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Winds of Change

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Victory in 17-Year Struggle: Federal Court Upholds EPA Veto of Spruce MTR Mine

On September 30, the U.S. District Court for the District of Columbia upheld the Environmental Protection Agency's veto of a permit for one of the largest and most extreme mountaintop removal coal mines ever proposed in Appalachia: Arch Coal's Spruce No. 1 Mine in Logan County. The court found that EPA's decision to veto the Clean Water Act permit for this mine was reasonable and fully supported by the scientific record.

The fight to stop or limit mountaintop removal mining at this site began around 17 years ago, when Jimmy Weekley, of Pigeonroost Hollow near Blair, showed up at then-new attorney Joe Lovett's office pleading for help. Arch Coal intended to bury his hollow and blow up the adjacent mountain, including his beloved "meditation rock".

Back in 1998, the West Virginia Highlands Conservancy gathered a group of people who lived near the Spruce site, including several OVEC members, and Joe Lovett and Jim Hecker with Public Justice filed a lawsuit to stop or limit the devastation. That original lawsuit did limit the mountaintop removal, saved Jimmy's hollow, led to strip miner layoffs and stimulated a *huge* black headline in the Logan Banner newspaper: *This is War*.

Joe Lovett, Jim Hecker, OVEC, WV Highlands Conservancy, and Earthjustice have been involved in various Spruce Mine court battles since. Although our direct legal adversary was Arch Coal, other adversaries have included virtually the entire government of West Virginia and the coal industry's money, which funded dishonest public relations/media onslaughts (the Clean, Carbon Neutral Coal



Left: Jimmy Weekley, photo by Mark Schmerling.
See page 27 for our sad farewell to Jimmy.
Right: Jimmy's beloved Pigeonroost Hollow;
OVEC photo flyover courtesy SouthWings.org.

billboard in the Charleston area was one lowlight).

According to Emma Cheuse, an Earthjustice lawyer who argued on behalf of several Appalachian groups in defense of the EPA's veto of the most recent Spruce permit, "Now that a court has affirmed the EPA's decision to prevent the unacceptable devastation this practice causes in this important instance, we need the EPA to do its job across the board to protect Appalachian communities before the coal industry destroys more waterways, communities and unique natural areas for good."

Attorney Jim Hecker, who was co-counsel for the original 1998 lawsuit, says, "The coal industry has falsely painted the Spruce Mine veto as an example of EPA overreach and a 'war on coal,' and this decision shows that EPA's decision is based on clear scientific evidence of serious environmental harm from (mountaintop removal) mining."

Arch has 60 days to decide whether to appeal the decision to the D.C. court of appeals, so it's not over yet. But winning a second appeal would be much harder than the first, if not impossible. 🍂

Inside This *Winds of Change*

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Grisham Takes On MTR

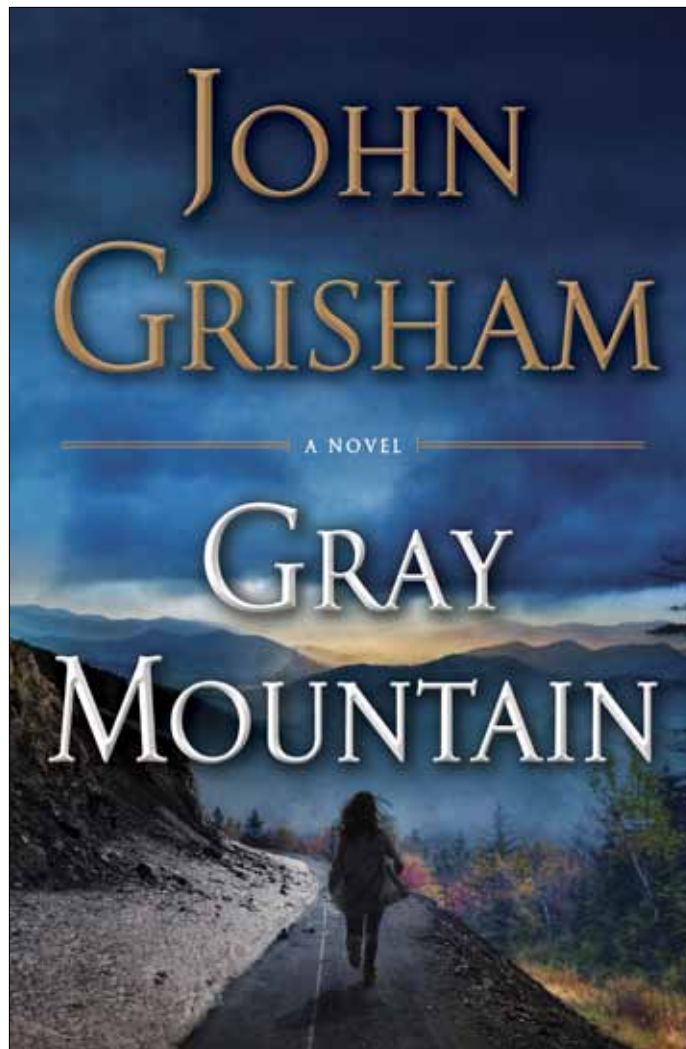
Bestselling novelist John Grisham tackles mountaintop removal coal mining in his latest novel, *Gray Mountain*. Here's fair warning that the novel contains some stereotyping of hillbillies, but as the *Washington Post* puts it, **"If it's possible for a major novelist to shame our increasingly shameless society, *Gray Mountain* might do it."**

According to *USA Today*, "Yes, *Gray Mountain* is fiction. But after reading the book, you'll believe **heroic action must be taken to save the real people of Appalachia and their homeland.**"

The *USA Today* review also says:

Though Big Coal's atrocities are technically plot points in Grisham's latest legal suspense story, there can be no doubt the author believes companies are decimating Appalachia with the complicity of lawyers, judges, doctors and federal regulators.

Gray Mountain is less a traditional Grisham legal thriller and more a defense of social advocacy. Events take shocking turns, characters take great risks and lawyers take off their gloves in the courtroom. But Grisham builds his drama — and his case — most passionately by exposing the appalling behavior of Big Coal. The landscape is defiled, residents are poisoned with pollution, the most meager of benefits are denied miners with black lung disease, and a six-ton boulder dislodged from a mining site tumbles more than a mile down the mountain and crushes a trailer in which two brothers are sleeping.



A pre-publication review at Amazon.com is equally harsh toward the coal industry:

Author John Grisham paints a dark picture of the coal mining industry, the danger it poses to the environment and the lives of people. He is scathing in his portrayal of the people involved and how far they are willing to go to have their way, even to the extent of murdering and poisoning streams and wells.

*Though a dazzling legal thriller, full of suspense and action with its plot twists and surprises, Gray Mountain is primarily an issue-based novel that takes up the cause of defenseless people and the **environmental hazard coal mining has brought about by***

***ripping off the tops of hundreds of mountains in Appalachia. It has not only poisoned the ecosystem but is instrumental in the rapidly vanishing wildlife and threatens the very survival of human beings living around coal mining areas.** Grisham is as brilliant as ever but the central premise of the story may not appeal to some readers.*

The *Washington Post* review also said:

*The author does justice to the physical beauty of Appalachia and to the decency of most of its people, but **his real subject is the suffering inflicted on those people by mining companies and politicians who pander to them.***

Grisham makes his characters all too real, but the heart of his story is his relentless case against Big Coal. We all know something about the plight of miners, but we are unlikely to have encountered the realities of their lives in the depth provided here. 🍎

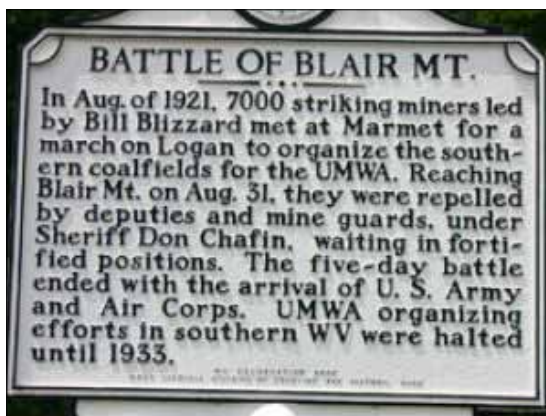


Battle to Protect Blair Mountain Battlefield

Lives on with Appeals Court Ruling

For many years, OVEC has been a partner in the struggle to save Blair Mountain. On August 26, we got some help.

In a two to one ruling, the U.S. Court of Appeals for the District of Columbia Circuit overruled a lower court decision, by holding that historic preservation and **environmental groups have standing in their campaign to protect the historic Blair Mountain Battlefield** in West Virginia from mountaintop removal mining. The appeals court decision comes **in the context of those groups' challenge to the National Park Service's December 2009 decision to remove Blair Mountain from the National Register of Historic Preservation.** In 1921, the battlefield was the site of the largest armed insurrection in the United States since the Civil War, as 10,000 coal miners clashed with mining company financed forces over the right to unionize.



The court held that the mining companies' obvious intent to conduct mountaintop removal mining on the Battlefield was enough to demonstrate that destruction of the historic resources was imminent, and that depriving citizen groups of the right to enjoy the site would result in "concrete and particularized injury."

"The fight for Blair Mountain was America's largest-ever labor struggle. Its symbolism is among the most iconic in United States labor history," says Regina Hendrix, of the WV Chapter of the Sierra Club and a past OVEC board member. "Preservation of this site provides an opportunity to diversify the economy in Logan County. Route 17, which runs past the battlefield, has been designated a Scenic Byway. Without preservation of this historic site, there won't be much to see that's scenic."

The battle for Blair Mountain is a central event in labor history in the United States and one of the best known of the many labor struggles in West Virginia. The actual site of the battle is a key part of our history and should be preserved for our children's children to visit and explore. After many nominations and revisions, the site was finally listed on the National Register of Historic Places in 2009, only to be delisted nine months later in a move that the coalition believes was unlawful. Since federal coal mining laws provide strong protection for sites actually listed on the National Register, removing Blair Mountain from the Register puts the future of this important place at risk.

Groups included in the appeal to the D.C. Circuit Court include Friends of Blair Mountain, the Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy, the West Virginia Labor History Association and the National Trust for Historic Preservation. 🍓

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

Much of what we consider valuable in our world arises out of these kinds of lopsided conflicts, because the act of facing overwhelming odds produces greatness and beauty...

- Malcolm Gladwell in his book *David and Goliath*

Why Pass the ACHE Act?

USGS Scientists Link Hazardous Dust to Mountaintop Removal Coal Mines



In early fall, for the first time, federal scientists confirmed elevated levels of airborne dust in communities neighboring mountaintop removal coal mines.

U.S. Geological Survey (USGS) scientists compared airborne dust samples collected from communities near mountaintop removal sites to samples from communities without the destructive coal-mining practice. They found levels of fine dust known to harm human health, including aluminosilicate particulate matter (PM), nearly *six times higher* in communities near mountaintop removal operations than in the control areas.

The study, titled “Atmospheric Particulate Matter in Proximity to Mountaintop Coal Mines: Environmental and Human Health Impacts,” has been submitted to *Environmental Geochemistry and Health* for publication. It shows that the dust comes from the mountaintop removal sites and not from other sources. Community members in these areas have higher rates of several serious illnesses, including those associated with this type of dust exposure.

The study states, “The human respiratory system is directly affected by aluminosilicate dust exposure, and the link between PM exposure and both respiratory and cardiovascular diseases is well established.”

“This new report sounds frightening alarms about the air that we breathe every day, air made dangerous by mountaintop removal blasting,” said OVEC’s Maria Gunnoe. “We demand to know why important information about health hazards is being withheld.”

Other USGS health research relating to mountaintop removal has been delayed and not yet released. In 2013, USGS funding for mountaintop removal health studies was eliminated, and this current study was held up for more than a year. The Appalachian Community Health Emergency (ACHE) campaign has submitted a Freedom

It makes us sick! Dust from MTR operations comes from the blasts that rip open mountains to get to underlying seams of coal, as in the above photo by Giles Ashford, as well as from gargantuan machinery crisscrossing the moonscapes created by the blasts.

of Information Act request in an effort to determine why funding was cut.

“Politicians such as W.Va. Sen. Joe Manchin should place the health of their constituents first,” says Bo Webb, ACHE campaign coordinator. “Instead, they ignore, deny or suppress critical information about epidemic proportions of cancer, heart disease and birth defects, or they waste taxpayer dollars filing frivolous lawsuits that would expedite mountaintop removal. This USGS report confirms the urgency of the ACHE Act, HR 526. It is time for the U.S. Congress to pass the ACHE Act as a matter of national health priority.”

The ACHE Act would halt new or enlarged mountaintop removal permits unless and until the federal government completes a definitive health study determining that the process does not harm residents’ health.

Sign this petition to help restore USGS’s funding for MTR and health studies: <http://bit.ly/1CV0GZX>. 🍌

On October 8, *Greenwire* ran an article by Environment & Energy reporter Manuel Quiñones about the cuts to USGS MTR research. It notes that folks like us and former USGS scientist Lynn Crosby think political influence may be at work here. About Crosby, the article states, “She joined the agency in 2011 to help conduct the toxicology research but says things went sour after coal interests began paying attention.”

Quiñones’ article also cites a USGS employee as saying the allegations of political interference are “completely inaccurate,” and any delays are because “good science takes time.”

USGS ethics officers are reviewing Crosby’s allegations.

Scientists: MTR Dust Promotes Lung Cancer

For the first time, scientists have discovered a direct connection between mountaintop removal coal mining dust and cancer. The team of scientists, mainly from West Virginia University's Mary Babb Randolph Cancer Center, Department of Pharmaceutical Sciences and Center for Cardiovascular and Respiratory Science, posted the peer-reviewed study "Appalachian Mountaintop Mining Particulate Matter Induces Neoplastic Transformation of Human Bronchial Epithelial Cells and Promotes Tumor Formation" on October 14.

The report is accepted for publication in the American Chemical Society's journal *Environmental Science & Technology*. The report prompted renewed calls for passage of the Appalachian Community Health Emergency (ACHE) Act.

Dr. Michael Hendryx, now at Indiana University's School of Public Health and one of the study's authors said, "This study shows that dust collected from MTR communities promotes lung cancer. Previous studies have shown that people who live in these communities have higher lung cancer rates not due just to smoking, but with this study we now have solid evidence that dust collected from residential areas near MTR sites causes cancerous changes to human lung cells."

"We have clear scientific evidence that mountaintop removal coal mining jeopardizes the health of coalfield



Photo: A gargantuan dump truck on a MTR site. Blasting away mountains, dumping the rubble of former mountains into valleys and moving massive machinery around destroys landscapes and generates huge volumes of dust. People living below MTR sites have long known what science continues to prove: this insane form of coal mining not only destroys mountains and streams, it also makes communities of people sick and kills them off early. Mountaintop removal must end!

residents, and today's study is more proof that we can no longer ignore the dangerous impact of this destructive practice," said Kentucky Congressman John Yarmuth, who introduced the ACHE Act, along with New York Congresswoman Louise Slaughter. "No one should have to breathe the dirty air or drink the polluted water in mountaintop removal communities, but as long as we allow this public health hazard to continue, we are forcing the residents of

Appalachia to do exactly that."

"We've known for a long time that mountaintop removal mining has a deleterious impact on human health, and this study is yet another heartbreaking reminder," Slaughter said. "We shouldn't have to wait for more studies or sickened communities before we do something about it — we need to pass the ACHE Act now. I thank Bo Webb at the ACHE Campaign for his tireless work to raise awareness of the negative health impacts of MTR mining and my colleague John Yarmuth for carrying the ACHE Act with me in Congress." Webb is also a volunteer with Coal River Mountain Watch.

"To me, this is one of the most important papers that we've done," Dr. Michael Hendryx, a co-author of the new paper told the *Charleston Gazette*. **"There hasn't been a direct link between environmental data and human data until this study."** 🍌

Update: Kanawha Forest Coalition

During the summer, members of the Kanawha Forest Coalition (KFC) delivered a petition with more than 4,000 signatures to Governor Tomblin, asking him to rescind the KD#2 surface mine permit adjacent to Kanawha State Forest.

On September 26, KFC delivered several hundred more signatures on that petition during a meeting with the governor's Chief of Staff Charles Lorensen. KFC reiterated the request that the governor step in to rescind the permit, because the coalition alleges the permit was improperly issued and will have significant impacts on the Kanawha State Forest and local neighborhoods.

The company operating the mine, Revelation Energy, has already received six serious violations and one Imminent Harm Cessation Order since beginning operations in May.

On July 15, the DEP issued an Imminent Harm Cessation Order, halting mining for one week due to significant drainage

and sediment control structure violations directly upstream of Loudendale and Kanawha State Forest. Operations have since resumed. The company's existing surface mining operations on nearby Rush Creek have received numerous water quality, blasting, reclamation and drainage control violations in recent years. In addition, KFC asserts that the DEP improperly issued the KD#2 permit without the approval of the State Historic Preservation office (SHPO), which is required by state law.

KFC includes residents of Loudendale; Mt. Alpha; South Hills; Kanawha City; East End, West Side; other neighborhoods and towns in the region; Keepers of the Mountains Foundation; Coal River Mountain Watch; The Sierra Club; OVEC; WV C.A.R.E. Campaign (Citizen Action for Real Enforcement); and individual members of the Kanawha Forest Foundation; the Kanawha Trail Club, and the Sustainable Business Council. 🍌

Hey, Gov: Rethink Oil and Gas Drilling Under Ohio River!

In late August, the WV Department of Commerce's Division of Natural Resources announced it was taking bids that would allow the successful bidder to drill for Marcellus- and Utica-shale-derived natural gas beneath the Ohio River in Pleasants, Marshall and Wetzel counties.

Although a news report quoted WV Governor Earl Ray Tomblin as saying, "The proposed development is in the best economic interests of the state and will not unreasonably disrupt use and enjoyment of the Ohio River or the division's opportunities to develop other mineral interests in the area," multiple citizen groups are highly skeptical of the wisdom of drilling under the Ohio River.

OVEC's Robin Blakeman had been working with groups on both sides of the Ohio to successfully convince the U.S. Army Corps of Engineers to extend the comment period on a fracking waste barge dock permit proposed for Portland in Meigs County, OH. She alerted this coalition to this latest outrageous proposal.

The groups quickly composed two public letters to the governor, requesting that he withdraw this proposal. We also requested a meeting with the governor, a request that he has so far ignored.

"How can one division of state government rush into such an enterprise without consulting the people of West Virginia, or indeed anyone living in any downstream state, as well as the federal government? How can it be in the best economic interests of a state to jeopardize a major source of drinking water for millions of people?" Blakeman asked in a press release we issued about the first letter. Media outlets nationwide carried news stories about both letters.

"The 981 miles of the Ohio River provide drinking water to more than five million people. Ten percent of the country lives in the Ohio River Basin. Considering the multiple dire water situations we are seeing nationwide — drought out west, coal-chemical contamination of 300,000 people's water supply in West Virginia, drinking water at peril from fracking waste around the country — we should be doing everything possible to safeguard our water. Drilling under the Ohio River is a huge risk," said Roxanna Groff of the Athens County Fracking Action Network.

In coming together to question this latest threat to the Ohio River, the groups pointed out that since 2005, according to federal law (42 U.S. Code § 15941), "No Federal or State permit or lease shall be issued for new oil and gas slant, directional, or offshore drilling in or under



one or more of the Great Lakes."

"There are protections for the water in Lake Erie needed for drinking water in the northern part of the state — why not the same protections for the water in the southern?" said the Ohio-based FreshWater Accountability Project Managing Director Leatra Harper.

"Fracking-related activities have been causing earthquakes and there's

a fault line running under the Ohio River," says Teresa Mills with the Center for Health, Environment and Justice.

"We've heard before that some outrageous plan is 'safe' when it wasn't. There needs to be a comprehensive environmental study done before drilling under the Ohio River is even considered," says Patricia Jacobson with Faith Communities Together Ohio Valley (FaCT-OV).

In reporting on the proposal, the website FrackCheckWV.net wrote, "Drilling and fracking above or near the Ohio River will result in hundreds of acres of disturbed land, toxic chemical leaks, increased water pollution run-off and contaminated storm water, as well as significant air pollution from diesel trucks, pumps and/or compressors, gas leaks and flares. The chances of fires, explosions, fish kills, worker injuries and public health exposures are very real."

The groups signing the letter were OVEC, Athens County Fracking Action Network, Concerned Citizens Ohio, CHEJ, FaCT-OV, Fresh Water Accountability Project, Southwest Ohio No Frack Forum, Wetzel County (W.Va.) Action Group and the WV Chapter of the Sierra Club.

The Wheeling Water Warriors started a petition to ask the governor to rethink drilling under the Ohio:

West Virginia is already overrun with fossil fuel extractive industries which pollute our air, land and water and negatively disrupt our lives. Our state is unparalleled in its natural resources, and yet we are among the poorest states in the country. We believe that corporate interests have prevailed over the best interests of the citizens of this state. We are told there is an economic crisis which requires us to drill under the river...

In the wake of the recent MCHM water crisis and other contaminations in our state just this year, we must act now to prevent wild, wonderful West Virginia from becoming an industrial wasteland and preserve our river and our precious water resources.

Sign the petition: <http://chn.ge/1rWKMtT>.

To get involved with OVEC's work on this issue, contact Robin Blakeman at 304-522-0246 or robin@ohvec.org 🍷

Holding Polluters Accountable....

In August, we filed a lawsuit against Penn Virginia, a corporate landowner whose former mountaintop removal land is continuing to discharge illegal levels of selenium into streams at a site near Dorothy, in Raleigh County, WV.

This is another of our several cases against corporate landowners who leased their land to mountaintop removal companies. When the mining was completed, WV DEP apparently concluded that no illegal pollution would occur, so DEP returned the MTR company's bond money. The legal purpose of bond money is to take care of problems after mining is completed. Because DEP does not do this, we are suing corporate landowners so they will bear the

responsibility for cleaning up illegal pollution. We also want to send the message that leasing land for mountaintop removal is not a smart investment strategy.



This latest corporate landowner suit is brought by Appalachian Mountain Advocates on behalf of WV Highlands Conservancy, OVEC and Sierra Club. 🍌

...Made Tougher When They Are Lying: *Lab Official Admits Faking Coal Water Quality Reports*

Excerpt from an October 9 *Charleston Gazette* article by Ken Ward, Jr.

A Raleigh County man pleaded guilty Thursday to repeatedly faking compliant water quality standards for coal companies, in a case that raises questions about the self-reporting system state and federal regulators use as a central tool to judge if the mining industry is following pollution limits.

John W. Shelton, 47, of Daniels, admitted to a charge of conspiracy to violate the federal Clean Water Act, saying he diluted water samples, substituted water he knew to be clean for actual mining discharges and did not keep water samples refrigerated, as required by state and federal rules, court records show.

Shelton was a field technician, and then a field supervisor, for Appalachian Laboratories Inc., a Beckley company that was certified by the WV Department of Environmental Protection to sample and analyze water discharges from mining operations as part of the Clean Water Act program.

U.S. Attorney Booth Goodwin said his office's investigation into the water sampling issue, conducted jointly with the FBI and the U.S. Environmental Protection Agency, is continuing, but he did not offer further details.

David McLeon, special agent in charge of the EPA's regional criminal enforcement program, said Shelton's plea "demonstrates that laboratories and their senior managers who callously place the American people at risk by submitting false reports will be held accountable."

Prosecutors said Appalachian does water sampling for more than 100 mine sites in West Virginia. Court records, though, do not indicate which mining operations were involved in the falsified samples or how widespread a problem Shelton's plea indicates exists.

Derek Teaney, senior staff attorney with the group Appalachian Mountain Advocates, said the DEP — the

state agency with primary Clean Water Act responsibility in West Virginia — needs to investigate what was going on with Appalachian Laboratories. Teaney said the DEP should audit any water quality sampling performed by Appalachian Laboratories and, perhaps, do an increased program of its own sampling at mines that could have been involved.

...In response to this news, OVEC's Executive Director Janet Keating said, "Another day and another outrage in the mountaintop removal mining areas in the state. I have to wonder if Mr. Shelton had a little encouragement to fake these samples or he thought this up on his own? I hope the FBI and EPA get to the bottom of this. The people of West Virginia deserve not only clean water, but to know why this is happening in the first place." ...Keating and many others weren't at all surprised several days later when...

Lab tech: Coal companies wanted water samples faked

Excerpt from an October 20 *Charleston Gazette* article by Ken Ward, Jr.

Employees of a Raleigh County laboratory falsified water quality samples under pressure from their coal company clients, a laboratory technician and supervisor who pleaded guilty to conspiracy to violate the Clean Water Act told a federal judge earlier this month.

John W. Shelton told U.S. District Judge Irene Berger that he and others at Appalachian Laboratories Inc. faked the samples so "that we could maintain the business with the coal companies that we were working for."

"The coal companies put a lot of pressure on the [laboratory] companies, smaller companies, to get good water data, and that was it," Shelton testified under oath during an Oct. 9 hearing in federal court in Beckley. 🍌

Conductivity: MTR's Kryptonite?

by Dianne Bady

In late August, OVEC, WV Highlands Conservancy and Sierra Club's contention that Fola Coal (a subsidiary of Consol Energy) is causing illegal biological and chemical stream impairment went to trial before federal Judge Robert C. Chambers. We sued over Fola's illegal ionic stream pollution, measured as conductivity, at their mountaintop removal Mine No. 3 in Clay County and the company's mountaintop-removal-caused illegal biological impairment of Stillhouse Branch.

A million thanks to attorneys Joe Lovett and Mike Becher with Appalachian Mountain Advocates in Lewisburg, WV, and Jim Hecker with Public Justice in Washington, D.C. I never cease to be amazed at the brilliance of Lovett's questioning of coal experts. These experts come tall to the witness stand, glowing with confidence, and, after he is finished with them, they go back to their seats drooping and rumped and usually needing at least a pat on the back from their partners-in-defending-pollution.

This type of lawsuit is a relatively new direction for us — suing over violations of permitted narrative standards, violations that result in extremely high levels of conductivity and other measures of biological stream impairment. In June, we won a similar lawsuit against

Sulfates were measured at 4-22 mg/l before Fola's mining and over 2,000 mg/l after mining began. High conductivity levels are a result of excavation and re-deposit of previously buried material during the MTR mining process. When this material is exposed to weathering, it releases sulfuric acid, which results in elevated concentrations of calcium, magnesium and bicarbonate ions. The strength of this ionic mixture is commonly measured as conductivity.

Alpha's Alex Energy and Elk Run Coal (see our Summer *WOC* newsletter at ohvec.org for details).

This earlier conductivity victory appears to have set off alarms in the MTR industry, as well it should. I believe that our numerous legal victories against the mountaintop removal industry over their widespread and illegal selenium pollution have literally weakened the economic viability of

this type of mining. Elevated conductivity is expected to be a serious problem below every mountaintop removal operation.

And the conductivity problems aren't going away anytime soon. In a 2014 peer-reviewed, published scientific paper, Dr. G. J. Pond wrote that even 11 to 33

years after reclamation had been completed, a majority of streams below Central Appalachian valley fills were still impaired as measured by elevated conductivity.

This big August trial brought out expert witnesses for both sides. All of our four experts are well-published academic scientists. Fola Coal's major expert was a biologist working for a private firm who produced numerous impressive, multicolored charts and graphs attempting to show that high conductivity levels are only one of the factors leading to biological impairment in Stillhouse Branch, directly below Fola's

mine. But, when our attorney Joe Lovett questioned him in detail, it became obvious that **he got the results Fola wanted by simply not using big chunks of relevant data** that would be inconvenient for Fola's arguments.

What's really scary is knowing that these fancy multicolored charts and graphs would surely be sufficient to convince any of MTR coal's well-financed politicians that MTR conductivity is not a problem, no questions asked. No questions *ever* asked. Fola's only other "expert" witness had no training in ecology and no previous experience analyzing ecological data. Although she claimed to be an expert in statistics, she could not remember what statistical measure she used in two of her published papers.

So, let's look at the evidence presented at trial. In our recent lawsuit victory against Alpha's Alex Energy and Elk Run Coal, the federal judge ruled that a WVSCI score (a measure of biological impairment in streams) below 68 indicates a violation of WV's biological narrative water quality standards. No coal expert disputed the fact that the biological impairment scores at Fola's Stillhouse Branch are well below that legal benchmark.

Our expert witness, Dr. Margaret Palmer, stated that the extreme levels of conductivity and sulfate in



Mind-boggling-ly vast swaths of blasted mountaintops equals loads of pollutants unleashed into our waterways.



Stillhouse Branch, the low biological scores (WVSCI) and the complete absence of mayflies indicate that there is no question that the ionic mixture in Fola’s discharges is causing the observed biological impairment in the stream.

In 1995, before Fola’s mountaintop removal mining began, the conductivity levels in Stillhouse Branch were low: 47-104 $\mu\text{S}/\text{cm}$. After mining, conductivity rose to **over 3,000 $\mu\text{S}/\text{cm}$** . To compare, U.S. EPA’s Aquatic Life Benchmark for Conductivity in Central Appalachian Streams is 300 $\mu\text{S}/\text{cm}$. Even at 300 $\mu\text{S}/\text{cm}$, a stream is 59% likely to be impaired, according to EPA.

EPA’s benchmark value for conductivity has been confirmed by independent academic scientists considering multiple lines of evidence.

Palmer published a peer-reviewed study in 2011 that concluded that “all research to date indicates that conductivity is a robust measure of the cumulative or additive impacts of the elevated concentrations of multiple chemical stressors from mine sites that lead to biological impairment of streams.”

In contrast to all of our expert witnesses, Fola’s two experts did not cite a single peer-reviewed study in support of their opinions. Unlike our experts, they have never published peer-reviewed studies on the impact of conductivity in streams in Appalachia. They developed their opinions for Fola only in response to this litigation. Fola’s conclusions that stream temperature, not just conductivity, is a primary cause of biological impairment in Stillhouse Branch, is in opposition to all of the published literature.

Our expert Dr. Ryan King pointed out that the relationship between conductivity and stream impairment has been tested and confirmed so many times that it has been accepted as a “fact of science.”

As of this writing, Judge Chambers has not yet issued final rulings on our case against Fola. 🍌

WV DEP is preparing to change the state’s selenium standards and measurement methods, which will make it much more difficult to sue mountaintop removal companies over illegal levels of selenium. The state legislature rose to the defense of the mountaintop removal industry by unanimously passing a new law in 2013 making these MTR friendly changes possible. Ionic stream pollution, measured as conductivity, is an even more widespread pollution problem downstream of MTR than is selenium. Like selenium, conductivity related pollution violations are not typical at underground mines.

Victory: Gainesville Sure Does Love Mountains

Congratulations and thank you to Jason Fults and his fellow members of the group Gainesville Loves Mountains. They waged a three and a half year campaign to end Gainesville (FL) Regional Utilities’ use of mountaintop-removal-mined coal. On September 18, the City Commission, which serves as the board for the municipally owned utility, succumbed to the campaign’s pressure and voted five to two to adopt a policy that will pay up to five percent more to buy coal that is not MTR-mined.

The commission also unanimously adopted a related resolution formally opposing the use of mountaintop removal coal mining techniques.

A Gainesville newspaper reported:
After the votes were made, the audience applauded before getting up to leave. Outside the meeting room, people shook hands and hugged as they celebrated the achievement.

“So many people here have just poured their heart and soul into this,” said Jason Fults, co-founder of Gainesville Loves Mountains.

The group’s immediate next steps include taking part in an Earth Quaker Action Team (EQAT) Fall Regional Direct Action Training Weekend, in preparation for EQAT’s December 6 National Day of Action BLAM! — telling PNC Bank to end its financing of MTR coal mining and to bank like Appalachia matters.

In the longer term, over the next five to ten years, the group expects to be leading the charge to wean their utility off of coal entirely. Go solar; go Gainesville! 🍌



Fractured Lives in West Virginia

by Tonya Adkins

In August, I visited Doddridge County, WV. The undulating green hills, the well-kept modest houses nestled in narrow valleys accessed by winding gravel roads, the hillside farms with their barns, outbuildings, and cattle pastures, all spoke to me of childhood circa 1970. A two-story white farmhouse with wide front porches upstairs and down could have been plucked from my grandparents' farm on Wolfpen in Wayne County, WV, and sat down in this hauntingly familiar place. I could imagine the inhabitants, people with a common background, possessing country wisdom and a dialect that flows easy in my ears. But the nostalgia evoked by this place was vastly overshadowed by the heartbreaking reason for the visit.

I was there with the rest of the OVEC staff to meet with Diane Pitcock. After retirement, she and her husband relocated from Baltimore, MD, to West Virginia to escape the hubbub of the city. As Kentucky poet Jim Wayne Miller said in "The Brier Sermon," they represent the outsiders who recognize and appreciate the beauty of our state and the value of our culture; they had come to "sit a spell with us. We had something they wanted." In 2005, they bought a small farm in bucolic Doddridge County and settled in to what they hoped would be a quiet life. When a neighbor leased his land to a gas company three years ago, the nearby fracking sites (four surround them) not only shattered their peace, but also exposed the family to the air, water, light and noise pollution that fracking brings. To draw attention to the horrible impacts she and others are enduring, she helped organize WV Host Farms, a program where landowners allow environmental groups, journalists and researchers to view and study the impacts of Marcellus Shale drilling.

What I witnessed on this trip was an all-out attack, not only on a place of beauty, but also on a way of life. Everywhere we went, we encountered barrages of trucks transporting gas, water, fracking waste and heavy machinery. The heavy traffic on narrow gravel roads had covered buildings and vehicles



*A West Virginia farm.
Photo courtesy FrackCheckWV.net.*

with a thick white layer of dust. On several occasions, pipeline workers operating heavy machinery along the roadways held up traffic; even more chilling, we were stopped at gas-company guard checkpoints set up along public roads.

We learned that mineral-owner rights supersede those of surface owners. For example, we spoke with the owner of an 80-acre farm on which miles of roads have been pushed through forested land, trees

dozed into valleys, fracking-waste ponds constructed (and buried) and a huge well pad with several tanks constructed, all without the owner's consent. The gas lease signed in 1901 by a former owner basically allows the gas industry to destroy this man's land, and there's nothing he can do

to stop it. Because he refused to sign an agreement, the companies can build the infrastructure necessary to extract the gas, and then pay him the damages they deem appropriate. The haul road is constructed up the mountain directly above his cabin. He worries that, once winter comes, the snow-slicked road will send a truck crashing over the hill onto



*OVEC staff and Diane Pitcock above a well pad
in Doddridge County.*

his house. Little of his 80 acres remains undisturbed, and I don't imagine he will ever be able to sell it to escape the destruction and pollution.

Pipelines crisscross the landscape like a devastating spider web. Not only do workers slash through wide swaths of forests and farmland, but they also dig or blast through waterways and cut through roadways. Last year, two workers died and another was injured in an

explosion at a Eureka Hunter Pipeline operation near Wick, WV. According to an NBC report, some of the gas pipelines are bigger and more dangerous than their predecessors, and they "sometimes run within feet or yards of homes with little or no safety oversight." According to the report, gathering lines are "subject to the same risks — corrosion, earthquakes, sabotage

and construction accidents — as transmission lines." However, "about 90 percent of gathering lines do not fall under federal safety or construction regulations because



*Fracking truck accident. Photo by Ed Wade Jr. with the
Wetzel County Action Group.*

they run through rural areas.” As happens with so many other destructive industries, rural people are expected to pay the high environmental, safety, and health costs while elite outsiders reap the huge economic gains.

On our “frackland” tour, we visited a noisy compressor station built just a few hundred yards from several houses. The noise was unbelievable, and it runs around the clock. These devastatingly loud stations are built at intervals all along the length of the pipelines, destroying the peace of anyone living nearby. Furthermore, while we were viewing the compressor station, a woman in the community told us that her entire family is now sick from the fumes.

At another stop, where gas is leaking from an old well due to nearby fracking activity, some members of the staff became nauseated and developed headaches, and we were only there for a few minutes. The woman who lives across the road from the well has been trying to get it capped off for three years without success. The potential health effects from this leaking gas are extremely alarming. In fact, several families have had to vacate their homes because of exposure to gas fumes and the “flaring” at nearby well sites. Flaring is the controlled burning of the initial release to determine the pressure, flow and composition of the gas from the well, and it can last for several days or weeks. Emissions produce carbon monoxide, soot, ash and volatile organic compounds, and the extremely loud and bright process goes on night and day.

As much of our country is drying up, the gas industry is destroying millions of gallons of water each day. Tanker trucks suck up water from streams; it is mixed with a witch’s brew of toxic chemicals and injected deep underground to crack the shale deposits and release the gas (fracking requires between three to five million gallons of water per well). On our tour, we saw a permitted water withdrawal site located above the water intake for the town of West Union. Many people believe that, along with threatening waterways, fracking is also polluting drinking water wells. When we stopped for a break in town, the owner of the gas station told Pitcock that his well water is now ruined by the fracking.

A major problem for the industry is the disposal of the toxic fracking material that flows back from the wells, and every method the industry uses has major implications for human and environmental health. Storage ponds are susceptible to leaks, underground injection threatens ground water supplies and has been shown to cause earthquakes in some areas, and some drillers have sent the fracking waste to municipal sewage plants, where it is simply diluted and released back into the water supply.



A flare, photo courtesy WVHostFarms.org.

As crazy as it sounds, fracking fluid has also been used to spray on roads to control dust, where it runs into nearby waterways.

On top of this, drill cuttings from the well sites are now being disposed of in municipal landfills; these cuttings contain radioactive waste. Testing of water leaching from the Meadowfill landfill near Bridgeport, WV, shows widely varying levels of radioactivity, sometimes spiking to 40 times the clean drinking water standard.

The sense of loss and foreboding I felt, and continue to feel, after my day-long tour of “frackland” is hard to express. As a lifelong country girl, with fierce pride in my heritage and cultural upbringing, it’s almost unbearable to realize that a way of life I love is being destroyed without eliciting so much as a whimper from the majority of those not directly affected. People fail to realize that this is just the gathering storm. Gas industry representatives are working at a frenzied pace to obtain gas leases and property easements everywhere in the Marcellus and Utica shale fields. As fracking spreads across the country, water supplies and farmland are being lost at an alarming rate. Anyone in West Virginia who’s not now experiencing any of the adverse effects of fracking likely soon will be. 🍌



Proposed Pipeline the Pits

Conservation groups across West Virginia are deeply concerned about Dominion’s proposed 42-inch high-pressure gas pipeline through the heart of the Monongahela and George Washington National forests. It would cut through our highest mountains (over 4,000 feet), through caves, native trout streams, tourism railroads, endangered species habitat and historic Civil War battlefields.

Many local residents facing eminent domain proceedings are outraged. Dominion is applying for a federal permit that will allow the taking of their private property. The blasting needed to get through this extremely steep, rocky terrain could affect individual and community water supplies. If the pipeline is built, safety issues could reduce property values and overwhelm local emergency responders.

Citizens across the Allegheny Highlands are organizing to fight the pipeline route. Twenty groups so far have joined the Allegheny Blue Ridge Alliance and more are signing up.

WV Highlands Conservancy’s Beth Little says, “Natural gas is a fossil fuel. Massive investment in a pipeline that locks us in to using a fossil fuel for many years is not the right answer to our energy problems.” 🍌

Wellness and Water III: Coal, Shale, Chemicals and You

by Mary Wildfire

The third Wellness and Water conference was held in Charleston, WV, on October 3 and 4, at the Village Chapel Presbyterian Church in the Kanawha City neighborhood.

Dr. Rahul Gupta, the keynote speaker, spoke about water problems in developing countries, mentioning as examples that women put in 200 million hours each day fetching water, and half of global hospitalizations have to do with lack of clean water or sanitation. He ended by talking about the Freedom Industries

leak. Dustin White asked about the MCHM and other chemicals in the sludge ponds; “How concerned should we be?” Gupta said that the response he gets from Centers for Disease Control on such questions is, “Just maintain the registries, and if there’s a problem it will show up.” He disapproves of this attitude, contrasting it with the EU’s Precautionary Principle. (Look that up online.)

One of two Affected Residents and Scientists panels followed Gupta’s presentation. Karan Ireland told her story, including the fact that she first noticed a funny smell in her bathroom two days before the leak was announced on the 9th. She was sick in bed when she heard about it — sick, she then realized, because of the long hot shower she had taken with tainted water. Angie Rosser of WV Rivers Coalition noted that the tank bill, SB 373, passed



Networking was a central part of W & W. Here, at left, Bill Hughes, who is with Wetzel County Action Group and also working part-time with OVEC, speaks with Wayne Woods of the Doddridge County Watershed Association. Photo by Jody Mohr.

both houses unanimously, which shows how much public pressure legislators felt (four of them were among those visiting hospitals because of health impacts, so some of the pressure was personal). There was more talk about details of the tank bill and about cisterns and water filters.

Helen Slottje, North American Goldman Prize winner for this year, talked about her fight to defend Ithaca, New York, and other towns from the onslaught of fracking. She was warned

that “fracking is coming your way — you need to be prepared for the boom and bust, the expansion of the local economy including such things as ‘man camps’ and the ‘babe buses’ that come in to service them.” As a lawyer, she thought in legal terms; New York state law prohibits local governments from regulating industry, but it allows them to set land use laws. So, an outright ban is okay, and several New York towns have passed bans that have held up in court. She had obviously spent time combing WV’s constitution and laws looking for grounds for fighting the extreme drilling known as fracking, but she acknowledged that it will be a harder fight here.

Slottje was followed by Maria Gunnoe, our own 2009 North American Goldman Prize winner, who talked about her roots in this area and the damage of mountaintop removal mining — she said a study estimated that 4,000 people a year die from its effects, and it employs only 4,500.

As far as I was concerned, the best parts of the day were the Affected Residents panels, because the women who told personal stories did such a fabulous job — emotional and impassioned, but also clear and coherent. Paula Swearngen talked about watching her grandfather suffocate with black lung disease and of her father and stepfather both dying young of mining-related illnesses. “We need to stop worshipping a black rock in WV!” she declared. “A man (or woman) shouldn’t have to choose between feeding his child and poisoning another child.”

Lyndia Ervalina of Doddridge County said her family has been there since the early 1800s. One day three or four years ago, suddenly there was much traffic by her house — they were staging for drilling — and it hasn’t gone away since. She was threatened by one worker, caught another trying to dump fracking fluid in her other

Thanks to everyone who contributed to W&W III, which was sponsored by OVEC, West Virginia Highlands Conservancy, WV Citizen Action Group, WV Surface Owners’ Rights Organization, Doddridge County Watershed Association, People Concerned About Chemical Safety, WV FREE, Sierra Club—WV Chapter and WV Sustainable Business Association. Thanks also to those who made donations so that others could attend on scholarships.

Our “Open Space” presenters included many of the sponsoring groups, as well as the Southwest Pennsylvania Environmental Health Project, Downstream Strategies, WV Rivers Coalition, WV Host Farms, DIY solar by Mary Wildfire, Wetzel County Action Group, Myths about Fracking Debunked and MTR Threats to Ginseng by Randi Poklanik, Advocates for a Safe Water System, Friends of Water and Kanawha State Forest Coalition.

Our panelists included Karan Ireland, Dr. Charles Sommerville, Meghan Betcher, Lyndia Ervalina, Annie Seay, Dr. Jill Kriesky, Bill Hughes, Dr. Michael McCawley and Paula Swearngen.



W & W started on the evening of October 3, with a reception and concert, featuring Andrew McKnight, left; photo by Maria Gunnoe. He followed WV's sweet-voiced singer-songwriter Colleen Anderson, who was backed by George Castelle on guitar. All you folks who couldn't attend missed out on a great concert. Thanks so much to these performers for supporting environmental justice and good times, too! Be sure to search for them online.

driveway, and had an old well blow up after they drilled a new one, leaving pieces of pipe in her yard. "It seemed like DEP was working for the driller," she complained. (The audience shouted "they are!") There is a compressor plant five miles away, and now she sees water buffaloes popping up. "It turns your community into a living hell," she concluded, choking up. "You watch your community go down."

Ann Seay moved here from Los Angeles 10 years ago and fell in love with WV, and she and her mate built a home. She became involved in the local food movement. "With our own hands, we shaped a paradise in the hills." They owned partial mineral rights, but the gas company compartmentalized it and said she had 16 acres of mineral rights out of 95; meanwhile, wells were permitted 1,500 feet from her front door — and 1,800, and 1,900, and 2,100. "We were surrounded," she said. The company threatened to run legs from existing pads under her house, her water well and her gas well, if they didn't sell out. She still feels guilt about the choice they made, but they *had* little choice, really. They now live in a 16-foot motor home and go around warning people in other areas about what fracking does.

Bill Hughes of Wetzel County Action Group horrified us with the news that three quarters of a million tons of radioactive drill cuttings has already been dumped in WV landfills. They're also burning toxins in the one official toxic waste incinerator in our region, the one we failed to stop in East Liverpool, so the people of northern WV and southwestern PA get to breathe the resulting toxic air, as well as being exposed in so many other ways.

To safeguard our wellness and water, much remains to be done and new threats seem to arise daily. At the conclusion of the conference, people interested in getting involved in fighting the governor's lunatic scheme to allow drilling under 14 miles of the Ohio River were urged to contact OVEC; those who want to fight the proposed pipelines were urged to talk to Chuck Wyrostok. There was also talk about the battle against MTR next to Kanawha State Forest, a fight that's hot right now, with plenty of ways to get involved.

Watch video from W & W at <http://bit.ly/1r23n4m> and <http://bit.ly/1t5F9vZ>. 🍷

*Note from Wellness and Water Planning Team
Coordinator Robin Blakeman:*

This year's Wellness and Water event was one of the most important things I have worked on all year. Our three featured speakers — Dr. Gupta, Helen Slottje and Maria Gunnoe — graciously provided their time for no compensation, as did many of the other scientific experts and affected resident panelists. Thanks to the many volunteers who helped this year's event run more smoothly than any other.

What inspires me most about Wellness and Water — during all three years we have been involved in it — is the networking that happens at the event and beyond. I think these events are ways of bringing together people concerned about a variety of pollution threats to our precious water supply. Every time we do this, we advance the cause of preservation of the water, which all human beings and, indeed, our entire Earth ecosystem, need so desperately to survive. Water is and should be our most precious resource. Let's all work together to preserve it in whatever way possible! If anyone is interested in stepping up to be on the planning team for a future event such as Wellness and Water, please contact me or any other OVEC staff member.

Sylvia Ridgeway Inducted into Huntington Wall of Fame



*Sylvia Ridgeway,
photo courtesy of the
City of Huntington
Foundation, Inc.*

Congratulations to Sylvia Ridgeway, NAACP State President and president of the local Huntington-Cabell Branch of NAACP (and an OVEC member)! She's been inducted into the Greater Huntington Wall of Fame, which is sponsored by the City of Huntington Foundation and was established in 1986 to recognize significant contributions to the area through civic or political achievements, artistic endeavors, athletic accomplishments and/or acting as an outstanding ambassador for Huntington.

Ridgeway has committed her life to inspiring others, and is a great role model for young women.

With a Bachelor's degree in English/language arts and a Master's degree in secondary education, she taught English for 24 years in the Cabell County School System. She continues to teach as a substitute in several middle schools in Cabell County.

She has served as a missionary to Zimbabwe, Mexico and Russia. She is a civil rights advocate and leader and is active on environmental issues. Her community service includes: current president of the Huntington Cabell branch of the NAACP; an appointment by Governor Earl Ray Tomblin to the WV Martin L. King, Jr., State Holiday Commission; and much more.

Ridgeway has been widely recognized for her community service and excellence, including Citizen of the Year for 2012 by the *Huntington Herald-Dispatch*.

Sylvia Ridgeway lives her life as her testimony. To quote George Eliot, "What do we live for, if it is not to make life less difficult for each other?" 🍷

Whose Water? Our Water!



by The Alliance for Appalachia

In September, The Alliance for Appalachia was honored to host dozens of Appalachian community leaders in Washington, D.C., along with allies from across the country, to fight for our water and our future.

Some of the mountain leaders (pictured at right) — including OVEC volunteers Carey Jo Grace and Daile Boulis, as well as OVEC Organizer Dustin White and our Executive Director Janet Keating — served as the alliance’s delegates to an inter-agency meeting with the Obama administration.

You may recall that in June, 2009, the Obama administration created a Memorandum of Understanding (MOU) among federal agencies responsible for protecting Appalachian communities from the extreme damage of mountaintop removal coal mining. This MOU made a number of commitments to address major issues, but the results have been mixed. So, the alliance set up this meeting with key officials, so that residents could present stories of impacts at home as well as simple policy changes that would limit the destruction of mountaintop removal and go a long way toward

protecting our communities.

We presented the agencies with a two-year timeline showing our goals for the remaining years of the Obama administration. We seek more permanent protections and concrete commitments that will protect Appalachian residents’ health, access to clean air and drinking water and encourage long-term economic sustainability that promotes rather than destroys the heritage and beauty of our region.

Although it was clear from our inter-agency meeting that the Obama administration’s Council on Environmental Quality (CEQ) was unprepared to report its progress and defend its shortfalls since its 2009 commitments, it was great to see all the work of our different committees and different organizations come together as we presented the administration our policy recommendations. These include a Conductivity Rule and strong Selenium Standard

from the U.S. EPA and a strong Stream Protection Rule and Mine Fill Rule from the federal Office of Surface Mining Reclamation and Enforcement. We summarized our basic requests in a report card (left)



Whose Future? Our Future!

that graded the Obama administration on its efforts to stop mountaintop removal, and then printed out the report card to present it to the CEQ the next day. The administration has much more to do in the next two years — it got an “I” for “Incomplete” in most areas.

The day after this meeting was a national day of action. More than 100 folks also gathered outside the offices of the CEQ and the White House, demanding protections for our water and our future. Residents formed a bucket brigade, to symbolically gather and transport home the clean water that D.C. officials have promised Appalachian communities, the clean water we still don’t have. Some residents chose to sit in on the front steps of the CEQ to deliver our report card, while others joined in a joyful square dance on the front walk of the office.

For the day of action, we reached over 50,000 people on Facebook, over 130,000 on Twitter and nearly 2,000 people contacted the administration to support our action.

While in D.C., in addition to the day of action and the meeting with agency officials, groups met with congressional representatives and attended a rally with EQAT (the Earth Quaker Action Team) to demand that PNC bank divest from mountaintop removal and celebrated with allies and friends at our Moonshine Mixer.

Our efforts only grow from here! We will continue to build power and design opportunities for action around these rulemakings in 2015, including releasing a “Grassroots Progress Report: The Obama Administration and Mountaintop Removal” that outlines our member groups’ evaluation of the Obama Administration’s progress to address strip-mining, and offers a two-year work plan for action.

We’re grateful to all the volunteers who made this event happen on a shoestring budget and our many partners that donated to support scholarships for Appalachian leaders to attend. 🍌

The Alliance for Appalachia’s member groups are: OVEC, Coal River Mountain Watch, WV Highlands Conservancy, Keepers of the Mountains Foundation, Kentuckians For The Commonwealth, Statewide Organizing for Community eMpowerment, Southern Appalachian Mountain Stewards, Appalachian Voices, The STAY Project (Stay Together Appalachian Youth), Heartwood, Sierra Club Environmental Justice, SouthWings, Highlander Education and Research Center, Gainesville Loves Mountains and Hands Off Appalachia!



Top: Hillbillies amass in D.C. to demand clean water, human rights and an end to MTR coal mining. Center: A bucket brigade moves clean D.C. water on down the line toward Appalachia. Bottom: OVEC organizer Dustin White pours the water into barrels for symbolic transport back home. Photos courtesy The Alliance for Appalachia.

Marching with the People (about

West Virginians know firsthand how the current “all of the above” energy policy sacrifices our water and the health of people and the planet for the sake of corporate profit.

The state’s coal-mining industry is responsible for rising black lung disease among coal miners, acid mine drainage and other coal-related water pollution, as well as dire human health and ecological problems from mountaintop removal coal mining. Also, in recent years, a rapid growth in activities associated with deep shale gas drilling has subjected more communities to threats of water and air contamination and subsequent health problems. Recent extractive industry proposals include drilling under the Ohio River and building a massive natural gas pipeline through the mountains.

We are on the front lines of fossil fuel energy production, and the production and use of this dirty energy is the primary driver of climate chaos. We need decisive action that protects public health and our water from energy sources that are both a local hazard and a



Top: Paula Swearengen at the march.
Middle: WV flag flies in Manhattan streets.
Bottom, below and opposite: Marchers.

global threat.

To underscore that message during The People’s Climate March on September 21 in New York City, OVEC marched with other member-groups of The Alliance for Appalachia. The Alliance is in turn a member group of the Climate Justice Alliance (CJA), which notes that the climate crisis is a symptom of a deeper problem: an economy based on extraction and exploitation of resources and people. This economy benefits a few at the expense of communities and the planet.

The front lines of the climate crisis are low-income people, communities of color and indigenous communities. “We are the hardest hit by both climate disruption — the storms, floods and droughts — as well as by the extractive, polluting and wasteful industries causing global warming. We are also at the forefront of innovative community-led solutions that ensure a just transition from fossil fuels and support an economy good for both people and the planet,” according to CJA in its call to action for The People’s Climate March.



I may be an old coal miner, but I know that global warming is real. I also know that things can be changed. I know we don't have to destroy our world. That's why I joined the Climate March.

- Stanley Sturgill, retired coal miner with Kentuckians For The Commonwealth

400,000 of 'em!) for Climate Justice

CJA's demand for the march: "World leaders must take action to *move money* to a just transition that can create millions of meaningful jobs and put our communities back to work building the resilient infrastructure we need to address the climate crisis, from clean community power, zero waste and local food systems to public transit and housing families."

What made it worth carpooling nine hours to New York City was that we didn't just participate in the march, but we also went to the Climate Convergence, a day of workshops and speeches. I learned a lot about methane at one workshop and about Passivhauses at another. The woman who is in charge of addressing climate change for the city of New York mentioned that Portland, OR had successfully set up hydropower turbines inside the water pipes coming into its system, something I'd never have imagined.

And we passed out nearly 1,000 informational postcards about the Beyond Extreme Energy: People Taking Action to Retire Fossil Fuels action to take place in Washington, D.C., the first week of November.

— OVEC member Mary Wildfire



On September 21, I had the privilege of attending the People's Climate March in New York City, where more than 400,000 people of all backgrounds came together for the world's largest march related to climate change. I went there unsure whether this action could effect real change at the United Nations, which was the focus of event, but with the hope that we could continue to build a broader base of people fighting against climate change and for a better future. And this, to me, was the great success of the action.

A large contingent of concerned citizens from Appalachia, including several OVEC volunteers and three OVEC staff members, marched at the head with the Frontline Communities group. This included many indigenous peoples, those affected by Hurricane Sandy and so many others. I marched between a group of young people from the South Bronx and a group from Historically Black Colleges and Universities. The idea, I believe, was for all of these various groups to get to know each other and each other's angle on the struggle against climate change so we could better network to effectively battle the corporate forces that prop up the fossil fuel dynasty. Marching side by side, we were exposing the intersectionality of the climate crisis. (Intersectionality is a concept used to describe the ways in which oppressive institutions [racism, sexism, homophobia, transphobia, ableism, xenophobia, classism, etc.] are interconnected and cannot be examined separately.) The climate crisis is far from just an environmental issue. It is a health issue, an economic issue, a racial justice issue and more.

Almost symbolically, there was a point in the march where all the groups began to organically blend together and merge into one mass calling for clean energy and community-led action on climate change. This was the power of the march: feeling the power of numbers and being not alone in the fight in our own communities, such as the small towns in West Virginia ravaged by mountaintop removal and the coal industry.

I hope we can grow from this march as a climate action movement and continue to build more alliances and hence more power to fight those continuing to push their dirty energy agenda. We need everyone onboard, from organized labor (which had a huge presence at this march) to students, the faith community, the peace movement and more. This is our fight as a planet, and it is great to see so many people stepping up to be counted with their neighbors.

- Dan Taylor, OVEC staff (shown top, left in march)



Paula Swarengen, hands clasped, and, beside her, Dustin White, with fellow presenters at International Peace Day. Swarengen told the Beckley Register Herald, "It was overwhelming. We have fought so hard to get people to listen to us. It is amazing that many people outside of Appalachia are supporting us."

OVEC at International Day of Peace Event at UN

On September 19, the Church Center for the United Nations commemorated the International Day of Peace, continuing its historical mission of fostering dialogue and cooperation between the United Nations and civil society around "the things that make for peace." Observance of the day emphasized the links between peace, women, human security, climate change and sustainable development.

With two UN officials in attendance, OVEC volunteer Paula Swarengen and OVEC staff member Dustin White participated in a workshop on water,

alongside folks from Detroit, Malaysia and Chile.

OVEC was invited to participate in this workshop by Sally Dunne with the Loretto Community at the United Nations, who participated in our 2012 Central Appalachian Women's Climate Justice Tribunal. During their presentation, Swarengen and White reiterated the recommendations from the tribunal, including the need for a moratorium on mountaintop removal coal mining until health studies by the federal government indicate that MTR is not harming human health. 🏠



In September, OVEC board and staff, at left, joined in one of 200 events held nationwide to help Peace e Bene Nonviolence Service launch its Campaign Nonviolence (CNV). CNV is a long-term movement to build a culture of peace free from war, poverty, the climate crisis and the epidemic of violence.

Nonviolence is a compelling force that works in the social field to draw people together, often by courageously resisting injustice on one hand, but refusing to inflict suffering on the other hand.

Thanks to the Catholic Committee of Appalachia's Jeannie Kirkhope, who is an OVEC member, for the heads up on CNV.

From Appalachia to Alaska: Climate, Mining and Transition

by Robin Blakeman

From September 1 to September 8, I participated in the trip of a lifetime. Traveling to Alaska was the biggest step away from home that I've ever undertaken. My definition of the word "big" was expanded by this journey. Alaska is *big*, with enormous wonders — like Mt. Denali — but also, unfortunately, with huge problems. Signs of climate change are everywhere, as are familiar signs of extractive industrial exploitation.

Glacier melt is in full effect. Portage Glacier has become Portage Lake. The once-massive glacier has receded three miles from the visitor's center, which was built with an observation area so that people could see the ice up close. All you can see from that observation area now is a lake, and the mostly glacier-less mountains that surround it.

Permafrost melt is happening at an alarming rate, threatening buildings and roads in the Fairbanks area and beyond, as well as the ecosystem necessary to keep caribou and other wildlife populations alive. Another major threat to the state's ecosystem is the trans-Alaska oil pipeline, three-quarters of which is built on top of that melting permafrost, leading to greater risk of huge oil spills (the pipeline transports two million barrels of oil per day). My tour group visited the only permafrost research facility in the United States. There, we learned that permafrost is much older than the glaciers; in some places it dates back more than 20,000 years.

Multiple proposed mining operations in Bristol Bay threaten one of the last commercial-scale wild salmon fisheries in the world and the native populations who depend on those fish for cultural as well as physical survival!

Shismaref and other native communities on Alaska's seacoast face the need to relocate and/or drastically change their thousands-of-years old ways of life. Melting sea ice and increasing inundations of sea water devastate wild game populations that the communities have subsisted on for thousands of years. One young woman participating in our tour has found it necessary to open and run a food pantry in her community, which was previously made up of self-sufficient hunters. Their homes and community buildings are also endangered and/or crumbling from increased tidal surges and floods.

A direct connection between Appalachia and Alaska centers around a large-scale surface coal mining. In the Matanuska-Susitna Valley, in the south-central part



Tiffany Immingan (middle), and George Pletnikof, Jr. (seated) are two young community leaders, active in Alaska's climate change and extractive industry struggles. Photo by Robin Blakeman.

of the state, coal companies have proposed three enormous surface mines: Wishbone Hill, Jonesville and Chickaloon. The latter of these is already active and may reach up to 15 square miles in size, if all 10,000 acres are fully permitted. Almost all of the coal to be extracted from these sites is slated for export. Exploitation of one of our last true wilderness sites by multinational corporations is certainly alive and well in Alaska.

Also alive and well, however, is a strong spirit of resistance, some of which was inspired by our work in West Virginia. George Pletnikoff — a young man who has already achieved "elder" status in his native community — participated in our tour. He is a leader in the Mat Valley Coalition,

and he said that watching a documentary featuring Maria Gunnoe was a big part of his inspiration for engaging in the struggle to stop the extractive industrial exploitation of his community. For more information about the struggles Pletnikoff and his community face, see www.matvalley.org, where you'll find this note, "Mine supporters claim that modern mining doesn't create the same pollution and effects that it did in the past, but Appalachia tells a different story."

Just as Alaskans have learned from our stories and struggles, so can we learn from theirs. As University of Alaska scientist Michael Castellini says, "What happens at the poles doesn't stay at the poles." Thus, we all need to become active in efforts to control the pace of climate change. We here in Appalachia can also recognize that what happens here in our surface mines, gas-drilling operations, and chemical plants doesn't stay here. Therefore, we should band together to preserve clean air and water.

One note of hope on our tour came from people in Alaska who are trying to foster "transition communities." These are people who know how to be pioneers in many ways when it comes to alternative sources of home energy, food production and water recycling. Alaska — as our last frontier — may just lead the way into the transition lifestyle which will be necessary in the decades and generations to come. Many faith community leaders, as well as native elders, are at the forefront of these communities. We, in Appalachia, where we have also long valued independence and self-sufficiency, have much to contribute to the idea of transition communities, so let's talk... 🍌

Ten Great Reasons for YOU to Invest in OVEC

1. You're aligned with a grassroots group that believes in local leadership.
2. OVEC stands up for ordinary people and the places they love.
3. When you invest in OVEC, you become part of 25-plus years of a winning history — victories, both big and small (like stopping what would have been the largest pulp and paper mill in North America at Apple Grove, WV).
4. Not only can you see the impacts of your dollars at work where you live, but you can also take an active role as a change-maker, an active volunteer and a leader.
5. OVEC works towards systemic change, as in advocating for public financing of political campaigns to increase citizen participation in our democracy.
6. OVEC fights oppression in all the many forms it takes — such as racism, sexism, homophobia, and classism.
7. OVEC is effective because, to win an issue, we can choose from a sizeable toolbox: coalition building, access to an awesome legal support team, citizen organizing, media savvy, long-term relationships and loyal volunteers — to name a few.
8. We have a dedicated, multi-talented board and a loyal staff (with a total of 114 years of being on the job for OVEC since 1987).
9. OVEC puts unrelenting pressure on regulators to do their job and on extractive and polluting industries to clean up their act.
10. We share your vision of a participatory democracy and a new economy that focuses on shared prosperity in communities. We work for greater energy efficiency; clean, renewable energy jobs; local, healthy foods and clean air and water. Oh, and intact mountain communities. 🍄



Six Ways You Can Invest in OVEC

1. Log onto OVEC's website and click on the DONATE button. It's that simple.
2. Enclose a check or money order in the envelope provided inside this issue of *Winds of Change*.
3. Log into Amazon via **smile.amazon.com**. Search for "Ohio River." Choose "Ohio River Valley Environmental Coalition, Inc." from the drop-down menu (yes, that's the full name of OVEC — no wonder we prefer our acronym). When you make an eligible purchase, the AmazonSmile Foundation will donate 0.5% of the purchase price to OVEC (as long as you chose us as your charitable organization of choice and as long as you enter **smile.amazon.com**). There's no price increase for you.
4. Use your Kroger Plus Card. See opposite page for details.
5. If you use eBay! Donate to us via Giving Works. Check <http://ebay.to/1yVAi2O>.
6. Give gifts with OVEC's logo or gifts of books and DVDs that mention our work. See www.cafepress.com/ohvec and <http://bit.ly/1tamw91>. 🍄



You just know you or a friend needs an OVEC-logo mug and a doggie t-shirt. Log onto OVEC's CafePress store to surf-shop for these and other swell items, such as OVEC boxer shorts.



Update: Donate to OVEC Via Kroger Community Rewards

If you shop at Kroger, then you can donate to OVEC without spending one extra penny as you purchase groceries and prescription meds.

In our last issue of *Winds of Change*, we thanked everyone who has been contributing to OVEC over the years through the Kroger Cares gift card program and we noted that Kroger Cares is shifting to Kroger Community Rewards.

Under the new program, you no longer need to purchase or reload a gift card. Now, when you scan your Kroger Plus Card — the card you use at checkout to get discounts — Kroger will contribute to OVEC. First, though, you will need to tie your Plus Card directly to OVEC — details below. (Although you can no longer add money to the Kroger Cares gift card, the cards do not expire until any funds you have on them are used up.)

If you do not yet have a Kroger Plus card, they are available at the customer service desk at your local store.

We didn't know at the time our last newsletter was published that you can only link your card to OVEC if you live in what Kroger defines as its Mid-Atlantic region, because this is a community-based program. The region consists of most but not all of WV, VA and NC and the eastern parts of OH, TN and KY. Although there is nothing we can do about where the lines of the Mid-Atlantic region are, we certainly hope you will check to see if your local Kroger is included.

Some of you who live outside the region may well already know. To those of you who live elsewhere, who had frustrating episodes at the computer trying to link your Plus Card to OVEC online, we are so sorry for the trouble and thank you for alerting us to this aspect of the program! It's been irritating on our end too, if that's any consolation for the time you wasted. (Please see the story on the opposite page about other ways you can contribute to OVEC via purchases you make.)

So, back to how to link your Plus Card to OVEC if you haven't already done so, and *if you are in Kroger's Mid-Atlantic region*. Each member of your household with a Plus Card should visit **www.Kroger.**



com/communityrewards and follow the steps listed there. Have your Kroger Plus card handy. Link your card to OVEC by searching, when prompted, for “OVEC” and “dot” the button that appears beside “Ohio River Valley Environmental Coalition” after that search. If you are having trouble finding OVEC, be sure to select the option to

“view all organizations.” If you are *still* unable to find OVEC in the dropdown list, it is probably because the card and local Kroger store you are trying to connect are not in the Mid-Atlantic region. Questions? E-mail info@ohvec.org or call 304-522-0246 and ask for Maryanne.

Please take a few minutes today to link your card to OVEC. Once you've done so, every time you use the card for purchases, you'll be earning funds for OVEC. 🍓

Memberships and Kroger Cards

The original Kroger gift cards were coded to and tracked through OVEC, so we could count the use of your card as “payment” for OVEC membership dues, if you had told us you wanted to “pay” dues this way. Under the new program, OVEC will not be able to track the use of your Kroger Plus card. Any membership dues “paid” by the old gift card program will be valid through the end of 2014.

Starting in January of 2015, OVEC membership dues will have to be paid personally, either monetarily or via volunteer “sweat equity.” Remember, if you want to be an OVEC member but can't afford annual dues at the moment, just let us know. 🍓

Stay up to date on the latest events. Check our online calendar at ohvec.org.



Morality, Budgets and Energy Efficiency

by Tyler Cannon, Appalachian Transition Fellow for OVEC, Mountain View Solar and One Foundation

A budget is a “moral document,” according to workshop discussions I attended as part of my work as Appalachian Transition Fellowship with the Highlander Research and Education Center. That is to say, where and how we spend our money is a primary expression of our priorities. It’s a thought I agree with, at least for regular folks and non-profit groups, but there’s more to it than that.

Individuals and institutions with disproportionate political power have co-opted the governing process to the point that government is not acting in the best interests of we, the people. If you examine our city, county, state and federal budgets, you’ll see that they fall short in the “moral” department — citizens’ priorities seem to take a back seat to corporate interests at all levels of government.

For instance, nationwide, we’re seeing massive budget cuts to the institutions charged with the authority of educating our youth. I don’t think that at least 34 states would be providing *less* per-student funding for K-12 education in the 2014 fiscal year than they did in fiscal year 2008 if budgets reflected the morals, values and ethics of the public. As of one year ago, local school districts across the U.S. had cut a total of 324,000 jobs since 2008.

On August 11, the *Charleston Gazette* ran an article titled, “As school starts, more teachers needed to fill holes.” According to the West Virginia Education Association, our state ranks 48th in terms of teachers’ compensation. We just don’t have enough money in our school budgets to attract and retain teachers.

How, in the case of free, public education, do we make school budgets reflect our values? The least controversial, most effective and realistic answer that comes to my mind is energy efficiency. Part of my fellowship work is to create a centralized document containing profiles of energy efficiency projects around the state. West Virginia schools have been the most accessible to me thus far, sharing data to compile into these profiles.

One successful example is the Wyoming County School System. This southern West Virginia school system has realized significant savings by implementing energy efficiency measures. In 2003, the school system created a formal energy plan that prioritized new projects based on the cost per square foot to operate. Since January 2004, the school system has saved more than \$2 million in energy costs through investments in energy management systems, motion sensors, upgraded heating equipment, more efficient lighting and other efficiency measures.

Currently, 10 of the 14 schools in the county are ENERGY STAR® certified, although all 14 meet Energy



Star Standards. The average cost to operate the schools in this county is \$.94/sq. ft., which is much lower than the national average of \$2/sq. ft. This means that more money *could* be available for higher wages for teachers and for furthering general education reform to more adequately equip youth with the tools they need to be engaged and well-informed members of society.

Unfortunately, these savings to the school budget mean only that the capacity to achieve these goals exists. No one will raise teachers’ wages and reform our education system unless we organize and actively demand it. Dialogue around organizing and achieving these goals in particular needs to be the basis for many more conversations.

Not only can schools see major savings through energy efficiency, but they also have the potential to be innovators in the sector. One of the schools I have created a profile for, Webster County High School, has installed a fully automated, 500-ton geothermal heat pump loop consisting of 240 wells up to 307 feet deep, with over 28 miles of underground piping spread in an adjacent practice football field. They are one of the largest, most energy intensive institutions to utilize the untapped geothermal potential of the state. Through this and other measures, Webster County High School has seen a greater than 50 percent reduction in heating, ventilating, air conditioning and lighting costs.

There are many examples of schools saving money through utilizing various rebates and grants to install energy efficiency measures in their district. In fact, 42 of the 55 school districts in West Virginia have been trained to use ENERGY STAR® benchmarking tools, used to provide a comparative score based on the score of similar buildings across the nation. A school that has a score in the 75th percentile or above is eligible for an ENERGY STAR® building label. Schools that improve their scores by 10 percent to 30 percent a year above their initial score also are eligible to win recognition for their efforts.

As I continue to learn about and document the many successful energy efficiency projects around the state, I also find other issues. These projects are frequently contracted out-of-state, due to a lack of trained, in-state professionals. This reflects back directly on our education system. Beyond the education system, we need to find more ethical and moral uses for the resources we have left. We need jobs that pay a living wage... and so much more.

Until we organize around and prioritize these conditions, our local, state and federal budgets will disproportionately reflect the interests of corporations that don’t share our values. 🍎

After Climate, Water is *The Issue*, Part Two

by Janet Keating

Part one of "Water is The Issue," focusing on water quality, appeared in the Fall 2014 issue of WOC.

Water quality is not the only concern, but also water quantity. This summer, I visited drought-stricken California, and the lack of water was front and center. In the early 1900s, water was diverted from the former farming region of the Owens Valley, east of the Sierras via a highly controversial aqueduct to slake the thirst of an ever-growing Los Angeles population. By 1926, the Owens Valley Lake was dry and little water was left to irrigate crops. Later several attempts to divert water from Mono Lake (north of the Owens Valley) for Los Angeles fortunately were thwarted by litigation. Nevertheless, the people of the Owens Valley still suffer from the loss of their water.

Diversion of water is one kind of water war, but cutting off the supply to tens of thousands of people is yet another. In a city still struggling to recover from the largest municipal bankruptcy in our nation, access to water is now a human rights issue. In the 1950s, Detroit was home to 1.8 million people, equal to West Virginia's entire population. Today, it's less than half that amount, but with shuttered businesses, vacant homes, reduced city services (closed parks and diminished police presence) and a staggering 36.2 percent residents living below poverty (60% poverty rate for children), people are struggling to pay water bills that have increased 119 percent in the past 10 years.

From 1950 to 2011, Detroit's manufacturing jobs plummeted from 296,000 to 27,000. As of this May, Detroit Water and Sewage District (DWSD) sent cut-off notices to 46,000 people when they fell behind in their bills. The loss of manufacturing jobs along with the declining population and loss of revenue for the city, plus an aging municipal water infrastructure, adds up to a burgeoning water crisis for many thousands of people. The DWSD began cutting water off at the rate of 3,000 customers per week; at that rate, 300,000 people are projected to be without tap water by the end of the summer.

Apparently while DWSD is cutting off water for poor individuals, water still runs freely for certain businesses, including Detroit's flagship golf course, Ford Field and Joe Louis Arena, home to the City's NFL and NHL franchises, that have not paid their water bills, either, but still receive water.



Having your water cut off is preferable to having poison coming out of your spigot. Nearly 400,000 people living in Toledo, OH, recently could not drink their tap water because of an algae bloom in Lake Erie. Algae again? Don't drink your tap water? Don't brush your teeth or bathe in it or cook with it? Officials say that fertilizers, sewage and farm pen waste that ends up in Lake Erie, combined with warmer summer water, caused an overgrowth of blue-green algae that produces microcystin, a toxin that causes diarrhea, vomiting, nausea and numbness or dizziness. But surely, this water quality issue sneaked up on the city leaders.

This problem has been getting worse for the past 10 years, but, apparently, it takes turning off the taps of 400,000 (angry) people to get any attention or action. As during the West Virginia water crisis, bottled water was flying off shelves and replacement water was being supplied. I suspect that citizens of Toledo will have many questions now and will be wondering about the long-term safety of their water supply, even after the water has been deemed safe to use.

In the late 1980s, I began seeing a few omens that water would become a defining issue in my lifetime, but now the incidents are increasingly frequent, far-reaching and likely with some long-term consequences. These few examples of recent past and ongoing water crises are barely a drop in the bucket (pun intended). We have mistreated water by our negligence, over-consumption, pollution, diversion or commodification for the past 25 years. It really is past time for people everywhere to wake up and defend our life-sustaining water. 🍌

Moving On

by Dan Taylor

It seems like just yesterday, but it has now been more than two years since I began working full-time at OVEC. Having previously been a volunteer and board member, I had come to know the organization well and was quite impressed, and I was excited to get further involved. The day in September 2012, when I heard that I got the job, was the happiest day of my life as an activist and in my employment history. The chance to organize around and coordinate projects relating to renewable energy, energy efficiency, economic transition, clean elections? Wow — how amazing! And it has been an amazing two years, during which I have met and worked with some of the most committed and talented people that Appalachia (and the world) has to offer.

So, it is with some sadness that I write this, but my last day with OVEC will be October 31, 2014. I have very much loved and appreciated my time at OVEC and will always recall the great experiences and lessons I've learned. As a young person growing up in the Tri-State area, I always admired and looked up to the work of this organization, and it taught me that people can fight back no matter where they are against the forces that seek to attack their health, their home and their future.

This is by far the best job — more than just a job — that I've had, and the staff members at OVEC are true friends, beyond being only co-workers. From our strong membership base, active volunteers of the membership committee, and fantastic and diverse board of directors, OVEC is a serious force in West



Virginia that is good and necessary, because industry and corrupt politicians are also strong forces, which we all need to band together to combat and to shift the power to average WV citizens.

I am opening a new chapter in my life and leaving West Virginia for the time being, moving to New York City to further my own organizing and life experience. But, I will always consider Huntington, and Appalachia in general, as my home.

I will always have nothing but gratitude and fond memories of my time at OVEC and will stay engaged in the fight, no matter where I am. I look forward to wrapping up my duties to the best of my abilities and passing the torch along to a worthy successor who will continue working toward OVEC's mission and building this fine organization and building power for the citizens of West Virginia, who have a right to clean air, clean water and a healthy, just and sustainable home. 🍌

Coal Company Must Provide Water on Cedar Creek

In 2012, residents of Cedar Creek in Wyoming County contacted us after their son saw an OVEC flier on the campus of Marshall University. Many folks living along Cedar Creek were concerned about the rash of cancer and other illness in their community. The neighborhood's once pure, clear well water had become tainted — running black and stinking of sulfur. People suspected the cause was a mountaintop removal operation that had blasted into the area.

OVEC organizers spoke with residents about their concerns, and we raised money for several rounds of water testing. When testing revealed troubling levels of lead, arsenic, iron and manganese, we

connected residents with attorney Kevin Thompson, who has filed a lawsuit, complete with an injunction for emergency replacement water. In October, Judge Warren McGraw ordered the coal company, Mechel Bluestone, to provide water tanks for 16 homes and to keep them filled. A court date regarding the situation is set for February, 2015.

Cedar Creek resident Paulette Blankenship reckons this is the first time a coal company in Wyoming County has been ordered to provide replacement water. In court, happy about the judge's order, she said, "If my son hadn't happened to see that OVEC flier on the (Marshall) campus, we wouldn't be here today." 🍌



Annie and John Seay in a screen shot from one of Kernan's short films about fracking.

Documenting These Hills and Hollows

Filmmaker Keely Kernan is in the midst of creating a series of short films (each two to fifteen minutes long) for OVEC. She's meeting with and filming some of the West Virginians who are living in the midst of the state's fossil fuel extraction frenzy — the folks who are trying to live through assorted water, air and health crises. The project's goal is to help OVEC and others effect change by exposing what is happening to our communities and our life-support system, AKA the environment.

Kernan's first two films for OVEC include one about Annie and John Seay from Lima, WV, and how they were forced to sell their home after their property was surrounded by hydraulic fracturing wells, and another about the Lochgelly fracking waste injection site in Fayette County, which exposes years of violations at the injection site and the DEP's failure to enforce regulations that would protect public health.

See Kernan's *In the Hills and Hollows* series (copyrighted by Kernan and published solely by her) at www.vimeo.com/inthehillsandhollows. Check back from time to time to see her latest work.

OVEC thanks everyone who has shared their life and story with Kernan, Kernan herself for sharing her talent and the Civil Society Institute for providing financial assistance for this eye-opening venture. 🍌

Giants are not what we think they are. The same qualities that appear to give them strength are often the sources of great weakness. And the fact of being an underdog can change people in ways that we often fail to appreciate: it can open doors and create opportunities and educate and enlighten and make possible what might otherwise have seemed unthinkable.

- Malcolm Gladwell in his book *David and Goliath*

Extreme Extraction Activity Coming Your Way? Document Now!

If you anticipate a pipeline passing through or near your property, mining taking place underneath (or on or adjacent to) it, or road building, fracking or other potentially harmful activities nearby, do yourself a favor and document what your home and land look like *before* the activity takes place. Take photographs or videos with date stamps. If it is likely that your drinking water or livestock water could be adversely affected, have samples taken *before* the activity takes place. If it is likely that all or part of your land will be confiscated by eminent domain, have appraisals done by two local real estate appraisers and document what the fair market value is.

If the activity does cause damage or contamination, document such immediately and notify, in writing (certified mail and regular mail, as well as e-mail) and by telephone the company responsible for the activity, as well as the relevant local, state and/or federal regulatory agencies. Depending upon the nature of the damage, you might also want to contact an attorney to represent you.

Many people have experienced “anecdotal” health problems associated with such activities. If this is a concern, you might also want to talk with your doctor *before* the activity takes place and get recommendations on tests that would document your general state of health (such as the presence of harmful chemicals in your blood). You can also have air samples taken to document ambient air quality. This might be something that neighbors could do as a group to minimize the cost.

You might want to talk with your insurance agent and mortgage holder to see if the activity will affect your insurance policy or the premiums that you pay. Save the receipts for any tests and appraisals.

And by all means, network. Get your neighbors together to talk. Invite others who have already been dealing with the potential menace to come speak with the group. Form a local group and/or join an existing one, attend county commission meetings, take organizing training ... get organized, get active. 🍌



Appalachian Voices Anti-MTR Lenny Kohm Dies at Home

by Janet Keating

On September 25, we lost a warrior for environmental justice. The Lenny Kohm I knew — the passionate activist, photojournalist, mentor and lobbyist — cared about people. He knew and practiced heart-centered activism — where true power resides. I first met Lenny in the late 1980s, when I was leading the Huntington Audubon Society and arranged a public meeting for his slide presentation on the Arctic National Wildlife Refuge. I know he cared not only about the Gwich'in people of the Arctic, but also about the people of Appalachia affected by mountaintop removal. He dedicated his life to working with people to help preserve their homelands. Lenny spent hours, days, weeks, months and years on the road educating the general public about the need to preserve special places like the Arctic National Wildlife Refuge and Kayford Mountain, West Virginia. He was the eye behind most of the stunning photos in his slide shows (yep, I knew him when presentations meant slide shows) and later, DVD presentations.

Lenny inspired me to become an activist on my first-ever national issue — after meeting Lenny, I focused attention on preserving the Arctic. Through his engaging presentations, Lenny helped me and many others understand that not only was the pristine environment at risk, but also the Gwich'in people's life and culture. Miles of pipeline would inhibit the migration and calving grounds of the

Porcupine Caribou herd and would greatly impact the Gwich'ins' main source of food, tools and clothing. Despite numerous attempts by some pro-drilling congressmen, no drilling has occurred there.

Because Lenny knew the value of stories in social change movements, he enlisted the help of Chuck Nelson, Larry Gibson and Dustin White, to name a few, who travelled with him and shared their personal stories about the effects of mountaintop removal on their lives, their communities and their homes. Through his public outreach, leadership and mentoring on behalf of The Alliance for Appalachia, people throughout the country learned about mountaintop removal and the valuable skills involved in lobbying Congress.

A video on ilovemountains.org shows Lenny at work: *"People ask me, 'How do I do this,' and I tell them, look, the most important thing is to begin. Start. Now. Understand who you are, and the power that you have. And be grateful you live in a country where you can exercise that power."*

Please keep Lenny's Appalachian Voices team, family and many friends in your thoughts. 🍄



Death of the Nature Lover by Walt Whitman

Not in a gorgeous hall of pride
Where tears fall thick, and loved ones sigh,
Wished he, when the dark hour approached
To drop his veil of flesh, and die.

Amid the thundercrash of strife,
Where hovers War's ensanguined cloud,
And bright swords flash and banners fly
Above the wounds, and groans, and blood.

Not there—not there! Death's look he'd cast
Around a furious tiger's den,
Rather than in the monstrous sight
Of the red butcheries of men.

Days speed: the time for that last look
Upon this glorious earth has come:
The Power he served so well vouchsafes
The sun to shine, the flowers to bloom.

Just ere the closing of the day,
His fainting limbs he needs will have
Borne out into the fresh free air,
Where sweet shrubs grow, and proud trees wave.

At distance, o'er the pleasant fields,
A bay by misty vapors curled,
He gazes on, and thinks the haven
For which to leave a grosser world.

He sorrows not, but smiles content,
Dying there in that fragrant place,
Gazing on blossom, field, and bay,
As on their Maker's very face.

The cloud-arch bending overhead,
There, at the setting of the sun
He bids adieu to earth, and steps
Down to the World Unknown.

Jimmy Weekley, the Man Who Would Save Pigeonroost Hollow

by Janet Keating

James “Jimmy” Weekley, the sole resident of Pigeonroost Hollow, died on August 22, 2014. Jimmy possessed the right kind of Appalachian stubborn — a steadfast commitment to protect what he loved. He was one of the lead plaintiffs of the first court case to challenge mountaintop removal.

He refused to sell his birth home to Arch Coal, the company that would have destroyed its natural beauty and mountain streams through mountaintop removal. On September 30, a little over a month after Jimmy’s death, the U.S. District Court in Washington, D.C., ruled in favor of the Environmental Protection Agency’s veto of what would have been the largest mountaintop removal permit ever issued near Jimmy’s home — after nearly two decades of legal wrangling.

So, what significance can we attach to Jimmy’s unwavering stance? Here’s what Emma Cheuse, an attorney for Earthjustice who argued on behalf of several Appalachian groups, including OVEC, in defense of the EPA’s veto, had to say: *Today’s court victory is a win for all Americans who believe our children deserve clean water and healthy lives without facing the increased threats of cancer, birth defects and early mortality associated with mountaintop removal coal mining.*

What a remarkable legacy Jimmy left for all



Sibby and Jimmy Weekley on the front porch in Pigeonroost.
Photo by Janet Keating.

Americans. To me, Jimmy is still an important role model for people in Appalachia who feel hopeless in the face of oppressive industries or think that “things will never change” or “it’s a done deal.” That certainly wasn’t the case for James Weekley. Jimmy exercised his personal power, bravely faced down opposition and

refused to be intimidated. He never backed down and he never sold out.

Jimmy Weekley was the “last man standing” in Pigeonroost Hollow. His wife Sibby died in 2007. His efforts to save his homeplace spanned nearly two decades and, bolstered by lawyers for the Appalachian Center for the Economy and groups like the WV Highlands Conservancy and OVEC, have been an integral part of building international awareness of mountaintop removal

From his daughter, Lucinda: *Thank you all for the remembrance of my dad James “Jimmy” Weekley. He left so many wonderful memories to so many people. But his family is needing help with his funeral expenses. If anyone would like to help please do so at Freeman Funeral Home, P.O. Box 4306, 220 Main Street, Chapmanville, WV 25508. Or you may contact me at lucindaweekley@gmail.com or Lucinda Weekley, P.O. Box 393, Danville, WV 25053. Thank you all again and God bless.* 🍂

Have you thought about your legacy?

Are you looking for a long-term way to make a meaningful difference in the movement to build a cleaner energy future?

Please consider making a planned gift to OVEC today.

Planned giving options include:

- Gifts of stocks and bonds.
- Including OVEC as a beneficiary in your life insurance policy.
- Including OVEC as a beneficiary in your will.

Tax benefits apply to each of these options. Please contact your attorney or a financial advisor for more info, or go to lalwv.org.

End-of-Year Reminder

OVEC is a 501-c-3 organization, so your donations are tax-deductible. Remember to make your contribution to OVEC by December 31 to earn charitable gift credit on your 2014 income taxes.

You can donate online at www.ohvec.org or you can mail a check to:

OVEC
Attn.: Maryanne Graham
P.O. Box 6753
Huntington, WV 25773-6753

Your support keeps us going — thank you!

Ohio Valley Environmental Coalition
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**Season's
Greetings ...**

To all you OVEC members, volunteers and supporters.

2014 marks our 27th year of working for organized voices and empowered communities, and a healthier environment in West Virginia.

OVEC is truly blessed by your loyal support and active participation. Together, we can protect and defend our water, our mountains and our communities.



See you in 2015!