



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Corps Suspends New MTR Permit After Our Legal Challenge – Acknowledges Permit Flaws; Promises to Address Community Concerns

On April 20, in response to our legal challenge, the US Army Corps of Engineers suspended a permit for mining operations at a new mountaintop removal coal mine. The Corps stated that it intends to re-evaluate the permit in light of concerns raised by the EPA and our legal filings.

Together, OVEC, West Virginia Highlands Conservancy and the Sierra Club filed the challenge, represented by Joe Lovett and Derek Teaney with the

Appalachian Center for the Economy and the Environment.

“We’re pleased that the Corps recognizes the serious problems with the permit,” said OVEC’s Co-Director Dianne Bady. “This is just the first step, however. We are committed to ensuring that the agency meets its obligation to protect clean water and the communities which rely on it.”

On March 4, the Corps of Engineers had issued a *continued on page 4*

What’s a Better Choice – Tourist Destination or Resource Colony?

The mountaintop removal industry and its politicians continue to argue that MTR is necessary to our country’s security – that the United States needs the “cheap” coal produced by MTR, and it is West Virginia’s patriotic duty to provide reasonably priced electricity to the rest of the nation.

How will they now defend the “right” of a business conglomerate from India to blow up ridges and bury valleys in Fayette and Boone counties?

Essar Group, an Indian conglomerate, operates mountaintop removal mines in Kentucky and West Virginia under their subsidiary Frasure Creek. The coal Essar mines here is shipped to India. In West Virginia, Essar focuses on the highest quality metallurgical coal, which is used for making steel.

In Kentucky, Frasure Creek is in the midst of a lawsuit charging it and another company with committing over 20,000 Clean Water Act violations, including exceeding water pollution limits by up to 40 times



OVEC staffer Vivian Stockman discusses the Frasure Creek mountaintop removal mining operations during a meeting with a number of concerned Fayette County residents.

the limit and falsifying water-monitoring reports that are required to be submitted to state agencies.

Frasure Creek’s MTR operations are causing problems in communities along U.S. Route 60 in Fayette County. Tourism is growing in Fayette, faster than anywhere else in West Virginia. For example, the Boy Scouts are constructing their new permanent high-adventure base in the county, where the Boy Scouts’ National Jamboree will be held in 2013 and the World Jamboree in 2019.

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A Journey:

Where is MTR Taking Me?

by Wendy Johnston, OVEC member from Mercer County

Two years ago, I barely knew anything about mountaintop removal mining. I thought that it wasn't occurring near me and though it was terrible, how did it affect me? Well that was just before I discovered a pending application for surface mining on a mountain close to where I grew up.

Wow! Talk about an eye opener. I had just started grad school, I had a job, one child in college and two headed that way soon. I also lived on a farm and had numerous other commitments to fulfill.

How would I have time to fight such a thing? What would be the repercussions if I did? I had more questions about my own involvement in this one thing than anything I had ever contemplated in my life. Before I knew it, I was thrown head first into a battle to save mountains, a region, a people and a culture that had been a part of me since my ancestors first came here over 200 years ago. With lots of doubt, fear and cowardice I headed into a battle that I was not and am not sure now that I could win.

Two years into this fight to save our world, which is what this has become, I am not quite as afraid as I was at the beginning. I have finished grad school and resigned from my job at the local library. I have another child in college and one more headed that way soon.

My parents, husband and I have started a CSA (community supported agriculture), selling shares of our vegetables grown in an acre and a half garden, to our neighbors and friends. There is now fresh lamb meat and beef available for sale directly from my freezer and the battle to save Appalachia rages on.

I wonder at times if I have the energy and time to continue as a mountain soldier. I have discovered that if we can save Appalachia from the destruction of mountaintop removal that we may be able to save the fresh water supply of millions of people.

I have learned that when a mountain is destroyed that the communities around it disappear. I have learned that when those communities disappear so does a way of



Wendy Johnston speaking on Kayford Mountain. photo by Sarah Vekasi

life that has survived for generations. I have also met some of the most amazing, giving, intelligent and hardworking people that I could ever imagine knowing. A network of people who have joined together from every walk of life that you could imagine to fight for clean air and clean water and to save what is left of Appalachia for the future generations.

Recently, this battle took another turn in a twisting and winding road that has left me on the doorstep of strangers, wondering where I will be led next. I met a family that lives on the edge of the only active mine site in our county. This is close to the same site that was proposed in that application that I discovered two years ago. In our county the land is divided by the Bluestone River, a small river that carries fresh water from our mountain headwater streams to the New River, to the Kanawha River, to the Ohio River, to every home that has a faucet in the southeastern United States.

On one side of this river is land that has been farmed by generations of agriculturally minded immigrants who settled this land to find peace and happiness.

On the other side of the Bluestone there are beautiful, steep and rugged mountains that hide small and almost forgotten communities. These same mountains also hide coal, the mineral that is the source of greed and power for many and the source of cheap electricity for many more. For many years this thing called coal was mined from underground in this part of Mercer County, providing

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Tourist Paradise or MTR Wasteland? Fayette County Residents Want A Say!

As summer brings an influx of tourists to the beautiful, blooming Mountain State, a line in the sand is quietly being drawn right in the middle of the central state tourist destination.

Less than five miles from Fayetteville and the New River Gorge Bridge, a major mountaintop removal mining operation is underway and will continue to expand, if the company and DEP have their way.

Essar Group, a multinational conglomerate company based in Bombay, India, operates Frasure Creek Mining – a company that is seeking to flatten the entire mountain range between Kanawha Falls and Oak Hill.

Residents deep in the southern mountain communities of Boone, Raleigh, Mingo and Logan counties have been working for years to get the rest of the state and



The beauty of Hawks Nest overlook on a misty New River Gorge morning.

nation to take notice of the destruction that is happening in the heart of Appalachia.

For residents of Fayette County, this tireless work of their neighbors has been critical because they know what the future looks like for Fayette County if mountaintop removal is not stopped. It is a future of public health devastation, economic destruction and community depopulation.

It is a future that many in Fayette County are not willing to accept.

Frasure Creek already operates four surface mines close to Fayetteville. The company has applied for five more, which would more than double the size of its mining operation, flattening over 3,600 acres. That is five miles of mountains that would be lost in the middle of Fayette County.

Residents are working together to stop this threat by reaching out to local businesses and politicians, speaking out against it at local events, organizing movie screenings, and taking the company to court to stop the permits.


One hundred Fayette County residents signed on to an appeal to stop the most recent permit that the DEP granted Frasure Creek.

While the DEP may still grant the permit, despite the numerous concerns of the local community, it is important that we continue to stand up and say NO to each of the five permits that the company is still seeking.

The West Virginia surface mining permit is just the first step in the long approval process for mountaintop removal mines.

Are you interested in helping to protect Fayette County and stop an Indian corporation from ruining our mountains and our future? Please get involved.

The Frasure Creek permit appeal/hearing before the WV Surface Mine Board is scheduled for July 12 at the DEP office in Charleston. We urge concerned people to attend and show that you want this permit to be revoked.

For more information, call (304) 360-2072. 

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OVEC is a member of the WV Environmental Council, the Alliance for Appalachia and The CLEAN, and is a 501(c)(3) non-profit organization registered with the US Internal Revenue Service and the WV Secretary of State.

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

Corps Suspends New Permit

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permit to the Highland Mining Company that authorized the destruction of more than two and a half miles of streams at the Reylas Surface Mine in Logan County, WV.

On March 8, the groups filed a formal challenge to the permit in the US District Court for the Southern District of West Virginia. In response to the groups' motion, Judge Robert Chambers issued a temporary restraining order to immediately halt coal mining operations at the site pending further proceedings.

"It is a shame that citizen groups have to bring these challenges at all," said WVHC's mining chair Cindy Rank. "The Army Corps needs to scrutinize these applications from the first, and to rigorously apply the environmental protections in the laws themselves."

The suspended permit would have authorized Highland, a Massey Energy subsidiary, to dump a large amount of coal mining waste into a valley, burying over

13,000 feet of streams in the Dingess Run watershed, a tributary of the Guyandotte River.

Over 25 percent of this watershed has been previously mined or is currently being mined. The company has secured an exemption from the requirement that it restore the site to its "approximate original contour" by indicating that the post-mining land use will be Federal Emergency Management Agency (FEMA) "relocation for residents in the stream valley following flooding events."

This is an especially ironic post-mining land use, since state and federal studies have shown that mountaintop removal mining increases flooding.

"This permit never should have been issued in the first place," said Jim Sconyers, Chair of Sierra Club's West Virginia Chapter. "We don't need more evidence that these mines hurt communities and the environment. What we need is federal and state oversight with the backbone to uphold and enforce the law." 🌰

Stop MTR Movement Gains Ground on the Big Screen

As this newsletter heads to the printer, we hope people in big cities all over the country are heading to local theatres to see *The Last Mountain*, which features our work to end MTR and bring about a just transition to renewable energy.

Of all the documentaries featuring our work, this one is the first to move beyond the festival circuit and have a broad theatrical release. It will be in more than 20 of the top markets by early July. That's huge, people!

Be sure to check out the website for screening locations, group tickets, help in bringing the movie to your community and much more: THELASTMOUNTAINMOVIE.COM.

On Coal River Screened in 70 Cities

Congratulations to *On Coal River*, which screened in 70 cities in April as part of the "Whole Foods Market Do Something Reel" Film Festival. The flick features Ed Wiley and others in the quest to win the funding needed to move Marsh Fork Elementary safely away from a Massey Energy coal prep plant and sludge dam.

If you didn't catch the movie during this tour, you can work with your local high school, college or public library to bring the film to your community. See ONCOALRIVER.COM

for details.

The website will soon feature a free downloadable study guide (with lessons for middle school to college level students) exploring topics on environmental education and civic engagement.

Low Coal Wins Award in March

Congratulations to Jordan Freeman, whose film, *Low Coal*, won the Michael Moore Award at the Cinema Verde Environmental Film Festival (Gainesville, FL). You can watch this film online (free). See WWW.LOWCOAL.COM.

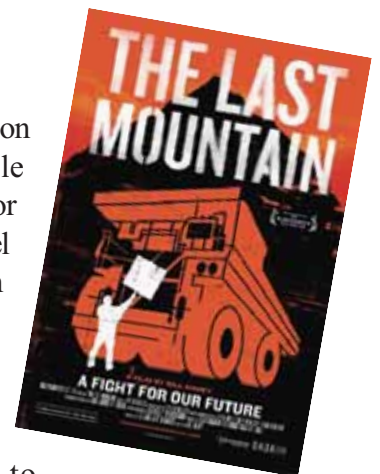
Other Films to Watch

Remember to keep tabs on the other documentaries listed below. Some will air on public television, and they continue to be screened at festivals and community gatherings nationwide.

- ◆ *Burning the Future* - WWW.BURNINGTHEFUTURE.ORG
- ◆ *Mountain Top Removal* - HAWRIVERFILMS.COM/ID11.HTML

- ◆ *Black Diamonds* - WWW.BLACKDIAMONDSMOVIE.COM/

To help stop MTR, support independent filmmakers who support our work, and buy their DVDs. 🌰



Essar Mining Mania Also Threatens OVEC's Boone County Property

Late last year, OVEC bought a building and a small piece of land on the edge of Twilight, in Boone County, WV, directly between the mountaintop removal operations of Massey and Patriot Coal and the town of Twilight.

In March of this year, we bought another small parcel of adjoining land. Essar's Frasure Creek operates a MTR mine on one side of Twilight and is now seeking to expand.

The company has received core drilling permits and is now prospecting 1,000 feet above homes in neighboring Bandytown. Residents are alarmed: MTR there would require the depopulation of the community, and it would become one more community lost to MTR. You can't have large-scale MTR *and* communities; one or the other has to go.

Frasure Creek also has a 746-acre permit behind OVEC organizer Maria Gunnoe's home. Gunnoe says, "Frasure Creek will take all that they can. We know firsthand that Frasure Creek is not a good neighbor. Their blasting is horrendous. They have no regard for the life below." And Gunnoe's six-year-old nephew says, "Sissy, what's wrong with these people? Don't they know we live down here?"

In 2005, Massey Energy sold these reserves to Essar in India. In Gunnoe's words, "Massey sold us out to a foreign country. Frasure Creek is destroying forever some



People live directly below Frasure Creek's MTR mine in Fayette County and are suffering from impacts. Flyover courtesy SouthWings.org. photo by Maria Gunnoe

of the most-loved places in our state. The impact of MTR mining on your home, quality of life and health is simply astounding.

"It's impossible for us who live this nightmare to even entertain the idea that this is being done in the name of 'homeland security,' especially when the security of our homes is under attack. We have been here for six and seven generations, and now we are threatened with being run out of our native homes by a coal company from India." 🌰

What's A Better Choice?

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"The Gauley and the New Rivers are the most important economic and aesthetic resources that this county has. Tourism is our economic engine," said Kathyryne Hoffman, president of the Ansted Historic Preservation Council.

Property values and quality of life in Fayette County have been harmed by Frasure Creek's blasting, people have been flooded by the runoff from mining and there are other safety issues. Residents are frustrated by the lack of response from the DEP to these problems.

There's also real concern about water quality and the safety of the drinking water in the area. Wellheads for the Page-Kincaid Public Service District are located less than two miles from the boundary of Frasure Creek's Glenco Hollow Surface Mine.

Frasure Creek's existing and proposed mines and valley fills in Fayette County include three permitted and four proposed mines and nine permitted and five proposed valley fills – for a total of 3,313 mined acres. Some proposed operations are as close as five miles to the town of Fayetteville.

The communities of Beards Fork and Kincaid lie at the center of proposed mining operations, and Frasure Creek is already prospecting near Beckwith and Kanawha Falls (a popular tourist vista).

How will Big Coal and its political supporters defend Essar's intention to destroy large portions of Fayette County and damage its growing tourism industry in order to ship some of West Virginia's highest-quality coal to India?

To get involved in the efforts to stop this insanity, call (304) 360-2072. 🌰

Where Is MTR Taking Me?

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numerous local residents with a way to make a living that had been the way of their ancestors before them.

The underground mines have long since taken their bounty from these mountains and left the communities to wither away. The coal industry not only took the mineral from these places but also the very life of the communities as they rolled on out of town with large profits, leaving behind virtual ghost towns.

Sneaking in behind this once thriving underground mining industry were those waiting to rape these mountains of the last of the coal left here. Very few people even know that there is a 120-acre active surface mine in Mercer County where as few as 14 men work daily to explode the mountainside and take what is left of the coal that could not be mined from underground.

Coal that was meant to purify the abundance of fresh water that could be found in the valleys of these high ridge tops providing drinking water for miles and miles of communities. This is not the mining of the “boom” days when hundreds of families lived up every holler in southern West Virginia. This is the mining that is destroying what is left of those communities.

Meeting that family, I sat on the front porch of their simple framed house, by a rapidly running creek at the foot of Browning Lambert Mountain. I looked into the faces of

those who would soon not have water flowing into their homes as they had for years, those who may not have homes at all if the mining company is allowed to continue raping and pillaging the mountain. This is where I am now in this battle – educating others about what is happening and what will continue to happen if they don’t rise up and fight.

As I sat there talking, spewing out information that I have been gathering for two years, I wondered if I didn’t sound like someone speaking a foreign language to them. I wondered if when I left, did they feel as exhausted as I did when I was first learning what was occurring all over Appalachia. Did they feel overwhelmed by the information my Dad and I had heaped on them?

I know that when I was first learning and studying, I was incredulous, wondering how the industry could get away with what was happening in Appalachia. The difference was, these folks already knew not to trust those people. They have spent years being mistreated by the industry and those who should have been holding them to task.

They expected to be lied to by the blasting agent who had met with them the week before. While I had spent years thinking that the Department of Environmental Protection was just that, years of believing that these inspectors were protecting the mountains that I called home, these folks knew that they weren’t and had accepted it. They were also a step ahead in that they had already organized their neighborhood with an initial meeting with the blasting agent and had realized that they were being lied to and would need outside help.

Now, my job and my Dad’s, will be to provide them with the information they need and to connect them with people who will teach them how to hold the company to task.

Although the path of this journey is ever changing, my goal is still the same. My goal is to do my part to save the culture and people of Appalachia, to save the mountains that have been home to animals and plant life that have sustained these same people for generations and to leave the world that my children and grandchildren will inherit a little better than what it is now.

My goal is also to educate those who are ignorant of the atrocities that are destroying this world. I hope that when my journey ends that my children and grandchildren and those who have learned from what I have shared with them will carry on with the same goals.

I only hope, that by starting on them earlier than I did, that they will be able to do more to save this life giving land that we have been instructed to care for. 🍌

**Recurring
Donors
Help Keep
OVEC’s
Work Going**



If you agree that OVEC’s work is critical to protecting West Virginia, please consider joining our recurring members program. Go to www.OHVEC.ORG, click on the “Donate” button, then click on the blue “Donate Now” button.

Recurring donations help build OVEC’s sustainability and help us with our long-term planning, since we can better estimate our members’ donations. Remember, donations to OVEC are tax deductible.

Front Page *New York Times* Article Brings Some Action

To reach a lost American place, here just a moment ago, follow a thin country road as it unspools across an Appalachian valley's grimy floor, past a coal operation or two, a church or two, a village called Twilight. Beware of the truck traffic. Watch out for that car-chasing dog.

After passing an abandoned union hall with its front door agape, look to the right for a solitary house, tidy, yellow and tucked into the stillness. This is nearly all that remains of a West Virginia community called Lindytown.

So begins an April 13 front-page, above-the-fold *New York Times* article by columnist Dan Barry, who traveled with OVEC staff member Maria Gunnoe along that "thin country road" – Route 26 in Boone County. With Gunnoe, Barry met several people living along that road, including Quinnie Richmond, 85, who lives in that "solitary house."

The article continues:

But the coal that helped to create Lindytown also destroyed it. Here was the church; here was its steeple; now it's all gone, along with its people. Gone, too, are the surrounding mountaintops. To mine the soft rock that we burn to help power our light bulbs, our laptops, our way of life, heavy equipment has stripped away the trees, the soil, the rock – what coal companies call the "overburden."

Now, the faint, mechanical beeps and grinds from above



Before *The Times* story ran, a boulder, in the midst of a MTR operation, loomed over Quinnie Richmond's home; the day after the story ran, a trackhoe was busy removing the massive rock. Sometimes, a little public shaming does the job bureaucrats are reluctant to undertake.



are all that disturb the Lindytown quiet, save for the occasional, seam-splintering blast.

A couple of years ago, a subsidiary of Massey Energy, which owns a sprawling mine operation behind and above the Richmond home, bought up Lindytown. Many of its residents signed Massey-proffered documents in which they also agreed not to sue, testify against, seek inspection of or "make adverse comment" about coal-mining operations in the vicinity.

(The mining) exposed a massive rock that almost seems to be teetering above the Richmond home. Some days, an anxious Mrs. Richmond will check on the rock from her small kitchen window, step away, then come back to check again.

And again.

The article delves deep into the Richmond family's story and introduces Gunnoe, who, "through her work with the Ohio Valley Environmental Coalition, has become such an effective environmental advocate that in 2009 she received the prestigious Goldman Environmental Prize."

We meet Bandytown resident Leo Cook, 75, who says, "I believe with all my heart that there's a better way to get that coal."

Then there's former Lindytown resident, James Smith, 68, a retired coal miner, who notes many residents left Lindytown only because the mountaintop operations above had ruined the quality of life below. After the MTR blasting began, "You could wash your car today, and tomorrow you could write your name on it in the dust. It was just unpleasant to live in that town. Period."

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New York Times Article

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The article mentions the growing concern about the health impacts of mountaintop removal and reports on the trouble people now have visiting family cemeteries that are surrounded by MTR operations. The article concludes:

Would Lindytown have died anyway? Would it have died even without the removal of its surrounding mountaintops? These are the questions that Bill Raney, the president of the West Virginia Coal Association, raises.

Sometimes, he says, depopulation is part of the natural order of things. People move to be closer to hospitals, or restaurants, or the Wal-Mart. There is also that West Virginia truism, he adds:

“When the coal’s gone, you go to where the next coal seam is.”

Of course, in the case of Lindytown, the coal is still here; it’s the people who are mostly gone. Now, when darkness comes to this particular hollow, you can see a small light shining from the kitchen window of a solitary, yellow house – and, sometimes, a face, peering out.

For more than a year and a half, Gunnoe and others had been asking both the DEP and the federal Office of Surface Mining to force the coal company to remove the boulder above the Richmond home. They had been promised, at most, only an investigation of the matter. **The day after the article ran, the coal company removed the boulder that had been so worrying Quinnie Richmond.** Please be sure to read the whole article and view the accompanying slideshow at: NYTIMS/BYELINDY.

Four Pole Watershed Needs You

A Huntington-based watershed group is forming in response to citizen feedback and participation in two public meetings sponsored by the City of Huntington, WV Conservation Agency, DEP and Marshall University.

The initial sessions focused on repairs to Four Pole Creek to help remove it from the EPA’s list of impaired waters.

Short- and medium-term goals are now being drafted to help build momentum for greater participation and publicity.


If you would like to participate or just join the email distribution list, please contact Kit Anderson at andersonk@cityofhuntington.com or Dustin Johnson at dustin.c.johnson@wv.gov.

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

The Eat for OVEC fundraiser is an ongoing effort and has been a continued success. Thanks to everyone who has enrolled in the program for OVEC! Please keep using those gift cards when you purchase your groceries and gas at Kroger.

If you need a reminder on how to use the card, don’t have a card yet or don’t know what the program is about, contact Maryanne at (304) 522-0246 or maryanne@ohvec.org, or just send in the coupon below with your check. *The program doesn’t cost you a penny,* and it sure helps support OVEC’s work.

YES! I want OVEC to receive 5 % of my purchases from Kroger! Please enroll me in the EAT FOR OVEC Kroger gift card program.



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My \$5 check is enclosed (please write Kroger Gift Card on the memo line). Send me a Kroger gift card with a \$5 balance so OVEC can start benefitting from my purchases today. Make checks payable to OVEC. Mail with this coupon to: OVEC, P.O. Box 6753, Huntington, WV 25773.

Update on 2011 Legislative Session: Sludge Safety Project

This past Legislative Session, thanks to the Sludge Safety Project volunteers who racked up hundreds of hours and SSP's dedicated staff, we came closer than ever to getting a permanent ban on coal slurry injection passed into law.

Our "Alternative Coal Slurry Disposal Act" bill would have prohibited new permits for the underground injection of coal slurry and phased out existing coal slurry injection operations. The bill also would have provided a tax credit to industry to assist in the transition to new technology to reduce and/or eliminate coal slurry.

The bill died late in the session, a victim of some especially nefarious politicking. To be certain, we had our champions, but the coal industry lobbyists won this round, once again showing how little regard the industry has for

human health. DEP officials who answered committee questions were just as flagrant as the lobbyists in supporting industry profit over human health.



It's obvious we have more work to do in defending our communities from the abuses of the coal industry, the so-called regulatory agencies and the politicians who are too scared to stand up to the coal industry.

That's why SSP will be working in communities throughout 2011 and will be back in the legislature in 2012, ready to once again speak truth to power, louder and stronger than ever.

Please help. Contact Stephanie at (304) 360-2110 or stephanie@sludgesafety.org. 🍄

Annual Week in Washington Wins New Hearts and Minds

On a lobbying mission, OVEC members joined more than 150 people from across Appalachia and beyond for nearly 200 meetings with House, Senate, and federal agency representatives during the recent Alliance for Appalachia's 6th Annual End Mountaintop Removal Week in Washington.

Hundreds more joined that week from afar in a national call-in day asking House representatives to co-sponsor the Clean Water Protection Act, and Senators to support the Appalachian Restoration Act.

The House bill, HR 1375, was officially introduced into the House with 66 co-sponsors—with at least 26 signing on as a direct result of Week in Washington lobbying.

The Senate bill was introduced in May. Both bills could severely curtail mountaintop removal mining by disallowing the dumping of mining waste into streams. (Blasting off mountaintops creates billions and billions of tons of rubble, which are dumped into surrounding valleys. These valley fills bury headwater

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Debbie Graff, Dustin White, Wendy Johnston, Robin Blakeman and Michael Morrison prepare for a meeting during the Week in Washington.
photo by Danny Cook

streams, poison waters downstream and increase flooding risks.)

The meetings and calls from Week in Washington were especially important as Congress debated budget cuts. Several budget amendments that would have limited protections for our mountains and water were kept out of the version of the bill that finally passed.

Thanks so much to staff from The Alliance for Appalachia and member groups who worked so hard to make the lobby week such a success. Many thanks, too, to

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TAKE ACTION!

Contact your reps, write a letter to the editor and help us spread the word:
ILOVEMOUNTAINS.ORG/ACT/.

Week in Washington

Flyrock and Rockefeller: Won't He Please Come See What MTR Does to Us?

Dear WOC Readers,

I am requesting your help. For too long, the victims of mountaintop removal coal extraction have been ignored and dismissed. Our West Virginia congregational delegation likes to deny that we even exist. Recently, I was in Washington, DC, with other impacted and concerned citizens from Appalachia, lobbying our elected officials to look, listen and end MTR.

I have been to DC to lobby against MTR many times. I go to remind our state politicians that, no matter how much they ignore us, we will not go away until they see what is happening to the state they represent and until they listen to the people, instead of Big Coal's rhetoric.

Our elected officials should be ashamed of themselves – and none more so than Senator John D. Rockefeller, IV, with whom I recently met. I have formally invited him to come and face those who have been affected by MTR. I have made a public request that Sen. Rockefeller come to southern West Virginia to listen to the people, tour the devastation caused by out-of-state interests and see the industry's scofflaw behavior and its total disregard for not only their own employees, but for the citizens as well. We are demanding his attention.

My request of Rockefeller was caught on video, and I have also made it public with letters to the editors. I need your help, as fellow West Virginians, in this endeavor.

Please, contact Sen. Rockefeller's offices and tell them you want him to honor our request – and to address the victims of MTR without the coal industry in his ear. Call, write, fax and e-mail his local offices and those in DC and write your own letters to local media. Be persistent; he

expects us to just go away if he ignores us. Demand that he honor our request.

Sen. Rockefeller is supposed to work for you and all of West Virginia, not the coal industry alone. I hope that, with your help, we can get him on this tour to see what MTR has done to our lives.

Sincerely,

Dustin C. White, OVEC Volunteer



TAKE ACTION!

See the video at WWW.YOUTUBE.COM/WATCH?V=N7L90LPZEM8.

Call Sen. Rockefeller at (202) 224-6472 or find an e-mail form and phone numbers for his offices around the state here: ROCKEFELLER.SENATE.GOV/CONTACT/.

Week in Washington

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OVEC super volunteers Danny Cook, Michael Morrison and Dustin White, who made the trip in one van, along with OVEC staff Robin Blakeman, Coal River Mountain Watch staff Junior Walk and Plateau Action Network volunteer Gabe Pena.

Other West Virginians, all OVEC members, were present, too, including Keeper of the Mountains representatives Larry Gibson, Debbie Graff and Wendy Johnston, and Lorelei Scarbro, with the Boone Raleigh Community Center. Sandra McVeigh, a member who volunteers from her Pennsylvania home, was at Week in Washington for the first time. (One side effect of Week in Washington: After a brief conversation with Robin Blakeman, Appalachian Voices staffer, Jeff Deal, committed to sustaining OVEC via our Kroger card program. Thanks, Jeff!)

To keep up the momentum, The Alliance for Appalachia reminds participants to continue cultivating the relationships they started with members of Congress and their legislative staff, and to find out what they need in order to co-sponsor HR 1375 or the Appalachian Restoration Act. After they sign on, remember to thank them!

For assistance, contact Kate Rooth at kate@appvoices.org or (202) 266-0479. To check if your elected official has signed on to HR 1375, visit ILOVEMOUNTAINS.ORG/CLEAN-WATER-PROTECTION-ACT/.



OVEC WORKS!

Thanks to everyone near and far taking action to end mountaintop removal, with an extra special thanks to all who speak out courageously. Due to the recent rising levels of threatening behavior from mountaintop removal proponents, we won't be publishing a listing of everyone we wish to thank. We hope you know how much we appreciate you. OVEC works because of you!

THANKS!

Update on 2011 Legislative Session:

Cemetery Legislation “Tweak” Moves Forward

Even as we celebrate our legislative gains for families wishing to obtain access to cemeteries on privately owned lands in West Virginia, the effort has become a continuing saga.

After passage of the legislation during the 2010 Session, monument company representatives approached Del. Bonnie Brown (D-Kanawha) and asked to be included in the “authorized persons” list and thus become eligible to petition for access under the new law.

Apparently, sometimes a family member purchases a grave marker for a deceased loved one in a cemetery on private property, but the landowner refuses the monument company permission to place the marker.

What seemed to be a simple “tweak” of the legislation enacted last year was anything but. In the Land of Outlandish Scenarios that legislators sometimes visit, a great deal of concern was voiced over what kind of monument could be placed in such a cemetery and the possible offense to the landowner.

It was suggested in one committee that a relative might construct a deer blind on private property by calling it a monument.

One delegate objected on the grounds that the deceased’s family could choose a statue of, for instance, Buddha, and the landowner would be constantly forced to endure it. Another opined that a family member might wish

to construct a large mausoleum in the cemetery. Would that these legislators were half as concerned about the rights of landowners faced with encroachment by a huge gas-drilling rig on their property!



Eventually, legislators adopted language that allows the monument company representatives to petition for access but also gives landowners the right to refuse permission for a monument of a size or subject matter they object to.

Certainly, one can hope that in most cases the monument in question will be merely a reasonably sized granite slab, with the deceased’s name and dates of birth and death on it. In that case, the family can finally honor their loved one.

OVEC’s Cemetery Preservation Group started work in 2007, sparked by an increasing number of reports of cemetery desecration and blocked access to family cemeteries from mining, drilling and development activities.

The group has developed a brochure that outlines the steps citizens can take to protect family cemeteries.

For a copy of the brochure, or to get involved with the group, contact OVEC Cemetery Protection Group volunteer Danny Cook, or Carol Warren at (304) 522-0246. 🍓

Update on 2011 Legislative Session: Energy Expansion Fund

Our efforts to improve the viability of renewable energy and energy efficiency as an economic development tool saw modest progress this past legislative session.

While political distractions at the Capitol severely limited progress in the energy arena, several legislators nonetheless recognized the wisdom of introducing an Energy Expansion Fund bill.

Chris Shepherd, working on behalf of OVEC, guided the writing and introduction of the bill. We appreciate the help of John Christiansen, lobbying with the WV Environmental Council.

The bill was intended to create a trust fund dedicated to increasing renewable energy capacity across the state, as well as to offering effective energy efficiency measures to all ratepayers. Unfortunately, it died in the Government Organization committee.

However, the bill did gain some traction in light of



three consecutive rate hikes from AEP, the last of which was attributed directly to the rising cost of coal: expanding our energy mix to include renewables, in order to keep energy costs down over time, is a central aim of an Energy Expansion Fund.

These funding streams, as already utilized by 20 other states, serve as a direct form of economic development, which not only creates jobs, but also reduce energy bills over time.

In light of rising energy costs and the increasing need in West Virginia for a diversified economy, the Energy

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Appalachian Community and Ecosystems Health Collaborative Working to Fill Knowledge Gaps, Requesting Help from WV Residents

In October 2010, many folks working for justice in Central Appalachia's mountain communities received this e-mail:

If you are working in environmental quality or community health in Appalachia, then WE NEED YOUR HELP to answer the question: "What does science know – and not know – about how environmental health affects community health across Appalachia?"

Dr. Alice Jones of Eastern Kentucky University and Dr. Ben Stout of Wheeling Jesuit University sent the e-mail to community members, academic researchers, health practitioners, government agency personnel and others. All were invited to visit www.appsciencesummit.eku.edu/ to identify:

- 🌐 Research issues;
- 🌐 Major themes and concerns;
- 🌐 Gaps in current information and understanding about the relationship between environmental and community health.

Participants had until March 2011 to submit ideas via the website, which were collected for the Appalachian Community & Ecosystems Health Collaborative Summit. By invitation, 65 Central Appalachia community members and academic researchers from across the ecological and health sciences arenas convened for the event.

The purpose of this two-day summit, held in April at Breaks Interstate Park in Virginia, was to develop research plans to fill the knowledge gaps between community and ecological health in our region.

The summit also sought to improve relationships and communications between universities, regional community groups and agencies. Summit planners felt it was critical for the work to focus on community concerns and needs, and our voices were front and center.

Several community members who volunteer with OVEC and five OVEC staff attended the summit, including Maria Gunnoe, who gave opening remarks.

According to their areas of interest, community members, students, professors and agency folks broke into small "Research Theme Working Groups" for some

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

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



facilitated brainstorming. The groups' themes included:

- 🌐 Cradle-to-Grave Resource Contaminant Assessment.
- 🌐 Politics and Economy (Sustainability).
- 🌐 Exposure Pathways and Health Consequences (community member Joe Stanley is part of this group).
- 🌐 Emerging Methodology and Research Infrastructure (West Virginia Highlands Conservancy's Cindy Rank and medical student Patricia Feeney, a former OVEC staffer, are part of this team).
- 🌐 Social Behavioral Determinants of Health and Education (this team includes community members Luther Payne and Lorelei Scarbro, Sierra Club staff Bill Price, OVEC staff Maria Gunnoe and Stephanie Tyree, and Kentuckians For The Commonwealth staff Tanya Tuner).
- 🌐 Changes in Landscape and Ecosystem Services (OVEC's Janet Keating, Vivian Stockman and Carol Warren are part of this team).
- 🌐 Water (members include OVEC's Sludge Safety Project volunteers Delta Merner, Patty Sebok and Bev Walkup).

Next steps for these working groups include:

- Identify additional resource and expertise needs.
- Formalize research proposals for submission.
- Identify additional potential colleagues and partners.
- Plan a second gathering.

Have input? Readers are encouraged to explore the website and contact the OVEC staff mentioned here with ideas and questions.

This effort is funded by grants from EPA-CARE (Community Action for a Renewed Environment); EKU Regional Stewardship and the Catholic Diocese of West Virginia. 🌰

Energy Expansion Fund

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Expansion Fund bill, even though it was not passed, provided for constructive dialogue with lawmakers.

Next session, we will continue to push our lawmakers to see the good sense (and good cents) of this important bill.

In order to have a better chance of getting this bill passed next session; we'll need much volunteer work to educate others about the positive impacts of an Energy Expansion Fund.

If you'd like to be a part of this important effort, please call the OVEC office at (304) 522-0246. 🌰

Judge Finds Massey and Arch Violating Clean Water Act at Multiple Mines: Cites Failure to Control Toxic Selenium Pollution

On March 31 the US District Court for the Southern District of West Virginia ruled that several mines operated by Massey Energy and Arch Coal have been releasing illegally high levels of toxic selenium into local waterways in West Virginia, violating clean water and mining laws.

The pollution from mines operated by Massey's subsidiaries Independence Coal Company and Jacks Branch Coal Company, as well as from mines operated by Arch's subsidiaries Coal-Mac, Inc. and Mingo Logan Coal Company, represents just one part of a pattern of toxic selenium pollution from surface mines across Appalachia. OVEC, the West Virginia Highlands Conservancy, Coal River Mountain Watch and the Sierra Club filed the citizen enforcement action, which led to Chambers' decision.

Judge Chambers' order determined only that the companies are violating the Clean Water Act and Surface Mining Control and Reclamation Act. Additional proceedings will be required to determine the actions the companies must take to prevent future violations, and to assess penalties.

"Although monetary penalties are being sought, much of the harm to the environment is already taking place; legal penalties are inadequate to compensate plaintiffs for their



Selenium and fish, not a good combination.

Selenium in some West Virginia streams has been linked to fish deformities, producing fish with two eyes on one side of their heads.

At very high levels, selenium can be toxic to people, causing hair and fingernail loss, kidney and liver damage, and damage to the nervous and circulatory systems. 🌰

injury," the judge wrote in his order.

With this legal action, we seek to have the DEP enforce selenium limits for permits issued for mines in Boone, Logan, Mingo and Raleigh counties.

In September 2010, in a case brought by the same groups against a different mine operator, Chambers ordered Patriot Coal to treat the selenium pollution at just one of its coal mines at an estimated cost of \$45 million.

Selenium has a severe impact on fish and other water life, causing reproductive failure, birth defects and damage to gills and internal organs (*see photo*).

Illegal Water Pollution Compels Us to Take Legal Action - DEP Again Fails to Protect Waterways and Communities from Toxic Levels of Selenium

In late March, in response to evidence of continuing illegal water pollution, we filed a lawsuit against the ICG Eastern mining company, seeking an end to the company's discharges of toxic selenium into waterways at its Knight-Ink No. 1 MTR mine in Webster County, WV. The company's own monitoring data revealed the ongoing pollution.

OVEC, WV Highlands Conservancy and the Sierra Club undertook this legal challenge because the DEP has allowed ICG Eastern to continue to discharge the toxic pollutant for years. Reported selenium discharge levels are above the level set to protect aquatic life.

The federal government's Environmental Impact Statement on mountaintop removal **cites scientific evidence that illegal selenium water contamination is a common problem downstream of mountaintop**

removal mines. Over the past several years, other scientific research has strongly demonstrated the harmful and illegal impacts of mountaintop removal on water quality.

The EPA has objected to DEP's efforts to allow ICG Eastern and other companies to continue their illegal pollution, as well. EPA has also identified selenium pollution as one of the sources of unacceptable environmental damage that prompted its historic decision to veto a permit for the Spruce No. 1 Mine in Logan County, WV.

OVEC Co-Director Dianne Bady said, "Even assuming that there has been some economic benefit from ICG Eastern's operations, that benefit is temporary. But the poisoning of the water would be essentially forever. Water scarcity is becoming a growing problem around the US. It's

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To the Extension Service: Let's Extend *ALL* Sides

The title "WVU Extension Service" evokes a warm, fuzzy vision of people assisting others with tree grafting or crop care, doesn't it? Well, think again!

This spring, the Extension Service gave presentations on Marcellus shale gas drilling at various venues around the state.

There would be nothing wrong with that **if the presentations were balanced and covered both positive and negative potential consequences.**

However, the programs, funded by over \$100,000 from large gas companies, such as Chesapeake and Dominion, have featured much "hurrah" and little "caution."

Upon arrival at the session, each person is handed a portfolio of information from an investment company that asks, "What if you were suddenly wealthy?" This effectively sets the tone of the presentation.

The presenters failed to mention health effects,

tanking property values or a problem retaining homeowners' insurance or selling property that now contains an industrial site.

Speakers addressed leases for mineral owners, but said nothing about the lack of rights for people

unfortunate enough to own only the surface. When asked about negative impacts, extension representatives responded that, given the number of issues involved with Marcellus drilling, later presentations would cover other topics.

A number of organizations working on these issues in West Virginia, including OVEC, sent a letter to WVU President James Clements, which read, in part:

"We believe the business of Extension should be to help the citizens understand fully the ramifications of the Marcellus gas juggernaut that is bearing down upon our rural communities. Your current efforts,



Crowd Drills For Answers on Shale Gas

Parkersburg's chapter of the League of Women Voters hosted a showing of the documentary *Gasland* in March. Because of the length of the film, they decided to have a separate session for questions, which took place on April 25 at the Vienna Public Library.

OVEC staffer Carol Warren teamed up with Julie Archer of the WV Surface Owners Rights Organization (WV-SORO) to answer questions and present information to an audience of about 75 people.

Archer spoke about leases and what mineral and surface owners can do to ensure that they get as many of the stipulations they want as possible.

Mineral owners have far more bargaining power than surface owners, but there are actions both can take to protect themselves as much as the law allows. Archer also showed slides displaying the size of shale gas operations as compared with conventional wells and views of environmental damage caused by drilling operations.

Warren discussed an April 2011 report on hydraulic fracturing from the U.S. House of Representatives Committee on Energy and Commerce.

Between 2005 and 2009, the gas industry used over **780 million gallons of fracking chemicals**, not counting the water used in the process. Twenty-nine of these chemicals are 1) **known or possible carcinogens**, 2) regulated under the Safe Drinking Water Act for risks to human health, and 3) **listed as hazardous air pollutants** under the Clean Air Act. **These 29 chemicals were used in more than 650 fracking products.**

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Marcellus wells bring lots of problems, including road slips and equipment wrecks.

photos by WV-SORO and Wetzel Co. Action Group



es of the Shale Story

unfortunately, fall far short of what the citizens need and deserve to hear.

“Extension tells us these issues will be dealt with in ‘future sessions,’ but we are dismayed that people are not being given at least some of the information critical to their well-being up front, instead of hearing only the rosy economic predictions in these initial meetings.

“We are also very concerned about whether these future meetings will actually occur, as who is going to pay for the additional sessions?”

“We request a commitment to scheduling a second round of the same number of programs starting as soon as possible – not six months from now – that



From the WVU Extension webpage - a new link

MARCELLUS SHALE

provide a balance between the jobs and wealth brought by gas drilling and:

- public health and safety issues;
- information on surface owners’ rights;
- a true depiction of the impacts to families and communities in proximity to drilling development;
- an honest revelation of the limitations of the WV DEP in resources and regulations to protect our air, land and water.

“We hope you will be true to your stated goal: **To enhance the well-being and the quality of life for the people of West Virginia.**” 🍷

Update on 2011 Legislative Session: Still Shale Shocked

Two bills to provide regulation of Marcellus Shale gas drilling were introduced at the beginning of the 2011 legislative session:

The “A” bill, developed during interims by Judiciary Subcommittee A;

The “DEP” bill, developed by DEP in consultation with various stakeholders.

As the session unfolded, the House Judiciary committee looked at the A bill, while the Senate Energy Industry and Mining (EIM) committee examined the DEP bill.

Although most activists would have chosen a bill containing some combination of the best points of both, we generally agreed that either bill would be a huge step forward, and each had strong points.

Well over halfway through the session, with the



A “vertical” Marcellus shale gas well being drilled in Upshur County, WV. Un-fun fact: West Virginia has more active oil and gas wells than any other state except Texas.

photo copyright WV Surface Owner’s Rights Organization

“crossover day” – the date a bill must be passed out of its chamber of origin in order to continue being considered – rapidly approaching, the committees had not taken up either bill.

Finally, to avoid an appearance of total inaction, the Senate EIM committee took up the DEP bill (424) and reduced it from almost 200 pages to 66. Many safeguards were

removed, pretty much all surface-owner provisions were removed and funding for DEP to hire more inspectors was removed. The bill was basically gutted and then passed the Senate.

In the House, the Judiciary Committee considered *continued on page 16*

Still Shale Shocked

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the A bill (2878), reduced it from over 100 pages to 38 and passed it out of committee. However, instead of voting on the A bill, the leadership decided to wait on the DEP bill, which the Senate was in the process of passing, ostensibly so both chambers would be working from the same bill.

However, when the DEP bill was reported from the Senate, Speaker Rick Thompson waited *four days* before assigning the bill to a committee!

This was undoubtedly a stalling tactic. Generally, a bill received from the other chamber is assigned the same day.

At the last minute, House Judiciary amended much of the contents of the A bill substitute (2878) they had passed, into what remained of the DEP bill (424) passed by the Senate. This might have been a halfway decent bill; the combined provisions were not all bad.

However, at that point, the bill still had a reference to House Finance Committee. Because of the short time left for action, the leadership sought to have the Finance reference waived, but Del. Sam Cann (D - Harrison), who is a former president of the Independent Oil and Gas Association, objected on the floor, thus preventing the waiver.

The Finance Committee did take up the bill promptly and passed it, and, on the last day, it would have been voted on.

However, delegates with industry interests, such as Del. Ron Walters (R - Kanawha), began calling for bills up for passage in the House to be read in their entirety. (If that request is made, it must be granted.)

Americans are Frackin' Worried

Do Americans think natural gas is as “clean” as it is touted as being by the energy industry? Nearly half of Americans (45 percent) are already very or somewhat aware of the controversy about hydraulic fracturing (“fracking”) drilling used to tap natural gas supplies in the US, according to a new survey conducted for the nonprofit Civil Society Institute.

Among Americans who already are aware of
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A natural gas compression station - source of constant noise, odors and truck traffic in rural areas.
photo by Wetzel Co. Action Group

Again, a deliberate stalling tactic by people with blatant conflicts of interest in gas drilling. Finally, it became clear that these strategies would prevent any action at all from being taken on the last day if the House did not give up consideration of the combination bill.

So, the legislators passed no gas-drilling regulation at all, although they *did* pass a separate bill offering major tax breaks to the industry for the next five years. People concerned about what Marcellus Shale gas drilling is doing to the air and water and human health continue to organize. If you would like to get involved in OVEC’s work on the Marcellus Shale issues, contact **Carol Warren at peacelovemom@gmail.com.** 🍓

Crowd Drills for Answers

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For example, 126 fracking products contained one of the most hazardous fracking chemicals, 2-BE (2 butoxy ethanol). According to the EPA, 2-BE is easily absorbed and rapidly distributed in humans following inhalation, ingestion, or skin exposure. It can cause destruction of red blood cells (hemolysis) and damage to the liver, spleen and bone marrow.

Companies injected 21.9 million gallons of 2-BE from 2005 to 2009. A total of 464,231 gallons was injected in West Virginia.

Get involved with OVEC’s work on Marcellus Shale gas drilling issues. Contact Carol Warren at peacelovemom@gmail.com or leave a message for her at (304) 522-0246. 🍓

We care. We Count. WE VOTE!

Update on 2011 Legislative Session: Clean Elections Efforts

“Right down to the wire” is an apt description of much of the legislation vital to environmental and justice advocates during West Virginia’s 2011 Legislative Session. And the results, for the most part, were not in our favor.

HB 2732, a bill composed by clean elections supporter Del. Tim Manchin (D-Marion) to help gain additional funding for the Supreme Court Public Campaign Financing Pilot Project for 2012, was one last-minute disappointment.

OVEC allies in our WV Citizens for Clean Elections Coalition were instrumental in obtaining passage of the Pilot Project last year. It will allow a public-financing option for qualifying candidates for the two WV Supreme Court seats to be filled in the 2012 election.

However, the original legislation did not provide what the coalition considered adequate funding for the project – basically \$3 million from the Purchasing Card Administration Fund in the state auditor’s office.

Del. Manchin’s bill would have added funding derived from a modest fee on attorneys practicing in the state and an equally modest court-usage fee for people filing lawsuits, both of which could have provided \$1 million in extra funding.

An additional \$2 million was sought from the state’s Unclaimed Property Fund, so the proposal could have doubled the available funding for the project. The bill made its way through the House, and the coalition felt it had a real chance in the Senate.

As the bill moved through Senate Judiciary, the WV

Bar Association objected to the attorney fees, claiming they were unconstitutional (they are not; they have been upheld in North Carolina).

The committee chair Corey Palumbo (D-Kanawha) balked and removed those fees and some of the court fees before passing the measure, which consumed an additional day or two in consideration.

The bill did arrive in the Finance Committee on time, had it been taken up immediately by Finance Chair Roman Prezioso (D-Marion).

When, after some delay, it was finally on the agenda, committee members asked questions about the original legislation and its provisions that staff counsel was not prepared to answer. This led to the bill being “laid over” – or basically killed – because it was so late in the session.

We have not given up on gaining additional funding and will be exploring options with our legislative allies, including Acting Senate President Jeff Kessler (D-Marshall).

The rules for the Pilot Project were eventually passed (HB 2639), after being bundled with other measures that were unexpectedly controversial. So, the procedures for implementation by the Secretary of State’s Office are now in place, and the coalition is spreading the word about the program to encourage credible candidates to choose the public-financing option.

To learn more about the Pilot Project or to join in the coalition’s work, visit www.wvoter-owned.org or contact Carol Warren at: peacelovemom@gmail.com 

Stop Mountaintop Removal! The Next Generation Speaks Out

by Keenan Criswell, age 10

(Keenan and his mother Crystal attended the February Huntington screening of *On Coal River*.)

We all know that mountaintop removal pollutes air and water, and makes us sick. But, we need jobs, and coal mining provides many jobs. I think mountaintop removal should stop and the people should find a better place to work.


We should stop mountaintop removal because there are too many bad things about it. First, it pollutes the air and water. That makes both people and animals sick. It makes well water undrinkable. People can get lung cancer and kids get asthma.

Second, mountaintop removal destroys nature. For

example, 100,000 acres of forests are gone now. More than 1,500 miles of streams have been destroyed or filled. The damage that the coal company agreed to fix hasn’t been and can never be fixed.

Did you know that mountaintop removal provides less jobs than other kinds of mining that are less destructive? Sadly, there are now fewer mining jobs than there were 50 years ago.

Mountaintop removal should stop because it destroys nature, pollutes air and water and results in fewer coal mining jobs.

We should go to our legislators and get them to stop mountaintop removal. We should create other kinds of jobs that are good for our environment. 

We care. We Count. WE VOTE!

Freshmen Legislators Learn to Use Bills “the DC Way”

by Jeanne Cummings, excerpted from April 21, 2011, POLITICO article

It took freshman GOP Rep. David McKinley of West Virginia just three weeks after being sworn in to introduce a bill that would help a contributor, Arch Coal, by overturning an Environmental Protection Agency ruling that has broader implications for the mining industry, also one of his political patrons.

A month later, McKinley was back, with another bill that would block a proposed EPA regulation against coal-ash bricks and drywall, materials architectural and engineering firms – such as one founded by McKinley – routinely recommend in construction project bids.

To be sure, it's not unusual for lawmakers to sponsor bills to support home-state industries. West Virginians of both political parties use their posts to protect coal mining.

What surprises government watchdogs is how *quickly* some freshmen learned the ropes and began using the legislative process to advance highly targeted bills aimed at business interests – some of which raised their political profile after a 2010 Supreme Court ruling cleared the way for corporations to tap their vast treasuries and sway the outcome of elections ...

Rep. Bill Johnson (R-Ohio) introduced a bill that would prevent the Office of Surface Mining Reclamation and Enforcement from rewriting a Bush administration regulation that allows mining companies to dump debris in intermittent streams, those that fill up in rainy seasons but go dry at other times.

The legislation pits Congress against the White House in an ongoing lawsuit filed last July against EPA by the National Mining Association.

The industry argues the agency is trying to sidestep the more arduous process of writing a rule by making decisions based on guidelines.

As was the case for Johnson and McKinley, Griffith's top industry support was from the mining sector, which donated \$40,450 to his campaign.

The legislation is backdated to Jan. 1, which McKinley's office confirms is aimed at nullifying EPA's Jan. 13 revocation of a water permit for Spruce No. 1 Mine, which is owned by Arch Coal. McKinley and others are concerned EPA's retroactive revocation will set a precedent for the entire industry.

The legislation is co-sponsored by other coal-state lawmakers. A companion bill in the Senate is backed by

another freshman: Sen. Joe Manchin (D-WV.)

“There was a lot of anger from West Virginia and Kentucky legislators after the Spruce Mine veto, and they are looking for a way to reduce EPA's authority and make themselves back home look as though they are trying to promote the coal industry,” said Ed Hopkins of the Sierra Club.

“This legislation is a magnet for members of Congress who are friendly with the coal industry,” he added.

The mining industry was the biggest corporate giver to McKinley's campaign, donating \$51,751.

Read the entire article: WWW.POLITICO.COM/NEWS/STORIES/0411/53490.HTML. 


Illegal Water Pollution

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clear that abundant, clean water is one of West Virginia's most valuable resources.”

The new suit follows other legal actions the groups have taken against excessive selenium discharges at subsidiaries of Massey Energy, Arch Coal, Patriot Coal and Western Coal.

Cindy Rank, West Virginia Highlands Conservancy's mining chair, said, “If we don't stop these illegal and harmful discharges of selenium now, we have only ourselves to blame for the destruction of our valuable water resources and for the long term liabilities that will be passed along to our children, grandchildren and future citizens of the state.”


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

Fracking Worries

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fracking, more than two out of three (69 percent) are concerned about the drilling technique's possible threat to clean drinking water.



OVEC is a member of Civil Society Institute's The CLEAN network. The CLEAN's mission is to promote sustainable, cost-efficient and healthy energy options while phasing out energy sources that are dirty, expensive, and harmful to the health of humans, animals, and the environment. Learn more about the fracking survey and sign up with The CLEAN at: THECLEAN.ORG. 

National Wildlife Federation Officers Get Close-Up Look at MTR

In March, National Wildlife Federation officers came to West Virginia to see MTR firsthand. We thank the person responsible for arranging NWF's visit, who wishes to remain anonymous.

NWF CEO, Larry Schweiger, and NWF officers Jim Lyon, Felice Stadler and Jeremy Symons, met early one morning with anonymous, and OVEC's Maria Gunnoe and Vivian Stockman. After a briefing on MTR, we took to helicopters for a three-hour aerial tour of the atrocity that is MTR.

That evening, more folks joined us for dinner, including NWF board member Lise Van Susteren, OVEC board member Chuck Nelson and OVEC members Dustin and Nada White, Patty and Butch Sebok, as well as Rob Goodwin of Coal River Mountain Watch. Many dinner guests' eyes welled with tears from the personal stories people shared about MTR's impact.

The next day we toured Kayford Mountain and the Mud River area. NWF's Felice Stadler later blogged:

"I've lived in the Washington, D.C., area for nearly 15 years, and having the beautiful mountains of West Virginia so close to my backyard has been a saving grace. How quickly you can find yourself lost in a mountain laurel forest, walking alongside one of the state's many streams, like Otter Creek, where the only sounds you hear are those that nature provides—birds, water rushing over rocks, wind whipping through the tree canopy.

"The mountains of West Virginia are a respite for so many of us. But sadly this respite – a place that so many call home – is being ravaged by corporate greed...

"Two weeks ago I joined a few of my NWF colleagues on a trip to Charleston, WV, that countless others with similar interests have taken. We wanted to better understand what is going on in a region of our country where the



If you're hoping to see the "green rolling hills of West Virginia," you'd better skip parts of the state – larger and larger parts of the state. The NWF officers got a firsthand look at the gray, barren, blasted wasteland that a mountaintop removal mining site can be.



coal industry is allowed to blow off the tops of mountains and rip apart communities, families and the rich landscape.

"What we found reminded NWF CEO, Larry Schweiger, of the lawless mining days of the 1960s: politicians and law enforcement officials looking the other way when confronted with egregious violations of federal law. Big Coal owns Central Appalachia and operates with complete and utter disregard for the people and the land – a land rich in stories, history, cultural heritage and natural beauty.

"One local resident-turned-activist, Maria
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Air: Gotta Have It - DC Rally Drives That Point Home

Everybody's gotta breathe. That acknowledgment and the basic right to breathe clean, healthy air brought people from every state to Washington, D.C. on May 2-4.

A diverse range of groups sponsored the event - 50 States United for Healthy Air - including Earthjustice, the National Council of Churches, the American Nurses Association, Physicians for Social Responsibility and the Hip Hop Caucus.

"Clean Air Ambassadors" from each state met with legislators and agency personnel to talk about the need for strong regulation of air quality, which affects illnesses from asthma to heart disease.

OVEC staff Carol Warren and Todd Garland of the Diocese of Wheeling-Charleston represented West Virginia.

A lengthy meeting with agency personnel provided time for the agency staff to listen to heartbreaking personal

NWF Gets Look

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Gunnoe, summed it up this way: 'We have an outlaw industry, where the politics are almost as dirty as coal.'

Read Stadler's entire blog and watch video from the NWF visit: BIT.LY/NWF_WV. NWF seeks to become more involved in this issue and has since sent OVEC a generous check for our continued work. 🍂

GET ACTION ALERTS!

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

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

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

stories and requests for action from a number of the ambassadors.

William Anderson, a Nevada delegate who is a member of the Paiute nation, spoke movingly about the coal-fired plant next to the reservation. The plant blows fly ash onto people's homes, sending them scurrying inside. Many elders cannot go outside on a regular basis because of their health problems. This has been going on since the 1960s.

Agency staff gave updates, as well. Steve Black from the Department of the Interior promised that there will soon be a utility-scale solar plant on public lands out West. Dr. John Balbus of the Department of Health and Human Services stated that the Center for Disease Control is entering into a broad national dialogue on polluting and toxic chemicals. The CDC is tracking environmental public health data on its website.

Gina McCarthy from the EPA noted that the currently proposed reductions of particulate matter and ozone could be a huge legacy to the country if enacted based on the existing science. Nancy Sutley of the Council on Environmental Quality stated that the Clean Air Act is an incredible investment in better health and the economy. Its benefits have been more than 30 times the costs of investments, and the biggest benefits are in health protection.

The 50 States attendees also had a half-hour meeting with EPA Director Lisa Jackson and members of her staff. She listened to stories, but also addressed the group briefly, saying she found it odd that some see the environment as an enemy of the people. She wanted to be clear that the EPA is not overreaching, but simply following the law. The agency is not responsible for job losses, or for the increased price of gasoline. The Director affirmed that the EPA will continue to fight rollbacks and retreats, and said support from the people is critical to their ability to do so.

Warren and Garland met with Christoph Keller of Senator Joe Manchin's staff. They shared information with him that West Virginia has five cities in the worst twenty-four nationwide for long-term particulates, according to a recent report by the American Lung Association.

They asked that the Senator support the regulations in the Clean Air Act, as many of them have important public health implications. The two were unable to meet with Senator Rockefeller's staff, as staff were busy preparing for the Senator's press conference on Medicaid later that day, but did leave a packet of information.

Read Warren and Garland's stories and learn more: EARTHJUSTICE.ORG/50STATES. 🍂

OVEC Party Over Here! Helping Out With A House Party

by Karen Scalf

As OVEC members, my partner and I sometimes wish we were more involved with the organization, so when we were presented with the idea of hosting an OVEC house party, we jumped on it.

I called it the “Sustainable Garden Party” because we wanted to raise awareness about the connections between the mountain ecosystem, the waterways and our food sources. We showed our organic raised-bed gardens and served lettuce and herbs from them.

About 25 guests attended, all bringing a dish with at least one organic or local ingredient. Our table groaned under all the deliciousness – quiches and frittatas with local eggs and asparagus, container garden salad, pickled squash, local bread and friendship cake. Our house hummed with lively people discussing local food sources, and OVEC members discussing their important work for the mountains and streams.

Community is the key to change and I believe most guests left with more knowledge about the organization and an appreciation for connecting with like-minded people to make things better. I encourage you to consider hosting your own sustainability-themed house or garden party. It’s a great



Guests admire the bounty of organic and locally-sourced food at an OVEC house party.
photo by Carter Seaton

way to introduce neighbors and friends to OVEC, and you end up with some pretty tasty leftovers.

Thanks so much to Karen Scalf and Carla Seamonds for hosting this house party. They discussed the OVEC Kroger gift card program and encouraged guests to purchase Kroger cards to use when buying their organic products (*see page 8*).

Party-goers also learned how they could become members or sustainers of OVEC in order to help ensure that a sustainable ecosystem can thrive in West Virginia. 🌰

Help Defend EPA from Coal Industry’s Stepped-Up Attacks

Coal industry lobbyists and their politicians are attacking the EPA. They seem to have forgotten the era that ushered EPA into existence, when the poster children of how badly unregulated industries will pollute were Love Canal and the burning Cuyahoga River.

In May, the House Subcommittee on Water Resources and Environment held two public relations events - er, hearings - entitled “EPA Mining Policies: Assault on Appalachian Jobs.”

After the first hearing, Liz Judge of Earthjustice blogged, “The hearing proceedings amounted to a two-hour verbal back-patting session between a tiny group of House representatives who conducted the hearing and their industry pals whom they asked to testify.

“Rep. Bob Gibbs of Ohio and Rep. Nick Joe Rahall

of West Virginia conducted the hearing by pulling together an unabashedly one-sided witness list, making a series of false and uncontested claims about the Clean Water Act and the EPA’s authority to veto mining permits, and neglecting to call anyone who lives near mountaintop removal mining to testify. **The last offense was perhaps the most stinging, as Dustin White of Boone County, West Virginia, and Jeff and Sharman Chapman-Crane of Eolia, Kentucky, were forced to sit in silence in the hearing room as their representatives, state officials and coal industry executives railed against clean water safeguards that are in place to protect Dustin’s and Jeff and Sharman’s communities.**”

White, an OVEC member and super-volunteer, told an Energy & Environment Daily reporter: “It’s really a slap

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Help Defend EPA

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in the face to the people who are affected by this. They're not hearing the whole story. It's very one-sided and very disappointing that our own West Virginia delegation would not invite anyone impacted from the region ... This practice of mountaintop removal coal extraction is killing people in Appalachia."

Judge wrote, "If this committee refuses to hear from the people affected by mountaintop removal mining in its hearings, let's make them hear from the rest of us all year 'round - beginning now!"

Citizen Enforcement Training

On April 1 and 2, Coal River Mountain Watch and OVEC hosted a free training designed to guide participants through reading and understanding coal mine permits, identifying violations, reporting and following up on violations and taking legal action.

Trainers for this event included Nick Getzen, Mike Becher of the Appalachian Center for The Economy and the Environment, volunteer Rob Goodwin of CRMW and Mathew Louis-Rosenberg with our Sludge Safety Project.

Many thanks to the participants, the trainers and the CRMW volunteers who organized the event and compiled the extensive handouts, all designed to help residents hold our regulatory agencies (such as the Department of Environmental Protection) accountable for doing their jobs..

Those volunteers included Goodwin, David German, William Levendis and others. Thanks to Unitarian Universalist Congregation in Charleston for providing the meeting space. 🌰

Renewable Energy Capacity Surpasses Nuclear For the First Time Ever in 2010

The total cumulative installed power capacity from renewable sources passed up nuclear for the first time in 2010, according to the draft version of a new report coming out soon by the Worldwatch Institute, *The World Nuclear Industry Status Report 2010-2011*.

"In 2010, for the first time, worldwide cumulated installed capacity of wind turbines, biomass and waste-to-energy plants, and solar power reached 381 gigawatts, outpacing the installed nuclear capacity of 375 gigawatts," the draft report says.

"In the United States, even though nuclear and wind technologies produced a comparable amount of energy during their first 15 years (2.6 billion kWh for nuclear versus

It is especially important that representatives who sit on this committee are strongly urged to oppose efforts to block the EPA from protecting Appalachian communities from mountaintop removal mining pollution. Find out who and how to call by checking Judge's blog: BIT.LY/ACTION_HRG.

Also, please defend the EPA from these ludicrous attacks (attacks instigated by industries that want to profit by polluting our air and water without restraint) in letters to the editor.

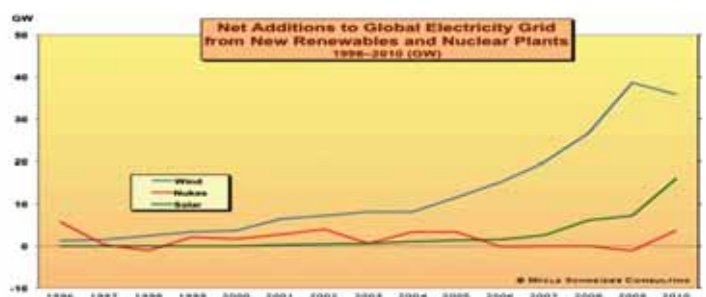
See WWW.OHVEC.ORG/LTEs for tips and links. 🌰



Student Aid

Thanks to the students from Warren Wilson College, in Asheville, NC, who, in April, came to help out at OVEC's property in Twilight, WV. They assisted with some much-needed work in the gardens, a real testament to the old axiom about many hands making for light work. Thanks, too, to Coal River Mountain Watch for sending the students our way. 🌰

1.9 billion kWh for wind), the subsidy to nuclear outweighed that to wind by a factor of over 40 (\$39.4 billion versus \$900 million)." Wow, imagine if we subsidized wind (or solar) as much as we subsidized nuclear. (Ed. Note: Ditto that for coal!) Read the entire story: BIT.LY/GO_SOL. 🌰





GLOBAL WARMING / CLIMATE INSTABILITY In the Mountain State



Climate Chaos and Marcellus Shale

Study Debunks “Cleaner Than Coal” Mythology

The gas industry, and, indeed, many public officials and legislators, want us to believe that natural gas will be the clean substitute for coal as we transition to renewables and a clean-energy future. But, environmental scholars Robert W. Howarth, Renee Santoro and Anthony Ingraffea have completed a study at Cornell University that seriously questions this rosy picture.

The pair presented their findings in a recent article titled “Methane and the greenhouse gas footprint of natural gas from shale formations,” which ran in the journal *Climatic Change*.

The article notes that while gas burns cleaner than coal, overall, shale gas is not cleaner, particularly in the short-term, when this transition to cleaner fuels is supposed to take place.

According to the article:

Natural gas is composed largely of methane, and 3.6% to 7.9% of the methane from shale-gas production escapes to the atmosphere in venting and leaks over the lifetime of a well. These methane emissions are at least 30% more than and perhaps more than twice as great as those from conventional gas. The higher emissions from shale gas occur at the time wells are hydraulically fractured – as methane

escapes from flow-back return fluids – and during drill out following the fracturing. Methane is a powerful greenhouse gas, with a global warming potential that is far greater than that of carbon dioxide, particularly over the time horizon of the first few decades following emission. Methane contributes substantially to the greenhouse gas footprint of shale gas on shorter time scales, dominating it on a 20-year time horizon. The footprint for shale gas is greater than that for conventional gas or oil when viewed on any time horizon, but particularly so over 20 years. Compared to coal, the footprint of shale gas is at least 20% greater and perhaps more than twice as great on the 20-year horizon and is comparable when compared over 100 years.

This is clearly not the “transition fuel” we have been seeking at all!

We must develop truly clean, renewable options now. Sinking more of our nation’s assets into gas drilling is not only counterproductive in terms of climate change, but is also injurious to our air, water, land and health.

Note: The complete article from *Climatic Change* is available at SPRINGERLINK.COM. 🍪

WV Solar Company Growing With Interest In Renewable Energy

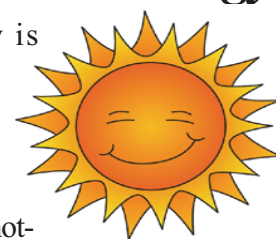
Mountain View Solar and Wind recently was awarded contracts to add solar paneling to a county courthouse under construction in Berkeley Springs, as well as a water treatment plant in Hurricane.

Colin Williams, the company’s director of sales, says that federal tax credits return 30 percent of the cost of purchasing a new renewable energy system, and state tax credits add up to \$2,000 more in returns to the purchaser.

In Berkeley Springs, the solar array at the new Morgan County Courthouse should produce approximately the amount of energy that is used by two homes.

It will offset about 20 tons of global-climate-change-producing carbon dioxide. (While the up front costs are high, over time the cost of energy will decrease dramatically as the system pays for itself in reduced electric bills.)

Renewable energy is growing rapidly in West Virginia. Nearly 20 years ago, Mountain View began as a construction company. Over time, some houses were built with solar water heaters, hot-water radiant heating systems and solar panels. Now Mountain View is primarily a renewable energy company. **Staffing has grown from 3 people to 25 in only three years!**



Williams points out that with solar, energy is made where it is used. This decreases the need for more power lines and more power plants, and is much more efficient, because in traditional coal-fired electricity production, up to 60 percent of the energy can be lost in transmission. 🍪

The Unfolding Saga of the Proposed Mingo Co. Coal-to-Liquids Plant

Last Year

In February, 2010, DEP's Division of Air Quality issued an air pollution permit to TransGas Development for a coal-to-liquids refinery the company wants to build in Mingo County.

WOC readers may recall that OVEC, West Virginia Highlands Conservancy, Coal River Mountain Watch and Sierra Club found serious flaws in the air permit and went before the WV Air Quality Board to appeal the DEP-issued permit.

March 28, 2011: Board Orders DEP to Change Air Permit

On March 28, 2011, the board, ruling on our appeal, rejected key portions of the permit. We had rightly contended that the proposed plant would not be a "minor" air pollution source, one condition of the flawed DEP permit.

In his Coal Tattoo blog, Ken Ward Jr. noted, "Among other things, board members ruled that 'the record does not support' the DEP's determination that the plant's flare combustion efficiency would be 99.5 percent – a key factor in the agency's decision to permit this facility as 'minor source' of air pollution, allowing TransGas to bypass more stringent permitting requirements.

"The AQB sent the permit back to the WVDEP with instructions that the permit be modified to comply with the law."

April 21, 2011: State Issue Bonds for Non-Existent Plant that Has No Valid Air Permit

The WV Economic Development Authority authorized developers to sell up to \$3 billion in revenue bonds for the proposed coal-to-liquids plant.

April 21: Groundbreaking Ceremony Announced

The Mingo County Redevelopment Authority and TransGas announced they would hold a ceremonial groundbreaking for the proposed plant on May 9.

April 28: We FOIA the EDA

The citizen groups that appealed the plant's air permit sent a Freedom of Information Act request to the Economic Development Authority in order to understand the state's justification behind issuing the bonds to TransGas Development.

In the FOIA, we noted that this single bond issue exceeds the total of all other bonds underwritten by the EDA in recent years. The bond issue, for a highly questionable project, may place the state and its taxpayers

at unjustifiable risk.

TransGas is a corporation with only two employees, including Randy Harris, who is also apparently still working as a project director for the Mingo County Redevelopment Authority (according to the authority's website as of May 5). The financial track record of TransGas is a grave concern since the company has had only two projects in the past. One project was abandoned, and the other ended in bankruptcy.

We issued a press release to highlight some of our concerns with this project, in which Jim Kotcon of the WV Sierra Club said, "The public needs to be able to review the information that led the Authority to believe that supporting Mr. Adam Victor's TransGas company

has any potential to be beneficial for West Virginia. More importantly, we need to know whether the Economic Development Authority has adequately assessed the risk to the State's fiscal stability and the potential adverse impact to our credit rating. This is a project that Wall Street will not finance, so why should the state bail them out?"

"Why is the state agreeing to provide unprecedented levels of financial support to a company with a track record of business failure? Wouldn't it make more sense for the Development Authority to invest in renewable energy projects that don't depend on blowing up more mountains and depopulating more neighborhoods?" asked OVEC Co-Director Dianne Bady.

"There's a reason no coal-to-gas facility like this has been built anywhere in the United States. The costs are enormous, the technology is unproven and the facility, which would be a major source of greenhouse gases, could be subject to future climate regulations. The water use for this plant would be massive – where would that water come from? The public deserves to know what the Development Authority reasoning is in supporting such a terribly risky project," according to Coal River Mountain Watch Co-Director Debbie Jarrell.

Our press release noted that we intend to determine whether WV Economic Development Authority's decision is one based on sound financial principles, or rather one based on the state's coal politics.

May 4: Attorney Warns TransGas

Elena Saxonhouse, the Sierra Club attorney who was one of the lawyers representing us on the air permit

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The True Cost of Coal: One Picture Worth 10,000 Words



by Janet Keating (with excerpts from a Beehive Collective press release)

Thanks to Marshall University Student Environmental Action Coalition (and some funding from OVEC), representatives from the Beehive Collective swarmed Marshall University in April.

With a gigantic banner teeming with intricate images of plants and animals from the most bio-diverse temperate forest on the planet, the amazing Bees (WWW.BEEHIVECOLLECTIVE.ORG) presented stories, collected over two years, of how coal mining and MTR affects communities and ecosystems throughout Appalachia.

Beyond just pointing out and providing some explanation about various images in the banner, participatory exercises suggested citizen organizing steps and provided an opportunity to interact and share knowledge about MTR.

Among many others, we saw OVEC friends like Dustin Steele (so knowledgeable at such a young age), Judy and Russ Whitley, Rainey Duke, Marty Amerikaner and Michael Morrison in the crowd. We learned that the reason no humans and only a wonderful array of critters appear in the Beehive poster art is because it allows the viewer to see the issue without forming any judgment.

The Bees traveled throughout Central Appalachia gathering stories about what life and the land was like in our region before the coal barons arrived; they met with and listened to elders, young folks, activists and others to learn about what the impacts of mining have been since coal was


discovered here (especially the impacts on the land and people from MTR).

This collective work speaks to the overwhelming and complex picture of globalization, militarization, and resource extraction, as well as the small-scale changes and actions we can undertake to build another world.

The Bees' "True Cost of Coal" graphic uses MTR in Appalachia as a lens through which to understand the historical and contemporary story of energy, resource extraction and of American Empire accelerating throughout the world. The Bees expose the deceptions of "clean coal" technologies and bring to light the ensuing climate chaos.

Their stunning graphic also looks to the future, raising questions about resistance, regeneration, and remediation while celebrating stories of struggle from mountain communities. The true cost of coal, as represented in the beautiful, complex graphic, will challenge all of us who casually flip on a light switch to examine our own connections to MTR – and to think about what we can do to stop it from within our own communities.

My favorite part of the banner is on the far right side – the vision that people have for a just and sustainable Appalachia.

OVEC has a limited number of "True Cost of Coal" posters at our Huntington office for \$15 each. To buy one, contact Tonya Adkins at 4themountains@gmail.com. Learn more: BEEHIVECOLLECTIVE.BLOGSPOT.COM/ 



CALENDAR

June and July: *The Last Mountain* screens in theatres nationwide. See THELASTMOUNTAINMOVIE.COM.

June 5 - 11: Appalachia Rising: March on Blair Mountain. See FRIENDSOFBLAIRMOUNTAIN.ORG.

July 4 weekend: Mountain Keepers Music Festival. See MOUNTAINKEEPER.BLOGSPOT.COM.

July 12: Frasure Creek MTR permit appeal/hearing before the WV Surface Mine Board. See page 3. Contact stephanie@sludgesafety.org, or call the OVEC office at (304) 522-0246.

August 1: Deadline to submit articles, letters and photos for consideration for publication in our next *Winds of Change* newsletter.

August 13: OVEC's annual meeting. Open to members and their guests. Call (304) 522-0246 for details.

August 27: OVEC fundraiser concert in Calhoun County. Contact vivian@ohvec.org for details. 🍷

TransGas Plans

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appeal, sent a letter to TransGas lawyer David Yaussy. In the letter, Saxonhouse reminds Yaussy that TransGas does not yet have a valid air pollution permit from the DEP.

She wrote, "While a mere 'groundbreaking' does not meet the definition of 'construction' under (state and federal law) ... TransGas faces significant risk if it moves forward with constructing the source itself. **Doing so without the proper permit could subject your client to both federal and citizen enforcement actions**, even if the state permitting authority has condoned the project."

In his *Coal Tattoo* Blog, Ken Ward Jr. wrote:

"Interestingly, the Sierra Club tells me: WVDEP is taking the position that TransGas can go ahead and construct while they are fixing their permit. I've tried to ask WVDEP about that, but agency officials have not responded to my questions." 🍷

BLAIR MOUNTAIN



UMW Seeks to Support Our Blair Mountain Battlefield Lawsuit

In April, the *Charleston Gazette* reported, "The United Mine Workers of America supported efforts to save the historic Blair Mountain battlefield in a legal motion it filed (April 18) in the U.S. District Court for the District of Columbia."

The UMWA is seeking permission to file a friend of the court brief in a lawsuit that OVEC, the Friends of Blair Mountain and Sierra Club filed in September, 2010. In December, the National Trust for Historic Preservation joined the lawsuit, which seeks to have the Blair Mountain Battlefield re-listed on the National Register of Historic Places.

In its motion, the UMWA writes, "The courage and sacrifice of UMWA miners is the sole reason Blair Mountain carries historic significance that makes it eligible for inclusion on the National Register of Historic Places.

"Though the UMWA miners who marched to Blair Mountain were defeated in battle, their stand paved the way for legislative and collective bargaining achievements in the first half of the 20th century that helped build the American middle class." 🍷

But – Got to Bring Up the Disconnect

We are thankful that the UMWA has joined in this effort to protect Blair Mountain. We are jubilant that many UMWA members intend to join Appalachia Rising: The March on Blair Mountain (*Ed. Note: The June 5 -11 march was not yet underway as we prepped this newsletter for publication. We'll report on the march in our next newsletter.*)

We are dismayed that, because there are some union MTR jobs, the union leadership ignores many of its rank and file members who oppose MTR. We have OVEC members who are also union members who oppose MTR because of its mechanization, which displaces workers, and because of the devastation MTR wreaks on communities, human health and the environment.

We long for the day when the union leadership divests itself from the coal industry lobbyists and again stands up for workers and communities nestled below all mountains. Will we ever see the United Mine and Renewable Energy Workers of America? 🍷

Harvard Study: Coal Costs America \$330-500 Billion Annually

by Dave Cooper, mountaintop removal activist and lecturer

Excerpted from a March 6, 2011, *Huffington Post* article: HUFF.TO/DCOOP

A Harvard University study, published Feb. 17, 2011, determined that the true costs of using coal to generate electricity in America are between \$330 and \$500 billion dollars annually.

The study, “*Mining Coal, Mounting Costs – The Life Cycle Consequences of Coal*” by the Harvard Medical School’s Center for Health and the Global Environment examines the costs for so-called “cheap coal” that don’t show up on the monthly electric bill: the so-called “externalities” or hidden costs. In a time of huge budget deficits, Americans – and our leaders in Washington – should be looking at these costs.

Coal companies are adept at externalizing their costs. For example:

☠ When Appalachian streams become polluted with sediment and heavy metals because of mountaintop removal mining, the public pays to clean up the water so it’s safe to drink – but we don’t pay the cost in the electric bill, we pay it in the water bill.

☠ When a child in North Carolina suffers an asthma attack or ear infection because of a coal-burning TVA power plant in Tennessee, the North Carolina family pays the cost of the child’s medication – not TVA.

☠ When a community in the Appalachian Mountains suffers from depreciated property values because a coal company is showering the town with coal dust, the homeowners pay the cost when they sell their homes and move away.

☠ And when heavy coal trucks destroy the roads and bridges in the mountain towns, the taxpayers have to pay to fix the roads – not the trucking or coal companies. According to the study, the price of coal-generated electricity would be 18 cents per kilowatt-hour higher if it actually included these externalized costs.

A few years ago the Indiana University School of Medicine did a study and determined that the public health

“We estimate that the life cycle impacts of coal and the waste stream generated are costing the U.S. public a third to over one-half a trillion dollars annually. Accounting for the damages conservatively doubles to triples the price of electricity from coal per kWh generated, making wind, solar, and other forms of non-fossil fuel power generation, along with investments in efficiency and electricity conservation methods, economically competitive.”

THE STUDY INCLUDED THE FOLLOWING RECOMMENDATIONS:

Local:

- **Alternative industrial and farming policies for coalfield regions.**
- **Manufacture and install solar, wind and small-scale hydro.**
- **Manufacture technologies for efficient, self-regulating “smart” grids.**
- **Complementary inter-regional development (e.g., with the Rust Belt).**
- ***End mountaintop removal (emphasis added).***
- **Reclaim all MTR sites and abandoned mine lands.**
- **Meet water quality standards.**

National:

- **Electric vehicles, plugged into cleanly-powered smart grids, and healthy cities programs, with cities connected by light rail.**
- **Realign federal and state regulations and incentives to stimulate manufacture of and markets for clean and efficient energy systems.**

cost of burning coal for Hoosiers was \$5 billion annually. Pollution from burning coal causes heart disease, lung disease, and asthma and puts mercury into the environment. The American Lung Association estimates that 24,000 excess deaths nationally are caused by pollution from coal-fired power plants every year.

In Kentucky, the Mountain Association for Community Economic Development (MACED) did a study which found that in 2006 coal generated \$528 million in revenue for the state of Kentucky, but it cost \$643 million in state expenditures. Similarly, in West Virginia, Downstream Strategies issued a report which determined that coal’s net costs to West Virginia for 2009 were \$97 million.

The numbers in the Harvard study are astronomical, and will hopefully stir some public debate about coal’s true costs. Here in America, we just put the costs of coal on the backs of poor people without health insurance and little kids with asthma, while the coal company makes huge profits.

We often hear that alternative sources of energy, such as wind power and solar power are “too expensive” and not cost-competitive with “cheap” sources of energy like coal. Now we know that is not true. 🍌

Ohio Valley Environmental Coalition
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So You Wanted To Visit Your Ancestors on Memorial Day ...

Maria Gunnoe writes: The tiny spot of trees at the bottom of this photo is Jarrell Cemetery. This is the resting place of WW II soldiers and family members of folks from all over the local communities. There are two small girls who were sisters that died in a house fire that are buried together. I often wonder why they weren't allowed to rest in peace. In order to visit this cemetery you would have to register with the coal company. Then set a date that works for *them* and wait until you are permitted to go – otherwise you could be charged with trespassing. Once you register you must go through guards *and* safety training before going onto what is now the mine site. A company representative will accompany you and give you an allotted amount of time to be there. The road to this cemetery is now controlled by Massey Energy. Keep in mind that there is also Asbury and Bailey Cemeteries in this photo and the Cook family cemeteries are just on the opposite ridge. 🍂

*Photo courtesy Paul Corbit Brown,
paulcorbitbrown.com.*

Flyover courtesy SouthWings.org.

