story aired on *WTAP*. 🍌

Karen Woodrum, who mined underground for 18 years. “I have nothing against underground coal mining,” she says. “My problem is mountaintop removal coal mining.”

Besides Woodrum, the ads have highlighted SSP volunteers James Tawney and Donetta Blankenship and OVEC members Sid Moye and Congressman Ken Hechler. Post your photo at EARTHJUSTICE.ORG/MYMTRSTORY. Earthjustice will send the photos to the EPA as a visual petition. 🍌



Winnie Fox, Gentle But Fierce Environmental Advocate, Passes Away

“We don’t have a choice, honey. We have got to save this planet.” That quote from Winnie Fox, epitomizes her life’s work.

We are so saddened to report that she died on February 16. She would have been 91.

Until just a few years ago, Winnie was an OVEC board member. She once told OVEC’s executive director Janet Keating that when she, Winnie, was a little girl someone prevented her from drinking at a water fountain for “coloreds.” That moment changed and radicalized Winnie.

In 2009, Winnie was arrested alongside former Congressman Ken Hechler and Dr. James Hansen while protesting the Massey coal operation that threatened the Marsh Fork Elementary School.

In 2009, Winnie wrote this in one of her letters to the editor (LTE) that year:

West Virginia continues to be the ecological sacrifice zone for the rest of the world. We must always ask the questions, ‘Why are the coal companies so rich and the people of West Virginia so poor? Why do the politicians always serve the interests of the coal companies and not the people?’

In 2010, in another LTE, she wrote:

This is an urgent message to Gus Douglas, commissioner of agriculture of West Virginia. You have in your desk a document that is collecting dust since its passage. It is the Industrial Hemp bill.

LEGAL BRIEF: Appeal of Mingo MTR Mine

OVEC and WV Highlands Conservancy have filed an appeal to the WV Environmental Quality Board of a water pollution permit granted by the WV Department of Environmental Protection for a mountaintop removal mine in Mingo County operated by Premium Energy.

We believe that the permit should have selenium limits on all of its wastewater outfalls, but DEP included them on only one outfall.

One of the receiving streams is known to already have potential selenium problems.

Attorneys Mike Belcher and Derek Teaney with the Appalachian Center for the Economy and the Environment are handling the appeal. 🍌



Winnie with fellow ragin’ grandma, Dustbuster Mary Miller, at one of the many rallies she attended.

I have asked you in the past to implement it and open up all kinds of green jobs that would provide economic stimulus. With 25,000 known applications from paper, clothing and food products, industrial hemp could be just the crop to help West Virginia’s economy.

No more excuses, Gus, I’m calling you out! It’s high noon. It’s high time and too much time has been wasted...

It is time we get on board the hemp train. The coal-based economy has been deadly and disastrous. Coal doesn’t produce jobs, it destroys them. Coal miners are no longer miners but bombers. Coal production is poisonous. Industrial hemp could provide a viable alternate to this production.

Winnie had ruled out a funeral. Instead people held a party to honor her life. Winnie wouldn’t have wanted any flowers, shipped from countries where workers are treated very poorly, to accompany her on her transition out of this life.

Winnie’s family asked that in lieu of flowers people donate to OVEC or CRMW.

Winnie, we know wherever you are now, you aren’t pulling your punches. The bad guys won’t miss you, but we sure will! Winnie’s daughter, Jan Fox, sent OVEC a draft of the obituary:

She was an outspoken environmentalist and fiercely committed to social justice her entire well-lived life. In 2010, she was presented the West Virginia Environmental Council’s Mother Jones Award. 🍌

Faith in Action

Supreme Court Finally Hears Cemetery Desecration Case

The Olbert family and its members resting in the Crystal Block Cemetery have at last made progress in their quest for justice.

OVEC staff members and faith community allies have been following the trials – both literal and figurative – of the family since last summer, when a group associated with the Council of Churches held a rededication for the Logan County cemetery.

Six years previously, it had been desecrated when a gas pipeline company bulldozed a path through it. Allies accompanied the family to a hearing before the WV Supreme Court last fall, and the Council of Churches filed a brief in support.

The Supreme Court answered Certified Questions raised by Judge Roger Perry in Logan County Circuit Court. The ruling was generally favorable to the family, and the case was remanded back to Logan County, where the family will now be able to proceed in court.

Their six-year wait for the opportunity to produce their evidence and obtain a decision is closer to its end. The court seemed clear in its conclusion that desecration can involve more than just a grave shaft and also includes the trees, benches, walkways and other aspects of a cemetery. Disruption of these can certainly cause outrage and emotional harm to the deceased's loved ones and descendants.

However, in reading the Supreme Court decision, one item stands out that other families trying to protect

cemeteries should heed. The Court spoke several times about the importance of a cemetery being well marked, maintained, and obviously a cemetery. If the cemetery has been neglected for a long period, is overgrown and is not marked with any indication of location and boundaries, then it may fall into a gray area in several respects – particularly if the property is now owned by someone other than the family.

So, people interested in cemetery preservation would do well to register their cemeteries, including providing specific location coordinates, putting up a sign, marking the boundaries insofar as they are known and keeping the cemetery from becoming overgrown.

These are activities with which some elderly residents of our state may need assistance. We will be looking at the possibility of maintaining a list of members who are willing to volunteer for these tasks. If you would be interested in volunteering or wish to be involved in our cemetery protection group other ways, please contact Carol Warren at peacelovemom@gmail.com. 🍂



LEGAL BRIEF: Coal-to-Liquid Air Appeal

The WV Department of Environmental Protection (DEP) has granted an air permit to TranGas Development Systems of New York for a coal-to-liquids (CTL) plant in Mingo County.

OVEC is appealing this permit, together with Coal River Mountain Watch, the Sierra Club, and WV Highlands Conservancy.

Fuel created from CTL plants creates twice as much greenhouse gases as coal used as fuel, and these plants are also very heavy polluters of the local air and water.

The WV Air Quality Board held two hearings on our appeal, but no decision has been reached. Thanks to Sierra Club attorney Elena Saxonhouse for representing us.

The proposed Mingo County plant would use 3 million tons of coal to produce more than 6.5 million barrels of gasoline per year. It doesn't appear that sufficient investment capital is available at this time, but the company and other coal-backers hope that your tax dollars will help to build this unwise and heavily-polluting investment. 🍂

"Yes, ordinary citizens can make a difference."

- Larry Beinhart of *Buzzflash* after viewing *The Last Mountain*

GET ACTION ALERTS!

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

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

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

The Re-Named Impacts of Mountaintop Removal Rally

How could we not go? He was all but handing us an engraved invitation.

On the heels of the EPA's announcement that it would veto the permit for the Spruce No. 1 mine, WV's Acting Governor, Earl Ray Tomblin, called for a January 20 rally at the State Capitol. The rally was, according to Tomblin's media advisory, for the public to "show the EPA how coal impacts our lives, and the lives of our fellow countrymen."

The announcement came January 14, and the Friends of the Mountains listserv instantly lit up with comments about how we sure had some of mountaintop-removal-mined coal's impacts to show the EPA and our fellow countrymen.

Volunteers and staff of OVEC and Coal River Mountain Watch (CRMW) quickly worked together to plan our attendance at this event. In just days, we had to spread the word for people to join us, let the Capitol and city police know about our peaceful plans, inform the media, assemble press packets and make signs for people to carry.

OVEC staffer Vivian Stockman circulated a first draft of a media advisory with a beginning list of the health and other impacts of mountaintop removal. CRMW's Jen Osha immediately augmented the list and began adding references. Several other people sent Osha data. That document has grown into an excellent reference for research and can be found on the OVEC and CRMW websites. Our final media advisory read:

To illustrate just some of the impacts of coal on our lives, impacts we feel the acting governor and other politicians will fail to mention, we will gather with photos, water samples and stories of the impact of coal on our lives, our health, our wallets, our communities and the forest and streams we depend on.

The impact of coal on our lives includes serious negative effects on human health, blasting damage, stream contamination, increased risk of flooding, disbandment of long-standing communities, and the destruction of our cultural heritage.

Appallingly, the Astroturf group Friends of Coal issued a "call to arms" to mobilize people to the rally. This violent rhetoric came just days after the horrifying shooting of Congresswoman Gabrielle Gifford in Arizona, which left six people dead, including a nine-year-old girl and a federal judge.

Undaunted by the threatening atmosphere, more
continued on page 22



Security was tight at the Capitol, above, but environmental counterprotesters were allowed to bring in their signs, posters and banners, below, without interference.



Once in the Capitol, more than 100 environmental counterprotesters stood quietly on the fringes of the pro-coal rally, making it very clear that not everyone in WV is a coal booster. *photos by Paul Corbit Brown*

We care. We Count. WE VOTE!

Clean Elections Pilot Project Making Progress

The proposed rules for the Supreme Court Public Financing Pilot Project of 2012 were approved by the Legislative Rulemaking Committee on January 9, during the final interim session of the year. WV Citizens for Clean Elections, which OVEC leads, provided input to the Secretary of State's staff early in the rulemaking process and were pleased with the final result and the approval of the rules.

The pilot project allows candidates to choose a publicly financed option for their campaigns, if they collect qualifying contributions to show they have support, agree not to accept outside contributions and do not use their own funds for their campaigns.

Public financing helps citizens avoid the worry that their Supreme Court judges may one day be ruling on a case concerning a large campaign contributor. The candidates have the advantage of stating that only the public finances their campaigns.

Now that the rules have been approved, the hard work of monitoring their implementation begins. Because the present public financing program is for only the two Supreme Court seats in contention in 2012, it is critical that

Re-Named Rally

continued from page 21

than 100 people against mountaintop removal gathered in Charleston to march to the Capitol. Our intent was to use our photographs, water samples and posters to point out the effects of mountaintop removal on human health and on our communities. We marched silently and stood on the edges of the rally, without engaging with those who thought we had no right to tell our side of the story.

OVEC's Maria Gunnoe and CRMW Debbie's Jarrell were our spokeswomen, and both spoke with newspaper, radio and TV reporters. Tomblin, other politicians and their coal lobbyists perhaps hoped they would be able to spread – unchecked – the hysterical hyperbole we hear every time someone dares to curb the coal industry's abuses. But we were there, with proof, to bear witness to the truth. 🍌

all steps of the implementation process be completed in a timely manner, so that every aspect of the program is in place on schedule. We will be actively monitoring these steps to be sure they are underway as scheduled by the rules.

Several ways in which the coalition hopes to contribute are:

- Gaining insight into how many candidates may want to use the program;
- Using coalition connections to encourage credible candidates to run;
- Working with legislative allies to discern what additional funding may be necessary and attempting to obtain it;
- Working with the Secretary of State and staff to prepare/distribute readily understandable information about the pilot project to prospective candidates;
- Staying aware of any other needs of the secretary with which we can assist;
- Holding press or educational events

to showcase the benefits of the pilot project to enlist the public's support and approval.

For updates on our progress, check our website WWW.WVOTER-OWNED.ORG. We welcome your involvement – coalition meetings are always open. For more information contact Carol Warren at peacelovemom@gmail.com. 🍌

Scientists Urge Congress to Take 'A Fresh Look' at Climate Change

In early February, *Politico* reported that leading climate scientists, including eight members of the National Academy of Sciences, urged Congress to take a "fresh look" at the science linking human activity to climate change, which they contend is strong.



"The debate about climate change has become increasingly ideological and partisan," their joint letter states.

"But climate change is not the product of a belief system or ideology. Instead, it is based on scientific fact, and *no amount of argument, coercion, or debate among talking heads in the media can alter the physics of climate change.*" 🍌



No more Campaign Cash Mountains in WV!

Enormous Health and Water Impacts of Coal and Nuclear Power Hidden

A new report from the Civil Society Institute (CSI) details the little understood and largely hidden water, health and other costs Americans pay for electricity produced from coal and nuclear power plants. Some of the report's findings:

- 👉 Between 8,000 and 34,000 premature deaths from inhaling fine particulate matter from coal combustion, at a cost to society of \$64 billion to \$272 billion – up to four times as expensive as the cost of electricity from coal;
- 👉 200 billion gallons of water withdrawn from America's water supply each day;
- 👉 Four metric tons of high-level radioactive wastes for every terawatt of electricity produced by nuclear reactors, even though there is no long-term storage solution in place;
- 👉 About 100 million tons of toxic coal wastes dumped into landfills, sludge ponds, and holding ponds;
- 👉 Two billion tons of carbon dioxide, the primary cause of

global climate change, drowning coastal regions, reducing water availability in water-short regions, and causing the extinction of an estimated 20-30 percent of plant and animal species.



Pam Solo, CSI's president and founder, said: "What we refer to as the 'Business As Usual' (BAU) approach to electricity production carries significant costs, chief among them the health impacts. As the White House and the Congress propose moving from a Renewable Energy Standard to what they are calling a 'Clean Energy Standard,' there should be a full and public debate about what constitutes 'clean' energy."

For the full report go to WWW.CIVILSOCIETYINSTITUTE.ORG. And, get active with OVEC's work with CSI – go to WWW.THECLEAN.ORG. 🍌

Blair Mountain Legal Update – National Trust Joins Re-Listing Lawsuit

In December, the National Trust for Historic Preservation joined our lawsuit seeking to have the Blair Mountain Battlefield re-listed on the National Register of Historic Places.

OVEC, the Sierra Club and the Friends of Blair Mountain filed the initial lawsuit in September 2010.

The trust agrees with our stance that the removal of Blair Mountain from the register violates federal law and endangers the historic site.

"We regret that legal action had to be taken against the National Park Service, but Blair Mountain is a key landmark of American history that demands the special protection of a National Register listing," said the trust's president, Stephanie Meeks. West Virginia Public Radio reported:

"Historians say Blair Mountain was a seminal point in the battle between coal miners and coal operators. In 1921, during an attempt to unionize the southern coalfields, miners began marching from Kanawha County. Coal companies hired men with guns to set up defenses on the mountain.

"When the two sides met, more than a hundred were killed and hundreds more were injured. Federal troops were called in to break up the battle."

In March 2009, thanks to years of organizing, Blair Mountain was officially added to the National Register of Historic Places because of its great importance in US labor history.

But the Manchin administration quickly maneuvered to de-list the battlefield. Those maneuverings are under

scrutiny in our lawsuit.

Pending mountaintop removal permits could obliterate this historic battlefield, as well as its tourism potential.

(Ed. note: Plan to participate in the March on Blair Mountain June 5 – 11 to mark the 90th anniversary of the Battle of Blair Mountain. See details on page 26.) 🍌

OVEC Party Over Here 👍

Attention folks living in West Virginia and in surrounding areas of Ohio and Kentucky – are you hankerin' for a reason for a party? If so, sign up to be a House Party host.

It's another way you can support OVEC this spring and summer. We are looking for people who can host 8 or more people – at their home or a nearby community facility – for an informative and fun gathering.

Hosts can invite their own friends, or the Membership Committee can assist in contacting people who live nearby, and who are already in our network. The host will get to choose the theme of the event – relevant to OVEC work – and tell us what resources or speakers or videos we should bring to inform people.

At least one staff or board member will attend, along with a few OVEC Membership Committee members. We'll make an appeal for our Sustainer campaign; participants at the party can feel free to join this campaign, or not. For more information, or to set up a party, contact Robin Blakeman at rbinbinjh@gmail.com or phone (304) 840-4877. 🍌

On Coal River Premieres in WV

On February 26, the acclaimed documentary film, *On Coal River*, had its West Virginia premiere at the Appalachian Film Festival, held at the Keith-Albee Theater in Huntington, WV. The film won Best Documentary, with a \$1,000 prize.

Shot over a five-year period, *On Coal River* follows a former miner, Ed Wiley, and his neighbors in a David-and-Goliath struggle for the future of the Coal River valley, their children, and life as they know it.

Although the story is well-known to West Virginians, the film has found a broad audience, screening at festivals including Silverdocs, the Hamptons International Film

Dirty Business Film Debunks Myth of ‘Clean Coal’

Excerpted from a Jan. 7, 2011, article in The Guardian

Dirty Business, the new documentary from the Center for Investigative Journalism, began its nationwide screening tour with the aim of debunking the myth of “clean coal” and kick-starting a debate on the future of energy in the US.

The film shows scarred mountains, abandoned family homes on remote hillsides and watercourses toxic with sludge. Author Jeff Goodell narrates the film. He said the first time he saw MTR in West Virginia was like the “first time you look into an abattoir after a lifetime of eating animals.”

As President Barack Obama faces calls from the

LEGAL BRIEF: Weakening the Rules

OVEC and WV Highlands Conservancy have provided notice that we will appeal a recent federal court decision. In 2007, the DEP asked for amendments to WV’s surface mining regulatory program, and the US Dept. of the Interior (DOI) approved those amendments.

In February 2009, OVEC challenged the DOI’s action. WV DEP changed the legal definitions of two crucial terms in a way which we believe could make it easier for multiple coal companies, operating in close proximity, to cumulatively contaminate the watershed with illegal levels of toxins.

This January, federal Judge Robert C. Chambers issued a summary judgment that agreed with the DEP. The agency argued that under the new definitions, watersheds would still have legal protections from the cumulative effects of several mines. OVEC and WV Highlands Conservancy will appeal this decision. We’re represented by attorneys Joe Lovett and Derek Teaney, with the Appalachian Center for the Economy and the Environment, and Walt Morris. 🍄

Festival, New Orleans Film Festival, Chesapeake Film Festival, Big Sky Film Festival, and Moving Pictures Festival. *On Coal River* won Koronisfest Best Documentary Award, and was nominated for an IFP/Gotham Award.



After the screening filmmaker Adams Wood, Ed Wiley, and OVEC’s co-director Dianne Bady took questions from the standing-room-only crowd. 🍄

international community to reduce carbon emissions, pressure to secure America’s future energy supply and delaying tactics from the Republicans on the Environmental Protection Agency’s greenhouse gas regulations, “clean coal” - which involves capturing and storing the fossil fuel’s carbon emissions - appears to be a crowd pleaser that can only offend die-hard environmentalists.

Obama has endorsed “clean coal” throughout his political career and carbon capture and sequestration (CCS) projects have benefited from \$3.4 billion of the \$80 billion earmarked for federal energy funding as part of the American Recovery and Reinvestment Act 2009.

Such huge federal support has sparked something of a coal dash as companies compete for the opportunity to take federal dollars to fund their pilot schemes – and extract more coal. CCS plants will need one-third more coal to power the sequestration technology.

Some scientists warn that CCS deployment will not be able to keep pace with America’s appetite for coal, noting that the infrastructure of networks of pipelines for CCS would have to be twice that for oil and gas.

The film brings out the heroes (Jim Hansen) and villains (Myron Ebell) of the coal debate.

But perhaps the most moving contribution comes from Maria Gunnoe, who was awarded the Goldman environmental activism prize in 2009 for opposing mountaintop mining near her home in the Appalachian mountains.

“The cleaner the power stations get, the dirtier it gets here,” she says, looking into a pond of toxic coal sludge. “We’re losing our rights to our health, life and future of our children. There is no such thing as clean coal whatever comes out of the stacks.”

See: [BIT.LY/COALLIES](http://bit.ly/coallies) for the full article. 🍄

Holding More Coal Mines in WV Accountable for Toxic Selenium Pollution With Additional Court Actions

In early December 2010, OVEC, the WV Highlands Conservancy and the Sierra Club took legal action to hold two coal mining companies accountable for dumping harmful amounts of toxic selenium into local waterways.

Selenium is a toxic pollutant that causes deformities and reproductive problems in fish and amphibians. At very high levels, selenium can pose a risk to human health, causing hair and fingernail loss, kidney and liver damage, and damage to the nervous and circulatory systems.

“For far too long, these companies have put profits over people,” said Dianne Bady, Co-Director of the Ohio Valley Environmental Coalition. “The companies need to learn that our streams and waterways are not their private dumping grounds.”



Maple Coal Company, a subsidiary of Western Coal, is releasing unlawfully high amounts of toxic selenium into Paint Creek and Armstrong Creek from two surface mines on the border of Fayette and Kanawha Counties. Toxic selenium from Paynter Branch Mining operations in Wyoming County is flowing into Huff Creek.

This pollution confirms a pattern of toxic selenium discharges from coal mines across West Virginia. The citizen enforcement action follows several recent lawsuits filed by the groups against other mine operators including Massey Energy, Arch Coal and Patriot Coal. These suits seek to hold those companies accountable for their selenium discharge violations.

In August 2010, a federal judge in West Virginia ordered Patriot to install technology at two of its mines to

Chinese Don't Want to Burn Their Future

For three weeks in late 2010, the documentary *Burning the Future* was screened dozens of times in three cities in China. The documentary features OVEC organizer Maria Gunnoe, Coal River Mountain Watch volunteer Bo Webb and many residents of Mingo County who were active with Sludge Safety Project, including Donetta Blankenship and Billy Sammons.

Director David Novack said, “Maria was met as an inspiration by the approximately 4,000 people estimated to have seen the film in Chinese screenings. A generation of

treat selenium pollution at an estimated total cost of \$45 million.

“The coal companies’ behavior is just the same old story. The companies want us to pay – through harm to aquatic life and risk to human health – for their illegal pollution. Sorry, but it’s high time they pay to make it stop,” said Jim Sconyers, Chair of the Sierra Club West Virginia Chapter.

Although the Clean Water Act permits held by the mine operators include limits on the amount of selenium the mines can discharge, the DEP has consistently given the operators extensions on the amount of time they have to bring their discharges below those limits.

As a result, the operators continue to discharge selenium at levels above the limits considered safe by DEP and the federal Environmental Protection Agency. The most recent extensions expired by April 5, 2010. Rather than lower their pollution, the operators have tried a variety of legal tactics to avoid compliance, and have continued dumping dangerous amounts of toxic pollution into West Virginia waterways.

“It’s past time that these companies acknowledge the problems being created by their discharges and clean up their act. It’s also past time that the state regulatory agency recognize the severity of the selenium problems, properly enforce permits, and avoid granting permits that will add to our already overwhelming long-term water liabilities at mine sites,” said Cindy Rank of the WV Highlands Conservancy.

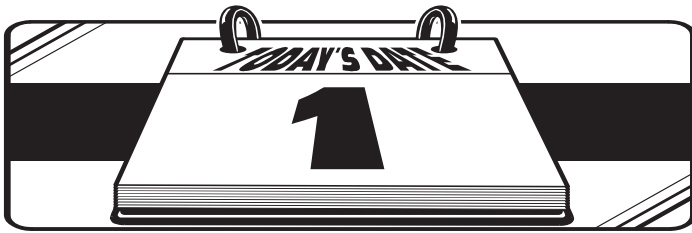
The groups filed their legal challenges in the Southern District of West Virginia and are represented by attorneys with the Appalachian Center for the Economy and the Environment. 🌰

Chinese who are eager to tackle China’s huge environmental problems, from water and air pollution to climate change, heard Maria’s

con. on page 26



Chinese students watch *Burning the Future* (that’s OVEC’s Maria Gunnoe on the screen).



CALENDAR

Blair Mountain. We march to preserve Blair Mountain, abolish mountaintop removal, strengthen labor rights, and demand sustainable job creation for all Appalachian communities. Save the date, and let us know you're coming.

March: Assorted Mountain Justice Spring Breaks. See WWW.MOUNTAINJUSTICE.ORG.

March 14: Bees Swarm Marshall University. Come see the massive True Cost of Coal poster from The Beehive Collective. Check OVEC's calendar page for time and location. WWW.BEEHIVECOLLECTIVE.ORG.

April 1 -2: Citizen Enforcement Training in Charleston, WV, sponsored by CRMW and OVEC. Learn how to read permits, how to monitor streams, test tap water, use online tools, learn about community mapping and more. Limited to 30 participants. Ask CRMW or OVEC staff for details.

April 2 - 6: Week in Washington. The Alliance for Appalachia's annual Stop Mountaintop Removal Lobby Week in DC.

May 2: Deadline to submit articles, letters and photos for consideration for publication in OVEC's next newsletter.

May 20-27: Mountain Justice summer training camp. See WWW.MOUNTAINJUSTICE.ORG.

June 5 to 11: Appalachia will rise again for the March on **China Not Burning the Future**

continued from page 25

message loud and clear. Questions ran deep from audiences interested to know how Maria, Billy, Donetta and Bo are doing now. They were glad to hear of positive steps made, especially after September's Appalachia Rising."


One teacher who saw the film blogged, "Thanks to David Novack's talent, I heard Maria's message, and so will China and the rest of the world. For me, the documentary has given me a focus and a desire to act. Every time I reach to switch off the light, turn down the thermostat, or enjoy an evening by candle light, I think of Appalachia and its residents.


"David Novack succeeded where many have failed. The ads and other so-called green campaigns, from green conferences to Al Gore's green movement, have not given me a desire to act ... David Novack gave a voice to the

The March on Blair Mountain: Appalachia's Rising commemorates the 90th anniversary of the Battle of Blair Mountain in 1921, when 10,000 coal miners rose against the rule of the coal operators and fought for the basic right to live and work in decent conditions. Today, Blair Mountain is threatened with obliteration by mountaintop removal. During our March on Blair Mountain, thousands of people will make a determined non-violent stand for economic and environmental justice in the 21st century.

Starting **June 6**, we will march five days from Marmet (near Charleston) to Blair Mountain in Logan County. Each day we will march 10 miles. Music, speakers, and workshops will be held at campgrounds in the evening. The sixth day, June 11, will be a mass rally in the town of Blair and Day of Action on Blair Mountain. Prior to the march, on **June 5**, we will have a day of trainings and preparation for all marchers in Charleston, WV.

If you are unable to join us for the full march, join us on Saturday **June 11** for the final rally and Day of Action on Blair Mountain.

We ask that you register so we know how many people to expect when we are arranging food, sleeping spaces, and logistics. See WWW.APPALACHIAISING.ORG and WWW.FRIENDSOFBLAIRMOUNTAIN.ORG. 

people of Appalachia that will resonate loud and clear through many peoples' minds and hearts." 

TAKE ACTION!

OVEC works with filmmakers, reporters, writers, artists, photographers, bloggers and others to help amplify our voices. In these fast-changing days of "social media" you can amplify your own voice – and you sure know your own story best. If you want to receive media outreach training, contact Vivian Stockman at vivian@ohvec.org to see what trainings OVEC is currently offering.



Sustainer Support ...

TAKING OVEC COMMITMENT TO NEW LEVELS

OVEC's Sustainer Support Program offers three ways to help OVEC carry on its mission. Each option represents a way individuals can become *OVEC Sustainers* – people who commit to making regular contributions (of time or resources) to our organization.

Option 1 <i>KROGER GIFT CARD</i>	Option 2 <i>VOLUNTEER</i>	Option 3 <i>DONATE FUNDS</i>
<p>Using an OVEC Kroger Gift Card, the Sustainer level commitment = loading the Kroger Card with at least \$100/month. (This gives OVEC \$5 monthly or \$60/year, AND card users can use their FULL \$100/month at Kroger or any of their related stores, gas stations, etc.)</p>	<p>Volunteer, and record your hours and activities on a form. The Sustainer level commitment = at least 2 hours/month, OR 24 hours/year of OVEC volunteer time.</p>	<p>For those who prefer to make direct financial contributions, the Sustainer funding level = at least \$5/month, or \$60/year.</p> <p>Donation Methods: ___ Donate online via PayPal at www.ohvec.org. ___ Donate via Groundspring at http://bit.ly/ovec60. Set up \$10+ donations on a monthly, quarterly or yearly basis. For example, set up the Sustainer Donation of \$60/year by contributing \$15 per quarter (every 3 months). ___ Mail this form with a check.</p>
<p>___ Yes, I can be a Kroger Gift Card Sustainer for OVEC. Please contact me to get started.</p>	<p>___ Yes, I can be a Volunteer Sustainer for OVEC. Please contact me about volunteer opportunities.</p>	<p>___ Yes, I can be a Direct Funding Sustainer for OVEC. I have checked my donation method above.</p>

BY JOINING OVEC'S SUSTAINER SUPPORT PROGRAM, YOU WILL RECEIVE PERSONAL FOLLOW-UP, YOUR NAME IN OUR NEWSLETTER (IF YOU WANT), INCENTIVE "DOOR PRIZE" GIFTS AT SUSTAINER EVENTS, AND THE SATISFACTION OF KNOWING YOU ARE A MAJOR FORCE IN KEEPING OVEC AT WORK IN THE FIGHT TO STOP COAL INDUSTRY ABUSE OF THE LAND AND PEOPLE IN APPALACHIA.

First Name: _____

Last Name: _____

Address: _____

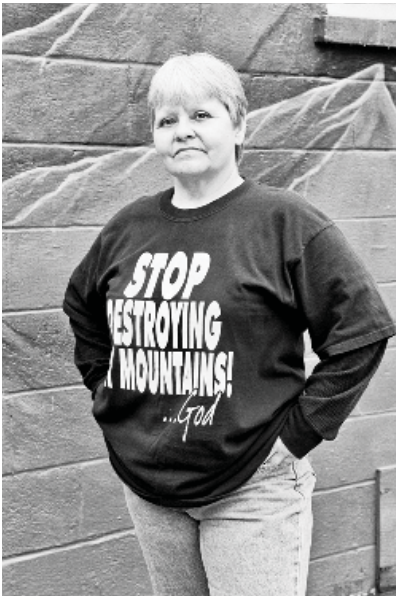
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One last good-bye for three environmental stalwarts in West Virginia – Judy Bonds, Winnie Fox and Frankie Mooney. We will keep on fighting the good fight, in their memory, and for all time.

photos by Mark Schmerling