



# Winds of Change

Celebrating 25 Years of Organized Voices and Empowered Communities

Huntington, WV

## OVEC

www.ohvec.org

## Appalachian Women’s Tribunal Seeks Justice

by Janet Keating

No matter how it is mined, the coal we burn for electricity is a driving force of global climate disruption. However, mountaintop-removal-mined coal disrupts and destroys entire communities and ecosystems even before it is burned.

Since the start of what has become a movement to end mountaintop removal coal mining in Central Appalachia, women have been leading the way, raising serious concerns, dogging politicians and bureaucrats and even risking arrest or being arrested as a means to draw state and national attention to the problems. These courageous women are strong and persistent.

But most state and federal politicians from Central Appalachia are beholden to the coal industry that funds their political

campaigns. So, politicians like senators Joe Manchin (D-WV) and Mitch McConnell (R-KY) ignore the people’s cries for the end of mountaintop removal. Instead, they rant and rave about President Obama and the Environmental Protection Agency’s “war on coal.” Seriously? The coal industry blows up mountains, depopulates communities where people have lived for generations and poisons people’s water supplies. And these politicians declare that there’s a war on coal? No. That’s a lie. And the continued perpetration of this untruth is costing the lives and health of the people living near mountaintop removal sites in Central Appalachia.

Many women in Appalachia (and many supportive men) are sick of being ignored. That’s

why OVEC leaped at the opportunity to organize the Central Appalachian Women’s Tribunal on Climate Justice with the Loretto Community at the United Nations, the Feminist Task Force of the Global Call to Action Against Poverty and the Civil Society Institute. We knew this would be a great opportunity for grassroots women fighting mountaintop removal to expose the many harmful health impacts caused by mountaintop removal coal mining and its role in climate chaos — and to take this issue to a whole new level of awareness.

After months of preparation, we held the tribunal on May 10 at the Charleston Woman’s Club. Rosa Lizarde, global coordinator for the Feminist Task Force, opened the tribunal by noting that her group

has spearheaded more than 20 social justice tribunals around the world in the last few years, and ours is the first Women and Climate Justice Tribunal held

in the United States. The tribunals serve as public spaces for women to draw attention to critical issues at local, national and global levels. Findings and recommendations from the tribunals are documented and presented to decision makers and used for public policy purposes.

*continued on page 14*

*All of the research points to what mountain people have known since strip-mining began. It is not possible to destroy our mountains without destroying ourselves. It is not possible to poison our streams without poisoning our children.*

- Beverly May, family nurse practitioner and member of Kentuckians For The Commonwealth, bearing witness at the tribunal.

*Photo by Jorge Aros*



### Inside This *Winds of Change*

|  |         |
|--|---------|
| Oct. 27: OVEC’s 25th Birthday Bash ..... | page 3  |
| Wild Week in Washington .....            | page 4  |
| Crazy on Cazy .....                      | page 10 |
| Don’t Frack the Forest .....             | page 17 |
| Everybody Wants Clean Energy .....       | page 21 |

# Original Vision: Reflecting on 25 Years of OVEC

by Dianne Bady

OVEC's first staff meeting was a walk in the park. Literally. Five years after I founded OVEC as an all-volunteer group, Janet Keating, Kim Baker and I were quite intentional about how we held our first meeting of full-time staff. On that sunny August day in 1992, we talked about how the environmental pollution



problems in the Huntington Tri State area were really symptoms of a host of deeper systemic problems.

We consciously felt the breeze on our faces and took in the beauty of the trees and flowers as we shared with each other those things that sustained us in our own lives — our relationships with the people close to us and our close connections to the natural world. The illegal pollution pouring from the then-Ashland Oil refinery in neighboring Kentucky seemed like so much more than an issue of a company breaking laws. It was also a symptom of a culture that had broken away from what seemed to us to be the most important things in life: genuine care and connection with other people as the primary value, and the deep, fundamental interconnection we humans have with the natural world that surrounds and encompasses us.

As we began the first steps toward a new staffed, grassroots environmental organization, we agreed that we wanted "our" group to be different; we believed that building and sustaining human relationships was ultimately the only way to save the environment and that the only way to overcome the power of organized money was with the power of organized people. The only way to build organized people power was to treat others with care, respect and honor. And the only way to sustain ourselves for the long-haul effort of combating the power of organized greed and political corruption was to maintain our deep connections with the natural world and with each other.

After our walk, we sat down and divided up the list of 70 OVEC members. We called each one and asked to meet one-on-one with each of them to solicit their ideas and their involvement. We

didn't want to start our staffed group by telling members what we were going to do, but by working with members in figuring out what we were going to do and by valuing their involvement.

Twenty years later, Janet and I still do our best to walk this path; Kim's steps took her to ownership of the River and Rail Bakery in Huntington. OVEC hired Laura Forman not

long after our initial staff walk in the park.

We were successful at reducing pollution in our immediate Huntington area of the Ohio River Valley, and, for the past 14 years, our biggest issue has been working to reduce and ultimately stop mountaintop removal coal mining. For many years, visiting activists and potential funders from elsewhere in the United States remarked on how unusual it was to find such harmony and cooperation among the various people and organizations in West Virginia working to end mountaintop removal. This past year, we've struggled through some painful rifts in that harmony.

We understand the horror felt by people who face the unending terror of the mountaintop removal draglines moving closer, as they choke on dust from explosives, their homes shake and family members and neighbors die and sicken young, while their taxpayer dollars are being spent by corrupt politicians publicly promoting more mountaintop removal and ignoring the growing body of scientific evidence showing mountaintop removal-related health damage. It's hard to appreciate that all of our collective work has resulted in many new or expanded mountaintop removal permits not moving forward, when the annihilation of more mountains and more human lives moves on in many communities.

That comparatively carefree walk in the park seems so long ago. In this, OVEC's 25th year, it seems appropriate to reflect on some of the visions we held at the beginning. Like any long-term marriage, the lofty vows taken in the beginning sometimes are obscured in the fray and the frantic pace of

real life. But it is always good to go back to original visions and rededicate oneself to lofty goals. 🍓



Left to right: Forman, Bady and Keating out walking in the park, circa 1999. Photo from the OVEC files.

# In 2012, We Celebrate 25 Years of Organizing Voices and Empowering Communities



## Oct. 27 Save the Date for OVEC's 25<sup>th</sup> Birthday Bash

To think we started this before such inventions as the digital camera ...

We have tens of thousands of photos documenting OVEC's work and play over the past 25 years. If you've been involved in any of our campaigns, chances are we have a photo of you, making a difference.

You can bet the paparazzi will be out snapping more shots on **Saturday, Oct 27**, when we celebrate our **25th birthday bash** at the **Woman's Club in Charleston, West Virginia**. The **Voodoo Katz** will provide our dancing music that night. Save the date, and invite your family and friends!

We are looking for individuals, organizations and businesses to sponsor ads — from a simple listing of your name to a full-page spread — for our 25th anniversary program booklet. Call the office at 304-522-0246 for details on sponsorship or to join the 25th anniversary planning team. 🍓

### OVEC Board of Directors & Staff

#### Board Members

|                         |                           |
|-------------------------|---------------------------|
| Marty Amerikaner, Chair | Dan Taylor, Vice Chair    |
| Karen Scaif, Secretary  | Judith Whitley, Treasurer |
| Reverend Jeff Allen     | Danny Cook                |
| Ronda Harper            | Crystal Good              |
|                         | Brandon Nida              |

#### Full- and Part-Time Staff

|                               |                  |                 |
|-------------------------------|------------------|-----------------|
| Dianne Bady                   | Janet Keating    | Vivian Stockman |
| Maryanne Graham               | Tonya Adkins     | Maria Gunnoe    |
| Carol Warren                  | Robin Blakeman   | Andrew Munn     |
| Community Wind Project        | Chris Shepherd   |                 |
| OVEC Webmaster                | Don Alexander    |                 |
| Winds of Change Editor        | Vivian Stockman  |                 |
| Volunteer Editorial Assistant | Deborah Griffith |                 |

All photos here by V. Stockman, unless otherwise noted.  
Graphics from assorted sources.

#### Ohio Valley Environmental Coalition

P.O. Box 6753, Huntington, WV 25773

phone: 304-522-0246 fax: 304-522-4079

[www.ohvec.org](http://www.ohvec.org)

To unsubscribe from WOC mailings or to receive WOC online only, contact [maryanne@ohvec.org](mailto:maryanne@ohvec.org) with "WOC subscription" in the subject line.

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 U.S. Internal Revenue Service and the West Virginia Secretary of State.

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

# Wild Week In Washington

It started on Friday, June 1, when OVEC organizer Maria Gunnoe testified on Capitol Hill at an “oversight hearing” of the House Committee on Natural Resources, Subcommittee on Energy and Mineral Resources.

We knew things would be less than friendly, as the so-called hearing was titled “Obama Administration’s Actions Against the Spruce Coal Mine: Canceled Permits, Lawsuits and Lost Jobs.”

Gunnoe came prepared to highlight the dire health impacts of mountaintop removal coal mining in her testimony (read her prepared comments: <http://bit.ly/OqQDTa>). Recent peer-reviewed studies have shown devastating health effects: citizens near mountaintop removal are 50% more likely to die of cancer and 42% more likely to be born with birth defects compared with other people in Appalachia.

To illustrate her points, she wanted one slide projected as she spoke, a photo snapped by a professional photographer showing a Pike County, Kentucky, child bathing in contaminated water. The family of the child points to mountaintop removal coal mining as the cause of the poisoned water. They allowed the photographer access to their daily lives in order to tell the story of what mountaintop removal has done to them. They gave Gunnoe permission to use the photo at the hearing, as did the photographer, as long as she received a payment for one-time use of the photo.

Someone on the committee or the committee’s staff deemed the photo “inappropriate” and would not allow Gunnoe to show the photo while she spoke.

After the hearing, Gunnoe was detained by an officer with the Capitol Police and questioned on suspicion of child pornography because she had wanted to use that photo! One reporter was present while she was detained for nearly an hour, and he filed a news report on what happened by Friday evening.

The incident ignited a firestorm of blogs and news reports in which people reacted with incredulity and outrage at the horrid accusation and the harassment of Gunnoe, and, by association, the photographer and the family of the child in the bath. See the daily news links and blogs posted on OVEC’s website, [www.ohvec.org](http://www.ohvec.org), starting on June 1 for some of the headlines.

One D.C. veteran commented, “I have been a federal lobbyist for over a dozen years now, and that



Congressman Doug Lamborn (middle) (R-CO) stares at Maria Gunnoe (foreground, left) during another hearing his committee hosted on Sept. 26, 2011 in Charleston, W. Va. The June hearing was the third time Gunnoe has testified before Congress.

was by far the meanest, lowest, scummiest thing I have ever witnessed. To accuse someone like Maria — or any citizen asked by the committee to testify — because she wanted to show what was really happening to the people they represent . . .”

The Goldman Prize (Gunnoe was a winner of this “Nobel” of green awards in 2009) wrote a letter to the committee chair, Representative Doug Lamborn (R-CO), which noted, “To take an innocent and poignant depiction of a gross injustice and profanely turn it into an inappropriate and unjust charge of pornography is not only unacceptable but un-American in its chilling effect on both the freedoms that all of us citizens are accorded and the willingness of our citizens to strongly and candidly testify before our Congress. We hope that you and the committee will do what is necessary and offer your public apology to Ms. Gunnoe for the harassment she received on June 1 at the U.S. Capitol. Doing so will allow your committee to get back to the important work at hand regarding the development and protection of our nation’s natural resources.” (Read the full letter here: <http://bit.ly/Lz00zq>.)

As this article is written in mid-June, Gunnoe has not received an apology, nor has the media coverage of the incident subsided. Although media reports said the Capitol Police had dropped the investigation of Gunnoe, she did not receive formal word that the investigation was dropped until June 12.

Even as Gunnoe was detained and interrogated, more than 150 people were preparing to descend on Washington D.C. for The Alliance for Appalachia’s End Mountaintop Removal Week in Washington. They would take trainings on Saturday and Sunday, and, on Monday, would begin the first of 150 scheduled meetings with government agencies and members of Congress. Their message? End mountaintop removal mining!

The week culminated on Wednesday, June 6. Folks not in D.C. joined a national End MTR Call-In Day. Those in D.C. either attended a rally, where seven more people shaved their heads (see related story below) to symbolize their solidarity with Central Appalachia’s mountains. Or, they headed to the offices of Congressmen Nick Rahall (D-WV), Hal Rogers (R-KY), Morgan Griffith (R-VA) and Jimmy Duncan (R-TN), politicians they had already repeatedly asked for relief. In these offices, people began sit-ins, in protest of their congressional representatives’ refusal to protect their communities from the extreme impacts of mountaintop removal. Twenty-one recent peer-reviewed studies highlighted the extreme health impacts of mountaintop removal coal mining and, according to Gallup’s physical well-being index, these congressional districts have the highest rates of sickness in the United States. In addition, districts with mountaintop removal face some of the highest poverty rates in the United States, with 37.3 percent of the children in Hal Roger’s district (KY-05) living below the poverty line.

## Hair Can Grow Back, Mountains Can’t

by Janet Keating

Marilyn Mullens, from Mercer County, West Virginia, had a dream and then she acted on it.

Via Facebook, to call for an end to mountaintop removal, she organized a Memorial Day head-shaving event for women at the State Capitol. What a deeply personal sacrifice these beautiful women (and some men standing with them in solidarity) made on behalf of the mountains and people! Mullens said this act of protest was meant to symbolize all that has been sacrificed and forever



Above, OVEC organizer Andrew Munn took June 6 off work. He ended up being arrested in D.C. Seated and already arrested is Mingo County native Dustin Steele. Below, Boone County native Dustin White was another West Virginian arrested during the sit-ins. Photos by Colleen Unroe



help keep up the pressure.

It was a wild week in Washington. And we will be back. 🍓

lost by Appalachians fighting mountaintop removal — barren moonscapes instead of lush mountains, poisoned water, obliterated communities, and people stripped of their homes and health.

I read that ritual head-shaving, a fairly ancient ritual, is part of many religious traditions — Christian, Buddhist, Muslim, Jain and Hindu. In some religious traditions, head-shaving is an act of devotion or it symbolizes renunciation — renouncing the world for the love of God. In Hinduism, the underlying concept is that hair is a

*continued on page 6*

## Hair Can Grow Back

continued from page 5



*From Mother Jones to Memphis Tennessee Garrison, West Virginia women have always had a unique way of standing up for what's right. Hats off, literally, to Elinore Taylor and the ladies who were shorn on Memorial Day. There's no doubt, Winnie Fox is fist-pumping and smiling up in heaven.*

— A Facebook comment from Dave Lavender

*Above, former OVEC board member Elinore Taylor shears her locks*

symbolic offering to the gods, representing a real sacrifice of beauty, and in return, those who shave their heads are given blessings in proportion to their sacrifice.

For more than a decade, so many have already sacrificed too much in their efforts to bring mountaintop removal to an end. For some women who led the efforts, like Judy Bonds or Laura Forman, it was the ultimate sacrifice. But neither of them was thinking about or focusing on their own well-being. One of my favorite quotes by Forman still is: "West Virginia is truly almost heaven. She has given so much to my life. How could I not try to help save her?"

Of course, you don't have to shave your head to be a part of the movement to end mountaintop removal. As you read this newsletter and explore our website you will find loads of examples of ways you can make a difference. Contact any OVEC volunteer or staff to share your ideas and get involved. 🍷

*It was a profoundly powerful and emotional expression of unity and commitment to the environment and the future of this great state.*

— A Facebook comment from Richard Hypes

## Doin' a Victory Dance

On April 21, Earth Day Eve, we held OVEC's Victory Celebration/Annual Meeting. After some socializing and feasting, various speakers highlighted the most important victories OVEC has garnered over the past year.



Danny Cook, left, received the Laura Forman Passion for Justice Award for his many hours of inspired volunteer service in advancing OVEC's goals, programs and events. Cook is an OVEC Board member,

our Membership Committee co-coordinator and our cemetery preservation volunteer organizer.

OVEC's Meme Team presented a skit, penned by team volunteer Mary Wildfire, about how subservient West Virginia is to extractive industries. King Coal and Queen Frackemall personified these industries. You can watch the skit on YouTube: <http://bit.ly/J37PdC>.

As the skit concluded, folks munched on some yummy desserts and the DJ amped up the dance tunes. Mountain defenders, fracktivists and the clean-elections cadre sure can cut a rug.

Thanks to everyone who helped make this evening so much fun. A special shout out to the generous individuals who donated extra funds, so that other people could attend the event.

We hope to see you at OVEC's Victory Celebration next year, but you don't have to wait a full year for the next OVEC party. Remember, we host a birthday bash to celebrate our 25 years of empowered communities and organized voices on October 27 (see page 3). 🍷



*Meme team member Sylvia Arthur (right) is Queen Frackemall and OVEC staff Vivian Stockman is King Coal. Photo by Danny Cook*

**Work for change, but remember to have some fun.**

## EPA Appeals Judge's Spruce Mine Decision

The saga of the Spruce No. 1 mountaintop removal mine — one of the largest MTR mines ever proposed — continues. The mine would destroy a huge swath of land and bury more than six miles of streams near Blair in Logan County, West Virginia. For the most part, the mining has not started, due to a lawsuit first filed in 1998.

Recall that the U.S. Army Corps of Engineers had issued the permit for the mine, but the Environmental Protection Agency (EPA) issued a science-based veto of the permit in January 2011, because the mine would threaten the health of nearby communities and the environmental impact would be immense and irreparable.

St. Louis-based Arch Coal subsidiary Mingo Logan Coal Company sued over the veto. In March of this year, U.S. District Judge Amy Berman Jackson in Washington, D.C., ruled in favor of the company, arguing that the EPA did not have the authority to revoke the permit.

After this court decision, more than 60,000 Americans sent messages to the EPA in support of its veto, urging it to continue exercising and defending its full authority to protect Appalachian citizens from this extremely harmful mining practice.

In mid-May, the EPA announced that the agency would appeal the judge's decision. The appeal will be heard by the U.S. Court of Appeals for the D.C. Circuit.

In support of the EPA's veto and its appeal, OVEC, the West Virginia Highlands Conservancy, Coal River Mountain Watch and Sierra Club



*Much of Pigeon Roost Hollow will suffer the same fate as the mountain top at left if the judge's decision stands. EPA was right to veto this permit. OVEC's Stockman was able to snap this shot thanks to SouthWings.org*

have filed as friends of the court. We are represented by Earthjustice and Appalachian Mountain Advocates. We released a joint statement:

*We are heartened to see the EPA press forward in its commitment to enforce the 40-year-old Clean Water Act and to ensure that the full protections of that law are finally brought to Appalachia, where they've been ignored for too long.*

*EPA's Spruce veto determination recognized sound science that shows it is unacceptable for a coal company to destroy more than 2,000 mountain acres and fill over six miles of vital streams with mining waste pollution, and we will continue standing behind EPA's decision*

*to prevent the irreversible devastation to waterways and communities that the Spruce No. 1 mine would bring."*

*The fundamental right of all Americans to safe and clean water was established 40 years ago with the passage of the Clean Water Act. No one in Appalachia or beyond should be forced to live with the water pollution and wholesale environmental destruction that coal companies are wreaking through mountaintop removal mining. We're glad to see the EPA's decision to stand up to the coal industry and continue defending the basic right of everyday Appalachian families to clean water.*

A court date has not been set as of press time. 🍷

# The Man Behind Frasure Creek

By Andrew Munn

It seems like each time you drive up or down State Rt. 61 in Fayette County, another piece of the mountain has been demolished. As the mountaintop removal mine has expanded from above Dempsey Branch to the back of Glenco Hollow, so have people's concerns about damage to property and health. Residents of Taylor Branch, Kincaid and Page have complained of blasting damage to their homes and the loss of all West Virginians' birthright — our mountains.

Who's behind this? If you've been following the news, you'll know its Frasure Creek Mining Company and their parent company Essar Minerals, a part of the multinational corporation Essar Group, from Mumbai, India. Essar Minerals has an office for their West Virginia and Kentucky operations near Nitro in Putnam; the address is 4978 Teays Valley Road, Scott Depot, West Virginia.

In early April, a couple of Fayette County folks headed to Essar's Putnam County office to find out a bit about the company and let Essar know people are concerned about their active operations and the company's plans to blast and strip the mountain surrounding Beards Fork and Mulberry Branch. (See related story on page 9.)

Going unannounced, we weren't quite sure what to expect: would we get thrown out? Would we be left to languish in a waiting room? Who would we meet? We walked in the front doors and asked the receptionist if we could speak with "the person in charge of Frasure Creek's Fayette County Operations." So, we met W. Douglas Blackburn, Jr., the new president of Frasure Creek Mining.

Here's what you should know about Blackburn.



Much of it is from his resume, which you can find on his Black Acres consulting website. Prior to beginning his presidency of Frasure Creek, he ran an industry consulting company

called Black Acres. He has a breadth of experience managing coal operations, mostly with Massey Energy, from 1977 to 1990.

In his resume, he states that he:

- ☠ "increased coal production by 60%, while reducing staff (jobs) by 70%"
- ☠ "obtained a \$1.3 million judgment against United Mine Workers of America for damages caused by a secondary boycott"
- ☠ "successfully met legal challenges by the United Mine Workers of America, thereby maintaining union-free status"
- ☠ all the while, "increasing revenue from \$0 to \$40 million and turned a profit from loss of \$.5 million to a gain of \$4 million"

Also on his resume are numerous other aspects of coal company management, including safety programs, personnel policy development, environmental permitting and engineering. The threads that run throughout, however, are job cutting, shareholder profit maximization and union-busting. He's a top-notch coal boss.

**Do any of you UMWA members remember the picket lines on State Rt. 3 in Boone County, when Massey bought Elk Run in the early 1980s? Blackburn was the boss who broke the union.**

It's not surprising that Essar brought him on the team at this time. Most of the workers on Frasure Creek's Fayette County mines were laid off in February as part of industry-wide job cuts, because the mines weren't making profits. Bringing in an old industry hand like Blackburn indicates that Essar is looking for someone who can cut expenses (jobs) and increase profits for Essar and its shareholders. 🍷

## EPA Sues Indian Company

In June, the Associated Press ran a report by Dylan Lovan titled, "EPA sues India-based firm mining coal in Kentucky."

The story began, "A group of coal companies owned by a massive India conglomerate ran illegal surface mines in eastern Kentucky that polluted waterways, according to a lawsuit filed by the U.S. Environmental Protection Agency."

The parent company? Yup, Essar Group. Subsidiaries named in the lawsuit include Trinity Coal Corporation and Frasure Creek Mining. All five subsidiaries have the Scott Depot, West Virginia address. 🍷

# Frasure Creek Mining Receives Unexpected Guests

In early April, three residents of the Loop and Laurel Creek area of Fayette County paid a surprise visit to the corporate owner of Frasure Creek Mining, Essar Minerals, located in aptly named Scary, West Virginia (the mailing address is Scott Depot). Kathryn South of Beards Fork, Vicki Shelton of Wriston and OVEC



MTR visible from Rt. 61 near Kincaid in Fayette County, West Virginia.

organizer Andrew Munn of Beckwith represented the concerns of people living below Frasure Creek's active and proposed strip mining operations in Fayette County.

"We want to prevent damages to our property, health and water resources. We would like for the company to put up bonds at the least, so that there will be money available to repair any damages to peoples' property and water sources from their mining," said South.

She further expressed her concern that strip mining would eventually destroy the community. "The folks in Beards Fork are such a tight-knit community and the thought of it being no longer there is such a depressing thought. Everything has already been taken from them. The only thing left to take from them is the community itself."

South, Shelton and Munn met with Doug Blackburn, president of Frasure Creek Mining and a former manager of Massey subsidiaries in Boone County including Elk Run. South expressed concerns regarding property damage that has occurred from blasting and flooding and fears about future property damage.

Residents invited Blackburn to see firsthand the impacts of Frasure Creek's MTR mine on their communities. Blackburn accepted the invitation.

"He said he wants the company to be a good



**Fayette Groups Co-Host Film Screening**



On May 11, OVEC, Mountain Health and Heritage Association and Plateau Action Network co-hosted a screening of the one-hour version of *Burning the Future: Coal in America* at the Historic Oak Hill Elementary School in Oak Hill, Fayette County. Thanks to Working Films and its Reel Power Film Festival mini-grants for making the event possible.

During April and May, *Burning the Future* aired on PBS stations across the nation. The film examines the impact of coal slurry pollution and mountaintop removal on the lives of West Virginians, many of whom are OVEC members. See [www.burningthefuture.org](http://www.burningthefuture.org) to find out how you can host home screenings of this film. 🍷

neighbor. In my mind, a good neighbor does not destroy peoples' property. I think it's great if he follows through on meeting with the community, if he actually listens to what people have to say," Shelton noted.

Frasure Creek Mining began its large-scale strip mining with a 568-acre operation above Loop Creek

and the community of Wriston. Since then, it has expanded its operations above Page, Kincaid and Beards Fork with three active permits, forming one continuous 1,300-acre surface mine, including a 221-acre permit to strip mine through the Source Water Protection Area for the local water utility, the Page Kincaid Public Service District (PK PSD).

Due to the threat to the drinking water of approximately 2,000 residents served by the PK PSD, citizens filed an appeal to revoke the permit. Following two demonstrations by residents of Fayette County and hearings for the appeal's legal arguments, the WV Department of Environmental Protection denied the appeal. In addition to its current operations, Frasure Creek seeks an additional five permits, which would eventually expand the operation to 3,263 acres, surrounding the community of Beards Fork.

Hundreds of citizens live within a mile of the permit boundaries and experience blasting damage, dust pollution and occasional flooding from mine runoff.

As of June, we're still waiting to hear from Blackburn regarding a meeting date in Fayette County. For updates and to get involved, contact Munn at [andrew@ohvec.org](mailto:andrew@ohvec.org) or 304-574-6121. 🍷

# They Wanna Go Crazy on Cazy, Again

by Maria Gunnoe

Cazy Mountain in Boone County, West Virginia, used to be a wonderful place. Wild horses roamed the mountain. Folks camped on the mountain. There was a wild boar reserve, as well as picnic shelters and a fire tower.

Massey Coal Company blew the top off this mountain back in the 1980s. The picnic shelter and the fire tower are only memories now. Soon, the last of the Cazy Creek community members were put out.

Valley fills mar both sides of Cazy Mountain. But, there's still a county road that many locals and workers use often, because it cuts about an hour (20 miles) off the trip between State Route 17 and State Route 85. Patriot Coal is asking DEP for a permit to strip the remains of Cazy. The permit includes five valley fills, more than 600 acres of MTR and a road closure. The DEP says that this would be a "detour" through the MTR site, but we have doubts.

When Wind River Resources, a Massey subsidiary, mined the peak of Cazy back in the 1980s, it made a mess of travel between Cazy and Spruce Laurel. The company's "detour" was more like a death trap. It consisted of a ledge going along what was once a ridgeline, and it was dozed in different directions almost daily. Massey even asked the Boone County Commission to abandon the road, so that Massey could have it. The people stood up and said, "No! You are not getting this road."

Now, here we go again. Now, it's Patriot Coal wanting to fill in Cazy Hollow and blow up what is left of our beautiful mountain. If Patriot gets this permit it will close down activity as we now know it on Cazy Mountain. Hunting and gathering will be no more. OVEC and community members in Boone County are fighting this permit and the detour and/or road closure. Call the DEP at 304-792-7250 and let them know that we will not give up Cazy Mountain. Ask DEP to deny this permit, number S500505. 🍌

## OVEC Board Seeking Members

OVEC's board of directors is seeking new board members. Do you know an OVEC member who you would like to nominate? Or would you like to nominate yourself? If so, please contact board chair Marty Amerikaner at [marty.amerikaner@gmail.com](mailto:marty.amerikaner@gmail.com) or call the OVEC office at 304-522-0246.



Maria Gunnoe snapped this shot of the horses on Cazy in July of 1979.

## Gunnoe to Receive Wallenberg Medal

OVEC organizer Maria Gunnoe will be awarded the twenty-second University of Michigan Wallenberg Medal in October. The award is named for UM alumni Raoul Wallenberg, who saved the lives of tens of thousands of Hungarian Jews near the end of World War II.

Gunnoe is receiving the medal because, "through her extraordinary work and personal engagement, she exemplifies the courage and commitment to the humanitarian values of Raoul Wallenberg," according to a university official.



Other recipients of the Wallenberg Medal include Aung San Suu Kyi, Archbishop Desmond Tutu and His Holiness Tenzin Gyatso, Fourteenth Dalai Lama of Tibet.

"Maria is not only an extraordinary woman, but also an incredible role model for the people of West Virginia. She refuses to sit idly by while those in power turn a blind eye to the impacts of mountaintop removal on people's health, homes and communities," said OVEC Executive Director Janet Keating. "We are so proud of her and are grateful to the University of Michigan for recognizing her efforts on behalf of the people of our mountain state."

Gunnoe will receive the medal in a ceremony at University of Michigan on October 23. 🍌

# Earth Quakers Shake PNC Bank

This e-mail arrived in our inboxes on May 3:

Dear OVEC,

*I met Dustin White and others from OVEC during the march to Blair Mountain last June. That march inspired us, and, as I hope you have heard by now, Earth Quaker Action Team (EQAT) is currently on a Walk for Green Jobs and Justice, walking over 200 miles of the distance between Philadelphia and Pittsburgh, calling attention all along the way to mountaintop removal (MTR) and PNC bank's connection to this devastating practice. Already we've heard that one major environmental group plans to withdraw their money from PNC if the current policy doesn't change.*

*I'm writing to you to invite you, as allies in this fight and as on-the-ground witnesses to the practice of MTR, to join us in Pittsburgh at two events on May 16th.*

The e-mail was from EQAT's Carolyn McCoy. She asked that someone from OVEC speak at two events, while noting, "We are deeply grateful for all the work that OVEC is doing."

*Our vision for the event is to confront PNC at their headquarters with an action that has two parts. First, we will be holding a mass training in nonviolent direct action for everyone in attendance, what we are calling a "Practice Bank Occupation" — we will be preparing in public for a civil disobedience at PNC's Headquarters at a future date. Second, we will be delivering hand-signed invitations to PNC's CEO James Rohr, asking him to "Walk the Walk" like we do and make a commitment to a business lifestyle of integrity that embraces environmental justice.*

White, an OVEC volunteer from Boone County, agreed to join EQAT in Pittsburgh for the May 16 day of action.

On May 17, the *Pittsburgh Post-Gazette* ran an article titled "PNC funding of mountaintop mining



Dustin White leads some of the EQAT marchers; below: More marchers. Photos courtesy EQAT.



hit." Reporter Taryn Luna noted that George Lakey, 74, conceived of the march to challenge PNC's financing of mountaintop removal mining and was one of two people to walk all 17 days.

"A very big part of this march was to gather people to join us and remove their money from PNC Bank," Lakey told the reporter. "It was an enormous project for a very small group."

All along the walk, marchers carried this message to PNC branches: Stop financing companies that practice mountaintop removal coal mining by May 31 or EQAT supporters will remove more than \$2 million from their PNC accounts.

The *Post-Gazette* said that although there is no mountaintop removal in Pennsylvania, local environmental groups came out to support the movement. Terri Supowitz of Marcellus Protest

told the newspaper, "All the issues are the same. Corporations making money by destroying the community — that's the message."

The *Post-Gazette* also quoted White, "It's hard to describe it to people, but it's like being homesick and never leaving home. They've destroyed the mountain, destroyed the water quality and the people pretty much live in poverty."

"We are the people who live in this region. This isn't depopulated backwoods. There are people who've been here for generations, and we're just trying to live."

Read the full article here: <http://bit.ly/J3dj96> and learn more about EQAT's Green Your Money campaign at <http://greenpnc.org/>. 🍌

## Banks Risk Health, Climate



PNC isn't the only bank funding MTR. Rainforest Action Network and the Sierra Club recently released the Coal Finance Report Card 2012, their third annual ranking of the largest financiers of mountaintop removal coal mining and coal-fired power plants.

Read the report: <http://bit.ly/KwhVds>. 🍌



# Sludge Safety Project Round Up

## 2012 Legislative Session

The Sludge Safety Project (SSP) ended the legislative session on a solemn note.

Along with residents of Buffalo Creek, Prenter and Rawl, we hosted a commemorative event titled *40 Years of Black Water, From Buffalo Creek to Today*.

At the close of an election-year legislative session, when few of our legislators took action to protect community water sources, we thought it was particularly important to emphasize the gravity of coal sludge's impacts in the coalfields.

More than 50 people joined us in the capitol rotunda for an evening of music provided by Michael and Carrie Kline, testimonies from Maria Lambert of Prenter and Ken Hechler, a showing of a film of the *Buffalo Creek Disaster* and a group meal to renew our spirits in the fight ahead.

After two years of heavy lifting on the legislative front, SSP is turning back to the communities from which the project arose and reaching out to new areas where reports of bad water are cropping up.

## Boone County

Many residents of Prenter Hollow in Boone County celebrated when municipal waterlines were extended up the hollow, bringing safer water to the area. The waterline, however, hasn't extended to all of the hollow's residents, and those farther up the hollow are beginning to organize to have the waterline extended to them.

As this newsletter is going to print, news has arrived that the plaintiffs in the lawsuit over Massey Energy's contamination of Prenter-area well water have settled with Alpha Natural resources, the new owner of Massey.

Given the DEP's recent publication of a study that claimed Prenter well water showed no evidence of mine impacts and was a representative sample of southern West Virginia water quality (yikes!), SSP



During an SSP action near DEP's headquarters, frequent SSP volunteer Michael Morrison sipped the "DEP-approved" sludge water and was overcome with illness. Don't worry, it's street theater, but what the DEP and coal companies do to our water is very real. Fight back! Organize with SSP. Contact [info@sludgesafety.org](mailto:info@sludgesafety.org).

worked with scientists and residents of Prenter to expose the study's flawed methods and results.

On June 9, just days before the trial was scheduled to start, *The Charleston Gazette* ran a "must read" article by Ken Ward Jr., titled "Before slurry deal, records outlined Massey pollution." Note that the "deal" in this case refers to an earlier lawsuit and settlement about Massey's underground coal sludge injection contaminating the wells of people in Rawl, Lick Creek,

Merrimac and Sprigg in Mingo County. Ward's article includes this information:

*Generally, federal and state laws are meant to prohibit mining activities from damaging drinking water, and mine operators that do are required to provide replacement supplies. But in practice, regulators do not always strictly enforce those laws, and residents are forced to turn to the civil justice system.*

*West Virginia Department of Environmental Protection officials have said they have not found connections between slurry disposal and contaminated water, but a review by West Virginia University researchers said the DEP had required inadequate monitoring over the years to allow any real conclusions.*

Reports of bad water downstream from a sludge impoundment elsewhere in Boone County have drawn our attention. As we all know, there is much hesitance to speak out publicly against the coal industry in many of our mining communities, so we aren't presently disclosing the location of this community. But stay tuned for ways to support these folks in securing clean water.

## Wyoming County

A family in Cedar Creek contacted OVEC

about bad water in their hollow near Oceana. The community is reporting high rates of stomach cancer, a rotten egg smell from the water, and, suspiciously, the nearby coal company calling to inquire about changes in well-water quality. OVEC and the rest of the SSP crew are working with residents to learn more, to support them in organizing for clean water, and to bring them into



Dr. Ben Stout and a student test water in Wyoming County. Photo by Maria Gunnoe

the statewide campaign to protect drinking water from coal slurry. (See story at right.)

## Logan County

Blair Mountain isn't the only thing on the line in Logan County. Near the community of

Blair, two sludge impoundments and historic sludge injections at the Island Creek mines are raising questions about the quality of well water and local springs. SSP has completed one round of testing in wells and springs, finding levels of selenium above drinking water standards. One-time water testing offers a snapshot of water quality, which fluctuates based on the movement of water and minerals in the water table. SSP will soon conduct another round of testing.

## McDowell County

Through the work of our SSP partners at Coal River Mountain Watch, we are making new connections with people in McDowell County, where sludge impoundments and injections have contaminated well and city water sources.

## Get Active!

SSP is doing the vital work of connecting people across the southern coalfields dealing with sludge contamination in their water. As we move from this broad community outreach back into policy advocacy, we need you to support these communities. Visit [www.sludgesafety.org](http://www.sludgesafety.org) to get involved. 🍷

**Sludge Safety Project** is co-led by OVEC, Coal River Mountain Watch and concerned citizens. We work for clean water and for community safety near toxic coal waste injection sites and coal slurry dams.

## Stomach Cancer in Cedar Creek

A story about a three-year-old dying from stomach cancer is enough to make anyone pay attention. Well, anyone but our state leaders. But OVEC's Maria Gunnoe surely paid attention when a family in Cedar Creek in Wyoming County told her about an unusually high number of neighbors and family members dying from stomach cancer. They point to polluted water as the cause.

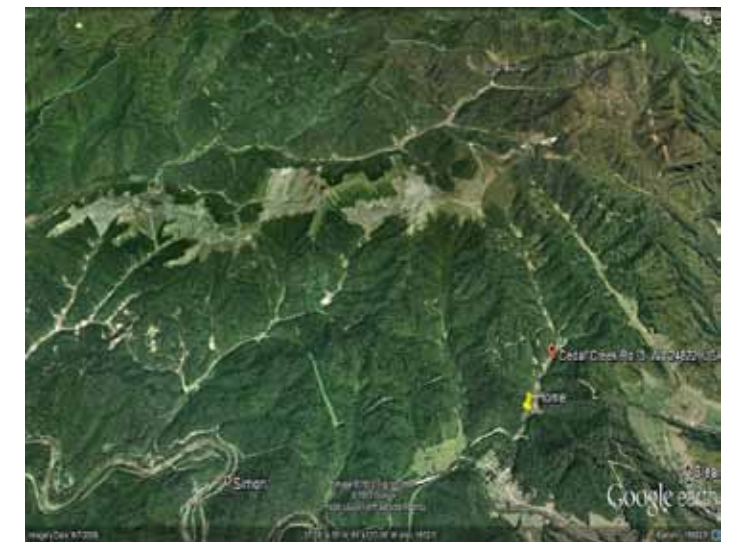
Networking and sharing resources is a big part of OVEC's work. Gunnoe contacted Dr. Ben Stout, from Wheeling Jesuit University, to see if he could test the water. She also contacted several groups to quickly raise funds for the water testing (lab results are costly).

Soon Gunnoe, Stout and an assistant spent the day testing streams and wells in Cedar Creek. "It doesn't look like any healthy water I have ever seen," Gunnoe said.

The test results aren't in yet, but conductivity (which can be measured instantly) of one resident's well was over 700 micro Siemens per centimeter of water (µS/cm). One nearby stream had a conductivity of 2,500 µS/cm.

EPA says that in-stream conductivity levels maintained at or below 300 µS/cm will meet water quality standards. Levels above 500 µS/cm are likely to be associated with adverse effects.

Gunnoe checked out Google Earth to see the extent of mountaintop removal near Cedar Creek:



"It's like looking at the communities of Prenter, Merrimac, Lick Creek, Sprigg and Rawl. The coal industry doesn't care what they leave behind. The only folks that love coal jobs and coal more than water are the ones that haven't had to live without water." 🍷



continued from page 1

A dozen women from throughout Central Appalachia provided personal testimony along with four others who provided expert testimony on “cases” regarding mountaintop removal coal mining before an audience of more than one hundred attendees and three jurists. Those cases included: (1) health impacts on women, their families and their communities; (2) poverty, economic injustice and lack of economic vitality; (3) destruction of communities and social disintegration; and (4) damages to air, land and water.

The sometimes heart-wrenching testimony of these women was heard and responded to by three jurists: Lois Gibbs, the executive director and founder of the Center for Health, Environment and Justice (a 1990 Goldman Environmental Prize winner who organized the Love Canal neighborhood of Niagara Falls, New York, when she discovered her child’s elementary school had been built on a toxic waste dump); Elizabeth Peredo Beltran, the executive director of the Solon Foundation, a social psychologist, writer and activist on water, human rights, culture and racism from Paz, Bolivia; and Grant Smith, a senior energy policy analyst with the Civil Society Institute and former executive director of the Citizen Action Coalition of Indiana.

Maria Gunnoe, OVEC’s community outreach organizer, spoke about her daughter, Chrystal, losing a classmate to cancer when she was only 12 years old. She spoke of Chrystal’s severe sinus and nose-bleed problems caused by breathing rock dust (silica); she was brought to tears as she shared how the knowledge of recent health studies indicate that her and her family’s health is being disregarded to meet our nation’s demands for so-called cheap energy. Gunnoe expressed her anger when she recounted how the coal industry dismissed the peer-reviewed study of 1.8 million live births in Central Appalachia that indicate pregnant women living near mountaintop removal mining between 2000–2003 are 42% more likely to have a child with birth defects. In an outrageous response, a coal industry law firm opined that consanguinity (inbreeding) might be the cause.

At the conclusion of the tribunal, the panel of jurists provided findings and recommendations based on the testimony of the women witnesses. Findings included human rights violations such as lost access to safe drinking water, blocked access to cemeteries and being forced off ancestral lands. Recommendations include an immediate moratorium on mountaintop removal operations and other forms of surface mining operations. See the full list of findings and recommendations at <http://bit.ly/NRsQPH>.

OVEC and the women of Central Appalachia who cherish their mountains, who care for loved ones and family members impacted in so many different ways by mountaintop removal mining, are extremely grateful to all the groups that organized or co-sponsored the Central Appalachian Women’s Tribunal on Climate Justice. All efforts, large and small, add up. We know that women throughout the world are struggling with the impacts and injustice created by climate change; they are also speaking up, speaking out and taking action in their own communities. Although no single event may change the world and the current global power structure as we know it, we can find hope in the fact that we will not be silenced and that we are part of a much larger movement for climate justice across the globe. 🍌

As with tribunals held elsewhere, a primary goal of this tribunal was to give both voice and recognition to women who are fighting for justice in their mountain communities.

In June, the findings and recommendations of the Central Appalachian Women’s Tribunal on Climate Justice will be presented as part of the formal proceedings of the United Nations Conference on Sustainability (Rio+20) in Rio de Janeiro, Brazil. See [www.uncsd2012.org](http://www.uncsd2012.org). A panel of women, including OVEC Executive Director Janet Keating, will present findings from not only this U.S. tribunal, but also from women’s tribunals that have been held around the globe.

## What They Said Students Attend Tribunal



Panelist Ivy Brashear, with Kentuckians For The Commonwealth (left), said, “I have to make a lot of important choices in my life. Of all of the major choices I will have to make, wondering whether it is safe to birth my future children in my

homeland of Appalachia should not even have to register on that list.”

Panelist Lorelei Scarbro, a member of OVEC and community organizer for the Boone-Raleigh Community Group, said, “We don’t live where they mine coal. They mine coal where we live.”



Attendee Rebecca Barnes-Davies, Associate for Environmental Ministries, Presbyterian Church USA, later wrote, “I was moved, convinced and inspired by their stories. I will continue to pray and work for an end to the destructive practice of MTR that is damaging this part of God’s creation. Also, I will encourage others to do so. People of faith have every reason to engage this struggle as a core part of their Christian vocation and identity. As Presbyterian Church USA policy says, ‘God’s work in creation is too wonderful, too ancient, too beautiful, too good to be desecrated.’ God’s work in the mountains of the southeastern United States is the work of these powerful women, this vital stand against MTR, and the beauty and health of Appalachian communities.”



Jurist Lois Gibbs said, “It is so morally wrong. I mean if another country came in and blew the tops off of one of our mountains and harmed and poisoned and tortured and killed our people —

we would not tolerate it. Why, in this country, do we allow these coal companies to come in and do what a terrorist would do?”



*Jeannie Kirkhope, an Appalachian Catholic Worker, was joined at the tribunal by 10 students from Xavier University. Days earlier they had visited Kayford Mountain to see the devastation firsthand and toured other areas to learn about coal history, but the students told her that the tribunal “filled in the blanks” for them. Kirkhope’s impressions follow.*

All their experiences up to that point had given them a good understanding of why and how Appalachia is struggling so much. But the tribunal introduced them to the “whos.” Hearing the women’s first-hand accounts and being able to converse with them face-to-face made it all real. It’s where they found and felt most deeply the connection with the people of our region... they’re still talking about it on Facebook!

I had met a couple of the presenters before, and am well aware of the stories, statistics and struggles. However, the new, kinetic energy I sensed in the room was refreshing for me. These were not voices echoing out into the ether or tears being shed only to be absorbed by the hills themselves. It seemed to me, for the first time, that we were actually being heard.

It’s no news that we women tend to talk to help make ourselves feel better. I suspect that’s why storytelling, like Minton Sparks’ stellar performance, is so prevalent and popular within the movement. It can be a rejuvenating morale boost and can aid us in continuing on in the fight. But when someone is actively listening to us and we feel there is potential for things to change, the healing process speeds up exponentially.

The United Nations representatives gave us a supportive, compassionate, safe space in which to express our fears, share our grief and expose our rage. They gave us their word that they will raise awareness of our plight by taking it to the global stage. And, they gave us hope that, someday, this mountaintop-removal nightmare will end. A heartfelt *thank you* to them, and to OVEC and the other sponsors of the tribunal. 🍌



# Sludges and Drill Mud and Cuttings, Oh My!

by Carol Warren

Ever wonder what happens to the materials left over after a Marcellus Shale well has been drilled?

We know there's produced water, of course, either recycled in a closed loop system or injected underground. But did you know there are also solid wastes — sludges and drill mud and cuttings? Most of these materials are being trucked to West Virginia landfills. Some of the landfills are larger ones, operated by companies that have specifically designed areas to receive gas drilling waste. But smaller municipal and county landfills are beginning to receive this waste, too. And a number of them definitely want it: the tonnage helps them to make money for their operations.

In fact, one area landfill had a piece of legislation introduced during the 2012 Session that would have given the Department of Environmental Protection (DEP) the authority to grant landfills an "emergency" 10% increase to their caps each month, without any input by the local Solid Waste Board. What's the emergency? It's the huge volume of Marcellus waste being produced. Fortunately, the measure did not pass, but we have not seen the end of this effort.

But what's in the waste? Is it being monitored? Are our landfills adequately constructed to protect the public and our water supplies from chemicals in the mud and possible radioactive cuttings? In an effort to obtain answers to some of the questions, Leslee McCarty of the WV Environmental Council (WVEC) and I met with a number of people at the DEP from both the Water Quality and Waste Divisions: Ken Holliday, David Johnston, Yogesh Patel, Sudhir Patel and Scott Mandirola. They were very cooperative in providing the information available, but it was obvious that they are understaffed and therefore unable to do some of the things citizens might reasonably want.

West Virginia has six large landfills with the resources to take on the liability with the waste. There are 11 smaller municipal and county landfills, which see the drill waste as a revenue generator. And some gas companies are paying for the smaller landfills' chemical testing to enable them to accept the waste.

**Marcellus  
SHALE SHOCKED**



Based on the DEP permit forms we have seen, it is quite easy to get a permit for this "special waste," because it is not deemed hazardous. Quality liners are certainly required, and the waste is supposed to be aerated in a separate area of the landfill before any mixing with regular municipal waste occurs. DEP investigates if problems are reported, but is too short-handed to require regular inspection and monitoring of the testing.

Basically, the gas companies are trusted to report what they're bringing to the landfill and are believed, although there is some random testing of loads. If a problem is spotted with the leachate from the landfill liners or on the trucks, it is investigated. DEP pointed out that, once there is a mix of the material, it is difficult to tell whether a problem originated with the drilling waste or with the local trash. They may get a better idea of this when they test the leachate from the Meadowfill landfill, which takes only the drilling waste.

It's obvious that there are potential problems from the list of 41 substances DEP currently asks companies to test for and tests for itself (which not every state does). There are such toxins as strontium 90, dichlorobenzene, free cyanide, dibromochloromethane, barium and others possible in the material. None of these substances can be classified as hazardous because the Resource Conservation and Recovery Act (RCRA, pronounced Ric-ra) magically and inexplicably exempts oil and gas waste. In other listings under RCRA, a number of these same chemicals are listed as hazardous.

When WVEC submitted written questions, we asked how this waste would look to DEP if it were received from another industrial operation. The written DEP response was, "WVDEP cannot speculate on how this waste would be treated if it weren't for RCRA." Really?

Overall, it seems evident that no one has a handle on the magnitude of the amount of drill waste that will be coming down the pike or knows what constitutes adequate testing. Random loads? Every load? Once the smaller landfills become maxed out and need to open more cells, there are the matters of increased environmental footprint and higher costs to local rate-payers to enable the

*continued on page 17*

# Don't Frack the Forest

The natural gas industry wants to commence horizontal hydraulic fracturing (fracking) in Wayne National Forest in southern Ohio. The U.S. Forest Service is considering leasing more than 3,000 acres of our forest to natural gas drilling companies.

In 2011, there were fracking-related earthquakes in Ohio; drilling wastes injected deep underground appear to be responsible. According to the Sierra Club, the drilling process creates so much air pollution that rural Wyoming communities, where fracking takes place, have experienced worse air quality days than Los Angeles. And the toxic chemicals used in fracking can make their way into drinking water.

In early June, eight Ohio and national environmental organizations submitted a position letter on fracking in the Wayne National Forest to Forest Supervisor Anne Carey. The groups called on Wayne National Forest officials to assess the environmental and socio-economic impacts of fracking in the forest prior to offering land for oil and gas leasing.

Please write and ask that a Supplemental Environmental Impact Statement on Marcellus Shale gas development be researched, prepared and released to the public before any land is leased to gas companies:

Anne Carey, WNF Supervisor  
Wayne National Forest  
13700 US Highway 33  
Nelsonville, OH 45764  
agcarey@fs.fed.us

# Sludges and... Oh My!

*continued from page 16*

expansions. And what environmental impacts might result from the materials themselves?

Landfills and waste disposal are not mentioned at all in the Marcellus Shale regulation package that was passed last December. WVEC proposed a study resolution during the 2012 Session to look at these important, unanswered questions and is still hoping that such a study will be undertaken. Please contact Speaker Rick Thompson (D-Wayne) and Senate President Jeff Kessler (D-Marshall) and let them know these issues are too important to ignore. 🍌



# Public Can Add to Study

The Environmental Protection Agency (EPA) has undertaken a study of hydraulic fracturing and is hosting webinar updates of the studies for various groups: industry, policy-makers and non-profits. OVEC staffer Carol Warren participated in a recent webinar update on impacts to water resources.

A chief concern is ensuring the scientific integrity of the study, which EPA plans to do through using independent sources for the data collection, peer review, consultation with other scientists and rigorous quality insurance. The public will also have an opportunity to comment to a science advisory board. The research has been designed to consider the impacts of:

- Large withdrawals from ground and surface water sources
- Surface chemical spills during mixing
- Injection and fracturing processes
- Spills of flowback or produced water
- Inadequate treatment of produced water

Another concern centers on mixes of wastewater with drinking-water byproducts downstream from treatment plants. The chlorine and other chemicals used to disinfect drinking-water supplies can create brominated byproducts downstream, which are potentially damaging to both water and human health. Preliminary internal results will be available on that project in April.

The EPA is also asking whether fracking effects tend to occur more often, and be found in greater density, in places where the disposal is likely to be an environmental-justice issue. The conclusions reached on this portion of the study should be of particular interest to West Virginians.

Visit [www.epa.gov/hfstudy](http://www.epa.gov/hfstudy) for more info. 🍌



# Marcellus Mayday!

On May Day, OVEC volunteer Danny Cook and staff member Robin Blakeman attended a meeting on Marcellus Shale issues, organized by citizens from Doddridge and Ritchie counties.

The featured speaker was John M. S. King, with DEP's Office of Environmental Advocate, who was prepared to show a PowerPoint presentation on the WV Horizontal Well Act. He was scarcely into the program, however, when angry landowners began to raise their specific issues. With about 55 people attending, the room at the Doddridge County Park facility soon became extremely noisy. Agitated comments included:

- "They're taking all the best land in the county for these wells; we're running out of usable farm land!"
- "The system is broken! I've called every person I could reach in DEP, and there still hasn't been any action on my problems with the gas company."
- "There are already harmful chemicals — methane and others — in the city water system in Pennsboro!"

Two local TV news crews were there to witness the Doddridge and Ritchie county residents crying "Mayday!" about Marcellus Shale drilling and waste disposal problems in their area.

Folks discussed a myriad of health concerns. They said the Doddridge County Commission must look into floodplain infringement with the Marcellus Shale wells. If the county allows drilling, then it isn't following its own floodplain management plan. If the county ignores the plan, then FEMA will not be likely to fund any future flood disaster assistance.

Members of Doddridge County Watershed Association underscored the need for citizens to join together to protect our land and watersheds which we all depend upon for clean drinking water. Contact watershed members at [Doddridge-watershed@googlegroups.com](mailto:Doddridge-watershed@googlegroups.com) or 304-288-8118. They also have a Facebook page.

DEP representatives John King and Pam Nixon, also in attendance, urged the landowners to contact them about problems encountered with enforcement of issues in the Horizontal Drilling Act and/or about the location of old, abandoned or "orphaned" gas wells. E-mail King at [john.m.s.king@wv.gov](mailto:john.m.s.king@wv.gov) or call him at 304-382-8666 or 800-654-5227. DEP's spill hotline is 800-642-3074.

We encourage citizens to get involved in Marcellus shale issues. As you can see from the other story on this page, citizens are making a difference in their local areas. OVEC's primary role has been pushing for good state legislation. Our staff and volunteers are working to learn more and become more active. Contact OVEC at 304-522-0246 to get involved. 🍌



## Got Dust? Get Sprayed

On the other end of May, during Memorial Day weekend, Doddridge County residents were alarmed when a gas company truck sprayed *something* on their road, reportedly to control all the dust the company's trucks generate. (See photo above, which is supplied courtesy Anonymous.) Residents tested the sprayed-on puddles with conductivity meters and found very high conductivity and salinity levels.

As one resident, who wishes to remain anonymous, noted, "This is unacceptable — children, livestock, and pets live along this road! It can wash into Broad Run. When it dries and starts blowing around — we will be breathing it! Pets may drink it... We do not want our health compromised any longer — we have been dealing with uncontrolled dust for over two years, but adding more harmful components for us to breathe is even worse. During our family picnic this holiday weekend my family, including children, will be breathing this."

Folks contacted DEP, which resulted in major cleanup action. If citizens hadn't contacted DEP, this cleanup would not have happened. However, at the time of this printing, DEP had not yet provided residents with the information they requested concerning the contents of the fluid.

Some area residents say DEP is routinely slow to respond to their complaints and sporadic about follow up. Nevertheless, they encourage people everywhere to watch the activities of trucks and the industry closely, and to report all problems. Keep a log of the activities you are reporting, with notes on date, time and with whom you spoke.

Again, the DEP's emergency spill hotline: is 800-642-3074. You could also call Tom Aluise, 304-926-0499 extension 1338 and Dave Belcher, 304-389-7590. 🍌

# Coal River: One of the Nation's Most Endangered Rivers

Flowing for 88 miles, the Coal River is West Virginia's second-longest river. It has been prized for fishing, kayaking and canoeing and is on the National Register of Historic Places. The river supports one of the world's most diverse temperate forests, provides habitat for many threatened species and supplies drinking water for mountain communities.

The extremely destructive practice of mountaintop removal (MTR)/valley-fill coal mining poses a dire threat to the health of the Coal River and surrounding communities. The EPA recently published a peer-reviewed study confirming the pervasive damage that valley fills inflict upon water quality and river health downstream.

Some of the largest MTR mines in Appalachia exist in the Coal River basin. Approximately 20 percent of the river's watershed is permitted for coal mining, and one-third of that area has already been mined. More than 100 miles of headwater streams have already been buried under valley fills in the watershed, and more than 50 additional miles are in the crosshairs of pending permits.

A 5,000-acre MTR operation has been proposed that would level Coal River Mountain, one of the watershed's last mostly intact ridges, and dump the resulting "spoil" into mountain streams. (See related story at right.)

That's why Coal River Mountain Watch's (CRMW) Mat Louis Rosenberg spearheaded an effort to nominate the Coal River to American Rivers' Most Endangered Rivers list. West Virginia Highlands Conservancy's Cindy Rank and OVEC's Vivian Stockman assisted Rosenberg and CRMW's Rob Goodwin in Americans Rivers' nomination process.

American Rivers reviewed the nomination and agreed that the Coal River is among the 10 most endangered rivers in 2012. The national organization sought input from the West Virginia groups to develop a media outreach plan, a press release, a fact sheet and an action campaign for the Coal River, centered on the need for Congress to restore Clean Water Act protections.

Learn more and take action:  
<http://bit.ly/JtD2Mt> 🍌



A boy fishes in the Coal River in Boone County, W.Va. Photo by Vivian Stockman

## Alpha idles MTR mine near OVEC's property

In May, Alpha Natural Resources (which bought Massey Energy) announced that, due to "soft" market conditions, the company would idle two mountaintop removal mines — the Twilight MTR mine in Boone County (next to a small piece of property owned by OVEC) and the the Bee Tree mine on Coal River Mountain in Raleigh County. Both mines are in the Coal River watershed. 🍌

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. Send me a Kroger gift card with a \$5 balance so OVEC can start benefiting from my purchases today. Make checks payable to OVEC and write "Kroger gift card" on the memo line. Mail with this coupon to: OVEC, P.O. Box 6753, Huntington, WV, 25773.

## Clean Elections Update

The WV Citizens for Clean Elections Coalition, coordinated by OVEC staffer Carol Warren, was active during the 2012 legislative session in an effort to clean up and extend the Supreme Court Public Financing Pilot Project. This pilot project, passed in 2010, offered candidates an opportunity to qualify for public campaign funding for the two West Virginia Supreme Court seats being contested this year.



Unfortunately, our attempts to extend the pilot project were not successful for several reasons. The Secretary of State's Office had introduced a simple bill (H.B. 4416) to extend the program until 2017, through the next election cycle. However, House Judiciary attorneys used an old funding bill from last year (H.B. 4016) and did a "strike and insert" document, in which they removed the matching-fund provision that was in question after the *McComish vs. Bennett* (Arizona) case. West Virginia Attorney Darrell McGraw had ruled earlier that the pilot project's matching fund trigger was similar enough to Arizona's to also be unconstitutional.

The Judiciary Committee attorneys also inserted the language to extend the program until 2017 into that bill. Supporters had hoped perhaps they might also insert the Plan B "fix" language provided to the Secretary of State's staff by coalition members, to change the matching fund mechanism to one that passes constitutional muster. But that was not done — most likely because the pilot project does have one qualified candidate, and such action would have changed the program in mid-stream. Unfortunately, the fact that the old bill had a title related to funding caused it to be seen as a program that would require additional funds. A Judiciary Committee discussion cleared that up, though, and Judiciary voted the bill out with a very strong positive vote, as there are many long-time friends of public financing on the committee.

However, the bill was also referred to the Finance Committee, though it would be hard to argue that it had any financial implications: the monies for the program were already in place through the original legislation. The Vice Chair of House Finance, Tom Campbell (D-Greenbrier) told coalition members that he thought the legislators were looking for additional monies anywhere they could find them this year, and that an obstacle to the bill would be that if the Legislature allowed the program to expire, they would get at least two million dollars back for the General Fund. Also, it became apparent, as the group continued

to ask the Secretary of State's Office to advocate for the bill, that there was some kind of problem this year in the Secretary of State's Office working with the House Finance Chair, Harry Keith White (D-Mingo).

One of the secretary's staff people eventually reported to Warren that the Chair had said he wasn't running *any* election-related bills — and, indeed, he did not!

The current pilot project does not actually sunset until mid-2013, so the coalition has another shot at fixing and extending it in the next session.

There is no other Republican running for the seat being contested by the one qualifying candidate, so he will not be eligible for matching funds until after the primary. It is difficult to imagine he will not be outspent by the Democratic candidate in the run-up to the general election, so it will be interesting to see what happens when he qualifies for matching funds. Because the "strike and insert" extension bill failed, the matching fund provision is still legally operative, and the Secretary of State's Office has mentioned the possibility of a lawsuit if no matching funds are available as specified in the program. The coalition will continue to monitor the implementation of the program. 🍌

## States join campaign finance fight

On May 20, the Associated Press reported the District of Columbia and 22 states, including West Virginia, are standing with Montana in its legal bid to stop the U.S. Supreme Court's 2010 *Citizens United* decision from being used to strike down state laws restricting corporate campaign spending.

Montana has state-level regulations on corporate political expenditures. A company challenged these regulations, but state courts upheld the Montana law. Now the company, American Tradition Partnership, is asking the Supreme Court to overturn that decision, saying the state law conflicts with the *Citizens United* decision, which removed the federal ban on corporate campaign spending.

The AP reported, "Montana Attorney General Steve Bullock argues that political corruption in the Copper King era led to the state ban on corporate campaign spending. A clarification of *Citizens United* is needed to make clear that states can block certain political spending in the interest of limiting corruption, he said."

The states argue that "state elections are at much greater risk than federal elections of being dominated by corporate money, requiring tailored regulation."

Learn more: [movetoamend.org](http://movetoamend.org) 🍌

## Across-the-Board Political Support for Clean Energy

The coal industry is really wasting money on the propaganda it spews into print and TV ads. Its attempts to marginalize those of us working toward a cleaner energy future for West Virginia and the nation are failing. A survey released in April shows that Americans of all stripes want our energy future to be cleaner, healthier and truly renewable.

OVEC, Coal River Mountain Watch (CRMW) and Christians for the Mountains (CFTM) teamed up with the Civil Society Institute (CSI) to spread the word about the survey.

The survey shows that Republicans, Independents and Democrats agree that the United States should move away from its reliance on dirty energy sources that foul the air and water and toward a future that makes greater use of clean energy sources.

Pam Solo, CSI founder and president, said, "Our new survey is a clarion call to action: Americans think that it is time for decisive action toward a renewable energy future that will protect public health and provide reliable and cost-effective energy. It is only through the work of groups like OVEC, Christians for the Mountain and Coal River Mountain Watch that this 'bottom up' process of change will take place. And it is only through such grassroots-driven processes that we can shake off the partisan gridlock of Washington, D.C., so Americans can focus on what is really important to them: a clean energy future that does not sacrifice our water, air and health to politically powerful nuclear and fossil fuel interests."

See: [www.CivilSocietyInstitute.org](http://www.CivilSocietyInstitute.org) 🍌



### OVEC WORKS!

*Thanks to everyone near and far for taking action to end mountaintop removal, with an extra special thanks to all the residents of the southern mountain communities who speak out courageously. We hope you know how much we appreciate you. OVEC works because of you!*

**THANKS!**



## We've Got the Power

In Huntington this spring, OVEC, Energy Efficient West Virginia (EEWV) and The Coalition for Reliable Power hosted "Real Solutions to Rising Electric Rates," a public forum on electric utilities, rising rates and approaches to energy efficiency.

Participants learned about what has been driving electric rate increases over the past few years, how utilities are regulated by the Public Service Commission (PSC), how energy efficiency programs and incentives can help utility customers save energy and save money on their bills, and why citizens need to push for stronger programs.

"There is a lot of misinformation out there about why electric rates are going up and what the Public Service Commission can do to control rates," said Bill Howley, spokesman for the Coalition for Reliable Power.

Co-presenter Cathy Kunkel, a researcher with EEWV said, "So many studies have shown that it's cheaper to invest in energy efficiency that it is to build new power plants."

Kunkel listed some quick and easy steps people can take now to save money and energy, including using more efficient light bulbs such as LEDs, installing home energy management systems, and up-to-date heating and cooling equipment.

Cost-effective energy efficiency programs with firm but achievable goals can help moderate the growth in electric power demand, reduce the need for expensive new power plants and save consumers money.

See [www.forreliablepower.com](http://www.forreliablepower.com). 🍌

# First-Ever West Virginia MTR Site Still Polluting

The first mountaintop removal operation in West Virginia started in 1970 on Bullpush Mountain in Kanawha and Fayette counties.

The company which began the project, Cannelton Industries Inc., believed that after it had finished blasting apart the mountain for coal, then people would move on to the leveled mountain and a new community would grow. That never happened.

Mining has ended and “reclamation” was completed in 2008. But the pollution continues. One of our stream monitoring teams tested streams flowing off the site. The tests show the mine is still discharging dangerous levels of selenium.

In April, OVEC, the WV Highlands Conservancy and the WV Chapter of the Sierra Club filed a lawsuit alleging that the current land owner, Boone East Development Company, has violated the Clean Water Act due to unpermitted discharges of selenium and conductivity from the “reclaimed” site.

High levels of selenium cause reproductive failure and deformities in fish and other forms of aquatic life. Selenium is discharged from many surface coal mining operations across Appalachia, and is also commonly found in coal combustion waste (coal ash).

The data we collected shows that traditional mine “reclamation” does not end discharges of this toxic pollutant. Selenium bio-accumulates in the tissues of aquatic organisms, and experts predict that waterways across Appalachia could be on the brink of collapse due to increasing levels of the pollutant.

We filed the lawsuit in the U.S. District Court for the Southern District of West Virginia, and are represented by Jim Hecker with Public Justice, and by Joe Lovett and Derek Teaney with Appalachian Mountain Advocates (AppalMAD).

Dan Radmacher, with AppalMAD, wrote in a blog on the group’s website:

*Who should be held responsible for this ongoing pollution and who should have to*



Orange water flows out of the base of the state’s oldest valley fill. Water samples from this spot show high levels of selenium among the pollutants.

*pay to clean it up? The coal companies that held the mining permits for Bullpush Mountain were awarded Phase 3 bond release, absolving them of further responsibility for the site. But the Clean Water Act is clear: No one is*



*allowed to pollute the waters of the United States except in compliance with the terms of a valid permit. There is no permit in place allowing these discharges.*

*If the coal companies that mined the land are no longer responsible, then who is? We believe landholding companies become the responsible parties once mining permits are released.*

## Suing to Curb Pollution

In May, we took legal action to stop pollution from two coal mining facilities operated by Alpha Natural Resources subsidiaries Marfork Coal and Independence Coal.

Joining OVEC in the lawsuit are Coal River Mountain Watch, WV Highlands Conservancy and the Sierra Club. We are seeking to compel the Alpha-owned companies to install protections that will ensure selenium

and other toxins no longer pollute local rivers and streams. We are represented by Derek Teaney and Joe Lovett of Appalachian Mountain Advocates.

The Marfork-owned Brushy Fork coal sludge dam and the Independence-owned Crescent No. 2 Surface Mine are both violating key protections in the Clean Water Act and surface mining laws.

Brushy Fork is the largest coal slurry dam in West Virginia. The impoundment — which holds seven billion gallons of coal sludge — is likely the largest earthen dam in the western hemisphere. Citizen groups, hydrologists and even the United Mine Workers have raised significant concerns over the dam’s size and structural integrity. Many local residents are deeply concerned about their ability to evacuate safely in case of failure.

# NWF Honors Spadaro

Congratulations to Jack Spadaro. The National Wildlife Federation (NWF) recently honored the longtime West Virginia conservation and mine safety activist with a 2012 National Conservation Achievement Award. Spadaro has dedicated his professional and private life in the service of protecting wildlife, land, water, communities and mine workers from the ravages of irresponsible coal mining, ultimately sacrificing his own career in government service to blow the whistle on a giveaway to polluters.

“Through his four decades in public service, Jack Spadaro has always put the health and safety of coal miners and their communities first,” said Larry Schweiger, president of NWF. “Jack showed incredible courage in refusing to back down to political pressure, taking a stand for safety, health and environmental standards in the coalfields.”

Spadaro began his career investigating the Buffalo Creek coal waste dam failure that took the lives of 125 people and destroyed seventeen communities in February 1972. A mining engineer by trade, Spadaro worked for 38 years in state and federal agencies charged with regulating the coal industry. But in 2000, Spadaro refused to sign a watered down account for a mountaintop removal mine that had dumped over 300 million tons of toxic sludge into neighboring streams and was forced from his job at the Mine Safety and Health Administration.

“Much more needs to be done, both to enforce laws to protect public health and mine workers and to mobilize those hurt by mountaintop removal and reckless mining practices,” said Spadaro. “But I’m encouraged by the energy and commitment of the young people and coalfield citizens I work with every day, bringing us closer to justice for Appalachia.”

Read Spadaro’s most-excellent acceptance speech here: <http://bit.ly/LVFiMp>

## An Appalachian Hero

Congratulations to Attorney General Darrell V. McGraw. On May 31, the Appalachian Community Fund honored McGraw with an Appalachian Hero Award for his work for social change and justice. Since being elected Attorney General in 1992, General McGraw has returned over \$1.9 billion to West Virginia and its citizens for violations of the state’s consumer protection act and antitrust laws.



# Boom Boom Good Good

Congratulations to Affrilachian Poet and OVEC board member Crystal Good. Her first book of poetry, *Valley Girl*, is now published. In the book, Good explores the complexities of environmental, social and racial issues in the context of West Virginia and the Kanawha Valley.

Check out Good reading “BOOM BOOM” a poem reflecting on strip mined mountains and strippers at <http://bit.ly/Nc6GpW>.

OVEC is proud to have been the first publisher of Good’s poetry. That was years ago, in this newsletter. Learn more at [crystalgood.net/](http://crystalgood.net/).



### Stay Connected!

**Stay Informed by E-mail:** Join OVEC’s Action Alert! e-mail list by going to [www.ohvec.org](http://www.ohvec.org) and clicking the “Action Alert” button. This is not a discussion list, so you won’t be swamped with e-mails.

**Stay Informed by Phone:** 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 Online:** Visit [www.ohvec.org](http://www.ohvec.org) frequently for updates. Check out our extensive background information in the Issues section. We are on **Facebook** and **Twitter**, too. Link up from [www.ohvec.org](http://www.ohvec.org).

## This is Not a Game

On May 9, *The New York Times* published an op-ed by NASA climate scientist James Hansen, titled “Game Over for the Climate.”

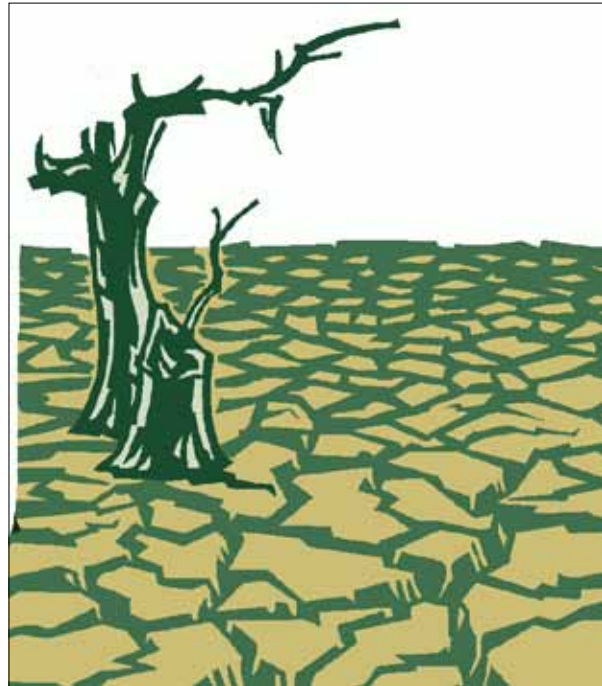
Hansen’s opening words: “Global warming isn’t a prediction. It is happening.” He points out that extremely hot summers are on the rise and scientists can say “with high confidence that the recent heat waves in Texas and Russia, and the one in Europe in 2003, which killed tens of thousands, were not natural events — they were caused by human-induced climate change.”

Hansen writes that if Canada’s tar sands are exploited, then our future will be apocalyptically grim. The op-ed continues:

*This is why we need to reduce emissions dramatically. President Obama has the power not only to deny tar sands oil additional access to Gulf Coast refining, which Canada desires in part for export markets, but also to encourage economic incentives to leave tar sands and other dirty fuels in the ground.*

*We need to start reducing emissions significantly, not create new ways to increase them. We should impose a gradually rising carbon fee, collected from fossil fuel companies, then distribute 100 percent of the collections to all Americans on a per-capita basis every month. The government would not get a penny. This market-based approach would stimulate innovation, jobs and economic growth, avoid enlarging government or having it pick winners or losers. Most Americans, except the heaviest energy users, would get more back than they paid in increased prices. Not only that, the reduction in oil use resulting from the carbon price would be nearly six times as great as the oil supply from the proposed pipeline from Canada, rendering the pipeline superfluous, according to economic models driven by a slowly rising carbon price.*

*But instead of placing a rising fee on carbon emissions to make fossil fuels pay*



## Climate C H A O S



*their true costs, leveling the energy playing field, the world’s governments are forcing the public to subsidize fossil fuels with hundreds of billions of dollars per year. This encourages a frantic stampede to extract every fossil fuel through mountaintop removal, longwall mining, hydraulic fracturing, tar sands and tar shale extraction, and deep ocean and Arctic drilling...*

*The science of the situation is clear — it’s time for the politics to follow. This is a plan that can unify conservatives and liberals, environmentalists and business. Every major national science academy in the world has reported that global warming is real, caused mostly by humans, and requires urgent action. The cost of acting goes far higher the longer we wait — we can’t wait any longer to avoid the worst and be judged immoral by coming generations.*

Read the op-ed: <http://nyti.ms/JDXNoh>

## Coming In Hot, Hot, Hot

In June, the Associated Press (AP) reported that in the United States the 2012 spring was the hottest spring on record.

“March, April and May in the Lower 48 states beat the oldest spring temperature record by a full 2 degrees. The three months averaged 57.1 degrees, more than 5 degrees above average. That’s the most above normal for any U.S. season on record,” AP reported.

The wire service also noted, “The first five months of 2012 were the hottest start to a year in U.S. weather record history. The 12-month period starting last June is also the hottest on record.”

In West Virginia, Elkins had the hottest spring on record. Charleston and Huntington had the second hottest springs ever recorded.

## Kicking the Coal Habit

The May–June 2012 issue of *Audubon* magazine features an article titled “Kicking the Coal Habit” by Ted Williams, subtitled “America may be coming to grips with the dark side of our cheapest, most abundant energy source, but a plan to unload it on Asia threatens to poison our planet.”

The article notes that America is moving away from coal-fired power plants. None of the 150 new coal plants in the works three years ago have broken ground, and around three dozen coal-fired plants are slated for closing, mainly because of the current glut of shale-derived natural gas.

But coal exports to Asia are on a steep rise. “China, where most of the coal would go, is building the equivalent of two 500-megawatt coal-fired plants each week. Although it produces twice as much coal as the United States, it has gone from a net coal exporter in 2008 to a net importer today,” Williams reported.

“Coal isn’t far behind firearm homicides or drunk driving in killing people, annually causing 24,000 heart attacks, 217,600 asthma attacks, and dispatching 13,200 Americans, according to the Clean Air Task Force. And the toll is undoubtedly higher in China, where citizens are demonstrating against coal power by the tens of thousands.”

Williams notes that “clean coal” is a term concocted for the industry by a public relations firm and writes, “The Ohio Valley Environmental Coalition’s Vivian Stockman provides clean coal’s best definition: ‘the mother of all oxymorons.’”

The article exposes the “flatland version of the mountaintop removal” going on in Montana and Wyoming, where much of the coal headed for Asia would be mined. Williams visits a coal-fired power plant, too. He delves into the troubles caused by all things coal—toxic coal ash, political corruption and “breathtaking” hypocrisy on the part of officials who want fewer greenhouse-gas emissions and more renewable energy for their town, as well as more coal exports from their port.

Rancher Nick Golder, with the Northern Plains Resource Council (NPRC), told Williams, “Coal is cheap because the industry doesn’t pay its bills.”

Clint McRae, another rancher and NPRC member, told Williams, “If it’s for a plant in the United States, that’s one thing. But they’re talking about using condemnation to take my private land (for a rail line) so they can haul coal to a communist country. This is a game changer.”

Williams concludes his article, “While we cannot wean ourselves from coal anytime soon,



John Amos coal-fired power plant near Charleston, West Virginia. Thanks to SouthWings for providing OVEC with the flyover that resulted in this shot.

we’re phasing it out. Despite the ‘clean-coal’ media blitz, Americans, from liberal environmentalists to conservative ranchers, now recognize it as a filthy, 19th-century fuel source whose days are clearly numbered.”

Read the article: <http://bit.ly/ILSL4y>

## Greenhouse Gas in Danger Zone

On May 31, in “Warming gas levels hit troubling milestone,” the Associated Press reported that carbon dioxide levels in the air above the Arctic rose to more than 400 parts per million (ppm). Many

scientists say the highest safe level for carbon dioxide is 350 ppm. Worldwide, the level is now 395 ppm.

Before the Industrial Age, 275ppm was the norm.

AP reported, “For more than 60 years, readings have been in the 300s, except in urban areas, where levels are skewed.

The burning of fossil

fuels, such as coal for electricity and oil for gasoline, has caused the overwhelming bulk of the man-made increase in carbon in the air, scientists say.”

Now, readings are coming in near or beyond 400 ppm.



# Cradle to Grave

by Karen Scalf, OVEC board member

“His fifth great-grandfather is buried there,” she says as she points to the small outcropping of trees on the barren ridge line above us. That ridge line made barren by Alpha, formerly known as Massey Energy. The cemetery that barely remains among those trees stands sentinel on shaky ground. Ground that is blown to smithereens several times daily to expose the coal seam. Ground that used to be a mountain flourishing with life, sustaining the life of the mountain people cradled by her. Mountain no more. Lifeless gray rubble dumped over the edges, stopping the creek’s flow. Poison inserted in her veins, exposing all who drink her waters to the toxicity of greed.

The ruthless relocation of families from Lindytown, a community along the Coal River in Boone County, West Virginia, has created the ghost road. Some were given 60 days to leave their homes of 60 years. One woman dropped dead from grief on her front porch after a coal company engineer told her she needed to hurry things up, that she was slowing down progress.

Highway 3, once the vital connector between river valley and mountain communities, was shut down by the Twilight mine, an operation covering hundreds of acres of what used to be mountains and abundant streams, now shattered, closed off, turned to dusty moonscape.

Homes that once stood in the protection of the mountain have been leveled, with only memories and chain link fences left to guard the asbestos siding the coal contractors conveniently buried underground. The road itself is only open to coal company employees while a mountainous rubble of discarded mountain rises up in the middle, cutting off access and isolating Southern West Virginia communities.

We stand now in the serenity of the Cook Family

Cemetery, where five or six generations are laid to rest. We listen to the stories of devotion and destruction. We look out upon another cemetery across the ghost road and upon the flattened mountain in the distance. Another consecrated site made almost inaccessible. To visit family graves there now, you must be accompanied by an armed guard from the coal company.

In the cemetery, we see a bright orange salamander, a red-spotted newt welcoming us to this beautiful hillside spot where tombstones remind us of the toils and joys of our ancestors, where shade trees and tiger lilies grow. Where people roamed and gathered edible greens, medicines and wildflowers. Or hunted for food in the woods and streams, learned the rhythms of nature, were one with her. When the



Thanks to a flyover provided by SouthWings, OVEC snapped this shot a few years back. The community of Lindytown has now been driven to extinction. Just a few structures remain.

salamander moves to the water to give birth, what will become of the creatures born into this contamination?

The deep mining jobs were dangerous but good for a long time. Until Massey came along in the 1980s and broke up the unions. They reopened the mines and hired working men who’d dug coal for 30 years at \$11 an hour with no benefits. Worked them 14 hours

a day until they’d met their quota. That was before they started reducing the mountains to rock piles and bringing in crews from outside the state. Before hundreds of thousands of good paying coal jobs shrunk to the tens of thousands state-wide.

Now, as then, the spring rains come, now with the threat of killing, contaminating floods. The mountain contours and flora once contained the swollen rivers much better. Now streams are artificially dug and loaded with a deadly mix of chemicals used by the coal company to remove the solids. Now they flow down the “reclaimed” mountains — rock piles covered in a light layer of fuzzy grass. Not much else will grow there. They get clogged with coal sludge. No moss or trees to absorb water and provide life.

*continued on page 27*

# Cradle to Grave

*continued from page 26*

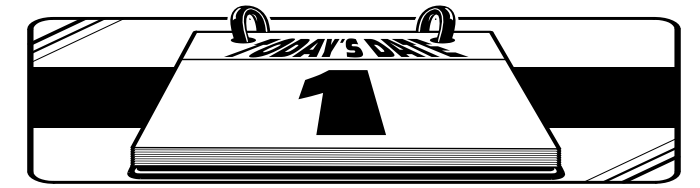
Now we stand on a small piece of land in Twilight, West Virginia. A community caught between the life-destroying coal operations on the two mountains it is jammed between. Once cradled by the power of the mountains — their life force. Now forced to endure poisonous air, foundation jarring blasts, deadly water. Forced to sell or stick it out, in a land once flourishing.

Shaped by the mountains, our identities are embedded in their grandeur. In their bedrock sturdiness, their ever-changing hues. However, many of us in this country can’t say we live where generations of our families have lived for almost 200 years. Sometimes even in the same house our great-grandfather built. We don’t remember how to gather wild greens and sit in stillness. This is the dehumanization, the eradication — of people. This is the corporation looming and destroying without consequence to themselves, but with grave consequences to all of us. To let this continue is un-American, un-democratic, unconscionable.

I wish you could see what I’ve seen and be moved to help stop this permanent removal of millions of years of the layers of our lives. And I’ve only seen a little. And I don’t live and breathe it. I’m two hours west, in a train-hub river town where the coal-laden river barges flow past night and day, where the railroad coal cars sit fully loaded, waiting on the price to rise. Oh, the price we’ll pay.

Our guide, OVEC organizer Maria Gunnoe, has witnessed it all in Boone County. She’s seen her house and barn almost float away. She’s been accused of trespassing on what used to be her walking path. Seen the people she’s known her whole life forced out of their homes. Seen a coal company employee plow over the “illegal” flowers she planted in the danger zone, which just happens to be across from the Twilight Community Park. And she’s seen the landscape that is her identity, her heritage, her right — she’s seen that bought and sold, dumped and destroyed, like it’s so much sawdust. Still, she walks these hills and streams. She opens her heart to her people, to the outsiders who come to help. Guards against those who threaten her, and continues her work to save her homeland, her way of life, her people, her mountains. Our streams. Our mountains. Our people. 🍷

*What we do to the land,  
we do to the people.*



**July:** The Alliance for Appalachia’s D.C. Days\*

**July 27:** 5 p.m. OVEC membership picnic at Kanawha State Forest near Charleston. Contact Robin Blakeman at robin@ohvec.org or 304-522-0246 for details.

**July 28:** 2 p.m. Stop the Frack Attack Rally in Washington, D.C. This National Day of Action will bring thousands to D.C. to put public health, clean water and air, and the safety of our communities before drilling-industry profits. Buses will be leaving from points in West Virginia. Call OVEC at 304-522-0246 for details or see [www.stopthefrackattack.org](http://www.stopthefrackattack.org).

**August 7-9:** Faces of Leadership conference in Charleston, West Virginia (see: <http://bit.ly/LTuiND>). OVEC has funds budgeted to help our active volunteer leaders get this type of training, so if you need financial assistance to attend this conference, contact Robin Blakeman at robin@ohvec.org.

**August 22:** WV Public Energy Authority (PEA) meeting at the State Capitol. Discussion will include a review of the state’s energy plan.

**September 5:** 9:30 a.m. at Big Sandy Arena in Huntington. Public Hearing on PEA’s WV Energy Plan. Hearings Sept. 6 in Morgantown and Sept. 7 in Martinsburg. Call the OVEC office at 304-522-0246 for details.

**September:** D.C. Days\*

**September 8:** Save the date! A conference on the effects of fossil fuel energy on human health is to be held in Morgantown, West Virginia.

**October 23:** 7:30 p.m. Rackham Auditorium at the University of Michigan, OVEC organizer Maria Gunnoe will be awarded the 22nd Wallenberg Medal. After the medal presentation, Gunnoe will give the Wallenberg Lecture.

**October 27:** OVEC turns 25 years old in 2012. Come to our birthday bash; dance to Voodoo Katz. Save the date!

\*If you want more information on D.C. Days or the Week in Washington, contact OVEC staffer Robin Blakeman at 304-522-0246 or robin@ohvec.org.

Visit our “Events Calendar” page at [www.ohvec.org](http://www.ohvec.org) often for more calendar updates.

## What Exactly Is Obscene Here?

Why would Representative Doug Lamborn (R-CO) be so anxious to censor a photo Maria Gunnoe wanted to show during her testimony to a Congressional subcommittee? (See page 4.) Why would he and Representative Doc Hastings (R-WA) allow Gunnoe to be detained and questioned for 45 minutes?

Adam Smith of Public Campaign has some insight in his June 6 blog:

*It seems crazy, of course, to think members of Congress would want to censor photos like this instead of focusing on their subject: that children are being poisoned by the energy policies they parrot.*

*But, as we always say at Public Campaign, it's important to follow the money.*

- Lamborn has received \$191,212 from coal, oil and gas, and electric utility industry donors during his Congressional career, according to our analysis of data provided by the Sunlight Foundation.

- That's \$128,712 from oil and gas interests, \$33,000 from coal mining, and \$29,500 from electric utilities.

- Top donors include the National Mining Association (\$16,000), Koch Industries (\$12,500), ExxonMobil (\$10,500), and Arch Coal (\$8,000), the second largest coal producer in the U.S.

*In fact, in the days before that hearing, Lamborn held two fundraisers—one at the Capitol Hill Club in Washington, D.C. and one at the Robert Trent Jones Golf Club in Virginia.*

*The lobbyists in attendance, some who may represent these dirty energy donors, were likely allowed to speak freely without fear of censorship unlike Gunnoe.*



Joel Pett's editorial cartoon (used with permission) appeared in the June 10 *Lexington Herald Leader* along with an editorial, "EPA should hang tough in the coalfields," which read, in part:

*U.S. Rep. Doug Lamborn, R-Colo., and his staff owe an apology to award-winning environmentalist Maria Gunnoe.*

*Although, really, in the scheme of wrongs perpetrated against coalfield residents, a false accusation of child pornography is no biggie.*

*Compared with poisoned water, elevated rates of cancer and birth defects, floods, blasting, ubiquitous dust, close encounters with coal trucks, poverty and the knowledge that anyone who protests the abuses is taking a personal risk, the harassment Gunnoe suffered recently at the U.S. Capitol is just about par for the course.*