



Winds of Change

Celebrating 25 Years of Organized Voices and Empowered Communities

Huntington, WV

OVEC

www.ohvec.org

OVEC – 25 Years of Making a Difference (Part One)

By Dianne Bady

How would our region be different if OVEC had never existed? Let's start by looking at the Huntington Tri-State area (Huntington, West Virginia; Ashland, Kentucky; Ironton, Ohio). Twenty-five years ago, BASF was looking at our area as a site for disposal of the toxic wastes generated at their 25 U.S. chemical plants. Statewide, Ohio leaders and local economic development officials and politicians pushed hard for the jobs. OVEC formed to keep the toxics out. Despite being a smallish group of volunteers fighting the power structure, we won by generating citizen opposition and galvanizing the County Public Health Physician to write an op-ed in the local newspaper, warning that toxic waste incinerators near populated areas pose a very real health threat (he used credible scientific information that we spent weeks digging up).

BASF decided not to build one centralized waste disposal facility and to work harder on making manufacturing process changes to reduce the amount of toxic wastes they produced.

This area would be quite different if that mammoth toxic "disposal" area were here today — yes, there would be those jobs, but can you imagine all the toxic waste trucks people would be dodging on the highways? How our air would smell? How many people could have become sickened as a result? Clean businesses that have opened here might not have wanted to locate in an area with a national-scale toxic chemical waste disposal in their backyard.

Children on the edge of Huntington 25 years ago



Over the years, people power has been key to OVEC's successes. Here, in 2002, people gathered, with their demands for change, on the State Capitol steps.

were riding bikes over a big pile of abandoned blue industrial waste. We had the blue "rocks" tested, and they contained high levels of cyanide bound to other chemicals. We convinced the WV Division of Natural Resources to force the responsible company to take action, and kids were no longer exposed to potentially harmful industrial waste.

Back then, a large Ohio chemical plant was using deep-well injection to get rid of all their toxic wastes. Their plan was that the wastes would stay deep in the earth forever. But, in reality, the poisons were coming up to the surface on private landowners' property. We had those fluids tested, and the chemicals matched

the wastes that were supposed to stay underground forever. After we drove the test results to Columbus, the Ohio EPA demanded that the deep-well disposal end. Since then, those wastes have been pumped out of the ground and into lined ponds, where special bacteria break down the toxic chemicals. Landowners could rest easy that their land was no longer being contaminated.

We worked with people living in Kenova, West Virginia, for 11 years to end the pattern of serious

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Our future depends on listening to our neighbors

from an August 4 *Charleston Gazette* op-ed by Becky Park

The *Charleston Gazette* reported that before a mountaintop removal protest turned into a deadlock of loud opposition, the mining supporters and those who want an end to mountaintop removal had some “healthy, civil dialogue” and “respected” each other.

I had a similar experience the day of the protest. I found myself on a road where a coal miner said I had no right to be.

He stood in front of my car with an iron pipe. I rolled forward and he stepped up to my bumper. His wife and child sat in a four-wheeler 20 feet away. I knew I was on a county road but exactly where on the county map were we? Then a young man with a knapsack walked in from the other direction and the man with the iron pipe turned on this newcomer. I left my car and stood between them. For the next two hours we stood in the sun waiting for the law to arrive.

Earlier, a sign at the ice cream stand said there would be a mining protest and a counter-protest in the area, but I had passed two state cruisers long ago and believed they were escorting people away. Thinking the hoopla was probably over, I thought I might enjoy a rare day by myself in the country.

I had always wondered what I would say if someone accused me of being a treehugger. I am very guilty of loving trees. Moments before I had been admiring the hemlocks below the narrow gravel road.

I also love the hard-working people who run heavy equipment, so again and again I have found myself on the middle ground of this conflict. Turns out there was plenty of shared territory in this microcosmic stand-off: The young man whose presence was so offensive is at the bottom of the economic ladder -- a manual laborer. The man

with the iron pipe is a miner with fresh memories of bad treatment under Massey Energy. His retired miner father who moved in and out of this scene is against mountaintop removal, and both families -- grandparents, parents and three good-looking boys -- live off the grid using a combination of wind, solar and fuel-powered generators.

My thoughts from teetering on the balance of possible violence that day?

We are never going to move past being consumed by hate until we resolve to listen to our neighbors' concerns. Every sentence that we utter that begins with "They believe..." or "They think..." does two things: It paints real people as cartoons to be ridiculed and despised, and it makes us deaf to the stranger's needs and heartfelt desires.

I found out later that the action against mountaintop removal took place 100 miles away. This young man said he was camping with the protesters, but for whatever reason he had not gone to the protest. He said this was the first time he had walked that road in the daylight. He had been walking this place in the dark, walking silently, a stranger in the hills we love.

When he was confronted by the man with the iron pipe, he quietly apologized for offending the landowner. When the wife said they had been insulted by protesters, he said he was sorry that had happened, that she did not deserve to be insulted. He affirmed his support for a man to be able to feed his children. He listened, I listened, and I began to hear the angry landowner, the miner, giving voice to his frustrations.

"Things should never have gotten like this," the miner said.

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Water Rules, No Matter the Ruling

On July 31, the WV Environmental Quality Board (EQB) ruled that a Clean Water Act (CWA) permit the WV DEP issued for Patriot's New Hill West MTR mine is unlawful, because it does not limit harmful pollution that degrades water quality. Sierra Club and Appalachian Mountain Advocates won this case.

That same day, the U.S.

District Court for the District of Columbia ruled in the coal industry case challenging a U.S. EPA guidance document, which was meant to ensure compliance with the CWA and protect Appalachian communities from MTR mining pollution. This court found that, to protect Appalachian streams from the harm caused by mining pollution, EPA should have issued a formal regulation instead of a guidance document. On these grounds, the court vacated the EPA's conductivity guidance.

In the federal case, OVEC, along with other groups from West Virginia, as well as Kentucky,



Tennessee and Virginia groups and Sierra Club — represented by Earthjustice and the Appalachian Mountain Advocates — opposed this coal mining industry lawsuit as intervenors in support of EPA's effort to follow the CWA, consider the latest science and protect America's waters from destruction.

The EQB decision

demonstrates that the science is clear and stricter permits are necessary to protect Appalachian waterways from coal mining pollution, including very high levels of conductivity and harmful total dissolved solids. Multiple peer-reviewed scientific studies show that MTR mines create lasting, irreparable harm to streams and water quality.

The EPA relied on these same studies to support its final guidance, and, although the federal court ruled against the guidance, nothing in its decision questioned the scientific consensus behind the guidance. The federal court ruling does not affect the EQB's decision.

These rulings emphatically underline the need for EPA standards that are based on the overwhelming scientific consensus that pollution from MTR mines and coal waste disposal threatens Appalachian streams. 🍷

Judge OKs Logan MTR Permit

excerpted from an August 10 *Charleston Gazette* article by Ken Ward Jr.

In another significant legal victory for the coal industry, a federal judge on Friday refused to block a Clean Water Act permit for a mountaintop removal permit in Logan County.

U.S. District Judge Robert C. Chambers ruled against an effort by the Ohio Valley Environmental Coalition to stop the Reylas Surface Mine, proposed by Highland Mining, a subsidiary of Alpha Natural Resources.

Chambers said that scientific evidence clearly shows mountaintop removal is damaging water quality and aquatic life downstream from mining operations. But the judge said a previous appeals court ruling tied his hands, forcing him to defer to the

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Selenium Cleanup Costs Companies

OVEC has been educating people and organizing against mountaintop removal for nearly 15 years. Thanks to our great lawyers at Appalachian Mountain Advocates, Sierra Club, Earthjustice and Public Justice, we've been able to sue mountaintop removal companies for their illegal activities.

We all know that MTR continues to destroy streams, mountains and human lives. What may be less obvious is that without the work of OVEC and our lawyers and co-plaintiffs, there would be much more mountaintop removal happening. Our collective work has made a real difference, in spite of the horrible problems that remain. For just one example, Boone County residents near Patriot's Jupiter MTR mine would not likely still be living there, if not for one of our previous legal victories.

From the first days of OVEC's fight against MTR, we've argued that if the companies had to pay the full costs of the results of their activities, this extreme type of mining would not be profitable, and companies would have to do more underground mining instead. (MTR releases heavy metals.)

Over the past several years, we've sued many MTR mines for their illegal selenium water pollution. In the beginning, company officials said that there was no way to clean up selenium pollution, so they argued that government agencies had no choice but to allow this pollution to continue in order to make it possible to strip mine coal. By its actions, WV DEP seemed to agree — either by allowing companies to strip mine without imposing legal permit limits for selenium, or by giving companies one extension after another on meeting legal limits for selenium.

Thanks to our clever and determined lawyers, led by Joe Lovett and Derek Teaney, today, many lawsuits later, the mountaintop removal industry has been forced by federal court to spend hundreds of millions of dollars on selenium treatment systems. Especially in a difficult coal market, we hope that new and expanded mountaintop removal mining will come to be seen by investors and companies alike as being an unwise financial investment. 🍷

More Selenium Lawsuits

In July, OVEC, WV Highlands Conservancy and the Sierra Club filed another lawsuit against Alpha Natural Resources to stop pollution coming from nine different coal-mining facilities owned by subsidiaries of Alpha. The mines, located in Logan, McDowell, Boone and Kanawha counties, all violate key protections in the Clean Water Act and surface mining laws regarding selenium pollution from mountaintop removal or traditional mines and associated facilities.

Also in July, the same groups filed suit against Fola Coal's massive mountaintop removal mine in Clay County for selenium violations.

These legal actions reinforce the message to coal executives that mountaintop removal mining is not in their economic interest.

"Growing scientific evidence points to a human health crisis in mountaintop removal communities," said Dianne Bady, OVEC's co-director. "It's finally costing companies, too."

Alpha is the nation's third-largest coal producer, and, after its recent acquisition of Massey Energy, the largest MTR mining company in the country, responsible for about 25% of MTR coal production.

In December 2011, we settled with Alpha regarding selenium pollution at three sites, where Alpha must treat the selenium pollution at an estimated cost of more than \$50 million. Alpha must also pay penalties of \$4.5 million. Now, we find selenium pollution at the sites named in July's legal challenge.

Selenium, a toxic element that causes reproductive failure and deformities in fish and other forms of aquatic life, is discharged from many surface coal mining operations across Appalachia. Selenium accumulates in the tissues of aquatic organisms over time, and experts predict that waterways across Appalachia could be on the brink of collapse due to increasing levels of the pollutant.

The groups seek to ensure Alpha installs the appropriate protections at these sites, which would improve the quality of West Virginia waterways for the residents and natural life that depend on them.

The groups are represented by Derek Teaney and Joe Lovett of Appalachian Mountain Advocates. 🍷



Judge OKs Permit

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Corps of Engineers' permit approval.

In a 31-page decision, Chambers made clear he was bound by a 2009 ruling in a case involving Aracoma Coal Co., in which the 4th U.S. Circuit Court of Appeals said he overstepped his authority in throwing out four permits issued by the corps.

"This court must adhere to the guiding principles of deference under Aracoma in ruling on plaintiffs' challenges to the corps' decision, despite substantial scientific evidence contrary to that decision," Chambers wrote.

The judge defended the corps, saying it was acceptable for the corps to rely on water quality determinations made separately by officials from the W.Va. Department of Environmental Protection, which processes water pollution discharge permits and signed off on the permit at issue.

The judge noted, however, growing concerns about mountaintop removal's effects, and the heated dispute between the U.S. Environmental Protection Agency and the DEP over how such mining should be regulated.

"Miles of West Virginia streams are being buried under valley fills covering hundreds of acres, dramatically altering the landscape and streams throughout Southern West Virginia," Chambers wrote. "The EPA and the WVDEP have been at loggerheads in evaluating these impacts and taking action to strike the balance between the state's economic interests in mining and its obligation to protect West Virginia's environment."

At issue before Chambers was a Clean Water Act "dredge-and-fill" permit needed for Alpha for its 635-acre Reylas Surface Mine near Ethel in Logan County.

The Ohio Valley Environmental Coalition and other citizen groups argue that the mine would add to existing pollution problems in the Dingess Run watershed, and that the corps did not allow public input on the company's proposal to mitigate mining damage. 🍷



Some of those miles of lost streams.

EPA Not Without Power Over Coal

excerpted from an August 7 Charleston Gazette op-ed by Mark 'Buzz' Belleville

A confluence of events over the past few years has reduced coal consumption in the United States to its lowest levels in decades. A recent string of court victories, however, has provided a lifeline to surface mining operations (commonly referred to as mountaintop removal) in Appalachia.

For years, about half of the electricity generated in the U.S. came from coal combustion. That number has dropped, to about one-third over the past two years. **Appalachian coal companies have countered by nearly doubling the amount of their coal exports over the same time period.** Reasons for the drop in domestic coal include the somewhat sudden abundance of cheaper natural gas.

Industry also argues that regulatory efforts under the Obama administration have contributed to the decreased use of coal. A handful of major new air quality standards that were delayed under the Bush administration have been proposed and/or implemented; there has been increased enforcement of mine safety standards after the 2010 explosion at the Upper Big Branch mine killed 29 miners; and there are continuing proposals to treat fly ash, as a "hazardous substance" under federal law.

But it is the EPA's attempt to utilize the Clean Water Act (CWA) to make it nearly impossible for surface mining operations to dispose of the earth they displace into nearby valleys that directly targets surface mining operations prevalent in Appalachia.

The EPA purports to base its increased CWA Act enforcement on reports showing that sites downstream of MTR operations have significant increases in conductivity, as well as sulfate and selenium concentrations. The coal industry challenged the EPA's CWA authority in federal court. In a series of three decisions over the past nine months, the U.S. District Court for the District of Columbia has sided with industry.

A bit of background is needed to understand the recent court decisions' impact on surface mining in Appalachia. The CWA, one of a series of major environmental laws passed in the early to mid-1970s, prohibits discharges into the waters of the United States without a permit. The EPA has authority over permits for the discharge of "pollutants," while the

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How Many Mountains Can We Mine?

by Dianne Bady

A study published in July in the peer-reviewed journal *Environmental Science and Technology* examined a 12,000-acre region in southern West Virginia, where, from 1976 to 2005, companies have mountaintop-removal-mined five percent of the land. Emily Bernhardt, a Duke University researcher, reported that as the number of mines increased, so did the impairment of streams located downstream from the mines. Remember, our streams support some of the highest levels of biodiversity in the temperate zone.



It's important to recognize that surface coal mining pollution doesn't stop at mine-permit boundaries

- Brian D. Lutz, a postdoctoral associate at Duke's Nicholas School of the Environment

all along: that “these large-scale mines are truly damaging to our ecosystems.”

Proponents of mountaintop removal have accused us of caring more about insects than about people. But doesn't it make sense to think that any pollutants that seem to be killing insects are not doing people any good either? Isn't it likely that the kind of pollution that is harming small critters may also be partially responsible for the high rates of birth defects, cancer and other serious illnesses in communities near mountaintop removal?

The study is titled, “How Many Mountains Can We Mine? Assessing the Regional Degradation of Central Appalachian Rivers by Surface Coal Mining.” Bernhardt's team, which included researchers from Baylor University, as well as Duke, studied WV DEP's chemical and biological data taken from 1997 to 2003. DEP had monitoring data for 223 streams in the area mentioned above.

To me, it seems as though a relatively small amount of strip mining resulted in large impairments in offsite water quality. When only one percent of upstream land had been mined, substantial declines in diversity of stream insects were found. Where five percent of the land had been mined upstream, so many species had disappeared that 22% of the streams could be classified as biologically impaired according to criteria set by the state. That's more than 1,700 miles of streams. A status of biological impairment means that the stream could be placed on a list that states must take steps to rehabilitate. (And would it be the taxpayers paying to clean up the coal industry's messes?)

The study suggests “that the many individual mines in the region are having additive effects and that more attention must be paid to the cumulative impacts of surface coal mining in this region.”

According to Dr. Ben Stout, an ecologist at Wheeling Jesuit University, the study confirms what many people living in these communities have known

This newly published Duke study did *not* study MTR's impacts on people, so it is not scientifically appropriate to draw conclusions for human health on the basis of this one study. But, adding this study to the many already done on MTR and human health damage, as well as the clear evidence before our eyes of many people becoming sick and/or dying young, surely suggests one more reason why MTR should end. Even if you don't like bugs, much of the water that insects depend upon for their lives is also the water that humans depend on for our lives. 🐛



Do Creepy Crawlies Matter?

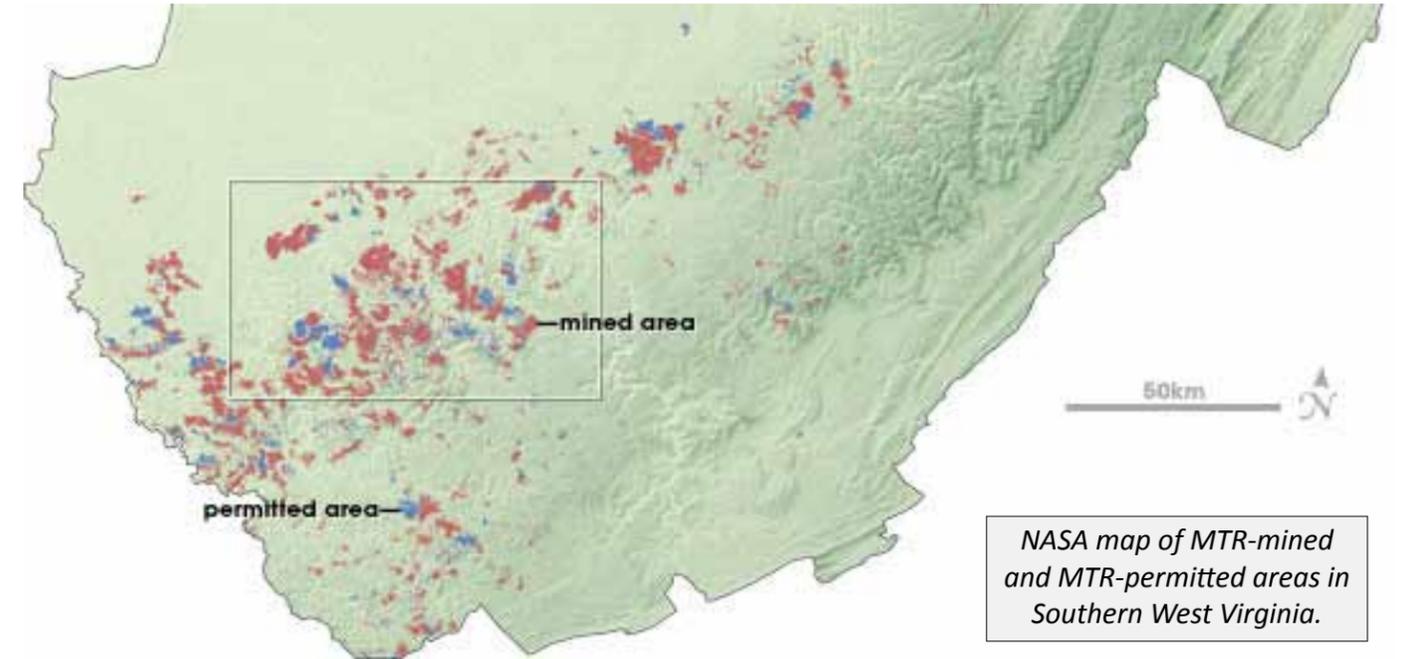
excerpted from an August 5 *Charleston Gazette* op-ed by Tierra Curry

The Appalachian Mountains, where 2.5 million pounds of explosives are detonated daily for MTR mining, are home to more kinds of salamanders than anywhere else on Earth. By weight, there are more salamanders in the forest than birds and mammals combined.

And when you suddenly decimate the largest component of a food chain, it's bad news for the health of all kinds of animals for lots of years, maybe forever.

We'd be wise not to ignore the plight of salamanders. Because they breathe through their skin and absorb the pollution around them, amphibians have long been considered an important early warning sign of the broader health of the environment. As frogs and salamanders go, so could the rest of us. 🐸

How Many Mountains Will We Mine?



NASA map of MTR-mined and MTR-permitted areas in Southern West Virginia.

How many mountains will we mine via mountaintop removal? Readers of *Winds of Change* well know the coal industry's answer: *If you don't stop us, we will maul every single coal-bearing mountain. When the coal's gone, we'll be gone too, leaving you sick, polluted and poor.*

The coal industry regularly and flagrantly violates laws written to protect us from its abuses. As so-called regulators look the other way, we must take action to end the devastation of our mountains, our streams, our culture, our communities and our health.

One tactic we utilize is to appeal for relief to all three branches of government, at both the state and federal level. The outcomes of our assorted court appeals are reported regularly in this newsletter. Our successes have motivated attempts by coal-funded legislators to re-write laws in the industry's favor. Although these willfully-ignorant politicians deny the laws of nature, the mounting scientific studies and the empirical evidence all-but-slapping us in the face tell us we cannot go on this way.

As this issue of *Winds of Change* reminds us, in court we win some and we lose some. To prevail on our issues, we don't depend only on courtroom outcomes, nor do we rely solely on putting pressure on various agencies (after all, they function as buffers, so polluting industries don't have to directly deal with the people they pollute) and legislators. We depend on organizing one another.

OVEC's 25-year history proves that we stick with

long, difficult campaigns until we emerge victorious. Our “founding issue,” the BASF toxic waste dump and incinerator, was nixed after our two year campaign, Ashland Oil had to pay a massive, record-at-the-time fine (11 years), the dioxin-spewing pulp mill never materialized (five years)...

It's up to each of us to work together to stop the coal industry's plan of destruction. Every mountain we save is a victory for current and future generations. Please join with us to stop the devastation now. 🌳

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Health Crisis: Bill Calls for MTR Moratorium

In mid-June, lawmakers concerned about the health effects on humans from mountaintop removal coal mining introduced the Appalachian Communities Health Emergency (ACHE) Act (H.R. 5959). The bill would place a moratorium on permitting for mountaintop removal coal mining until health studies are conducted by the Department of Health and Human Services.

With more than 20 peer-reviewed research studies published about the human health impact of mountaintop removal on the lives of those living within close proximity to an active mine site, legislation to protect communities is critical and long overdue.

Co-sponsors of the legislation, which was introduced in the U.S. House of Representatives, are Representatives Dennis Kucinich (D-OH), Louise Slaughter (D-NY), Maurice Hinchey (D-NY), Earl Blumenauer (D-OR), Lucille Roybal-Allard (D-CA), John Yarmuth (D-KY), Lynn Woolsey (D-CA), Judy Chu (D-CA), Raúl Grijalva (D-AZ), James Moran (D-VA), Michael Honda (D-CA), John Conyers (D-MI) and Keith Ellison (D-MN).

“As a mother, this is the best news I’ve heard in a while,” said Fayetteville, W.Va. resident Ginger Danz. “My daughter’s health is the reason I got interested in learning more about mountaintop removal in West Virginia, and the research I have done scares me. A 42 percent higher risk of birth defects in mountaintop removal communities is beyond unacceptable; not to mention elevated rates of cancer and heart disease related to this particular type of mining. I am very relieved that someone is finally listening to the people of Appalachia and getting the word out about the dangers to our health.”

The Appalachian Community Health Emergency (ACHE) group has been lobbying in Washington, D.C. to obtain more co-sponsors. The ACHE Act is also supported by the national environmental groups Earthjustice and the Sierra Club, as well as OVEC, WV Highlands Conservancy, Southern Appalachian Mountain Stewards and other groups.

Learn more and urge your representative to support the ACHE Act: <http://bit.ly/OOO1fm>. 🍌

When you're finished with this newsletter, pass it on!

Witness for Peace Tours MTR

by Brandon Nida

In June, OVEC and organizers at the Blair Mountain Heritage Alliance (which operates the Blair Community Center and Museum) hosted a Witness for Peace delegation that brought people from all over the United States to learn about the environmental and human costs of mountaintop removal coal mining.

This delegation then went to Colombia to see the same sort of suffering that indigenous people there are experiencing due to surface mining. OVEC membership committee members Judy and Russ Whitley took part in the Colombia visit.

Here in West Virginia, our first stop along the tour was Kayford Mountain, where the delegation was able to see the vast swath of destruction that MTR operations entail. As we walked over the dirt embankment that separates Larry Gibson’s property from the MTR site, the delegation got their first view of MTR. Questions started flowing, with the main one being, “how could this happen?” After viewing the desolate moonscape, we were able to sit down and begin our discussion of MTR.

We then went to the Whipple Company Store to explore the history of coal extraction in West Virginia. The delegation was able to see the modes of oppression that were in operation in the early 20th century and start to understand just how long the coal industry has dominated central Appalachia. We explained that although the specific modes of domination may have changed, MTR is one piece of a 120 year history of oppression of our people.

Our next stop was at the Blair Community Center and Museum, where we discussed the Battle of Blair Mountain and our current efforts to preserve the battlefield. We showed them the community work we have been conducting to build back the community of Blair after it was almost destroyed by an Arch Coal operation in the late 1990s. They met community members who have been directly impacted by MTR and learn about the personal trauma that MTR operations inflict on communities here.

From Blair, we traveled to Matewan, where we stayed with OVEC members Wilma and Terry Steele. The Steeles served up a huge Appalachian dinner, and we sat by the campfire and listened to their experiences. As a union coal-mining family, the Steeles were able to talk about how MTR has affected

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Summer Internships in Fayette County

by Jun Lee An, Middlebury College

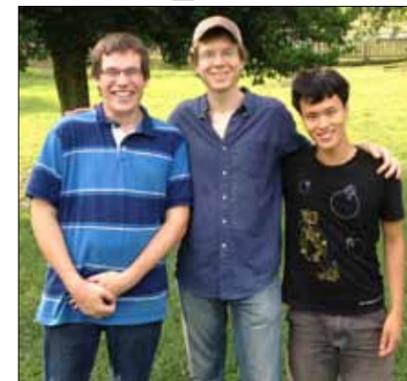
My eight-week internship has given me a comprehensive exposure to the coal mining history of southern West Virginia, the movement against mountaintop removal and Appalachian culture. I have had the fortune of perceiving the natural wonders of the mountains, creeks and valleys on long drives and steep walks. I lived in the unincorporated former company town of Beards

Fork, which exposed me to the warmth and friendliness of its community members. Interacting with people at the Southern Appalachian Labor School (SALS) has exposed me to a local and self-sustaining community center.

Having taken sociological and geographical courses on poverty, neoliberal globalization and development as dependency (between rich core and poor periphery states), I was equipped with a coherent critique of how unregulated corporate capitalism has worsened income inequality and perpetuated poverty in the United States and other countries. Despite this exposure to intellectual theories and jargon, I struggled with thinking of a way to make genuine and positive change in the world without perpetuating established forces of oppression. I grappled further with my privilege — in terms of education, class and the mobility to drop in and out of my summer surroundings — not wanting to complicate matters by helping on a superficial level clouded by privilege. I needed to get out of the classroom and immerse myself in real life conditions and issues.

This summer internship with OVEC and its community organizer, Andrew Munn, has provided me with an avenue to observe, learn and think through these conundrums in a realistic and practical space. I have by no means emerged with answers to my personal questions — never mind the complexities of finding a solution — but I have definitely gained valuable experiences and insights through my interactions and observations around Fayette County.

Most of my work involved going door-to-door to listen to local folks’ opinions and concerns about mountaintop removal. Working with people at a



Left to right: Lewis, Munn and An.
Photo by Janet Keating

by Alex Lewis

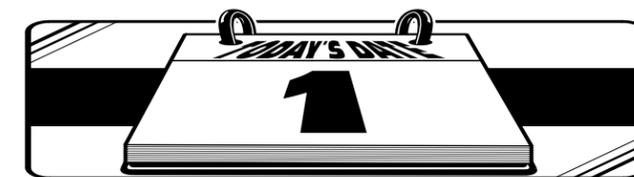
I am a college student who was blessed with the opportunity to be an OVEC intern this summer. I worked with OVEC field organizer Andrew Munn on spreading awareness about mountaintop removal in Fayette County, identifying potential supporters of our efforts and building sustainable relationships within the community. My work was very rewarding. I met many great people

who loved the mountains and viewed the need to protect them in the future as strongly as I do.

During my internship, I gained key insight into the relationship between community organizing and mountaintop removal opposition in the community. One of the major lessons I learned was that community organizing is a long, ongoing process that takes many years to bear fruit. It takes years to build the necessary relationships and trust with the community to get work done on an issue.

I also learned about the tremendous influence of the coal industry in West Virginia. The coal industry dominates social institutions in the state, including the government and media. This influence poses a major obstacle to environmental activists being able to convince communities that mountaintop removal is not in their best interest. However, I believe that through the work OVEC is doing we will overcome these obstacles and help our neighbors see the immense value of protecting their environment for future generations and their well-being.

Thank you OVEC for a wonderful summer experience. Thanks Andrew for being an amazing supervisor and friend — without his great help and advice, this summer would have not been nearly as insightful and rewarding. I hope and believe that through Andrew’s and OVEC’s work, we will achieve our goal of protecting our natural treasures. 🍌



What's going on? Check our online calendar at www.ohvec.org.

Boone County Native Joins OVEC Staff

In late June, OVEC put out the word that we were hiring another organizer. Applicants were required to write an essay about why they felt they'd be a good fit for OVEC. Here's the essay from the applicant we hired, whom we heartily welcome onto staff.

My name is Dustin White and I live in Charleston, West Virginia. I am an 11th-generation Appalachian, born and raised West Virginian. I grew up in a small hollow community in Boone County, in the heart of what are known as "the coalfields." As a child, I spent much of my time exploring the hillsides around my home and playing in the cool stream a few hundred feet from my front door. I am the son of a now-retired coal miner and have had coal miners on both sides of my family since mining's inception in the state, including a great grandfather who fought at the Battle of Blair Mountain for miners' rights to organize.

I have always been proud of my family lineage, and I had the honor of growing up at the foot of a mountain named for my ancestors on my mother's side: Cook Mountain. Many of these ancestors were laid to rest there. I had always identified myself as a Mountaineer, but, even though my father made me promise early on to never be a coal miner, I was also an avid coal supporter.

Then, in 2009, Patriot Coal began a mountaintop removal mine on Cook Mountain that was fast approaching the graves of my ancestors. My family quickly stepped in to protect the cemetery, and I agreed to help, but I still remained a coal supporter. However, I had my eyes truly opened to the severity and urgency of the situation when I met Goldman Prize winner and OVEC Community Organizer Maria Gunnoe.

Maria set up a flyover for my mother and me via SouthWings. I had heard a little about "surface mining," but I had always assumed it was sporadic and heavily regulated. Flying from Charleston to Boone County, I found it was quite the contrary. What I saw shocked me: miles and miles of devastation that looked like cancerous sores on the land. The

mountains I called home were being turned into an alien landscape, and after watching my mother break into tears because who we were was being destroyed, I got angry.

As soon as I got back home, I started doing research and quickly learned that the industry I so strongly supported is doing horrible things. They have been contributing to everything from increased flooding to blowing up mountains and burying streams and polluting them with toxic run-off and slurry leaks and injections, to the ever-growing health issues and poverty in the region I call home. The more I learned, the angrier I became.

I became a volunteer with OVEC because I knew I had to do something to help the people in the path of coal's outrageous practices. I realized that coal was not bringing the prosperity it often claimed to Southern West Virginia. Not only had I personally lost over 200 years of my family history and nearly the graves of my ancestors, but my people were suffering, as well. I had spent my teenage years in the Coal River Valley, literally living across the river from Prenter Hollow where people — people I knew — were being slowly poisoned by water supplies contaminated by coal slurry. Even with my father working at a slurry impoundment for years before he retired, I had no clue on how hazardous it was. Entire communities in the

coalfields were in despair, and I had even watched as the community of Lindytown, just on the other side of Cook Mountain from where I grew up, had its people practically forced out and was bulldozed into a vacant lot.

In 2007, I had watched my own grandmother die of kidney failure. She was one of the few, if not the only one, in her community who still relied on well water because she could not afford to be connected to public water. I often wonder if it was her water that made her ill like it had so many others in other areas. I have heard stories of health issues from my mother who works at a clinic in a heavily mining-impacted area. She has told me of young children who have breathing problems and test at the lung capacity of



White in front of EPA offices in D.C. during Appalachia Rising, 2010.

75-year-old smokers. I have visited the clinic myself and witnessed individuals with grocery bags of medications, while just out the window coal trucks went about their merry way. I couldn't help but be upset by what I saw. These things weren't happening just in isolated areas of West Virginia, but throughout mining areas in Central Appalachia.

As a volunteer, I have spent a lot of my free time trying to inform others about what I've learned and experienced and what others are going through. I have lobbied Congress in Washington, D.C., to put a stop to these devastating practices that are harming people. For much of my life, I hardly left the mountains I love and call home in West Virginia, but now I travel when I can to other states to try to educate the nation about what is happening to the people of Appalachia.

However, I often find myself wanting do more or feeling that what I do isn't enough. Although I



The island of trees in the midst of a MTR mine on Cook Mountain is the grave of William Chapman Cook. White said, "Chap was my seventh great grandfather and a Union Soldier in the Civil War. This is how the coal industry treats those who have fought for our country and freedom." Photo by Dustin White.

fossil fuels for energy.

I love my state and the people who live in it. When they suffer, I suffer. We deserve a healthy environment, a diverse economy, and renewable resources. This is why I want to dedicate all my time to OVEC, to fight not only for myself, but also for past, present and future generations of West Virginians. 🍌

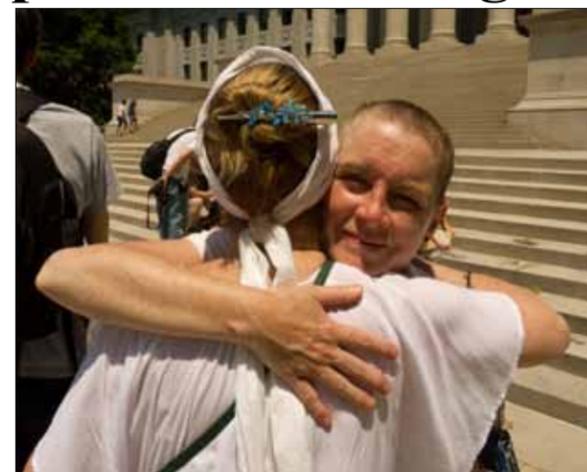
Our future depends on listening to our neighbors

continued from page 2

For a moment I believed that I had wandered into a scene and saved a young man from violence. But as I think back, he was in complete control of himself and, through active non-violence, he was in control of his situation.

The gift I received in all this was not that I saved someone, but that I bore witness to how a quiet, Christ-like person such as this young man, could transform an impossible situation into something productive.

At our worst in working out the future of Appalachia, we are manipulated by the most greedy, depraved operatives. Our ears are stopped, our hearts full of violence. At our best, we listen and think without malice. We combine talents and work to



Park receives a hug after shearing her locks during a Memorial Day end mountaintop removal protest.

create a harmonious future full of the best that we are as Appalachians and Americans.

Standing in the sun on that gravel road, teetering, waiting, we became real people to each other. We asked each other and listened to each other around the all-important question: How do you want this to turn out?

If you are interested in the future of our land here in Appalachia, you are invited to meet with our group in Charleston -- the "Little Old

Ladies who Love Our Land." We meet on Tuesdays to educate ourselves and create a plan of action. Write lolw@lwlw@gmail.com for more information or to receive our weekly emails.

Park lives in Charleston, W.Va. and has recently been helping to proofread Winds of Change. 🍌

The Future We Want?

by Emily Thenhaus

The Loretto Community is a Catholic religious institute, committed to improving the conditions of those who suffer from injustice, oppression, and deprivation of dignity.

Emily Thenhaus is the Assistant United Nations NGO (non-government organization) Representative for the Loretto Community. In June, she and Sally Dunne, Loretto's NGO Representative at the UN, attended the UN's Rio+20 Conference on Sustainable Development, held in Rio de Janeiro, Brazil.

The following is excerpted from Thenhaus' blog on lorettoinrio.tumblr.com

The incredible opportunity to attend Rio+20 allowed us not only to share the work of the Loretto UN office in its co-sponsorship of two Women and Climate Justice Tribunals held this past spring, but also to learn from people from across the world and join with them in the attempt to influence the outcomes of this historic gathering.

One of the primary reasons why we went to Rio was to share the outcomes of the Central Appalachia and Chicago Women and Climate Justice Tribunals, which Loretto organized in partnership with Rosa Lizarde, of the Feminist Task Force, OVEC and other grassroots groups. At these two events, grassroots women from areas of historic poverty were given a platform to testify about the ways in which they and their communities have been affected by coal and climate issues and how they are seeking justice. In Central Appalachia, women spoke about the impacts of mountaintop removal mining, and, in Chicago, the consequences of coal-fired power plants and toxic waste disposal in the metropolitan area.

In Rio, we were able to present the outcomes of these tribunals in two direct ways. On Thursday June 21, the Feminist Task Force hosted an official Rio+20 side event titled "Organizing for Change: Women's Tribunals as Civil Society Advocacy." At this event, women from Asia, Africa, Latin America and the United States gave voice not only to the effects of climate change and climate-related issues on their lives and communities, but also related their experiences with conducting these tribunals.

OVEC Executive Director Janet Keating, a Central Appalachia Tribunal partner, was able to travel with us to Rio as a part of the Loretto delegation. She presented the testimony of her fellow



Emily Thenhaus used her phone to snap this shot of Janet Keating handing a report on the outcomes of our Central Appalachian Women's Tribunal on Climate Justice to EPA Administrator Lisa Jackson. Keating said, "Lisa knew exactly why I wanted to talk with her. It was really amazing. The shirt caught her eye immediately." Keating was wearing a bright green t-shirt with the OVEC logo and the words "Abolish Mountaintop Removal."*

Yup, that's what we want.

** Read the report at <http://bit.ly/NRsQPH>.*

Read Keating's blog about the exchange with Jackson at www.ohvec.org/blog/?p=681

Appalachian women. We were also able to share the short videos and reports created to summarize the testimony and recommendations of each U.S. tribunal. **Janet even hand delivered these materials to the Administrator of the U.S. Environmental Protection Agency, Lisa Jackson, at an event in Rio!**

Beyond reporting on the tribunals themselves, our Rio delegation sought out numerous other opportunities to learn more about and address the issues that the tribunals raised. Throughout the week, we attended sessions at the People's Summit, a civil society mobilization that took place outside of official negotiations. At those meetings, we heard from women around the world as they testified regarding the impacts of extractive industries in the communities of Latin America and West Africa, and

we joined with them in their march.

We worked with the Women's Caucus at official Rio+20 sessions, reporting on Twitter about the statements by governments and standing with women from around the world as they demonstrated, waving scarves and signs during the negotiations denouncing the weak and/or absent protections for women's rights in the outcome document.

At the end of the conference, I left with tired feet and mixed emotions over Rio+20's outcomes. I find myself in agreement with those who deem Rio's outcome document, "The Future We Want," to be an utter disappointment. In the months leading up to Rio, U.N. Secretary General Ban Ki-Moon declared that this conference was a once-in-a-generation opportunity, that the summit was too important to fail, and that the world could not wait another 20 years to make the changes necessary to ensure its sustainable future. And yet, this historic conference came to a close with next to no concrete commitments, and instead what is seen by many to be a rollback on rights previously affirmed at other U.N. conferences: specifically, women's reproductive rights.

As I departed Rio, I found hope not in "The Future We Want," but in the future being made by the powerful actions of grassroots women and men, leading sustainable development projects at the local level despite the lack of leadership by our purported heads of state.

Although small advancements may come about as a result of the official Rio+20 process, this conference has nonetheless affirmed my belief in the well-known words of Margaret Mead: "Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has." 🍌

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!



The Build It Up, West Virginia summer youth program was back in force for the summer of 2012, its third year. A major goal of this project, begun and led by youth, is to build infrastructure and expand the capacity of long-term community-run sustainable economic projects in our rural mountain communities.

Each summer, Build It Up engages a small group of young West Virginians in various sustainable projects, the efforts of other non-profit organizations, sustainable businesses and more. Build It Up includes anti-oppression training and requires a signed pledge from all its participants to refrain from all oppressive behavior.

Some Build It Up 2012 experiences included:

- 🍌 Building a wilderness camp at Cane Branch for folks recovering from addiction;
- 🍌 Assisting at the Blair Community Center, which aims to preserve the history of Blair Mountain and at the same time provide a place for community members to gather;
- 🍌 Working with Virgin Timber Lumber, a company which salvages wood from old abandoned structures, then builds and sells new custom-made items;
- 🍌 Helping out at the Whipple Company Store, a former coal "company store", now a tourist attraction aimed at preserving Appalachian culture and heritage;
- 🍌 Participating in some relief efforts with the WV Army National Guard after the derecho storm.

OVEC supports this project because we want to help develop leaders while they are young, in hopes that they will stay in our state and lend their talents and intellect to creative, sustainable economic endeavors here as they mature.

Photo above: Build It Up participants at work on a chicken coop. Photo courtesy Build It Up. 🍌

Million Member Coalition

For Renewable Energy

Over the past several months, 36 nonprofit groups, with a combined membership of more than 1.1 million, have been working together to advance a renewable energy agenda, regardless of who occupies the White House or which party controls Congress after the November elections.

OVEC, Christians for the Mountains and Coal River Mountain Watch worked with the 33 other groups in crafting the new American Clean Energy Agenda, which calls for a number of bold steps, including: phasing out nuclear power, natural gas, coal and industrial biomass in favor of efficient use of renewable, non-polluting resources; retooling federal “loan guarantees” to make smarter investments in renewable energy; greater emphasis on renewable energy and energy efficiency programs; and avoiding a future in which Americans suffer the consequences of mountaintop removal coal mining and fracking of shale gas that is exported for use in other nations.

The group also notes its opposition to any “clean energy standard” that includes coal, nuclear, oil, gas and unsustainable biomass, stating, “The renewable energy standard is a proven model for a sustainable future, and our goal is to see it implemented on a national basis, as it already is in many states and other nations. We oppose the so-called ‘clean energy standard’ as a dishonest political ploy designed to protect polluting energy industries — coal, nuclear, oil, gas and unsustainable biomass — that have brought us to the crisis we are in today.”

As signed by the supporting citizen organizations, the American Clean Energy Agenda states, “The time is now for a new, grassroots-driven politics to bring about a renewable energy future. As Congress debates major new public investments in energy, we need to ensure that our taxpayer dollars support an energy system that protects public health, promotes energy independence and ensures the economic wellbeing of all Americans.”



Organized by the nonprofit Civil Society Institute and the Environmental Working Group, the emergence of this new network of citizens’ groups reflects a deep dissatisfaction among Americans over the “all of the above” approach to energy. The groups say the “all of the above” policy preserves the worst options and dilutes the focus on real solutions.

The coalition believes that achieving a sustainable energy future “hinges on grassroots organizing to mobilize and educate the public and to demand support from our community, business and political leaders.”

The coalition says it represents “the thinking of the vast majority of Americans” as reflected in an April 25 public opinion survey conducted by the research firm ORC International and released by the Civil Society Institute.

The poll found that 77 percent of those surveyed, including 70 percent of Republicans, 76 percent of Independents, and 85 percent of Democrats, believe that “the energy industry’s extensive and well-financed public relations, campaign contributions and lobbying machine is a major barrier to moving beyond business as usual when it comes to America’s energy policy.”

In addition, eighty percent of those surveyed agreed that “water shortages and the availability of clean drinking water are real concerns. America should put the emphasis on first developing new energy sources that require less water and result in lower water pollution.” Only 15 percent of Americans think that “America should proceed first with developing energy sources even if they may have significant water pollution and water shortage downsides.”

Groups large and small nationwide are invited to sign onto the American Clean Energy Agenda, which is posted here: <http://bit.ly/PVivwD>. Sign on here: <http://bit.ly/MVPq71>.

We Need Reliability in the Power Grid

excerpted from a July 23 *Charleston Gazette* op-ed by Bill Howley, whose blog is *The Power Line*

During the recent power blackout, tens of thousands of West Virginians practiced what electricity experts call “distributed generation,” the production of electricity in small generating units close to where power is used.

One thing we learned from the blackout is that, if you can produce your own power, you don’t have to depend on the power companies to send it to you over their deteriorating distribution system.

Most people think of power production as something they only do in emergencies, so they buy gasoline generators. These generators are noisy, produce toxic fumes, are expensive to run and depend on a fuel that is often in short supply exactly when you need it most. Once the emergency is over, the generator is idled and doesn’t provide any value until the next blackout.

There is another way that is quiet, economical and will produce electricity for your home when the blackout is over. A solar panel array connected to a battery storage system, if it is sized properly, will get you through a week or more of no grid power with no noise, little or no fuel cost and no fumes.

These kinds of systems are now affordable for most middle-income families, and they would be affordable to even more West Virginians if the Legislature and the Public Service Commission provided the incentives and renewable energy credits that most other states have adopted. Instead, in 2009, Gov. Joe Manchin and the Legislature passed an Alternative and Renewable Energy Portfolio Standard law that effectively blocks any support to homeowners with solar power systems.

If you think a solar power system is too expensive for your family or business, factor in how much the 2012 blackout cost you, along with the December 2009 blackout. Then factor in how much your electric rates have been going up in recent years and how much more they’ll rise to pay for emergency repairs from this new outage. Because your solar panels produce electricity every day (even on cloudy days), they will cut your electric bill all year.

If you used a generator to produce electricity during the blackout, you know how reliable it is. Now

you can begin to build on the expertise you gained from that experience and build yourself a smarter system. There are a number of solar power installers around our state. Contact them and get a cost estimate for the kind of system you want.

If you want to start with a backup system, you need a battery bank, but you don’t need to create a system that will power your whole house. Identify exactly how much power you absolutely need in a blackout and build a system that will meet those needs. Let emergency planning be your starting point. You can always add panels later.

Many people don’t have good sun exposure on their properties. If West Virginia’s utility regulators were focused on real reliability,

they would support small-community power generation sharing using microgrids. Microgrids work great in urban areas where homes and businesses are closer together. Neighbors invest together in building a

solar panel array in the location with the best sun exposure and share the power through “smart grids.” During blackouts, the microgrid can be isolated from the larger grid and power stored in batteries can be shared.

So far, West Virginia’s political leaders have stood back and watched as our state’s electrical system deteriorates from lack of investment by our out-of-state electric companies and electric rates spiral upwards, paying for nothing but more and more frequent emergency repairs. They have made no effort to support the development of real reliability using community-based electricity.

If you want real reliability in your electrical system, don’t wait for politicians. Do your homework and design a home- or business-based system that doesn’t depend on failed state leadership or power companies that won’t invest in our state’s obsolete grid. Then hire West Virginia businesses that hire West Virginia workers to make it happen. 🍌

State solar power installers include PIMBY or MTV Solar or Alterra Renewable Energy (do a Web search to find contact info). You’ll be surprised at how affordable your own system will be. You will have reliable electricity, and your “backup” system will produce power every day of the year. (Yes, solar panels work on cloudy days, too.)



It’s Time to Switch



Derecho Aftermath Fosters Reflections

by Tandi Stephens, Raleigh County

“Hope everyone out there is OK. Definitely *not* trying to rub it in cause I know folks are hurting and we are lucky not to have sustained any real damage, but living *off-the-grid* has its advantages. We have power from our solar panels, we have water from our rain water collection system and we have the ability to cook. We don’t own an air conditioner (or have cable TV), but since the house design is so well thought out we are as comfortable inside as if we did. I think people are realizing just how dependent they have become to the grid. I wonder what our West Virginia grandparents would think of how helpless we’ve become. I think if possible, we should get off the grid as much as we can.”

That was my post on a social media site shortly after the June 29 derecho (strong, long-lived straight-line wind storm) hit West Virginia. At that point I don’t think I or many of my neighbors realized how long people would be without power, water, ice, etc. For some it would be more than two weeks, and they would watch food spoil, medicine ruin and deal with exceedingly high temperatures. Since my partner and I were fine at our home, I guess it would have been quite easy for me to ignore the lessons we should learn from this storm. But I wondered how we could be more prepared, and that led me to wonder how we could be more self-sufficient.

Living off-the-grid is a way of life for my partner and me, but even we realized how much more we could do to rely less on the grid to provide our necessities. The storm and its damage also taught us that we can live without as much “stuff” in our lives if we tried. People have cluttered their lives with so much “stuff” that they forget or don’t bother to think

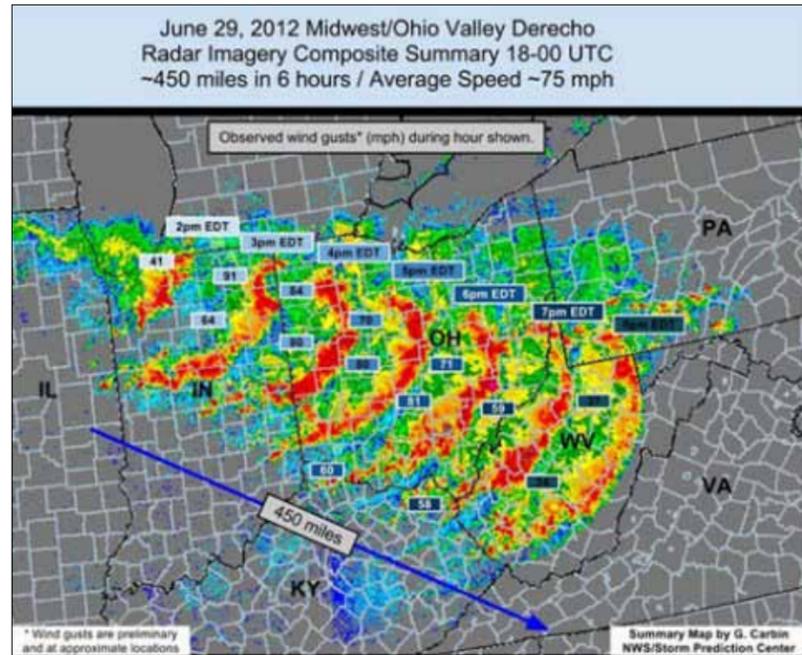
about what the essentials are to care for themselves and loved ones. For example, we have never learned how to raise our own food and how to preserve that food for later, leaner times.

Thinking about my grandmothers reminded me about how much more simply their families lived. Needless to say, gardens were a mainstay and each had a root cellar filled with canned goods. They did not cook with microwaves, as I do not, but took the time to prepare meals much more thoughtfully than I do. In comparison, I struggle to keep a garden and have never canned anything in my life. I am making it my goal to change this.

People have short memories and life gets busy, so I imagine the feelings of vulnerability post-

derecho may pass. I urge all of us to look at ways we can live more simply, not just in times of distress.

We need to tap into our heritage here in West Virginia and the Appalachia area. Unlike so many places in America, West Virginia had the skills of how to live more self-sufficiently just a generation or two back. There are parents, grandparents and back-to-landers that are full of untapped knowledge of the ways to be closer to the land, even if it’s simply our backyard gardens. Further, as we reclaim that knowledge, we can utilize it to encourage our neighbors and the rest of the country about ways to care for the land and let it care for us. As food and clean water become the new oil and gold in our lifetimes, I see a movement of people returning to the forgotten skills of our ancestors. The storm forced me to ask myself how I can be more self-sufficient and kinder to the planet. As I am a caretaker to our home, how can I be a better caretaker to Mother Nature? 🍌



This is What Global Warming Looks Like



In late June, just after the derecho hit, Seth Borenstein with the Associated Press reported, “If you want a glimpse of some of the worst of global warming, scientists suggest taking a look at U.S. weather in recent weeks.

“Horrendous wildfires. Oppressive heat waves. Devastating droughts. Flooding from giant deluges. And a powerful freak wind storm called a derecho. “So far this year, more than 2.1 million acres have burned in wildfires, more than 113 million people in the U.S. were in areas under extreme heat advisories last Friday, two-thirds of the country is experiencing drought, and earlier in June, deluges flooded Minnesota and Florida.”

The reporter noted that this is exactly what scientists have been warning about for decades.

In early August, the *Washington Post* ran an op-ed by NASA climate James Hansen, titled “Climate change is here — and worse than we thought,” which read, in part:

The deadly European heat wave of 2003, the fiery Russian heat wave of 2010 and catastrophic droughts in Texas and Oklahoma last year can each be attributed to climate change. And once the data are gathered in a few weeks’ time, it’s likely that the same will be true for the extremely hot summer the United States is suffering through right now.

These weather events are not simply an example of what climate change could bring. They are caused by climate change. The odds that natural variability created these extremes are minuscule, vanishingly small. To count on those odds would be like quitting your job and playing the lottery every morning to pay the bills.

Our new peer-reviewed study, published by the National Academy of Sciences, makes clear that while average global temperature has been steadily rising due to a warming climate (up about 1.5 degrees Fahrenheit in the past century), the extremes are actually becoming much more frequent and more intense worldwide.

This is the world we have changed, and now we have to live in it — the world that caused the 2003 heat wave in Europe that killed more than 50,000 people and the 2011 drought in Texas that caused more than \$5 billion in damage. Such events, our data show, will become even more frequent and more severe.

In mid-July, Rolling Stone published “Global Warming’s Terrifying New Math,” by Bill McKibben, founder of 350.org, which read in part:

But what all these climate numbers make painfully, usefully clear is that the planet does indeed have an enemy — one far more committed to action than governments or individuals. Given this hard math, we need to view the fossil-fuel industry in a new light. It has become a rogue industry, reckless like no other force on Earth. It is Public Enemy Number One to the survival of our planetary civilization. “Lots of companies do rotten things in the course of their business — pay terrible wages, make people work in sweatshops — and we pressure them to change those practices,” says veteran anti-corporate leader Naomi Klein, who is at work on a book about the climate crisis. “But these numbers make clear that with the fossil-fuel industry, wrecking the planet is their business model. It’s what they do.”

Alone among businesses, the fossil-fuel industry is allowed to dump its main waste, carbon dioxide, for free. Nobody else gets that break — if you own a restaurant, you have to pay someone to cart away your trash, since piling it in the street would breed rats. But the fossil-fuel industry is different, and for sound historical reasons: Until a quarter-century ago, almost no one knew that CO2 was dangerous. But now that we understand that carbon is heating the planet and acidifying the oceans, its price becomes the central issue...

The fight, in the end, is about whether the industry will succeed in its fight to keep its special pollution break alive past the point of climate catastrophe, or whether, in the economists’ parlance, we’ll make them internalize those externalities.

The real problem, McKibben contends, is the colossal sums of money that fossil fuel companies lavish on political campaigns to make certain that they receive special breaks and can continue to spew out their waste for free. **350.org** is taking on the political power of the fossil-fuel industries with a divestment movement. It’s long past time for shareholders to question their investments, for the sake of the planet. 🍌

Climate
C H A O S

New Studies on Mining, Health

excerpted from a July 16 *Charleston Gazette* article by Ken Ward Jr.

Three new scientific reports have begun to answer questions about how mountaintop removal mining could play a role in higher levels of illnesses among residents in the Appalachian coalfields.

Researchers have found higher levels of certain types and sizes of pollution particles in communities near mountaintop removal sites, and also believe they've identified one potential mechanism for that pollution impacting public health.

The findings, presented at recent academic conferences, add to the results of nearly two dozen West Virginia University papers that found higher levels of health problems — including cancer and birth defects — among residents living in the shadow of large-scale surface coal mining.

“It moves beyond the epidemiological data to examine what the real environmental conditions are in the communities where people live near mountaintop removal operations,” said WVU researcher Michael Hendryx, who co-authored the previous papers and the new reports.

Over the last five years, Hendryx and various co-authors have published a series of peer-reviewed studies examining possible links between mountaintop removal and various illnesses.



The dust kicked up at MTR sites from blasting and giant equipment is just one of the health hazards these operations pose to workers and people living nearby.



The findings have not yet been published in peer-reviewed journals, but some results have been delivered at academic conferences, as part of the normal scientific review process.

In the latest paper, USGS researchers gathered samples of particulate matter deposited in communities near mountaintop removal operations and compared the chemical composition to similar material collected in other Southern West Virginia locations. They found higher levels of certain elements that indicate the dust is coming from the overburden, or the rock removed to get at the coal at nearby mining operations.

In one related paper, WVU researchers reported that particulate matter collected from mountaintop removal

communities was generally of a size that was more likely to prompt more of it to be deposited in human lungs than similar dust sampled from non-mining communities.

In another project, WVU researchers exposed laboratory rats to dust from mountaintop removal mining communities and found that the exposure appears to affect the diameter of blood vessels, which could in turn reduce blood flow.

Cause... and ...Effect?

Numerous peer-reviewed studies, including more than a dozen by Michael Hendryx of West Virginia University and various co-authors from 2007 to 2011, have pointed to severe health problems in central Appalachia. People living near mountaintop mining sites had cancer rates 50 percent higher than residents of non-mining areas, the studies said. Rates of birth defects were 42 percent higher. Mortality rates were also significantly elevated, even after researchers adjusted for factors such as smoking, alcohol use and access to health care.

West Virginia ranks last among the states in physical health and overall well-being, the 2011 Gallup Healthways Well-Being Index found. Kentucky's 5th Congressional District, where much mountaintop-removal mining takes place, ranks at the bottom of America's 436 districts in terms of physical health. West Virginia's 3rd District comes in at number 435.



Organizing Around Bad Water

by Will Lawrence, Swarthmore College

In July, students from Swarthmore and Earlham Colleges travelled to Appalachia as part of the Divest Coal Frontlines Listening Tour.

Organizing on a college campus is a unique experience that differs in many ways from classic community organizing. As part of our listening tour, we had the opportunity to shadow Andrew Munn, an OVEC organizer, and get a good sense of what environmental justice organizing looks like in a rural area.

On Saturday, we went to a small rural community with Andrew to meet with residents who had just received the results of water testing. The effort was spearheaded by one family, the Pierces,* after the coal company went door-to-door asking people to fill out a water quality survey. Suspicious that the company wanted this data without giving any background on why they wanted it, the Pierces contacted OVEC, which was able to arrange for well testing for the Pierces and ten of their neighbors.

The Pierces were fortunate enough to have clean water, but the same was not true for some of their neighbors. Many had high levels of manganese and iron, but at levels that could be covered by a home water filter. The most serious finding was that several families had arsenic levels exceeding EPA standards. We learned that arsenic poisoning is frequently misdiagnosed as Crohn's disease, and two people within a block of each other had been diagnosed with Crohn's in the last year. Many folks in the area have also lost somebody to cancer in recent years. The impact of the extraction industry is measured here in lives.

The community is literally surrounded by extractive industries. A mountaintop removal mine, a valley fill, a filled-in coal sludge lake, and two natural gas wells are all located within several miles, so it's hard to say exactly which site is causing the groundwater contamination. Residents speculated, based on the dates when their water started to taste and smell unusual, that the recently drilled gas wells might be to blame. More water testing and a hydrological analysis of the area will be necessary to

be sure.

As we discussed this information with the families, Andrew, whose duties include Sludge Safety Project work, was careful not to push his own views. He explained that folks with high arsenic levels should not be drinking their tap water, and volunteered that OVEC could help the community organize to try to get the city water line extended to their homes, but he didn't aggressively connect the water quality to the nearby extraction sites. When asked what could have caused the pollution, he gave the facts — that arsenic contamination is correlated with industrial mining and drilling activity. He explained to us that at this stage, the most important thing is to respond to the community's needs. Many folks have a conflicted view of extraction industry, and it could be alienating to come into town with a set agenda. For now, helping the community organize to improve its water is an achievable goal, and will hopefully lead to greater engagement with OVEC's initiatives in the future.



The next steps in this community are to confirm the test results with a second sample, and then decide what course of action folks want to take.

Many of us in the fossil-fuel divestment movement wish for a fundamental economic transformation. We want a sustainable economy in which people, not corporations, assert control over their own lives. While we hold these aspirations, it is important not to lose sight of the all-important work that is happening to meet people's immediate needs — for clean water, good health and economic stability. The key to OVEC's work is that it helps meet people's needs, but it isn't charity. OVEC empowers communities to realize their own political power, and in doing so diminish that of corporations and politicians.

As OVEC and other grassroots groups confront corporate power from below, we can leverage the institutional power of our universities to cut off corporate funds. All the parts of the movement can work together, as long as we acknowledge and listen to each other.

*Names have been changed. 🍌

**Marcellus
SHALE SHOCKED**

Stop the Frack Attack!



On July 28, OVEC members Mary Wildfire and Chuck Wyrastok, and OVEC staff Vivian Stockman boarded a bus bound for the Stop the Frack Attack rally and march in Washington D.C., the first national mobilization against fracking. The bus was chartered by the West Virginia Chapter of the Sierra Club, for which Wyrastok works as an outreach organizer.

Also on board were OVEC members Suz Cleaver (in straw hat, right) and Duane Nichols, who runs wvfrackcheck.org.



Among the more than 40 folks aboard were members of the Doddridge County Watershed Association (right) and Diane Pitcock, who operates WVHostFarms.org, a volunteer-based initiative that networks impacted surface owners with those who want to study, up close, the impacts of deep-well gas drilling in the state.

The bus ride proved excellent for networking, and for sharing Marcellus drilling horror stories and tips for beating back the frack attack. Some ideas: work to get local ordinances and zoning safeguards passed, and work to expose the drilling industry's public relations machine and its monetary influence on universities that are churning out "studies" on the "safety" of hydraulic fracturing.

Wheeling Park High School student Erin Bowers is a leader in local opposition to a proposed well pad near her school. She made use of the bus

ride by making certain that every person on board received a request to "like" www.facebook.com/stopfrackingwheelingparkhighschool.

We were one of many busloads of folks converging on D.C. from all over the eastern United States. Tour de FRACK (Freedom Ride for Awareness and Community Knowledge), a group of folks on a bicycle-powered fracking road show, pedaled into the rally.

The bus deposited us just a short walk from the West Lawn of the U.S. Capitol, where we joined about 5,000 folks from more than 30 states, and even Australia and South Africa, in rallying for a ban on fracking. A big demand of those rallying: Government must implement a pathway towards 100% clean, renewable energy.

Hundreds of those thousands had been in D.C. days earlier, attending workshops on organizing against the escalating abuses of the fossil fuel industry, educating elected officials, and lobbying for closure of the "Halliburton loopholes," seven legal loopholes that exempt the oil and gas industry from parts of the Safe Drinking Water, Clean Air, and Clean Water Acts.

Speakers at the rally included author and climate activist Bill McKibben, co-founder of 350.org. "As this summer proves, between drought and wildfire and heat wave, we've got to keep carbon in the ground... so we can't be fracking for more or drilling or mining for more. Our job is to keep it underground. We've got to take our real swing now," McKibben said.

Josh Fox, the director of the documentary *Gasland*, said "The oil and gas industries are treating governments as if they are subsidiary wings of their corporations... You can funnel \$747 million to get an exemption to a single law, three-quarters of a billion dollars spent on the Safe Drinking Water Act

exemption. That's not democracy anymore. That's the government as a subsidiary of oil and gas. That's what we're trying to fight against and a lot of people in Congress know it."

Fox added, "The amazing thing about this problem is that there's a solution... We know that we can run the world on renewable energy. We know that



we can run the world on the wind. And today, we have a reminder that we can run the world on the sun." A just-graduated high school student from Marion County, Kelly Humphreys (left), also spoke at the rally. "I'm deeply concerned about health and environmental issues, but I'm here today to talk about the violation of landowner rights," she said. "In 2001, my family bought 100 acres. In 2006, without our consent, the West Virginia DEP gave a gas company permission to damage our property. They took 20 acres... We've never approved or been paid for the 20 acres they took, yet we still have to pay taxes on it."

After the 90-minute rally, we march through the hot, hot, hot streets of DC. A read-out on a building announced the temperature: 100 degrees. We marched to the headquarters of America's Natural Gas Alliance and the American Petroleum Institute. Organizers dressed in hazmat suits delivered six containers of contaminated water to ANGA.

People impacted by fracking in their communities joined forces with more than 130 local and national organizations, including OVEC, to call on Congress to Stop the Frack Attack. 🍌



"Fracking" is short for hydraulic fracturing, or hydrofracking. It is the process of injecting frack fluid, a mixture of water, sand and chemicals, at high pressure into shale to fracture the rock, thereby releasing trapped natural gas.

Marcellus shale is a layer of black rock that lies 3,500-8,000 feet below the surface and is the current target of fracking. Most of West Virginia is underlain with this shale. Fluid recovered from the well after the fracking is completed is called flowback fluid or waste water.

Only 10-40% of the frack fluid is recovered. The waste water contains materials released by the broken shale such as mineral salts, toxic heavy metals, and radioactive materials. It also contains chemicals that were added to the frack fluid. Waste water is on average 2-7 times saltier than sea water at the end of the recovery process. Industry can recycle the waste water by reusing it for other frack jobs.

In West Virginia in 2009, 426 Marcellus wells were permitted and 125 were drilled. In 2010, 433 were permitted and 58 drilled.

- From wv.frackcheck.org. 🍌

Morgan County Frack Ban Says...

We demand a government that represents working class people and the poor rather than corporate interests and the privileged elite. Its credo must be human need, not corporate greed. Furthermore, we recognize that capitalism is not democracy and that democracy is not capitalism. These are radically opposing ideas, and we must take care not to confuse them.

The world and the people who live in it are treated like products to be exploited. We are told that nothing is sacred, save for the dollar and markets.

In reality, every political economy is underlain by ecology and by living, evolving, biological systems. Ecology is the only economy that really matters. One cannot make a living on a dead planet; and one cannot drink money.

Learn more: frackban.org. 🍌



Rescue Warranted for Pilot Project

by Janet Keating

More and more these days, I'm beginning to believe that I live in an "upside-down" world, the Bo-Zone Layer (thank you *Far Side* cartoons) or some other convoluted universe. And West Virginia may just be the center.

groups without fulfilling a compelling government interest. In an amicus brief we signed on to in a similar case in Wisconsin, one argument stated that judges, unlike other elected officials, have a duty, under the Constitution's 14th Amendment, to be impartial. Therefore, reforms to prevent the appearance of courtroom bias represent a compelling government interest.

The court's ruling in *Arizona Free Enterprise* said that the anti-corruption interest wasn't furthered because candidates couldn't be corrupted by their own money (which I guess someone could argue in this case, since Davis and Chafin are largely self-financed). However, the ruling also said that independent expenditures are not corrupting because they aren't coordinated with the candidate. Please! Sadly, this is the bizarro world we live in.

My initial reaction to Callaghan's lawsuit: "You, too, Democrats?" For years, the effort to enact a bill for public financing of elections in West Virginia has largely been impeded by Republicans in the legislature — though fortunately, some in that party saw the benefits of "voter-owned" elections. Now, it appears that Callaghan's action was taken on behalf of the two Democratic candidates' campaigns contrary to the public's interest. The lawsuit by Callaghan reeks, especially since it was filed by the attorney for a current Democratic Supreme Court candidate.

Here's where I'm further stymied. Since 2000, when a bill for public financing was introduced in West Virginia, the Democrats have been primary supporters of this concept — in fact they were the champions of this measure when the pilot project passed in 2010. What a way to breathe fresh, clean air into the WV Supreme Court after the two black eyes it received!

I'm referring to the Court's appearance of corruption when former CEO of Massey Energy Don Blankenship personally funded, to the tune of about \$3 million, the campaign of then no-name candidate, Brent Benjamin. Justice Warren McGraw

I'm trying to wrap my mind around the fact that Michael Callaghan, former chairman of the Democratic Party and former director of the WV Division of Environmental Protection, is suing WV Secretary of State, Natalie Tennant (D) and the state Election Commission in federal court, claiming that the matching funds provision of the Supreme Court's public campaign financing pilot program is unconstitutional. Matching or "rescue" funds allow a publicly funded candidate to receive additional funding for his/her campaign once a non-participating candidate passes a spending threshold or is targeted by an independent campaign.

Callaghan's reasoning? He says since he supported both Democratic candidates (Tish Chafin and Robin Davis) for office that he filed this case to keep West Virginia taxpayers from financing a candidate he opposed. He also pointed out that the U.S. Supreme Court (SCOTUS) has ruled that matching funds provisions are an unconstitutional infringement of the First Amendment rights of candidates and contributors. His arguments are based on the Supreme Court's 2011 ruling that said Arizona's public financing system substantially burdened the free speech of privately financed candidates and independent expenditure groups despite evidence to the contrary.

Regarding the *Arizona Free Enterprise* ruling, SCOTUS held that the triggered matching fund provisions of Arizona's public financing system substantially burdens free speech of privately financed candidates and independent expenditure



was unseated by Benjamin thanks to the shadowy "And for the Sake of the Kids" independent ad campaign funded by Blankenship. Then, photographs of Blankenship and then-sitting Chief Justice, "Spike" Maynard vacationing in Monaco appeared as front page news in a national newspaper at a time when Massey Energy had a \$50 million judgment before the Court brought by Harman Mining Company. (Just rehashing these incidents makes me want to run for the shower!)

In this political quagmire, where do West Virginia voters stand on this issue? A 2010 poll of likely voters in West Virginia conducted on behalf of Justice at Stake and the Committee for Economic Development showed that more than two-thirds of voters see contributions to Supreme Court candidates as a serious problem and more than three out of four believe that these contributions influence a judge's decisions. These sentiments cut across party lines. In addition, the poll revealed strong bi-partisan support for public financing of West Virginia's Supreme Court elections. If ever a state and an elected office needed a campaign finance system that reduces outside influence or worse, it's the West Virginia Supreme Court. This pilot project was open to all political parties in the state — Democrats, Republicans and Mountain Party candidates, although only a Republican took advantage of it.

On the brighter side, the West Virginia Elections Commission unanimously decided to defend the "rescue" funds provision in pending state and federal lawsuits. Stay tuned. Maybe, just maybe they will save this much needed public funding system and help restore some voter confidence in the election process and the West Virginia Supreme Court.

Ed. note: A root cause of so many of the social/ environmental problems we face is the corrupting influence of special interest money in politics. That's why the WV Citizens for Clean Elections, which OVEC leads, has been working on Clean Elections



initiatives such as this Supreme Court public campaign financing pilot program for years. The struggle continues.



Get On It: Move To Amend

On January 21, 2010 the Supreme Court ruled in the *Citizens United* case that corporations are legally persons. So, now we see corporate cash pouring into political campaign ads.

In early July, West Virginians for Democracy, WV Citizen Action Group, which works on Clean Elections with OVEC, and other groups hosted a community forum on "Creating Democracy and Challenging Corporate Rule" at the Charleston Unitarian Universalist Congregation. David Cobb of the Move to Amend campaign spoke to forum attendees.

He said that court's *Citizens United* decision, which gives the green light to all those distasteful Super PAC ads, is hugely unpopular.

"Whether they're a Democrat, a Republican, an Independent, a Green, a Libertarian, this is not just an issue. This is a principle about how our government is supposed to operate," Cobb said.

He predicted that within a decade this decision will no longer stand. A constitutional amendment could remedy the harms the *Citizens United* ruling is causing. Such an amendment would state that a corporation is not a person and can be regulated, and money is not speech and can be regulated.

Learn more on how to reestablish a government of, by, and for the people at www.movetoamend.org.

Over the course of the past few decades, the power of concentrated money has subverted professions, destroyed small investors, wrecked the regulatory state, corrupted legislators en masse, and repeatedly put the economy through the wringer. Now it has come for our democracy itself.
— Historian Thomas Frank

Navigating the Candidates in Campaign 2012

by OVEC membership committee member Sylvia Arthur, excerpted from our *Hoots and Hollers* blog.

When it comes to elections many times we are faced with the same questions. “Who is this person?” “What are their policies?” “What is their background?”

Look to the Web for information about candidates in the upcoming elections.

One of the first sites to come online was Project Vote Smart. The site is very easy to navigate. You can locate all your representatives, from national to state, through their Voter Self Defense System. Put in your address to get instant public statements and information on campaign finances.

They have a Vote Easy interactive program that matches your stand on issues with the 2012 Presidential candidates. You can also get candidate information by phone at 1-888-VOTESMART.

Congress.org is another site for following legislators and legislation. It is a nonpartisan news and information website dedicated to encouraging civic participation. On the bottom of the home page there is a link for Elections 2012, where you may explore candidates and get advice on how to talk with your legislator.

A good website for finding out about elected representatives is Open Congress, which brings together official government data with news coverage, blog posts, public comments, and more to give you the real story behind what’s happening in Congress.

If you don’t already know who represents you in Congress, you can look them up by your zip code. Note: If you live in a split district you should put in your full address. On the pages of your Senators and Representatives, you can look through their full voting history, their recently sponsored bills, and see who made their campaign contributions. By subscribing to their RSS feeds, you can easily keep track of your representative’s latest votes and sponsored legislation.

Open Congress wants to help people to lobby more effectively. On the Issues page, you can look back through the results of major votes on issues you care about. You can identify prominent sponsors of legislation, as well as “swing” votes in Congress — members of Congress who tipped the balance in close votes. This makes it possible to better focus your lobbying efforts, as well as refer to specific bills and votes, when you call or write to your members



of Congress. Open Congress has good information. It is easy to find what you are looking for. You can write representatives directly from the site.

GovTrack.us helps the public research and follow legislation in the United States Congress and the state legislatures.

Launched in 2004, initially as a hobby, its goal is to promote government transparency, civic engagement and civic education. It has since gone on to win multiple awards for online education. You can use their congressional directory to research and track your current congresspersons.

Ed. Note: Arthur has collected more valuable information for you in her blog postings, so be sure to check them out at www.ohvec.org/blog.

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pollution violations at what was then the Ashland Oil refinery on the border of West Virginia and Kentucky. In the 1980s and 1990s, Ashland Oil, Inc. had its corporate headquarters in Ashland, Kentucky, and they operated some other facilities here as well, making the company the biggest employer and the most powerful political force in our Tri-State region.

In response to our well-publicized objections to frequent air quality violations and human health problems, Ashland ran advertising campaigns that rivaled those of the pro-mountaintop removal ads today. Ashland put out a weekly newsletter that mentioned activists by name and seemed to encourage harassment. The “Good Neighbor” public relations campaign was so common that most people who didn’t live near the refinery were led to believe that Ashland was doing more than the law required to control pollution. But in 1998, OVEC’s hard work paid off when the U.S. Department of Justice and the U.S. EPA slapped Ashland Oil with EPA’s largest-ever fine (at that time) and stated to the media that the company was in serious violation of air, land and water regulations at all its refineries in the nation. Today, that much-cleaner refinery is run by Marathon.

It’s clear that without OVEC’s early work, our Huntington Tri-State area would be a much less pleasant and likely much more toxic place to live!

Part 2 of Dianne’s story will appear in the next edition of Winds of Change.

Internships

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grassroots level has shown me the importance of scale. The movement against mountaintop removal operates at the national, state, county and community levels through lobbying, environmental regulations, state-funded community projects, campaigns, non-violent direct action and community organizing. All of the above elements, methods and different scales of action are important and need to be consistently engaged to effect change. The localized scale of community organizing and its partnership with people as opposed to hierarchical authority or economic-centered decision making, however, appeals most to me. Its prioritization of local agency and scale works with an understanding of the network of social issues, stakeholder interests and power relations behind the mining operations.

From my brief experience during our (my work partner Alex Lewis and my) listening project of Fayetteville folks, we found a good number of people who opposed MTR. A smaller number were for mountaintop removal, although it was encouraging to see several surface miners express their dislike of the industry and its ethical and environmental effects. The majority of folks, however, were split between the polar positions or apathetic about the issue. Interestingly, the most affluent neighborhood we canvassed was the most apathetic to the cause.

We formed relationships with those sympathetic to or supportive of the cause and added them to a contact list which will form a network of people opposing mountaintop removal. Living in a completely new environment and society in the past two months has been challenging at times and has triggered many moments of realization and reflection. Nonetheless, the conversations with local folks,



interactions with other passionate activists and the astonishing beauty of this place (*left*) have made these eight weeks very well worth it.

To all the wonderful people I have had the opportunity to meet, thank you!

Picnics in the Parks



On July 22, about 40 folks converged in a Fayette County park’s picnic shelter (*above*) for the Mountain Lovers’ Picnic, an event primarily organized by OVEC organizer Andrew Munn.

Among the groups and campaigns represented were OVEC, the Mountain Health & Heritage Association, Plateau Action Network, the Appalachian Community Health Emergency campaign, Rainforest Action Network, the Alliance for Appalachia, Swarthmore College’s Divestment Coal campaign and the Southern Appalachian Labor School.

The Mountain Lovers’ Picnic celebrated the efforts of folks in Fayette County who are organizing for an end to mountaintop removal. The fine food and camaraderie sparked calls for regular Mountain Lovers’ gatherings. Contact andrew@ohvec.org or 304-574-6121 for more info.

On July 27, about 35 OVEC members and supporters gathered in Kanawha State Forest for a picnic (*below*). Folks feasted on some traditional picnic fixings and vegetarian fare, including produce from local gardens. OVEC staff Tonya Adkins and Joe Kuhn picked some tunes on guitar and banjo. Janet Keating, our executive director, and Dianne Bady, our co-director, updated folks on OVEC’s work.

Thanks to Danny Cook, our membership committee co-coordinator, for donating many of the door prizes. Folks at this picnic had a chance to meet our new organizer, Dustin White.



Still Barging On

Since 1994, when the city of Huntington signed a barge fleeing agreement with Huntington Marine Services, a vocal group of concerned citizens have been advocating against what they term a health hazard, a serious environmental issue, and an eyesore.

The Huntington area already has several barge fleeing sites, places along the Ohio riverbank where barges can park and line up, waiting for their haul — coal — to be moved along the Ohio to power plants or to export ports.

This particular site will consume 4440 feet east of Twelvepole Creek, creating an unsavory view from the Paul Ambrose Trail for Health, and for residents of the Westmoreland neighborhood in which the fleet may be located.

Although Huntington Marine Services requested a permit for 90 barges, in mid-July the Army Corps of Engineers approved space for 72, inciting protests over erosion, noise, dust and light pollution, as well as safety concerns of swimmers who use the river in that area. Neighbors are also concerned about the effects of the fleeing on sewage outfall from a nearby treatment plant.

Huntington Marine Services avers that the fleet will be quiet and pollution-free and will create ten to 12 jobs. This has not quieted those against the fleeing. Huntington City Councilwoman Joyce Clark,



who represents Westmoreland, has been a leader of those opposed to the facility.

“We’ve had peaks, valleys, lulls and plateaus, but we’ve been on guard since 1994,” Clark told the *Huntington Herald Dispatch*. “In some ways, it can wear people down, but I don’t see that happening in this case.”

Huntington Marine Services must appeal to the Board of Zoning Appeals, asking that the area’s zoning be changed from its current residential use to commercial-industrial use. That request will also be considered by the City Council. Voices pro and con will present arguments at a future Council meeting before the request can be voted on. This process can take one month or several, depending on the Council’s agenda.

Stay tuned... 🍌

Still Soaring High

Congratulations to SouthWings volunteer pilot Susan Lapis who was selected as the recipient of the 2012 Distinguished

Volunteer Pilot award from the National Aeronautic Association and the Air Care Alliance as part of their Public Benefit Flying Awards Program.

The NAA recognized Susan “for her enormous contributions using her aviation skills to protect the natural heritage, communities and ecosystems of the Southeast.”

The Public Benefit Flying Awards were created in 2003 to recognize significant contributions by people

and organizations that voluntarily put their aviation skills, talents, and equipment to use to the benefit of our nation. They are the most important aviation awards of this nature in the United States.

Lapis earned her wings in 1992 and has been a SouthWings pilot since early 1999. Her professional background includes a Ph.D. in biochemistry and work in enzymology and cancer research. Lapis has flown innumerable flights over mountaintop removal operations for OVEC and other groups.

Thank you for your service for the people and the planet, Susan. Way to go! 🍌



Lapis in her plane.
Photo courtesy SouthWings.

Witness for Peace

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the union and how it has impacted the livelihood of underground coal miners.

The next morning, we drove over the King Coal Highway to see more of the MTR operations that are plaguing central Appalachia. By this point, the delegates were beginning to truly understand the ramifications of MTR. Rather than asking questions, they were shaking their heads in disgust and dismay. We stopped in Matewan, where members of the UMWA Local 1440 opened their doors and discussed how union-busting efforts and MTR go hand-in-hand in creating more poverty and sucking wealth from citizens of Appalachia.

This was where our time with the delegation ended, and they went on to Colombia for seven days. In their short time in West Virginia, they were able to get a close-up and personal view of Appalachia and to see both the destruction and the beauty of our people.

We hope that this is the first of many Appalachia-Colombia delegations for Witness for Peace in West Virginia and that soon we will be bringing up activists from Colombia. Forming international solidarity movements is one strategy for overcoming the devastating consequences of coal extraction, and it helps to ensure that as we end MTR here, we don’t just shift the burden to other areas and peoples.

Thanks to everyone who worked hard to make this delegation happen. 🍌

Stay Connected!

Stay Informed by E-mail: Join OVEC’s Action Alert! e-mail list by going to 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 frequently for updates. Check out our extensive background information in the Issues section. We are on **Facebook**, too. Link up from www.ohvec.org.

EPA and Coal

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Army Corps of Engineers has authority over permits for the discharge of “dredge” or “fill” material.

Under the CWA, the EPA is in charge of pollution-causing discharges (section 402), and the Corps is in charge of earth-moving discharges (section 404).

The problem for MTR is that while the displaced earth is fill material under the CWA’s definition, it also contains pollutants that contaminate streams.

The U.S. Supreme Court, in a couple of decisions providing fodder for many scholarly analyses, has determined that section 404 applies to, and that the Corps is the primary permitting authority for, disposal of earth from surface mining operations.

But the EPA still has a role. First, the EPA shares responsibility with the states to establish water quality standards, which inform permitting authorities as they consider discharge permit applications. The EPA has authority to prevent the Corps from issuing a discharge permit for a site when the EPA determines that it will adversely effect municipal water supplies or wildlife or recreation areas. The recent decisions do not undermine these aspects of EPA authority.

What the EPA cannot do, according to the recent decisions (subject to appeal), is set water quality standards or determine enhanced environmental review by something less than formal rulemaking, or veto a section 404 permit after it has been issued by the Corps. ...If anything, these recent decisions affirm the authority of the EPA to prevent, based on environmental concerns, the Corps from issuing such permits, so long as the EPA intervenes before their actual issuance.

Moreover, nothing in the decisions prevents the EPA from enacting regulations that codify both the conductivity water quality standard and the enhanced environmental review agreement between the EPA and the Corps.

Finally, the economic realities of natural gas abundance and renewable technologies, as well as the scientific realities of climate change, will determine coal’s future far more than anything the EPA does.

Whether the EPA aggressively intervenes in 404 permit issuance or uses the rulemaking process to codify conductivity standards will likely depend on the discretion of the occupant of the White House. But the truth is that there are forces far more powerful than EPA regulations driving the future of coal in

Appalachia. 🍌

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We're Celebrating 25 Years in 2012

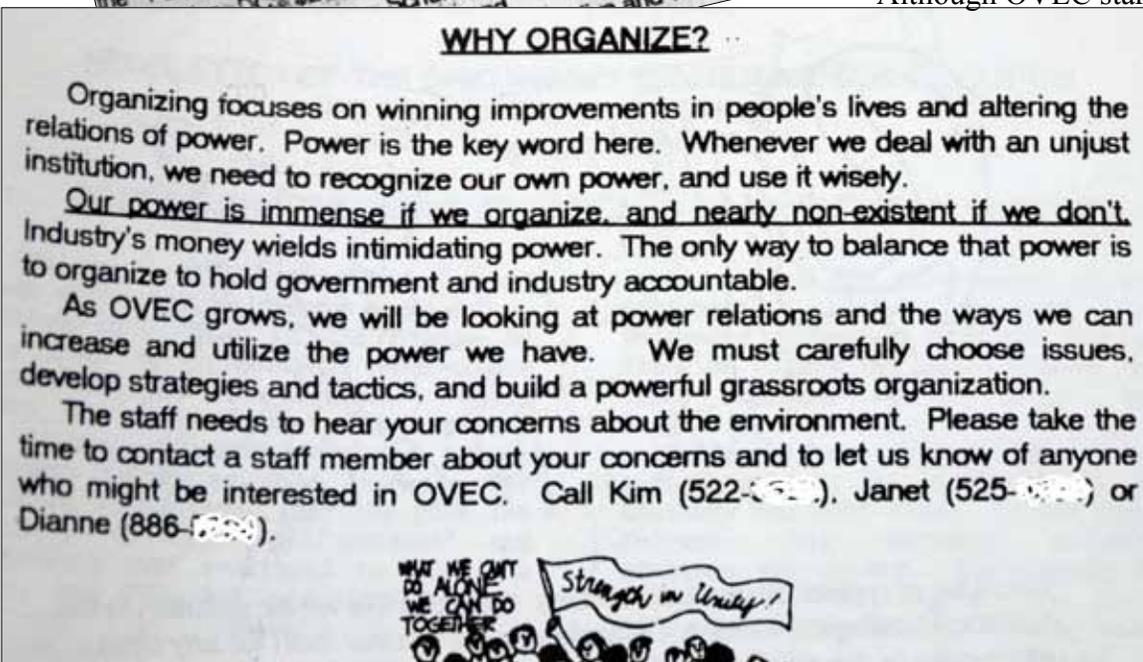
Some things never change:
Organizing is still central
to success, as is grassroots
fundraising.

At left are shots of the front
and back covers of the September
1992 *E-Notes*, OVEC's
newsletter in the early days.

Although OVEC started in 1987, this is

the earliest edition
of *E-Notes* in our
archive files.

Help us
celebrate 25 years
of Organized
Voices and
Empowered
Communities by
coming out to our
25th Birthday Bash
on Saturday, Oct.
27 at the Woman's
Club in Charleston,
W.Va. It's dinner
drinks, and dancing
with the Voodoo
Katz. 🍷



25th Birthday Bash: Watch your mail for more details, or call the OVEC office at 304-522-0246.