



Winds of Change

Supporting Organized Voices and Empowered Communities Since 1987

Huntington, WV

OVEC

www.ohvec.org

RISE UP! RESIST!



The Peoples Climate Movement says about 150,000 people attended the Peoples Climate March on the White House on Saturday, April 29—Donald Trump’s 100th day in office.

That day, in Huntington (above), we hosted one of the 375 sister marches that took place across the nation and around the world. People gathered to demand climate action, jobs, and justice!

Here, we emphasized how mountaintop removal coal mining, unconventional deep shale oil and gas drilling and waste disposal (fracking), and a slew of

proposed large-diameter, high-pressure pipelines and compressor stations, and a proposed ethane storage hub put West Virginia at climate ground zero.

To add strength to our chant of, “Hey, hey, ho, ho! All these pipelines have to go,” the Monday before the march, we submitted extensive comments to a regulatory agency about one of the pipelines, the Mountaineer Xpress.

See that story on page 4, and, inside, see what else we’ve been up to in our work for a better future for our region. 🍌

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Too Big to Fight?

We've Heard That Argument Before and Proved It Wrong

As we noted at the Huntington Peoples Climate March, the biggest threat to our climate comes from the extraction and burning of fossil fuels. Many experts say that unless much of the remaining fossil fuel reserves stay in the ground, there will be no way to stop catastrophic climate chaos—more extreme heat, bigger storms and floods in some places, more severe drought in other places.

With all the coal mining and fracking activity going on here, West Virginia is one of this country's ground zeros for climate change. **Now the Huntington Tri-State area is in a bullseye in that climate ground zero.** What happens here with a planned huge concentration of fracked-gas-pipelines and projected increased fracking will have a big impact on the nation's greenhouse gas emissions. We believe there is no other area in the United States that faces such a huge concentration of new large-diameter fracked-gas pipelines. (See OVEC's Renew West Virginia newspaper at ohvec.org/renew-wv or ask us for a print copy.)

Nine large high-pressure pipelines for fracked gas are planned to pass through our Huntington area. (Much of the gas would go to export ports in Louisiana.) And the extremely deep Rogersville Shale has already been fracked in Eastern Kentucky, on the border with Wayne County, WV.

A recent study found that if the pipelines planned for fracked oil and gas in Central Appalachia are built, this alone would cause such a big increase in greenhouse gases that it would be impossible for the United States to meet our Paris Climate Change agreements. (See priceofoil.org/2016/07/22/a-bridge-too-far-report.)

Industry reports have made it clear that the biggest increase in fracking in the U.S. is planned for the Marcellus and Utica Shales here in Central Appalachia. The Huntington area is projected to become a central pipeline thoroughfare for this fracked gas coming from Ohio, West Virginia and Pennsylvania. (Again, see OVEC's Renew West Virginia for details.)

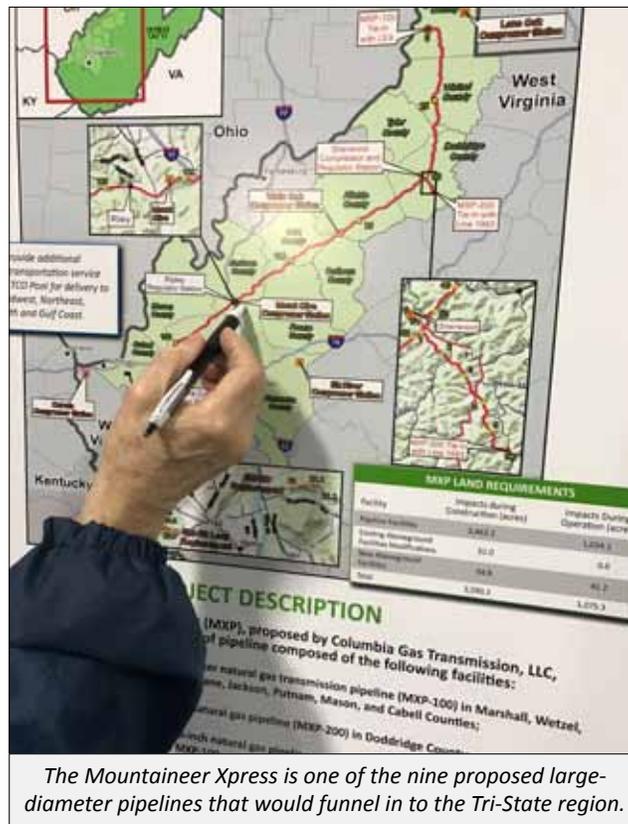
Imagine a funnel—the fracked gas would come from many sources (the wide end of the funnel), and the Huntington area would be the narrow end of the funnel, where pipelines carrying gas from a large area would converge and come through our narrow valley on their way to the Gulf Coast. **Even people who are in favor of more pipelines for fracked gas should question the wisdom of concentrating so many potentially explosive pipelines in one narrow valley.**

Readers may wonder whether all these pipeline projects are just too much for people to oppose—if it is just hopeless to try. We've all seen the media coverage of the massive citizen resistance

to the Keystone XL Pipeline in the Great Plains states, and the Dakota Access Pipeline, which would impact Native American land and drinking water. It's important for us to keep in mind that the massive opposition arose after most of those pipeline sections had already been completed.

In our area, only Columbia Gas' Leach Xpress Pipeline has received federal approval. Preparations for the Leach to pass under the Ohio River near Camden Park, just outside of Huntington, are currently underway on the Ohio side of the Ohio River.

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The Mountaineer Xpress is one of the nine proposed large-diameter pipelines that would funnel in to the Tri-State region.



Kati Holland Leading Volunteer Legislative Correspondence Team

by Keena Mullins

At OVEC, we've been working hard to become more of a presence in our community. We have a new office space where our members and supporters can meet with staff to brainstorm new ideas and work on common causes. We're improving our volunteer program to include opportunities for activism throughout the region. We host monthly meetings at our office in Huntington, and we're working to engage a more diverse membership base.

As part of this work, we've identified many leaders among our volunteers. These are people who are already active in making their communities a better place, and we are so excited to have their help in affecting change locally and beyond.

One such leader is Kati Holland, who we are excited to welcome as our volunteer leader of our legislative correspondence team. The team's primary responsibilities will be to convene throughout the year, especially during the next regular legislative session, to make phone calls, write emails, and send postcards to our legislators about legislation that

impacts the quality of life of WV residents. We hope that you will consider joining the team and be on the lookout for events throughout Huntington! 🍌



Above: Kati Holland; courtesy photo.

Below: At our April membership meeting, volunteers created signs for the April 29 Peoples Climate March. Photos by Dustin White.



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

DEIS for Proposed MX Pipeline is All FERCCed Up

In February, the Federal Energy Regulatory Commission (FERC) published a draft environmental impact statement (DEIS) for the proposed Columbia Gas/TransCanada Corp.'s Mountaineer XPress (MXP) and Gulf XPress pipelines.

During FERC's public comment period on the DEIS, OVEC filed objections, due to the document's numerous shortcomings. We focused on the MXP, because that is the pipeline impacting our region. Below are some of the concerns we outlined in our comments.

FERC failed to provide the legally required purpose and need statement in the DEIS. Before

FERC can grant approval for a pipeline, it is supposed to demonstrate that the gas is actually needed in the United States.

It is well known that the United States' fracking boom, which started about a dozen years ago, flooded the U.S. markets with so much fracked gas that gas prices plummeted. After a several-year slowdown in fracking, new drilling is now

on the increase again. In part, this is because fracking companies have figured out how to get natural gas more cheaply, and because during the industry slowdown, companies worked to find more export markets for U.S. fracked gas.

So, it is a real problem that FERC failed to show that the fracked gas that would flow through the MXP is actually needed in this country.

OVEC member Marilyn Howells ponders, "As the USA already exports gas products, will this not just free up more fracked gas for export? Natural gas resources are finite and are supposed to dwindle in the next couple of decades. Why send them overseas? Save them for scientific and medical plastics. The gas is not needed now for the USA. This is about quick profits for gas executives and corporate executives at residents' expense."

FERC concluded that constructing the MXP

"would result in some adverse and significant environmental impacts," but that through mitigation "these impacts would be reduced to acceptable levels."

Those "adverse and significant environmental impacts" may be acceptable for FERC, but they are not acceptable to us.

The lack of complete information in the DEIS renders it legally deficient. Throughout our comments in opposition to the MXP pipeline, some themes are ubiquitous—there is not enough information presented by FERC to allow the public to assess the air pollution and water pollution impacts of

building the pipeline and of the increases in fracking that the pipeline would enable.

For example, FERC concludes that air emissions from the four compressor stations along the pipeline's route would not be a problem. Three new compressor stations would be built in Doddridge, Calhoun, and Jackson Counties. The Ceredo compressor station



The Ceredo compressor station is already expanding, encroaching upon and disrupting the close (and now closer) community.

located near the Huntington Tri-State Airport would be made three times bigger.

There has already been a good deal of research linking air emissions from gas compressor stations to human illnesses. (See ohvec.org/renew-wv.)

How can FERC claim that air emissions from these compressor stations won't be a problem when there is no ambient air monitoring currently underway at the Ceredo compressor station, and no monitoring planned for it or any of three new compressor stations?

Lacking baseline data and independent future measurements, it is absolutely impossible to state that: "...air emissions would be below applicable thresholds and would not have significant impacts on local or regional air quality..."

The DEIS also says that "... although construction and operation of the MXP compressor stations would

result in a **noticeable increase in noise levels**, the noise levels would remain below our noise criterion...” The proper reference point or criteria is not what Columbia Gas likes. They will not be living there.

The lack of complete information on potential water pollution in the DEIS renders it legally deficient. We are particularly concerned about the MXP’s untold water impacts, and the DEIS’ myriad information gaps with respect to these impacts. The MXP and aboveground facilities would cross or disturb 43 sensitive waterbodies. Most of these waterbodies are classified as high-quality waters.

The DEIS fails to consider the impacts of the increased fracking that the MXP would enable.

The DEIS also fails to take a hard look at the direct and indirect effects of the MXP on climate change. Why is that important? In April, an independent study found that a different proposed pipeline, the PennEast Pipeline, would result in annual greenhouse gas pollution equivalent to that of 14 coal plants or 10 million passenger vehicles—a



In Wetzel County, the community of Mobley has about been wiped off the map due to the invasion of deep-shale fracking and pipeline-related activity. If built, the MXP could bring the same fate to communities in the western counties of WV.

staggering 49 million metric tons of emissions each. Clearly, FERC needs to do more to estimate the climate impact of the MXP.

OVEC member Bill Hughes submitted comments to FERC on behalf of OVEC. One of the issues Bill addresses is the heavy truck traffic on narrow, hilly rural roads that accompanies pipeline construction. Bill lives in Wetzel County and has firsthand experience with traffic problems and concentrated

diesel fuel emissions, caused by a smaller 20-inch pipeline.

Bill wrote:

Based on my detailed observations and documentation here on the construction of the Ohio Valley Connector pipeline, there were literally hundreds of truck trips to and from the four nearby laydown and work yards. Construction equipment was regularly loaded and unloaded from big flatbed trucks on the public highway. The routine travel of all local residents was delayed and restricted daily.

On our very narrow local roads, residential traffic was always forced to yield to pipeline workers even when we had the right of way. Anytime any pipeline-associated truck of any size needed to pull into or out of any laydown yard next to the highway, the pipeline contractor would stop all local, routine traffic. Old, visibly obsolete trucks would be burning black diesel fumes every day all along the public roads used by the pipeline contractor.

We’re grateful to both Bill, for filing his comments, and to Ryan Talbot with Appalachian Mountain Advocates, who filed extensive legal comments on our behalf. 🍌

Columbia Gas’ proposed Mountaineer Xpress Pipeline (MXP) would originate in Marshall County, WV. It would move fracked gas (methane) through northern WV’s Marcellus and Utica fracking regions, go underneath the Kanawha River in Putnam County, connect with Columbia’s existing SM 80 pipeline near Milton in Cabell County, connect with a to-be-built new portion of SM 80 pipeline in Wayne County, and on to a greatly expanded Ceredo Compressor Station near the Huntington Tri-State Airport.

The MXP would need to cross the Big Sandy River to link up with a pipeline interconnection center near the Marathon Petroleum refinery, which is located on the Kentucky side of the WV–KY border. Once into Kentucky, the name of this pipeline would change to the Gulf XPress, and it would take the gas to the Gulf Coast, near several export ports.

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





OVEC, Allies Discuss MTR's Health Impacts at National Academy of Sciences Meeting

On the afternoon of May 23, OVEC Executive Director Natalie Thompson joined Coal River Mountain Watch Executive Director Vernon Haltom and WV Highlands Conservancy Mining Chair Cindy Rank in presenting information to a committee of the National Academy of Sciences (NAS).

The committee of scientists is examining the potential effects of mountaintop removal operations on humans in Central Appalachia. Their study is ultimately the result of years of citizens' pressure, during which many of us repeatedly demanded that politicians and regulators consider what MTR is doing to humans. (See bit.ly/2qTE5PQ.)

To make certain the scientists understood the magnitude and real-life impacts of MTR, Natalie took time to remember mountaintop removal opponents who lived near MTR and have already left this realm, including: Jeremy Davidson (3-year-old who was crushed to death by fly rock coming off an MTR site in VA), Larry Gibson, Judy Bonds, Jimmy and Sibby Weekley, Butch Sebok, Syd Moye, Carol Judy, Janice Neace, Pauline Canterbury, Lawrence Richmond, Leo Cook, Jim Foster, and Frankie Mooney.

She also listed the first names of some of our members and supporters who have been either forced to move and to suffer the loss of their communities, or who still endure stresses every day, including: Donetta, Wilma, Terry, Anita, Chuck, Donna, Joe,

Judy, Lucille, Daile, Mary, B.I., Nanette, Paul, Al, Paulette, Jimmy, Danny, Rachel, Clay, Jerry, Dixie, Nada, Theresa, Patty, Beverly, Katheryne, Joan, Luther, Bob, and dozens more.

NAS also heard from a representative of the WV Coal Association and representatives of the WV Department of Environmental Protection (DEP), as well as from Virginia's version of that agency.

DEP's panel was frankly embarrassing. A Charleston Gazette-Mail article on the panels ("WV groups hope study leads to end of mountaintop removal mining") noted:

(DEP) officials who spoke at Tuesday's meeting had few clear answers for detailed questions from the National Academy panel.

...DEP officials provided an overview of the basic laws the agency enforces but repeatedly said they would need a clearer explanation of what the panel was trying to find out before they could give more specifics about monitoring, citizen complaints, or enforcement efforts.

Russ Hunter, a lawyer with the DEP's Division of Mining and Reclamation, told the panel that agency officials couldn't readily provide the National Academy with data about how many complaints the state had received about things like blasting from coal mines. Hunter also said the DEP hasn't really performed any sort of in-depth examination of how strip mining affects public health of nearby communities.



“There is no quantification of any type of health impacts or speculation as to what those may be,” Hunter said.

Tim Carroll, of the DEP’s Division of Air Quality, said the agency has a statewide network of 21 or 22 air-monitoring stations, but only when pressed

did Carroll explain that those stations monitor only certain pollutants, and not necessarily the same ones that might be a concern for residents near strip-mining operations.

Eventually, Carroll was specifically asked for information about the locations of those monitoring stations, relative to strip-mine sites. He said the DEP had a station in Beckley but closed it in 2015. Asked how close that location was to a strip-mine operation, Carroll said, “I don’t know.”

In the evening, after the panels, the committee held a town hall forum to hear directly from the people, to, according to NAS, “gain insights and information from people living in the surrounding communities.”

If you were unable to attend the meeting, there is still time to comment. Two more meetings will be held this summer: one in Washington, D.C., and one in eastern Kentucky. You can also comment online: bit.ly/2rIUH4a. If you need any help commenting, contact us. See page 3 for contact information. 🍓

We Take Legal Action Against Fola’s Water-Polluting MTR Mines in WV

In late May, OVEC, WV Highlands Conservancy, WV Rivers Coalition, and the Sierra Club filed a federal suit to challenge the discharge of pollutants from mountaintop removal coal mine sites currently operated by the Fola Coal Company. Attorneys with Appalachian Mountain Advocates represent us.

This is the second time we’ve taken legal action against Fola for water pollution. Fola’s parent company, Consol, recently paid Southeastern Energy to take ownership of the mine because the reclamation and treatment liabilities were too high. Valley fills discharge high levels of conductivity pollution that violate water quality standards.

The U.S. EPA has estimated that nine out of ten streams downstream from valley fills associated with coal mines are biologically impaired. But neither the state of WV nor the EPA has taken action to require compliance and cleanup of the impaired streams. Congress authorized citizen suits under the Clean Water Act to enforce the law directly against permit violators like Fola.



“For 20 years now, our organizations have been fighting the glaring illegalities involved in the government-sanctioned blowing up of mountains, burying streams and harming people who live nearby,” says OVEC’s founder Dianne Bady. “I feel sick that a lawsuit like this is still absolutely necessary. Fola needs to

be punished for their illegal pollution.”

“Companies that continue to break the law should not get a free pass,” says WV Rivers Coalition Executive Director Angie Rosser. “Our streams are paying the price, as will the state and taxpayers if we’re left to clean up the mess. All we’re asking them to do is follow the law.”

“Fola is trying to pass the buck on the dangerous pollution coming from its coal mines,” says Jim Kotcon, Sierra Club’s WV Chapter chair. “The companies who mine these sites have an obligation to clean them up. Our lawsuit seeks to hold the mine operator responsible for stopping this pollution and fully reclaiming the sites.” 🍓



WV CITIZENS for CLEAN ELECTIONS

★ ★ ★ 2017 Legislative Session Recap

During the 2017 session, legislators introduced a number of bills that would have negatively affected our electoral process, but with your help we were able to get through the session without losing any ground.

In a nutshell: A bill to repeal public financing for Supreme Court candidates was defeated, strict voter ID was rejected, and automatic voter registration was saved, while a bill that raised contribution limits and created new loopholes to allow more secret money into our elections languished in the final days.

Keep reading to learn more about what you helped us accomplish, as well as about the work that still needs to be done to restore balance to our political system, end secret money in West Virginia elections, and ensure that eligible West Virginians have their voices heard and their votes counted.

Public Financing Repeal Defeated

Early in the session we were able to defeat SB 463, a misguided attempt to eliminate the WV Supreme Court of Appeal Public Campaign Financing Program. Fortunately, members of the Senate Judiciary Committee listened to the testimony of Julie Archer, co-coordinator of WV Citizens for Clean Elections: She reminded them why the Legislature had established the program, which was intended to help restore confidence in our Supreme Court following a series of scandals involving sitting justices and major campaign contributors.

Julie also reminded the committee that there was no financial benefit to repealing the program now. The Legislature made the program permanent in 2013, without specifying how it would continue to be funded, and most of the money previously allocated to the program has been spent.

The bill was shut down and voted out by the committee. So, although the program is saved for now, securing a dedicated permanent source of funding for it remains essential to its long-term success and viability, and doing so is likely to be a challenge as the state continues to struggle to balance and fill holes in its budget. So, we will need to get

creative if we want to continue this program, which is working as intended: giving qualified candidates for the court the ability to run without having to rely on contributions from lawyers and special interest contributors (who frequently have cases before the court) and providing a pathway to the bench for those who aren't independently wealthy.



Strict Voter ID Rejected; Automatic Voter Registration Saved

The same week the public financing repeal bill was introduced in the Senate, members of the House of Delegates introduced a bill (HB 2781) to impose strict identification requirements on West Virginia voters and to repeal the automatic voter registration (AVR). Fortunately, a House Judiciary subcommittee considering the bill passed a revised version that maintains the wide variety of ID options allowed under the law the Legislature passed last year. The watered-down bill also keeps automatic voter registration (AVR) in place, but gives the DMV more time (until July 1, 2019) to upgrade its computer systems and software and implement the program. Although the House also applied the later effective date to the voter ID provisions of the bill, the Senate amended the bill to make the voter ID requirements effective in 2018. The House agreed to this change and sent the bill to the governor.

Secret Money Bill Languishes and Dies; Meaningful Disclosure Needed

With these proposals defeated or neutered, that left a terrible campaign finance overhaul bill (SB 539) alive and well in the waning days of the session. The bill would have decreased disclosure of political spending, while also increasing the amount of money that can be given to the candidates, political action committees (PACs), and political parties. Having rejected attempts by Senate Democrats to amend the proposal to require disclosure of “dark money” by

closing loopholes in the law that make it possible for groups that spend money on political ads to hide the identity of their donors, the Senate passed the bill on a 21 to 12 party-line vote.

Fortunately, SB 539 was not taken up by the House Judiciary Committee. We're glad the bill died, but disappointed that the Legislature didn't pass a strong disclosure bill that would discourage negative attack ads, give candidates the ability to respond, and inform voters about who's trying to influence their votes. Instead of passing a meaningful disclosure bill, the Legislature passed HB 2319, which merely expedites the reporting of campaign contributions received by legislative candidates at fundraising events held while the Legislature is in session. Under the bill, legislative candidates must report any fundraising events and all contributions received at such events within five business days.

We appreciate that the bill's sponsors want to address the perceptual problem of legislators hosting fundraisers and receiving campaign contributions from lobbyists and others while the Legislature is in session. However, if the Legislature wants to get serious about disclosure of campaign cash, they should make sure every secret money group—progressive and conservative—attempting to sway election results has to disclose the source of the money.

Other Election Bills of Interest

In addition to HB 2319, two other election bills of interest were passed by the Legislature and sent to the governor. HB 2364 clarifies that restrictions on electioneering near a polling place on election day also apply to early-voting locations. However, the bill also changes the current 300-foot rule to 100 feet, so the state will conform with other jurisdictions and with recent Supreme Court and other court rulings that have deemed 300 feet to be too restrictive. The bill also provides exceptions to the electioneering prohibitions for persons upon their private property (such as bumper stickers on cars) and clarifies that electioneering on private property near polling places must conform to other existing laws and ordinances.

SB 255 relates generally to vacancies in elected offices; it requires a vacancy to be filled by a person belonging to the same political party as the officeholder immediately preceding the vacancy.

Get involved with OVEC's Clean Elections work. Contact us at 304-522-0246 or info@ohvec.org. 🍓

History of the WV Public Campaign Financing Program

In 2010, following a series of scandals involving sitting justices and major campaign contributors, our Legislature voted to provide an alternative option to the way we finance judicial elections, recognizing that we needed to restore confidence in our state supreme court.

Unfortunately, in response to record spending by outside groups in the 2016 election, a misguided group of state senators wanted to repeal the public financing program because they say it isn't working.

There's no denying that third-party spending on attack ads is a problem. However, repealing the public financing program because this past election saw a flood of secret outside money is like blowing up a dam during a flood because water is pouring over it.

The program is working as intended, giving qualified candidates for the court the ability to run without having to rely on contributions from lawyers and special-interest contributors who frequently have cases before the court and providing a pathway to the bench for those who aren't independently wealthy. Rather than repealing the public financing program, we should work to bolster the independence of our judges against big-money influence from out-of-state special interests with common-sense disclosure and transparency laws. 🍓



The Fayette County-based Headwaters Defense (HD) asked for some media training with OVEC's Vivian Stockman. Pictured here are some fine HD women, along with Vivian, after one of the trainings. Be sure to read about some of HD's recent actions to protect Fayette County's communities and waters: Search ohvec.org/ovec-blog for "Shots Fired During Rally to Oppose Toxic Waste Dumping; Peaceful Protesters Carry On." Contact us if your group wants a media training.

Oops, They Did It Again: Another “Accident” in WV

excerpt from a blog by Dustin White; read the entire blog at ohvec.org/ovec-blog.

A coal slurry spill on March 23 in Boone County was just the latest in a long list of “accidents” in our state. In this one, 5,400 gallons of slurry burst from a pipe at Alpha Natural Resources’ Admiral Processing Plant into Drawdy Creek, a tributary of the Coal River, which runs through the community of Peytona. Nearly three miles of the stream turned pitch black. This prompted officials to shut down the public water intakes for St. Albans and Lincoln County.

Coal slurry is the liquid byproduct of “washing” coal after it is mined. It’s a toxic soup of hazardous chemicals, organic compounds, and heavy metals. Chronic exposure to metals found in slurry can damage virtually every part of the body. Many of these compounds are known to be carcinogenic, neurotoxic, genotoxic, and connected to kidney disease and failure. Health problems caused by the heavy metals include intestinal lesions, neuropathy, kidney and liver failure, cancer, high blood pressure, brittle bones, miscarriages, and birth defects, among others.

Studies of the effects of coal slurry compounds on human cell tissues have found evidence that coal slurry causes cancerous proliferation, cell death, and damage to kidney cells. Slurry contains more than 50 known organic compounds and over 20 heavy metals. The precise chemical composition of coal slurry is largely unknown and variable.

Alpha and the WV Department of Environmental Protection rushed to protect the people from these dangerous substances by putting bales of hay in the creek, 24 hours *after* the pipe leaked not once, but twice—spilling, at its peak, 30 gallons per hour over 3 hours. As long as the water turned clear again, people would be none the wiser, right? About the same time the bales of hay went into the creek, the public water

OFFEND OUR WATER Dustin White @dustinOVEC_WV Following

#Coal slurry spill turns trib. stream of Coal River in Boone Co. #WestVirginia black for miles.
#pollution #WaterIsLife #DefendOurWater

RETWEETS 156 LIKES 67

Hearing about the spill, Dustin contacted DEP, checked in with nearby members, headed to the disaster site, and shared photos on Twitter.

intakes reopened. One has to wonder, are those water treatment plants equipped to test for every single toxic element that is in coal slurry, and to have results less than a day after the spill?

West Virginians measure time by these disasters. Just take a look throughout our history, and it’s obvious that we have had more than our share of incidents—the majority at the hands of the fossil fuel and chemical industries. However, every time something happens, these companies claim it is just an “accident,” or, more famously, “an act of God.”

Just how many more “accidents” have to happen before we wise up? 🍌

OVEC WORKS!

Thanks to everyone near and far for taking action to end environmental injustice, with an extra special thanks to all the folks fighting extreme fossil fuel extraction. We know it takes courage to speak up! We hope you know how much we appreciate you. OVEC works because of you!

THANKS!

Good News: WV Interfaith Power and Light has obtained official recognition as a state chapter from the National Interfaith Power and Light offices, as well as a small seed grant. The seed grant will be used to develop a website and initiate some programming in the state that will aid in more outreach to diverse WV faith community groups on topics such as energy efficiency, carbon sequestration, and climate change. For info, contact robin@ohvec.org.

Conference Looks at State of Appalachia, Faith

by Robin Blakeman

From March 31 through April 1, in a beautiful, remote corner of West Virginia (Pipestem State Park), 78 people gathered, including the leaders of at least four state Council of Churches offices, for the State of Appalachia conference.

This event was the product of a couple of years of collaborative planning between the WV Council of Churches, other state and regional faith leaders, organizers in various social and environmental justice groups, and the national D.C.-based Creation Justice Ministries group.

The conference was an effort to reconvene and perhaps to revive CORA, the Coalition on Religion in Appalachia. This regional faith-based network was a source of support and inspiration for OVEC and many of our allied groups during the 1980s and 90s.

The theological documents produced by CORA were instrumental in spurring other groups to adopt strong statements about critical issues, such as mountaintop removal coal mining, as in this statement excerpted from the Catholic Committee of Appalachia's 1998 official statement on the problems of this radical form of strip mining:

Whereas, the Commission on Religion in Appalachia (CORA) and its member denominations have affirmed an economics of stewardship which recognizes that meeting human need and caring for the earth and its resources are the basic essentials in any system which is faithful to the Creator.

(Economic Transformation, the Appalachian Challenge, CORA, short version, page 5)

OVEC and our previous executive director, Janet Keating, have been the recipients of recognition and even awards from CORA. Now, it seems even more important to have networks such as CORA, which bring together progressive and social-justice-minded faith community leaders, community organizers, average citizens, and heads of denominational



Left to right: Reverend Robin Blakeman, Bill Price, Karan Ireland, and Reverend Donna Aros on a panel on water and environmental justice at the State of Appalachia conference. Courtesy photo.

religious bodies in order to discuss the critical issues facing our region and nation.

The conference included panels on social and economic justice topics. I was the moderator for a panel on water and environmental justice; participants included Karan Ireland, who spoke about her experiences during the Charleston MCHM water crisis.

Next on the panel I moderated was Bill Price, who recounted how a flood in Dorothy, WV, spurred his departure from his longtime home and into a new career track of environmental justice advocacy and grassroots organizing. The third panelist was Reverend Donna Aros, an ordained United Methodist minister and member of our ally, Kentuckians For The Commonwealth, and the KY Council of Church's Executive Board and Justice Commission. She spoke about the struggles that faith community leaders have when trying to maintain relationships in communities dominated by fossil fuel economic forces and yet raise awareness about the environmental injustice caused by these industries. There were also two breakout sessions on environmental justice issues on the following day.

This event, which gathered people from at least seven different states and multiple faith and organizing backgrounds, concluded with an energized dialogue about future organizing that faith leaders in the Appalachian region could engage in together. Although the organizers of the event were pleased with this year's attendance, the hope is that the network will grow, even more people will participate in such events, and that many opportunities for collaborative work will be available throughout the years to come. 🍌



MTR-related flooding destroyed this home in Dorothy, WV. Bill Price recounted that flood on the panel on water and environmental justice at the State of Appalachia conference.

Abundant April Activities

We were out and about for all kinds of events in April.



Folks at the stream monitoring training in Charleston.
Photo by Robin Blakeman.

On **April 8**, a couple of members took a **stream-monitoring training** in Charleston, presented by WV Rivers. Some of the new trainees will use their skills to monitor streams harmed by mountaintop removal operations, and others will become members of the teams monitoring streams that the proposed Mountaineer Xpress Pipeline would cross, should it be built. If you'd like to get involved in stream monitoring, contact us. (See page 3 for contact info.)



Nuru Water Walk participants at MU. Courtesy photo.

Also on **April 8**, at the invitation of MU student and OVEC member Kati Holland (see page 3), we took part in the **Nuru Water Walk** at Marshall University's Marshall Memorial Fountain.

Kati's e-mail invitation to us read:

I'm a proud member/supporter of OVEC's work.

The past several years, I have organized an event in Huntington called Nuru Water Walk (formerly Be Hope to Her). The event is to raise money for those living in extreme poverty by supporting Nuru International in their holistic, sustainable efforts.

In the event, we shine a light on a specific struggle many living in extreme poverty face—lack of access to water. Millions of people (usually women and girls) spend hours walking miles a day to obtain their water. In the meantime, they do not have time to go to school, get a job, etc.

The walk is often dangerous, as well.

In this event, we walk a mile in their shoes. Starting at the Memorial Fountain, we put some water in our five gallon buckets, place them on our heads, and walk one mile around campus in solidarity. It's a really cool event that definitely gives new perspective.

This year, however, I had a major conflict in my heart —how can I just focus on spreading awareness and raising money for those thousands of miles away when so many in my own state struggle with access to water and water quality?

I spoke with Nuru about this (their founder is actually from WV), and they totally understand the difficulty of doing that and encouraged me to get creative in shining a light on WV issues, too.

So, I immediately thought of you all and your awesome work for clean water here in WV. I was wondering... if I provided the tent, tables, and area to advocate, would you be willing to send someone to represent OVEC at our event?

I would love to show participants ways they can use their voice and their time and money, too, to help fight for our water here in the state.

What an e-mail! Of course we attended!



The dedication of the Canterbury Papers included a reception and a photo gallery. Here, Pam Nixon observes a photo of Mary Miller (left) and Pauline Canterbury.

On **April 12**, OVEC board member Pam Nixon and Vivian Stockman, our vice director, traveled together to Lexington, KY. That day, the University of Kentucky Libraries Special Collections Research Center (UK SCRC) dedicated the **Pauline Canterbury Papers**. The collection documents the work of Pauline Canterbury and Mary Miller to defend Sylvester, WV, from coal dust pollution caused by Massey Energy's coal prep plant. Longtime readers of *Winds of Change* will know the late Pauline and Mary as the "Sylvester Dustbusters;" they'll also



Left, Shannon Bell, and, right, Mary Miller; between them, a photo of Pauline celebrating a birthday.

know UK Associate Professor Shannon Bell as the author of a couple of books on people’s work to end mountaintop removal.

With Mary and many of her relatives in attendance, Shannon gave a presentation, “Laughing Through the Struggle: The Sylvester Dustbusters’ Fight

Against Big Coal.” We wholeheartedly agree with UK SCRC, which says the collection is an “invaluable resource for environmental activism, Appalachia, social justice, and historical research.”



On April 18, we joined an **Earth Day Celebration at the Boys and Girls Club of Huntington**. The following day, we tabled **Earth Day events** at both **Marshall University** and **WVU Parkersburg**. Thanks to Deb Griffith for helping OVEC staff with tabling.



Above: Activities at the Boys and Girls Club of Huntington’s Earth Day Celebration. Courtesy photos.



Top: Deborah Griffith, who volunteers as OVEC’s editorial consultant, tabling at WVUP’s Earth Day Event. Above: OVEC member Andrew Clovis also tabled at WVUP’s Earth Day event, for a nearby nursery. He was also promoting the Mid-Ohio Valley Master Naturalist Program.

On April 21 and 22 we were out at the **Marcellus Shale WV** play, performed at Alban Theatre in St. Albans, WV. Thanks to Yvonne Farley, our liaison, and everyone else who put on this play! The local cast included some OVEC members and supporters. Performers were Gary Brown, George Daugherty, Laura Michelle Diener, Stuart Frazier, Madelyn Greene, H. Wyatt Hanna III, Ariana Kincaid, Ty Miller, Janet “JP” Prince, Caroline Chamness Rainey, and Paula Ruckman. Frieda Forsley directed the play.

Proceeds were donated to OVEC and the WV Surface Owners Rights Organization.

The April actions continued the final weekend of the month. See pages 14-15 for that story. 🍄

*The pessimist complains about the wind;
The optimist expects it to change;
The realist adjusts the sails.*
- William Arthur Ward

30th Birthday Bash Weekend Treehuggers' Ball



Top: Rose Edington and Mel Hoover, with the 2017 Treehuggers' Ball T-shirts. Above: With microphone, OVEC ED Natalie Thompson, and some of our board members, left to right: Dave Lavender, Lauren Kemp, Karen Scalf, Thom Boggs, Mike Sullivan, and Rose Edington.



Top: Some of the crowd at the Treehuggers' Ball. Above: Left, Shayar. Right, Karen Scalf.

Over the weekend of **April 28 to 30**, we celebrated our **30th anniversary**. Things kicked off the evening of Friday, April 28, with the Treehuggers' Ball (our 20th!) at the V Club in Huntington. Thanks to board members Dave Lavender, S. Diane Wellman, Rose Edington, Karen Scalf, and Lauren Kemp for the lion's share of organizing the event. Thanks, too, to Bahnhof, Patrick, and all the staff at V-Club, including Cathy Schelling, and all the board members who helped with the food. Thanks to Carla Seamonds, Shelly Jarrell, Toril Lavender, Mel Hoover, and Dr. Wilburn Hayden.

On the music end of things, thanks to board members Karen Scalf and Thom Boggs and his band Dos-3-Guise. Thanks also to Beckley-based, Jamaican born singer/songwriter Shayar and to the bands Moonshine Crossing, Karpets Dabs, and Rumpke Mountain Boys.

Thanks to board member Rose Edington for the incredibly generous act of funding the purchase of our 2017 Treehuggers' Ball T-shirts, and thanks to Claudette Hudson and T-Graphics. Because of these fine women, we were able to offer the Ts for \$10. We have some left, so check with us about getting yours before they are all gone.

Thanks to the folks and businesses who contributed to our silent auction, including: Patagonia, Home Depot, Moonshine Crossing, Happy Camper, Rails and Ales Beers Festival at Huntington Harris Riverfront Park, Tractor Supply Co., Carter Seaton, Donna Stockman, Janet Keating, and the Lavenders.

And thanks to everyone who came out! So many people helped make the evening a big success, and a whole lot of fun!

Peoples Climate March



On Saturday **April 29**, about 150 people turned out for our **Peoples Climate March in Huntington**. As noted on page 1, the march was one of about 375 sister marches to the main march in Washington, D.C. OVEC, Organizing for Action, WV Citizens Climate Lobby and Marshall University Native American Student Organization (NASO) planned the event.

Our speakers included our own Dianne Bady (see page 2, which addresses the topics about which Dianne spoke), Bob McCollister, who is certified by the Climate Change Project in climate change presentations, and Joy Adams, with Keep Wayne Wild, who spoke about the group's frontline struggle to protect the Wayne National Forest (near Marietta, OH) from unconventional oil and gas well pad installations, which would allow for gas fracking under the Ohio River.

Shayar provided music as the crowd was gathering Saturday morning. NASO members, including Genenahgehneh Lee, drummed and sang traditional songs. Genenahgehneh also spoke about concerns over pipelines crossing sacred lands.

Our media advisory for the event noted:

The WV marches have the potential to send a powerful message to our elected representatives.

We are all threatened by climate change, and the only way to avert the worst consequences is to halt new fossil fuel projects and transition rapidly to a clean, renewable energy economy—which will also generate more jobs than the deadly fossil-fuel-based business as usual.

Thanks to everyone who helped plan the event and everyone who came out! Stay in contact for more climate actions.

On Sunday **April 30**, we capped off our Birthday Bash weekend with a **bird-watching walk at Green Bottom Wildlife Management Area**, outside of Huntington. Experienced birders Michael Griffith and Janet Keating, our recently retired executive director, led the walk (see story page 22). 🌿



Scenes from PCM Huntington.
Top, seated: Thanks to Kate McComas and Mike Sullivan for volunteering at the sign-in table.

Lawsuits Slowing MTR

What's Up with the Settlement Money?



by Dianne Bady

The laws surrounding mountaintop removal in West Virginia have never been adequately enforced. People living near MTR sites are known to suffer extremely high illness rates. Many small communities have been destroyed. Headwater streams have been buried, and other streams have been illegally polluted. OVEC and other groups have worked for more than 20 years to try to get politicians to demand that all pollution laws be strictly enforced, but most WV politicians are firmly in the pockets of the coal industry. If common sense, not to mention law and order, prevailed, mountaintop removal would have been banned long ago.

We are so grateful to our attorneys who have worked with us for more than a decade to successfully sue mountaintop removal coal companies, corporate landowners, and government agencies for egregious legal failures. Lawyers from Appalachian Mountain Advocates, the Sierra Club, Public Justice, and Earthjustice have made it possible for OVEC and the WV Highlands Conservancy to force companies to build pollution control systems and pay big penalties for breaking pollution laws. Our litigation has also stopped *some* mountaintop removal mines from getting started.

Joe Lovett, the founder of Appalachian Mountain Advocates, has done an exceptional job of working with the federal courts, coal companies, and the U.S. Department of Justice to direct millions of dollars from settlements in enforcement litigation towards Supplemental Environmental Projects in West Virginia, instead of letting all the money go into federal coffers.

A settlement of a lawsuit happens when the parties come to an agreement without a court trial, and judges often prefer that lawsuits be settled out of court. Any agreement to settle a Clean Water Act citizen suit must be reviewed by the U.S. Department of Justice.

No legal settlement money has ever gone to OVEC. We do not sue to gain money; we sue to try to gain some justice, to make coal companies and agencies obey mining laws. And, by law, no civil penalties resulting from the type of lawsuits we have filed when companies and agencies break laws may directly benefit any of the organizations or law firms that brought the litigation.

Some people have asked us why our legal settlement money has not gone directly to the communities that have been most harmed by mountaintop removal. The short answer is that our monetary settlement agreements are not allowed to be used in that way. We have no control over this; **strict rules apply to the process of diverting civil penalties from the federal coffers** to uses that help the state's waters and people.

For people whose lives have been damaged by mountaintop removal, this could be seen as one more injustice stemming from the coal industry. We understand, but we've had to live by the rules of the legal system. If we didn't stand and sue, the situation would be worse!

As a result of our lawsuits, at least \$20 million has gone to starting or expanding three valuable WV enterprises. The newly formed Appalachian Headwaters group has been designated to receive more than \$11 million in Supplemental Environmental Project funds that otherwise would have gone to the federal treasury. More than \$4 million was used to establish the Land Use and Sustainable Development Law Clinic at the WVU University College of Law. And, a major expansion of the WV Land Trust was made possible by nearly \$12 million of our legal settlement money.

On pages 17-18 read summaries of how the almost \$20 million in legal settlement money has been used and/or is planned to be used. 🍓

West Virginia Land Trust

by Executive Director Brent Bailey

Appalachian Mountain Advocates' and OVEC's and partners' participation directing lawsuit settlement funds to on-the-ground conservation efforts has allowed the West Virginia Land Trust (WVLT) to expand its reach significantly and create successes that would not have otherwise happened.

WVLT's nationwide focus is on working with private landowners to protect land, either through landowner agreements called easements, which restrict future development of properties, or through outright acquisition of lands.

More than 5,000 acres have been protected by WVLT since the legal settlement funds were established. Parcels in the Gauley, Kanawha, Greenbrier, Ohio, and New River watersheds have been conserved. These include 665 acres of land that were purchased and will eventually be transferred to federal ownership as part of the National Park Service's Gauley River National Recreation Area; two islands in the Ohio River that will be restored and enlarged and eventually transferred to the U.S. Fish and Wildlife Service's Ohio River Islands National Wildlife Refuge; a Civil War site in Pocahontas County that was part of the Battle of the Greenbrier River in 1861; and several agricultural and forest easements on private lands. Projects pending completion in 2017 cover almost 2,000 more acres.

In addition to land protection, the WVLT's mission is to support a conservation movement in the state. The trust has promoted partner organizations with grants, trainings, and organizational leadership. With leadership from WVLT, the Guyandotte Water Trail Association has expanded its range, added staff to identify new access points for boating and fishing along the river, and attracted grant funding for construction of access ramps at key points along the trail. WVLT staff has written proposals that have raised almost \$1 million in additional grant funding.

Having raised our profile with an active outreach program, WVLT has attracted additional resources. Federal agencies have directed corporations to make compensatory payments for conservation to WVLT in amounts totaling \$800,000. Private landowners, some of whom live away, have donated family properties to WVLT: In 2016, 190 acres of forest in Doddridge County, which include a patch of old-growth forest, were given to the land trust for permanent protection.



All views in the New River Gorge may not be as grand as that of Grandview, above, but so much of the watershed, and so much of West Virginia, surely is worth defending!

Appalachian Headwaters

The non-profit organization Appalachian Headwaters was formed in 2016 to improve streams, forests, and communities throughout central Appalachia.

Although some people have claimed that growing native forests on old mountaintop-removal sites could be rather easily accomplished by planting trees, the leaders of Appalachian Headwaters know that this is not the case. Our legal settlement money will be used to do the expensive work of trying to regrow forests on small amounts of former mountaintop removal land. Eleven million dollars is a lot of money, but the damage from MTR cannot be cheaply fixed, and no one should believe that this amount of money is adequate to restore vast amounts of already destroyed MTR land or to fix many miles of polluted streams. However, we hope that some successful demonstration projects can take place. Even so, mountaintop removal must end. NOW!

According to **appheadwaters.org**:

We work with leading academic experts, engineers, coal mining companies, community groups, and landowners to re-establish productive native hardwood forests and restore water quality on abandoned mountaintop-removal and other large-scale surface mining sites.

Headwaters is also developing a regionally focused economic and workforce development program to grow an apiculture and native plant horticulture industry in central Appalachia. The program will train southern central Appalachia's displaced and underemployed workforce in the skills necessary to become apicultural and horticultural entrepreneurs, empowering workers to participate in lucrative, sustainable industries including honey production, bee colony sales, and native plant cultivation for both restoration industries and landscaping purposes. 🍯

Land Use and Sustainable Development Law Clinic at the WVU College Of Law

by managing attorney Nathan Fetty

The successes of Appalachian Mountain Advocates, OVEC, and partners led to the creation of the Land Use and Sustainable Development Law Clinic at the WVU College of Law. (See story on pages 16-17.)

The Land Use Clinic's aim is to protect land and water and to aid West Virginia communities with land use planning and community-development efforts.

We do this by providing pro bono legal help. We have a team of lawyers, land use planners, and third-year law students. The law students, supervised by licensed attorneys, take on clients. The students get the benefit of this experience in their last year of law school, and the clients get legal help they might not otherwise. It's a benefit for everyone.

In the five-plus years the Land Use Clinic has been operating, we've been involved in protecting thousands of acres of West Virginia land. This often involves innovative legal strategies that have been used more widely in other parts of the country.

We're excited to be ramping up such efforts in West Virginia. The lands we've helped protect have a range of conservation values. They are critical for protecting attributes like water quality, habitat for rare

The Blasting of WV's Mountains Continues

Mountaintop removal has not ended! In December 2016, WV DEP approved the Long Ridge #1 mountaintop removal permit on Coal River Mountain. The good folks at Coal River Mountain Watch point out that this would engulf 847 acres and include nine valley fills, 13 sediment ponds, 23 sediment ditches, and 35 pollution discharge points.

Coal River's website says, "The U.S. military recently used a MOAB ('mother of all bombs') in Afghanistan, with a 'yield' rated at 22,000 pounds of TNT. This amount is considered a 'small blast' by the WVDEP and is detonated above the communities on

species, open spaces, and outdoor recreation.

We also work with dozens of local governments in West Virginia. We help them develop comprehensive land use plans and craft ordinances to implement those plans. We work with them on wastewater issues to improve water quality. We develop strategies to deal with vacant, dilapidated, and abandoned buildings, so as to improve local environments and local economies. And we have spearheaded a series of conferences to train scores of local government officials and volunteers in an array of land use law issues.

The idea for creating the Land Use Clinic was unusual. Instead of coal companies' penalty monies going to the federal coffers, they were re-directed to West Virginia to establish our program. We overlap with West Virginia Land Trust quite a bit in our land-protection work. We also work with other land trusts and other types of nonprofits.

We're proud of the work we've been able to do and continue to do. But it wouldn't have been possible without the early and enthusiastic support of Appalachian Mountain Advocates, OVEC, and partners. 🍌



The smoky, dusty, dangerous aftermath of a 2009 blast on Kayford Mountain. Some existing MTR permits are still active; DEP is issuing some new permits. The blasting continues.

Coal River Mountain at least six times per week, with the resulting carcinogenic dust wafting into homes and drifting for miles." 🍌

Media Mashup

2017 has so far proven to be an active year for OVEC to interact with reporters. To local, state, national and international reporters, we've provided background information, contacts and introductions (for volunteers willing to speak with media, scientists working on the issues, and even fossil fuel lobbyists [journalists must get assorted perspectives for their stories!]), ground and aerial tours (thank you SouthWings for the latter!), and interviews.

Some of the media interactions we've had in 2017 include *PBS Frontline*, *PBS NewsHour* (see: to.pbs.org/2rLLL81), *E & E News*, CNN, Univision, NBC Universal, *Ms. Magazine* (more below), C-SPAN's *Washington Journal* (see: cs.pn/2qNPOQu), *Newsy*, *New York Times*, *Washington Post*, and Danish Broadcasting Corporation.

OVEC in *Ms. Magazine*, Blog, Webinar

Ms. Magazine's Spring 2017 issue features a story on OVEC! A March 31 *Ms. Blog* entry, "A Sustainable Solution: Ohio Valley Environmental Coalition," excerpts some of the article:

In West Virginia, the Ohio Valley Environmental Coalition (OVEC) is taking a local approach to boost renewables. The mostly women-led environmental group this year celebrates its 30th anniversary of working in the Appalachian region, where coal is a major contributor to the economy. Its staff may be small, numbering around nine, but they work on environmental and social justice campaigns that range from protecting water to organizing around fracking and oil and gas pipeline infrastructure to working for state-level campaign finance reform. They are also promoting cleaner energy in the area, including pushing for and defending energy efficiency legislation, lobbying, and working on local renewable energy projects.

This series of Ms. reports on the blog and in print that look at the organizing models of some of the women-led groups helping to build a sustainable grassroots movement to boost renewables and combat climate changes. The series will end with an interactive online webinar and briefing with leaders from Mothers Out Front and OVEC to empower readers who want to advocate for renewables in their communities.

As we went to print, OVEC Executive Director Natalie Thompson was set to take part in the webinar on June 4. 🍷



May 3, 2017



Wednesday on the NewsHour, FBI Director James Comey defends his decision to reopen an investigation into Hillary Clinton's emails days before the presidential election. Also: The latest GOP push to replace Obamacare, rape used as a weapon in South Sudan's civil war, a free press under threat, sacrifices of mountaintop mining and how Facebook beats competitors.

WASHINGTON JOURNAL

Washington Journal: News Headlines and Viewer Calls

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MOST RECENT

MAY 9, 2017
Nick Mullins on Coal Culture
Nick Mullins talked about his experience as a former coal miner who agreed to writing and activism on behalf of miners and

MAY 9, 2017
Vivian Stockman on the Environmental Impact of Coal
Vivian Stockman talked about the environmental impact of

MAY 9, 2017
Representative Bill Johnson on Coal Regulations
Representative Bill Johnson (R-OH) talked about federal

Top: *Ms. Magazine*'s Tweet. Middle: *PBS NewsHour* on MTR and human health. Bottom: On May 9, C-SPAN's *Washington Journal* program focused on coal. Appearing in half hour segments sequentially that morning, live, to answer caller questions were Murray Energy CEO Bob Murray, Ohio Congressman Bill Johnson, OVEC Vice Director Vivian Stockman, and former coal miner Nick Mullins.

A Couple of Standout Moments:

by Janet Keating

When I became a paid staff member of OVEC, little did I know then that I would be in for the “ride” of my life! It has been incredibly gratifying for me to know that by joining with so many good people in our state, region, and nation, we could make a real difference in people’s lives and the environment.

Dianne Bady, OVEC’s visionary founder, often relied on our combined intuition and instincts. For example, one couple that I met at a Huntington Tri-State Audubon Society meeting was Laura and Mike

Forman. Being on the staff of OVEC and a member of the local Audubon chapter, I was always on the lookout for good people to educate and hopefully involve in OVEC’s efforts. Little did I know then how passionate these New York transplants were about the environment! And little did they know that the house they

rented on a hilltop near the Huntington Tri-State Airport was in the airshed of the then-polluting Ashland Oil Refinery.

When they told me where they lived, I told them about some of the issues at the refinery and, right away, they both stepped up to help. Laura was a banker and Mike an air traffic controller. When she and Mike learned about how people were becoming ill from the air pollution at the refinery, Laura agreed to host a house party one evening to help inform their friends and co-workers. At that time, Laura didn’t realize how difficult it is for any group to speak out against a powerful industry in our region, but undoubtedly her friends were scared off! When I went to their home, she had prepared snacks and was

ready to make a pitch about the horrible pollution and why folks should join OVEC to pressure the refinery and our politicians. Having lived most of my life in Huntington, I was not surprised when only two people came to the house meeting! Although Laura was disappointed with the turnout, undoubtedly it helped her understand the political power of entrenched industries, like Ashland Oil. In the end, OVEC was the real winner of this issue in more ways than one.

Within a few short months, Laura began serving

on OVEC’s board—a board comprised of dedicated volunteers. Then, when an organizing position opened up, Dianne and I both knew that Laura would be perfect for the position, an incredibly fierce defender of the environment and people. As our clash with Ashland continued, the U.S. EPA developed a

project, known as the Tri-State Geographic Initiative, tasked with listening to citizens regarding pollution from the 42 industries the study encompassed, though Ashland Oil was OVEC’s primary interest. The citizens’ review panel, of which I was a member, held public meetings during which, as panelists, we were to listen to and make note of citizens’ concerns about pollution.

At one particular meeting in Kenova, both Mike and Laura were in attendance. Various folks that Laura had helped to get there were taking turns talking about how the pollution from the refinery was affecting their lives and health. When Laura was finally recognized to speak, she noticed that two of the panelists, one of whom was Ashland’s



A 1995 news clip hangs in OVEC’s office. Pictured in the inset is OVEC’s founder, Dianne Bady. In the photo at right we see our late organizer Laura Forman, and, in the foreground, Janet Fout (now Keating). The caption reads: “Fout says they are working on the floor until they can get a table and other office supplies.”

30 Years of OVEC

representative on the panel, were busy talking to one another instead of listening to her. Jaws dropped when Laura came out with, “You wipe that smarmy look off your face. It’s my time to talk, and you need to listen to me!” Needless to say, she had their attention. She went on to tell them about a pollution episode that her husband, Mike, witnessed from the control tower at the Huntington Airport, expressing concern that flying planes through Lord-knows-what could create a danger.

After the meeting, the Ashland official came up to Mike and said, “You really ought to control your wife.” That was exactly the wrong thing to say to Mike who basically replied that there was no way that he was going to “control” her!

By 1995, OVEC was not only organizing people to help end pollution at the Ashland refinery, but also trying to STOP what would have been the largest pulp and paper mill

in North America, at Apple Grove, West Virginia. The company, Parsons & Whittemore, Inc., was privately held and their officials rarely surfaced or spoke publicly about their plans. OVEC had learned during its initial research that, if the mill were built, the company would use an outdated bleaching technology that would increase poisonous dioxin in the Ohio River. The list of all the things that were wrong-headed was long: The mill needed 10,000 trees a day and would dump dioxin into our air, land, and water. The state of West Virginia had promised \$1.1 billion in loans, incentives, etc., and yet, they would not agree to employ a single West Virginia worker. Sound familiar? West Virginia gets stuck with the messes while others rake in profits.

From 1993 to 1998, stopping the Apple Grove Pulp and Paper Mill was largely my focus at OVEC. I had learned through my volunteerism with the

local Audubon chapter that building a coalition was one effective way to increase citizen power over industries’ money and political clout. I spent my time reaching out to all the various groups (including organized labor), to build a strong and effective coalition. Groups throughout the state and region would share their mailing lists to alert their members to rallies, and they also gave OVEC space in their newsletters to keep their members informed about the proposal. Over the course of five years, the attendance at rallies grew and grew, until we attracted 1,000 people. As citizen support for stopping the mill grew,

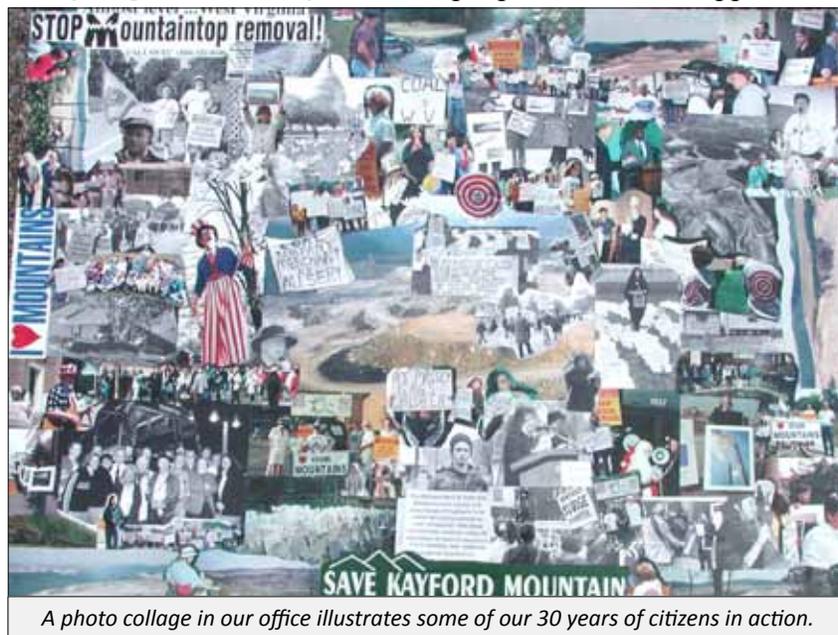
the issue became a political hot potato! Political support for the mill waned as citizen opposition grew.

One of the most memorable rallies came on April 18, 1995, and was inspired by Norm Steenstra, then the director of WV Citizen Action Group. Norm, beyond his passion for the environment,

was a great idea guy, deeply interested in history. One day he called me and suggested that OVEC organize a rally on the 220th anniversary of the famed ride of Paul Revere.

We already knew that, by and large, folks on the right side of issues have more fun. With that in mind, OVEC, through our many connections, found someone with a horse and rented a Paul Revere costume. At lunchtime on the day of a Stop the Pulp Mill rally, volunteers spread out in downtown Charleston, handing out fliers inviting people to the rally, as “Paul Revere” rode his horse shouting, “The pulp mill is coming; the pulp mill is coming!” Thanks to Norm’s unique idea, we had a very good turnout at that event.

In the end, we did stop the pulp mill, but it took organized and committed citizens to make the real difference! 🍷



A photo collage in our office illustrates some of our 30 years of citizens in action.

Too Big to Fight? Not!

continued from page 2

But not only the pipelines are problematic. The very deep Rogersville Shale lies underneath our feet. Several permits for drilling and fracking 14,000 and 15,000 feet deep have already been granted (the Marcellus Shale in Northern West Virginia is typically drilled 5,000 to 7,000 feet deep). Many people believe that the Rogersville Shale is just too deep to frack—but fracking and production testing is already underway.

We at OVEC are regularly told that the oil and gas industry's plans for our Ohio River Valley are too big to fight. In our 30-year history, we've heard that argument before. (See related story on pages 20, 21.)

Many years ago, **we were told that it was not possible to take on Ashland Oil**, which was then the largest employer in our KY/WV/OH Tri-State region. Routine air pollution violations from Ashland's Catlettsburg, KY, oil refinery were making people sick. It took years of organizing and many lawsuits by impacted refinery neighbors, but in 1998, the U.S. EPA and the U.S. Department of Justice imposed the largest-ever fine (at that time) of \$38.5 million, and demanded major pollution improvements. (Today, Marathon runs the former Ashland Oil refinery on the border of KY and WV.)

Twenty years ago, a plan for the largest-ever pulp and paper mill was announced for the Point Pleasant, WV, area. The company refused to use best available pollution control technologies, so we opposed it, because it would have illegally polluted the Ohio River. OVEC was told that the state had already done so much to help the company that it would be impossible to stop.

But we won. It took the efforts of hundreds of regular people, but today we are not dodging hundreds of big timber trucks on our highways, breathing polluted pulp-mill air, or worrying about dioxin in our drinking water.

Now, are we going to just let the fracking and pipeline industries do what they want in our area, or are we going to resist? Your help is needed—keep in touch with OVEC to find out how you can help, and/or contact us with your ideas; we're at 304-522-0246 or info@ohvec.org. 🍌



Left: The bird. Photo by Brodie Lewis.
Right, and below: The birders. Photos by Janet Keating.

Birds of a Feather

excerpt from a blog by Janet Keating; read it all online at ohvec.org/ovec-blog.

On April 30, as part of OVEC's 30th Birthday Bash Weekend, Mike Griffith and I agreed to lead a bird walk at the Green Bottom Wildlife Management Area (WMA). Six wonderful, bird-loving, nature-loving folks joined us for our Sunday-morning trip. Stretching along the banks of the Ohio River, Green Bottom WMA is a network of agricultural lands, forestlands, wetlands, and open water. More than 100 species of birds may be seen here each year. These unique wetlands are located just 16 miles north of Huntington. In fewer than the 5 hours scheduled for the outing, we saw 53 different species.

A highlight of the trip came after some had already had to head home. Brodie, son of OVEC members Ken and Barb Lewis, wanted to see a prothonotary warbler, a stunner of a warbler that would be a life bird (his first sighting) for him. We heard the bird in the distance. We waited (and waited) for the bird to come nearer.

Just as we were about to give up, a small, bright, mostly yellow-gold bird flew low across the water and then landed in the nearby tree. It was the prothonotary warbler! Brodie, equipped with a camera and zoom lens, began photographing as the bird perched ever closer. Click, click, click went the camera. Brodie had the time of his life connecting with this warbler—a truly memorable nature experience. We see a magazine cover in Brodie (and the bird's) future! 🍌



Be Careful, Cabell and Wayne Counties

excerpt from a May 7 *Huntington Herald-Dispatch* op-ed by Bill Hughes

Ten years ago in Wetzel County, WV, fracturing operations for Marcellus Shale gas exploration and production began. The county remains a major center of fracked gas activity.

Because I live in the center of Wetzel County, I was interested in reading an article in the *Huntington Herald-Dispatch* (HD) about the success of Cenergy manufacturing company, located in Milton, WV. It is good to know there's an expanding business providing professional services to the shale gas industry. Cenergy provides jobs and is benefiting from the shale gas operations taking place to the north. Unfortunately, the unemployment rate here stays well above the WV average. Here, we live in the sacrifice zone. Your gain is our pain.

Any time there's a new target for drilling opportunities, such as the Rogersville Shale in the Cabell and Wayne Counties area, the same industry sales and marketing pitch is broadcast. A leasing frenzy starts. Wetzel residents heard all the landmen's partially true promises of the natural gas industry when Chesapeake Energy first appeared to claim rights to dominate our rural communities. And, like most advertising and public relations strategies, there is always a sliver of truth to the tale. **We should always think twice when an industry needs to spend millions of dollars to tell you it will be marvelous to have their industrial operation in your residential or farming neighborhood.** Landmen have the script memorized. The general themes go like this: Shale gas drilling and fracking is a dependable, proven technology; it is fundamentally safe; it delivers cheap, clean fuel; and it will create jobs and be an economic boon for WV.

Before Cabell residents swallow these statements whole, we might wish to dissect them. When Chesapeake invaded Wetzel, our county became a shale gas guinea pig for the state. The process we experienced was not 50 years old, as the HD story contends. It was still very much experimental. The process is improving now. It has gotten better in some respects. But any time the fracturing equipment



Take it from Wetzel County: Fracking-related activity isn't so great for the neighborhood.
Photo by Bill Hughes.

fleet shows up with canisters of Cesium 137 on them, this is definitely not your grandfather's well drilling. These newer well bores need high-volume, high-pressure slick water fluids for fracturing their very long laterals. Your grandfather's wells were safe and simple, vertical only. The low-level radioactive drill

waste products coming from present day fracking should have some special disposal requirements.

These "advertised as safe" wells have had their problems with gas releases due to well blowouts, explosions, fires, and accidents. But unlike local chemical plants contained within walls and roofs, these accidents happen in our communities. What about the clean fuel claim? Yes, it is true that natural gas, when finally burned, is cleaner than coal when it is burned. Unfortunately, that is a very narrow slice in the overall cradle-to-grave environmental impact and is hardly the only metric to use.

To categorize shale gas as a safe fuel requires us to ignore the diesel fumes from 30,000-plus horsepower fracturing pump engines and the combustion fumes from the well pad gas processing equipment. For the "cheap fuel" label to be true, we must ignore the major externalized costs to public health, water quality, and exposure to silica dust. We must also ignore the daily community inconvenience to the travelling public and the public costs to repair infrastructure damage caused by oversized vehicles. And these funds might have to come from an already stretched-thin general state budget. After 10 years of drilling, we are still a poor state. So much for the economic boon from shale gas.

Some free advice from the sacrifice zone in Wetzel to prospective targets in WV's western and central counties: Do your homework. Residents living above the Rogersville Shale must become better informed; review the ten years of drilling history here. Discount the self-serving sales pitches of the natural gas industry. Consider the future you wish to leave to your grandchildren. And try to resist the flash of cash, because there is no hurry to sign any lease. The Rogersville Shale is not going anywhere soon. It can wait until you are better informed. 🍌

Things Don't Bode Well for MXP: Pipeline Disasters

Construction for the Rover Pipeline (which would traverse parts of WV, OH, and MI) has just begun, yet already in April, two separate construction accidents “spilled more than two million gallons of drilling fluids, confirming our worst fears about this dangerous pipeline before it has even gone into operation,” says Jen Miller, director of the Ohio Chapter of the Sierra Club.

She adds, “We’ve always said that it’s never a question of whether a pipeline accident will occur, but rather a question of when. These disasters prove that the fossil fuel industry is unable to even put a pipeline into use before it spills dangerous chemicals into our precious waterways and recreation areas.”

Even more spills took place in May, according to the Ohio Environmental Protection Agency, which said that the affected wetlands likely will not recover their previous condition for decades. A spokesperson for Energy Transfer Partners, the pipeline company,



said these releases are not unusual. The Dallas-based company is the same operator behind the controversial Dakota Access Pipeline.

FERC approved the Rover in February. The 713-mile pipeline would carry fracked gas from West Virginia into Michigan. (It would not come through the Huntington Tri-State area.)

A pipeline in Sissonville, WV, exploded in 2012. It melted 800 feet of Interstate 77, destroyed three houses and melted the siding on homes located hundreds of feet away

from the explosion.

Federal investigators determined that it was caused by external pipeline corrosion and a lack of recent inspections, and that the pipeline operator could have discovered the corrosion. This was a 20-inch pipeline. The Mountaineer Xpress pipeline would be 36 inches in most portions and is planned by the same company, Columbia Gas. 🇺🇸

Fracking Deeper and Longer Laterals

One of the reasons fracking is on the upswing is that companies are finding cheaper ways to extract gas. The new world record for the longest lateral fracking well is thought to be in southeast Ohio’s Utica Shale. Eclipse Resources Great Scott 3H well has a **total measured depth of 27,400 feet, and a lateral of 19,300 feet.**

This is more than five miles deep, and the lateral is three and a half miles long. Is this extreme depth and length safe? No one knows, because it has apparently never been tried before.

The Marcellus Shale in northern WV is typically drilled to 5,000 to 7,000 feet deep. Fracking at this depth has already led to many problems for well neighbors; hundreds of WV residents have sued fracking companies.

The Rogersville Shale in West Virginia and Kentucky has been permitted for drilling at 14,000 and 15,000 feet. Chesapeake Appalachia has already drilled a well in Lawrence County, KY, to a measured

vertical depth of 15,950 feet (LAW 1 Northup Estate well).

The deeper a well is drilled, the more big trucks are needed to carry equipment, sand, chemicals, and water to the site. Residents in the Marcellus areas (Bill Hughes’ photos below from those areas) say that the massive truck traffic on hilly, winding rural roads causes many problems. The diesel fumes from all the trucks has a tendency to settle in the valleys, where people have no choice but to breathe unhealthy air. 🇺🇸



Energy Exec: 100 Percent Renewable Energy Can Be Done Today

On May 26, KPBS reported on UC San Diego's Institute of the Americas's annual energy conference. There, Sempra Energy Vice President Patrick Lee said the technology exists today for total reliance on renewable energy.

One of the company's subsidiaries, San Diego Gas and Electric, is committed to delivering more than 40 percent of its energy from renewable sources by 2018, but they'd already delivered 43 percent renewable energy in 2016. Yet, the reporters noted, many energy companies still maintain that more renewable energy sources like wind and solar cause problems for the electrical grid.

But Lee says, "If you were to ask me three years ago, you know as a power engineer, can we actually achieve a high percentage of renewable, my answer was probably 'no.' I'd say, 'we're going to need some



base load generation. But today, my answer is, the technology has been resolved. How fast do you want to get 100 percent? That can be done today."

Read the whole story: bit.ly/2s7sfPT. 🍌

Fossil Fuels: Foolish to Let Them Keep a Grip on WV

by Dianne Bady

It is my great privilege to work with talented lawyers on suing mountaintop removal companies for illegally polluting West Virginia streams.

One of my most vivid courtroom memories was when a coal company expert, trying to show that our claims of illegal pollution were wrong, presented his study with many charts and graphs and an impressive pile of papers showing how much work they did and the complicated statistics they used.

But our lawyers at Appalachian Mountain Advocates had done their homework. Before this court appearance, they went through all those coal expert's documents page by endless page, and found that the results showing no big pollution problem were obtained by *simply throwing out a bunch of data* that did not fit their contention of no illegal pollution.

The experts representing the coal industry used only data that fit their claim that the pollution was not a problem, and they disregarded data that was inconvenient to their argument. How could they think they would get away with this? I believe it was because the coal industry had already had great success, over many years, in twisting data and facts and using dishonest information to convince WV politicians of the industry's supposedly legal operations.

This courtroom episode was striking because the coal expert's dishonest presentation could easily fool anybody who was already in favor of more mountaintop removal—after all, the coal industry expert's charts and graphs *looked* really scientific. It was scary to me because I realized that if our lawyers had not spent *many* hours checking dozens of pages of industry data, no one would ever realize that this study, and the industry's claim of no serious pollution problem at the mine in question, was entirely bogus.

In spite of two dozen peer-reviewed scientific studies showing high illness rates around mountaintop removal sites, many West Virginians have been conned into believing that more coal—more mountaintop removal—is crucial for the state's economy. "Our" politicians easily convinced the Trump administration to defend coal's "right" to blow up more mountains, bury more streams, and destroy more neighborhoods, all in the name of jobs for coal miners.

One of President Donald Trump's first acts was to get rid of the Obama administration's Stream Protection Rule, because this rule could make it more difficult for companies to get new mountaintop removal permits. From our perspective, this rule was not protective enough. But the Trump view was that

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Fossil Fools

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getting rid of it would help to make coal great again. For weeks afterwards, Trump's act in throwing out the Stream Protection Rule was endlessly touted in the national media by Republicans—and some Democrats—as a victory for regular people whose jobs were at risk because of unnecessary regulation.

Now a coal company owned by WV Governor Jim Justice is working on getting the permits needed to expand a VA mountaintop removal mine into McDowell County, WV. McDowell has been described as being part of WV's trillion-dollar coalfields, but it has recently ranked as one of the poorest and sickest counties in the nation.

The Justice-owned Low Seam Mining's Big Creek Surface Mine would not only be one of the latest mining operations to wreak havoc on the already ill and economically depressed McDowell County, but also the 468.3-acre surface mine would be located within a half-mile of the Endwell Head Start preschool. Children would be attending preschool while heavy machinery and explosives dismantled a mountain near them, causing them to breathe in toxic dust.

A new law passed by the 2017 WV Legislature could make it easier for other MTR mines to receive permits. The legislature decided that it is okay for insects in streams to be killed by MTR pollution. Fish still maintain some legal protection. But fish need to eat bugs to survive. While this new law was being considered, legislators described it as *necessary to prevent more citizen lawsuits against mountaintop removal*. (See "Legislators Screw Up" in right column for an update on the fate of this law.)

OVEC and other groups have worked for 20 years to try to get mountaintop removal stopped. We've watched in horror as many people who live near mountaintop removal have become prematurely ill or suffered early deaths. Yet still today, our politicians are trying to get more of it.

Now we who live in the Huntington Tri-State region are facing threats from multiple high pressure pipelines planned to take "safely" fracked natural gas to markets on the Gulf Coast, including export markets. Fracking has already occurred in the very deep Rogersville Shale in Lawrence County, KY, just across the Big Sandy River from Wayne County, WV.

In Putnam County, gas has already been produced from a vertical well permitted to 14,000 feet deep.

Although even the PA DEP has admitted that over 200 private drinking water wells have been harmed by fracking there, companies set on more fracking in WV continue to maintain that fracking is safe.

Once again, most of our politicians can be counted on to believe the lies told by the fossil fuel extraction industry. After all, that industry is lining their pockets. 🍷

Legislators Screw Up, Retain Protections for Streams and People, Rather than Their Corporate Funders

excerpt from "Legislative flub protects streams," a May 2 editorial in the *Charleston Gazette-Mail*

The Legislature was so eager to do its industry favors this year that lawmakers tripped over themselves, accidentally undoing a favor to one group while kowtowing to another.

First, lawmakers passed House Bill 2506, allowing more pollution in streams by changing when measurements can be taken. The bill, dubbed the "Cancer Creek bill" when it was proposed in previous years, allows the state Department of Environmental Protection to measure pollution during times of higher water flow. The old rule had been to measure during low-flow times—to catch pollutants at their most concentrated.

That was a long-sought change by the WV Manufacturers Association, among others.

Then, late in the session, came Senate Bill 687, to combine various state mine safety boards and help mining companies fight citizen lawsuits intended to get streams cleaned up. But that bill included re-enacting an earlier version of state code that had been changed by HB 2506. The legislature unwittingly restored the older, better standard of taking pollution measurements at low-flow times.

West Virginians did not need a bill to help certain industries pollute more at the expense of others, including other commercial interests.

Gov. Justice's spokesman, Grant Herring, said this is the legislature's mistake and it is up to the legislature to fix it. That sounds good. Let them "fix" it in 2018. 🍷

Fight Global Warming!

excerpt from a May 6 article on Mashable. Read the whole article, and follow the informative links: on.mash.to/2qQ8g7t.

To avoid catastrophic climate change, global greenhouse gas emissions have to start falling now, faster than they have risen for the past 160 years.

Leverage our collective power

No matter how much we try to cut our individual greenhouse gas emissions, it won't be enough. Not while our energy continues to be supplied almost entirely by fossil fuels.

Yet, the infuriating reality is that we already have most of the efficiency and clean-energy technologies we need to do away with fossil fuels. The fossil fuel industry, in large part, is standing in the way of their accelerated deployment and cost reduction.

This is hardly surprising when the business model of these companies is fundamentally incompatible with the science of mitigating climate change. And when that model—like our society as a whole—prioritizes economic growth above ecological protection and actual human wellbeing.

Yes, we are all complicit in climate change. But you and I are passively guilty—stuck in a high-carbon system. Fossil fuel interests and political ideologues, on the other hand, are actively guilty—working to stop the system from changing.

The only thing powerful enough to take on the financial might and political power of the fossil fuel industry is the power of a social movement. **This isn't just rhetoric: Historical evidence suggests that it takes roughly 3.5 percent of the population to sustain a winning social movement. The single most important thing we can each do is to be part of the collective 3.5 percent.**

We all belong to one or more constituencies that can either support the status quo, or challenge it. Examples include students pushing their universities to divest from fossil fuel companies and mothers lobbying for statewide access to clean energy.

Look not just to D.C., but to your local community, where many of the most consequential battles are taking place. It's there that you can have outsized impact. Take part in sustained organizing, and make sure you show up to flashpoints of unity and momentum like marches, rallies, and protests. 🍌

Hmmm... Sounds like they are saying: Join OVEC!



A Different Kind of Spring Break

On March 27, during their spring break to the Appalachian Catholic Worker, eight students and two staff members from St. Vincent–St. Mary High School, in Akron, Ohio, cleaned up a dump site along a public road in Roane County, plus an additional three-quarter-mile's worth of litter. They provided this service on behalf of OVEC.

The spring break crew collected almost 40 bags of trash (and stuff that didn't fit in bags, like old TV parts, a baby pool, and 10 tires). The Department of Highways provided "Adopt-A-Highway" vests, gloves, garbage bags, and trash grabbing tools, and promptly picked up the garbage when the students were finished. Thanks to everyone involved! (Photo of the crew above by Jeannie Kirkhope.) 🍌

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? Consider making a planned gift to OVEC. Tax benefits apply.

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.

Please contact your attorney or a financial advisor for more information, or visit: lalwv.org.

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October 7: Save the date for our **annual picnic** for members and supporters, this time at the Barboursville Park. We'll continue celebrating our 30th anniversary with music, picnic fixin's, and good company.

This year, *tentative* plans include a morning 5K run/walk and a bike ride, too. We'll have more details later in the year, but for now, do save the date!