



Winds of Change

Celebrating 25 Years of Organized Voices and Empowered Communities

Huntington, WV

OVEC

www.ohvec.org

A First: Health Impacts Part of MTR Lawsuit

Over the 15 years that OVEC has been fighting mountaintop removal, we've heard members who live near MTR talk about their health concerns. Today, a growing number of peer-reviewed, published scientific studies link living near mountaintop removal to higher rates of many illnesses including cancer, birth defects, and lung and cardiovascular disease, as well as to lower life expectancies.

In mid-October, OVEC and other groups filed a lawsuit against the U.S. Army Corps of Engineers that included our contention that the corps has a legal obligation to take these serious health threats into account before issuing permits for mountaintop-removal mining. We did raise these issues with the corps before they granted the permit to Raven Crest Contractors, but our health concerns were ignored.

The new Raven Crest permit for their Boone No. 5 Surface Mine near Peytona in Boone County would destroy almost three miles of streams. Raven Crest claims they can rebuild the streams afterward, but top academic stream experts have already testified in our earlier lawsuits that it is not possible to replace the functions of high-quality headwater streams. The federal Clean Water Act states that a rebuilt stream must replace the form and function of the original stream. So we are also suing the corps for allowing illegal stream damage.

Generations of OVEC organizer Robin Blakeman's family live in the area around the proposed Boone #5 mine. "Growing up, I thought of Peytona and Racine as timeless and unchanging places, with beautiful free-flowing streams and small communities, where at least seven generations of my ancestors have lived healthy, productive lives,"



Studies show MTR can start harming human health before birth. The Army Corps of Engineers should not be issuing permits for mining operations that can endanger health.

Blakeman said.

"Unfortunately the increased strip mining by Raven Crest is now threatening the area with a variety of problems including dust, blasting damage and toxic water pollution so bad that I worry about the impacts on unborn children and others at risk of cancer, kidney disease and other major illnesses," she added. "It's time the corps and other regulatory agencies begin to pay attention to the potential human health risks posed by this and similar mining. The corps should deny

Raven Crest's application for permits to expand their operations."

The suit was filed by OVEC, the Sierra Club, WV Highlands Conservancy and Coal River Mountain Watch. We are being represented by Joe Lovett, Amy Vernon-Jones and Mike Becher of Appalachian Mountain Advocates.

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Larry, Buddy, We'll Carry On



October 14: Denise Giardina gives the invocation at a candlelight vigil honoring Larry Gibson, who, on September 9 suffered a fatal heart attack while working on his beloved Kayford Mountain. Read Janet Keating's remembrance of Larry on page 14. Photo by Jorge Aros.

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

by Dianne Bady

Deep in the hollers of southernmost Ohio, a giant illegal tire dump caught fire. Firefighters were unable to put it out. Toxic black smoke choked nearby residents, and government officials quickly ordered over 100 people to evacuate. And, still the fire burned.

Days went by, and the fire kept burning, while evacuated residents became increasingly frustrated by government agencies' apparent inability to work together productively. Something had to be done.

This happened during the first year that OVEC had three full-time staff members. Our first organizer, Kim Baker, stepped in, talked to impacted people, organized meetings so folks could make plans and helped them set up a large public meeting where residents took the stage to talk directly to representatives of agencies who were supposed to be working cooperatively to put out the fire.

After the fire was finally extinguished, people continued working together to make sure that other large illegal tire dumps in the county were quickly removed and that local governments fully enforced the laws prohibiting the dumping of tires.

How symbolic that one of our earliest battles, as a staffed group, was to literally put out a fire. We've been metaphorically putting out fires ever since.

During the early years, when OVEC was fighting the serious illegal pollution from the former Ashland Oil refinery (now Marathon), Huntsman Chemical announced a plan to build a new chemical plant in West Virginia, directly across the Big Sandy River from the Ashland refinery. (You may remember that Jon Huntsman was a Republican primary candidate for president earlier in the current presidential campaign. This was his company.)

While local politicians were tripping all over each other in their exclamations of public enthusiasm for these great new jobs, people already sick from breathing the already-polluted air there were all choked up with un-enthusiasm at the prospect of even more pollution. So, OVEC staff worked with them to look into the pollution records of Huntsman

Chemical's existing chemical plants in Texas.

We found that there were major pollution problems at those plants, and OVEC took a public stand opposing a Huntsman Chemical plant in our area. Carol Ramey courageously represented herself in a lawsuit challenging the siting of this plant. We did everything we could to bring public attention to the serious environmental injustice of allowing more heavily polluting industry to locate in an already heavily polluted low-income area. Huntsman Chemical decided not to build the plant.

Several years later, a secret plan was made partially public, of extensive financial deals already made between West Virginia state government officials and a New York company to build the largest chlorine-based pulp mill on the continent 25 miles upriver of Huntington. Even some prominent environmental activists told us there was no chance of stopping it; the plans were already in place and unstoppable.

OVEC publicly argued that if the plant was to be built, it should use clean technologies that would not dump more toxic dioxin into the Ohio River. When that request was denied, we opposed the plan and gained a lot of new friends and enemies. But we worked hard to research the potential problems and to share what we learned with our members and with other citizens' groups of all kinds.

We filed legal appeals of the air, water and waste permits granted to the company.

Over five years, we built a large coalition of groups opposed to their tax dollars being used to subsidize a project that was so crooked that the WV DEP granted the water pollution permit based on the assumption that the level of dioxin in the Ohio River was zero — yet fish tissue testing clearly showed that there were already illegally high levels of dioxin in the river.

One of our most enjoyable pieces of coalition work came when the Affiliated Construction Trades Foundation developed and mailed a scratch and sniff postcard to everyone living within a 75-mile radius of



Our region's air, water, land and people are likely all healthier than they would have been, had OVEC not been here.

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Water and Wellness Versus Fossil Fuel Extraction

On September 8 — a blustery, rainy day — about 95 people attended Water and Wellness: Health Impacts of Fossil Fuel Extraction, a forum we held in Morgantown, West Virginia.

The half-day event featured a prominent keynote speaker, a panel of scientific panelists, round-table discussions and stories from residents affected by the extraction (fracking) and processing of deep shale gas and mountaintop-removal coal mining.

Recent scientific studies and increasing anecdotal evidence point to dire human health impacts from both gas-drilling operations and mountaintop-removal coal mining. This forum sought to highlight the findings of scientists and health professionals and the experiences of residents whose health has been affected, so the general public can be better informed and involved. The central question that emerged is this: Will we face an impending health crisis in much of our region, or will citizen action ensure a healthier future?

Dr. Wilma Subra was our keynote speaker; she is an environmental scientist with degrees in



Dr. Wilma Subra at our Water and Wellness forum.

Photo by James Prutilpac.

microbiology, chemistry and computer sciences. She served as vice-chair of the EPA National Advisory Council for Environmental Policy and Technology and is president of the Subra Company. She appears in the 2010 documentary *Gasland*.

Dr. Subra left her home state of Louisiana to come here at a time of crisis. A recent hurricane had resulted in much of her area being inundated with often polluted flood waters. She had been working on flood relief and collection of water samples until midnight of the night she had to leave to come to West Virginia. We greatly appreciate her time with us!

Subra told the crowd that more than half of the people surveyed who live near shale gas extraction or processing operations in Pennsylvania report suffering, alone or in combination, respiratory impacts, memory loss, lethargy and throat irritation.

The waste fluids produced by the natural gas industry are exempt from some federal environmental regulations. Subra said she has done chemical analyses which show that much of the waste is hazardous.

“Unless action is taken to reduce community exposure, things will ultimately get worse,” Subra said. “They’re not potential problems or in the future; they are health problems that are occurring now.”

Impacted residents who spoke about their experience were Pam Judy and Linda Headley from Pennsylvania, and Christina Woods, Danny Cook, Nada White and Lorelei Scarbro from West Virginia.

All told their “heartbreaking and disturbing” stories, as WVHC’s Cindy Rank put it to The State Journal in a post-forum interview. “There are kids who end up with sore throats and undeterminable

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

Groups Call For Marcellus Drilling Moratorium

On September 11, environmental groups from across West Virginia met in Charleston to call for a moratorium on permits for natural-gas drilling in West Virginia.

During a press conference, 11 groups issued a statement (see page 22) proposing seven conditions that should be met before new permits are issued, including mandatory well inspections, ground-water protections, air-pollution monitoring and control, and recognition of the rights of counties and local communities to protect their citizens.

The statement said that legislation adopted in December 2011 was “grossly inadequate and does not provide the basic protections needed by West Virginia citizens.” Yet, permits for new wells continue to be issued, leaving landowners and local citizens helpless to stop the dangers in their neighborhoods.

“We can’t let the gas industry wreck more West Virginians’ homes and lives,” said Jim Sconyers, chair of the West Virginia Sierra Club and the lead sponsor of the statement. “Too many horror stories are occurring. Natural-gas development can be done right, but today, it is being done wrong, and that needs to stop. Right now!”

“Fracking is science without conscience: short sighted, bloated on greed,” said Dr. Cyla Allison, president of Eight Rivers Council. “Fracking steals irreplaceable water and substitutes poison.”

Examples of problems from around the region included toxic dust problems in Doddridge County, air pollution that sickened nearby residents, explosions at gas-well sites, pressurized gases in well water, and the unwillingness of state regulatory agencies to enforce rules or respond to complaints.

Signatories to the statement were Sierra Club, OVEC, WV Highlands Conservancy, WV Environmental Council, Friends of the Cacapon River, Christians for the Mountains, Eight Rivers Council, Greenbrier River Water Association, SaveTheWaterTable.org, Coal River Mountain Watch and West Virginians For a Moratorium On Marcellus (WV4MoM).

The groups delivered the statement to Governor Tomblin, key legislators and the WV DEP. We noted that the governor could stop drilling with an executive order. In their communication to the officials, the groups included links to videos of some of the testimonies given during our September 8 Water and



This fire, on the McDowell B well site near Wetzel County, burned for nine days. Photo courtesy Wetzel County Action Group.

Wellness Conference, held in Morgantown.

Chuck Wyrstok, an outreach organizer with the WV Chapter of the Sierra Club, noted that before legislators will support the demands made in our statement, they need to hear from folks at home. This is where *you* can make a difference. Ask your legislators, your county commissioners and your town council to endorse the statement. Building momentum by getting other home and farm owners, unions and community groups to sign up will demonstrate to local political leaders that there *is* broad support for a moratorium.

Several concerned citizens are already making plans to go to their county commissions to ask them to sign on to “Call for A Moratorium.” Folks in Pocahontas County have already succeeded in getting their county commission to sign on!

In Morgan County, Linda Kjeldgaard appeared before her county commission, saying, “A moratorium request on permits for Marcellus wells was presented to the legislature and the governor on September 11. I wanted to bring it to you today to study it.”

“Actions like this generate good coverage in local papers and build momentum for more groups to sign on. It’s always beneficial to send a press release to local media before your county commission meeting. We are set up to help you do this,” Wyrstok said. Contact Wyrstok for this and other information at outreach@marcellus-wv.com or 877-252-0257.

(Remember to see page 22 in this issue of *Winds of Change* for a copy of the statement.)

You may also contact OVEC organizers Robin Blakeman at robin@ohvec.org and Dustin White dustin@ohvec.org, or call them at 304-522-0246. 🍷

Marcellus Drilling in Floodplain Axed

Citizens concerned about the impacts of Marcellus Shale extraction in Doddridge County won a victory on October 5, when the county commission revoked a permit for the gas company EQT to drill in a floodplain.

The following information is adapted from an article written by Diane Pitcock for the *Doddridge County News*, West Union, West Virginia:

EQT holds an active mineral lease that gives them the right to drill on a tract of land that includes Joye Huff’s 640-acre farm in Groves Summers in Doddridge County. EQT selected the meadow on the Huff Farm as the location of 12 Marcellus wells. It is the only meadow on Huff’s farm, and she farms it. And, aside from that, the meadow is in a recorded floodplain/floodway.

Back in November 2011, EQT went to the county floodplain coordinator, Jerry Evans, in order to obtain a county permit to drill in the meadow. The documentation EQT provided to Evans stated that the meadow was *not* in a floodplain. Evans issued a permit to allow EQT to drill the meadow, without ever visiting the site prior to signing the permit.

The residents of the Groves Summers community know that this meadow is indeed in a recorded floodplain and at least partially in a floodway. They have experienced firsthand the flooding of the meadow and received the resulting FEMA federal disaster assistance in past years. Realizing that it was a significant error on the county floodplain coordinator’s part to have issued EQT a permit to drill there, Huff, property owner of the drill site, and several neighbors brought this to the attention of the Doddridge County Commission at a commission meeting in April 2012.

The county commission realized that a mistake had been made in issuing the permit and instructed Evans to act on the situation. Evans

MARCELLUS SHALE SHOCKED

subsequently revoked the permit to drill in the meadow.

The commission was well intentioned in being responsive to the residents who brought the floodplain situation to their attention. However, they unintentionally handled the revocation improperly. They did not provide EQT with proper notice that they intended to pull the permit in order for EQT to have “due process” and to be heard before the revocation of the permit. (Or so EQT claims. However, the revocation of a permit that was invalid to begin with should have no standing before the court. Due process does not apply to invalid actions and is being challenged.)

Nevertheless, EQT filed an injunction to demand the return of their permit to drill in the meadow. In effect, they indicated their intent to sue the county commission if they

don’t get their permit back.

The county commission, now under the advisement of their attorney, went back to correct the “process error” they had committed when they had instructed Evans to revoke EQT’s permit without first informing EQT of their intent. This time, the commission went through the proper channels, and a hearing addressing the injunction was also held. During this hearing, the circuit court judge heard EQT’s argument and that of the attorneys intervening for the landowner, as well as that of the commissioners’ attorney. The case was remanded back to the county commission to act upon in their official capacity of a Floodplain Permit Appeals Board, and they are to do so before the judge will address the injunction filed by EQT against the county commission.

Diane Pitcock is the Program Administrator for the WV Host Farms Program which links West

Virginia landowners with the environmental community to study the impacts of Marcellus shale gas development. See www.wvhostfarms.org. 🍷



Keeping operations like these out of flood plains is a smart idea. Photo courtesy wvhostfarms.org and Bob Donnan.

This should serve as a ‘case study’ for other county commissioners in heavily drilled counties elsewhere in the state. They can’t afford to be ill-informed or lacking in proper policies when dealing with drilling permits in their county, especially ones that seek to drill on a floodplain.

- Diane Pitcock

Black Walnut Festival Outreach

In mid-October, OVEC's membership committee set up a booth at the Black Walnut Festival, held in Roane County, West Virginia. Thanks to Roane County members Bob Mertz, Carey Lea and Jeannie Kirkhope who helped out at our booth. Mary Wildfire cooked dinner for the volunteers one night. She and Don Alexander explained how their solar-powered home works to an enthusiastic bunch.



Robin Blakeman speaks with Black Walnut Festival attendees.
Photo by Marilyn Howells.

Thanks also to Notre Dame College (in Cleveland, OH) students, Elizabeth Anderson, Courtney Neigh, David Roush, Kate Lee, Amanda Misencik, Mark Turner and Chelsea Graffeo, as well as NDC graduate Justin Germack. They were taking part in a service trip via Kirkhope's Appalachian Catholic Worker Farm.

The students, the local volunteers and membership committee members Russ and Judy Whitley, Marilyn Howells, Mike Sullivan and OVEC organizers Robin Blakeman and Dustin White spoke with passersby for three days of the festival. Our buttons and bumperstickers were snapped up.

The volunteers signed up 45 folks for our action alerts and online newsletters, renewed one membership and recruited six new members.

"In addition to all the people who signed up for OVEC newsletters, there were many more who stopped by the booth and took literature but did not sign up, preferring to read and check out the website first," Howells said. "The young student volunteers also gave out literature to the crowds beyond the booth. So, OVEC really reached hundreds more in addition to those who signed the sheets. It was great to see the energy and enthusiasm of the student volunteers, and so many of them, too. We all talked to many people."

A hot topic of conversation was the impacts of the Marcellus Shale gas boom. "One lady in particular stands out from the ones to whom I spoke," Howells said, "due to her description of how wonderful her

well water used to be. She talked about how they had the best water from their well, but now fracking had spoiled it and it was 'all gas,' and unusable. She reported that they were forced to buy city water. She also mentioned that her neighbor's well had gone dry."

Howells noted that the Whitleys devoted several days' work to making the festival booth a success and she gave special kudos to

Blakeman, "who handled everything from planning, to transporting everything, through set up, managing it all, and tear down."

Blakeman noted that nothing would have gone off so well without the membership committee's work, and the help of OVEC's local members and the Notre Dame College volunteers.

"I was impressed about how nice the booth looked and by how it attracted so many festival attendees," Howells said.

If you want to help OVEC recruit new members (remember: strength in numbers!) and educate the public about the issues we work on, please get involved with OVEC's membership committee by contacting Robin Blakeman at robin@ohvec.org or 304-522-0246. 🍌

SSP Update

On September 29, Sludge Safety Project returned to Wyoming County to conduct more water testing and follow-up visits in Cedar Creek Road. Initial testing results indicated arsenic present in some wells. We retested those wells and met with more area residents, testing their wells, too.

Once we have the latest results in hand, we'll visit with folks again to determine what steps they may want to take next.

If you'd like to get involved with our Sludge Safety Project work, contact Dustin White at dustin@ohvec.org or 304-541-3144. 🍌



Mountain Heroes Converge on White House

On September 13, OVEC joined hundreds of people from Earthjustice and 15 other organizations outside the White House. We urged President Obama to end mountaintop-removal coal mining, and we delivered the largest photo petition in history (with more than 13,000 personal photos and messages) to the White House Council on Environmental Quality.

Thousands more who were unable to make it to Washington, D.C., carried out solidarity actions via Twitter and Facebook and telephone. Their messages let the White House know that, nationwide, citizens are standing up to end mountaintop-removal mining and all forms of extreme energy and calling for clean water protections, renewable energy solutions and a better future for our nation.

The day's actions held special meaning for Appalachian citizens and activists and environmental justice crusaders all around the world, who, days earlier, lost a tremendous friend, inspiration and leader — Larry Gibson. The day's activities were dedicated to him.

"Larry was excited to be a part of this event and was deeply involved in the planning of it. He felt it was very important that we stand in solidarity with Appalachia right now and call on all of our nation's leaders — regardless of political party — to protect justice, human rights, clean water, and mountains in



The "Mountain Heroes" website generated more than 13,000 photos and statements against MTR; hundreds delivered the photo petition to the White House.
Photo courtesy Earthjustice.

Appalachia. Larry dedicated 30 years to this work, and he never gave up on this fight," Earthjustice said in a statement. "We will dedicate this solidarity event to him."

Participating Organizations: Earthjustice • OVEC • Kentuckians For The Commonwealth • Coal River Mountain Watch • Christians For The Mountains • Keeper of the Mountains Foundation • Statewide Organizing for Community Empowerment • Appalachian Voices • Greater Washington Interfaith Power & Light • The Sierra Club • Waterkeeper Alliance • Natural Resources Defense Council (NRDC) • Chesapeake Climate Action Network • Energy Action Coalition • 350.org • Center for Biological Diversity • Rainforest Action Network 🍌

Networking, Skill Building for Volunteers

by Sylvia Arthur
The Faces of Leadership conference gave me an important opportunity to learn from others. The workshops offered practical solutions and good advice. I learned about constructing social media projects and was introduced to InstaGram by a new friend. I loved the circles with facilitators, which allowed participants to lead the learning process. I was excited to see so many young people!

Sometimes we feel hopeless about the work that needs to be done. We may not want to actively participate because we feel we don't have the expertise or the experience. I encourage OVEC members to join a committee and get more actively involved. You will gain by it. Through OVEC, you can receive many opportunities, like the Faces of Leadership Conference, to find a network of support and identify resources that are available to advance our work. Contact Robin Blakeman at robin@ohvec.org or 304-522-0246. 🍌



Left to right: In August, organizer Robin Blakeman; membership committee member Sylvia Arthur; Dustin White, just days before he came on staff; and membership committee member Danny Cook at the Faces of Leadership conference, hosted by Volunteer West Virginia at the Charleston Civic Center. OVEC's Vivian Stockman also took part.

PNC Customers: *BLAM!*

by Dustin White

In October, I had the chance to collaborate with the Earth Quaker Action Team outside Philadelphia, Pennsylvania, for their “Larry Gibson Memorial Nonviolent Training.” Joined by my mother and OVEC volunteer Nada Cook-White, I made the eight-hour trip up to Marion to spend two days with EQAT and their friends.

Formed by Quakers from Philadelphia, EQAT has been working steadfast on BLAM! — Bank Like Appalachia Matters! — their campaign to persuade PNC Bank to stop funding coal companies that practice mountaintop removal. They are urging people to remove their money from PNC banks until PNC pledges to stop funding the destruction of Appalachia, and they have been referred to as being “a multimillion-dollar threat to the sixth-largest bank in the nation.”

EQAT held a day of mass action on December 1 at multiple PNC banks. Trainings like the one I attended were held in advance of this action for those who wanted to be leaders in the action. EQAT contacted OVEC to see if anyone was available to come to Pennsylvania to speak about MTR and its impacts. I agreed, and I thought it would be helpful for them to hear from my mother, as well, because she works at an income-based health clinic in an area heavily affected by mining and has witnessed the health consequences of coal-company practices. It was an honor for us to be speaking at a training named for Larry Gibson and aiding potential leaders for the December action.

On October 20, training participants took part in a



After the action inside a PNC branch, EQAT moved outside and chalked messages on the sidewalk including, “PNC can fund windmills” and “Remember the children who are dying from PNC’s loans and investments.” Photo courtesy EQAT.



EQAT folks and PNC Bank officials look on as OVEC's Dustin White (jar of dirty water in hand) talks about MTR-related water pollution in Central Appalachia. Photo by Nada White.

small action at a local PNC bank to give newcomers a chance to experience a nonviolent direct action firsthand. About 20 of us crowded in the small bank lobby to protest PNC’s funding of MTR. Folks sang and confronted a quite surprised and hostile bank manager over PNC’s policies. When he made the comment that he just wanted to go back to “business as usual,” I showed him a sample of toxic black water taken from a West Virginia home and told him PNC’s “business as usual” was in my backyard, blowing up mountains and poisoning people. In a panic, the manager called the police, and when five police cars showed, we moved outside, where singing continued and folks drew anti-MTR messages on the sidewalk in front of the bank with chalk.

Afterward, we reconvened and continued the trainings. Folks were energized and ready to help the people of Appalachia. I was glad that my mother and I were able to help and to learn from the training, as well. As the day came to a close, we were treated to a delicious dinner and a wonderful bluegrass band.

What great allies we have in Pennsylvania! I look forward to continued work with EQAT and really appreciate how they stand ready to help the people of Appalachia. Learn more: eqat.wordpress.com.

Why I Wanted to Work for OVEC

by Dan Taylor

My initial response to the idea of working for OVEC was, and still is, “How cool!” I’ve always wanted to use my skills and education to improve the planet we live on, and what better way to do that locally than to work for OVEC?

There are a multitude of reasons why I want to work for a group like OVEC and use my interest in preserving the culture and environment of our state. I grew up in the tri-state area, and OVEC was the first and most prominent activist organization on my radar. It might even be the most relevant and

continued at right

Energy Efficiency Update

by Dan Taylor, OVEC’s representative on EEWV

Energy Efficient West Virginia uses a multitude of approaches to promote energy efficiency, whether advocating at the Public Service Commission or the legislature or doing outreach to broaden our coalition through citizen power. On that front, EEWV tabled on Bridge Day in Fayette County (Oct. 20) to let folks know that energy efficiency is not only good for the environment, but that it also saves people money.

EEWV has also recently endorsed the Energy Future Fund, an idea which was developed by the West Virginia Center on Budget and Policy. This Fund would help ensure that, down the road, West Virginia has more energy security and financial security.

Along with EEWV, OVEC members attended public meetings recently to comment on West Virginia’s draft five-year energy plan. **The draft plan supports many of the energy efficiency positions of EEWV.** This includes plans for more up-to-date building codes and establishment of a state energy-efficiency resource standard that would require electric utilities to promote reductions in customer demand, as well as to decouple utility revenue from sales to remove the disincentive for energy efficiency programs.

However, we were disappointed that the state’s

...Working for OVEC

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groundbreaking organization of its type in the recent history of this area, period.

I’ve always felt empowered by OVEC’s existing and doing what it does. It being such a long-lasting organization, with great staying power, I feel lucky to be involved and to help facilitate others being involved. As a lifelong environmentalist, with a great love for the physical beauty of Appalachia and knowledge of the immediate necessity of maintaining the health and well being of my fellow citizens, I know that it is serious work, and I respect that.

For years, I’ve wanted to work towards social



Left to right: OVEC volunteer Brianna Griffith, Dan Taylor and Molly McLaughlin at EEWV’s table on Bridge Day. Photo by Stacy Gloss.

five-year plan did not include recommendations for cogeneration or combined heat and power. EEWV’s Cathy Kunkel said advantages of re-using waste heat (cogeneration) include reduced line losses and grid-stability benefits.

EEWV coordinator Stacy Gloss emphasized the need for Integrated Resource Plan legislation that would require utilities

to analyze costs and benefits of both demand-side and supply-side resources and choose the lowest-cost option.

“The identification of power capacity shortages in the Integrated Resource Plan would trigger a requirement for the utility to issue requests for proposal for additional capacity,” said Gloss, “allowing open competition between gas plants, coal plants, cogeneration facilities, renewable energy and demand-side resources to meet capacity.”

As the 2013 legislative session approaches, EEWV plans to lobby and advocate for least-cost planning legislation and an energy-efficient resource standard. So whether it be in the industrial, commercial, residential or municipal sector, EEWV will continue to fight to clean up West Virginia and keep us on the right track to a sustainable energy future.

To join in OVEC’s work with EEWV, contact Dan Taylor at dan@ohvec.org or 304-522-0246.

justice everywhere, but doing it locally feels most vital and logical. So, any organizing, researching or coordinating that I can do is not only my pleasure, but also something I take pride in and do as thoroughly and as diligently as possible. I hope I can contribute to the valuable work that OVEC is doing, and help others to contribute, as well, to making this area more sustainable and equitable for all to live and breathe. So, I encourage people to get more involved with OVEC or to help get others involved. This organization is as strong as we make it.

Dan is OVEC’s project coordinator for our Clean Elections and Energy Efficient West Virginia work. Contact him at dan@ohvec.org or 304-522-0246.

MTR Litigation and Public Pressure Work Together

by Dianne Bady

Judge Charles Haden wrote in 1998, “The Court does not operate in a vacuum.” He made this statement regarding the first lawsuit against a mountaintop removal mine, the Spruce mine in Logan County, and what he meant was that the social climate surrounding that litigation could not help but have an influence on his decision.

In discussing OVEC’s litigation over the years, it is important to remember that the organizing and public awareness work that we and our ally groups have done is crucial to the success of our legal work.

That first lawsuit in 1998 was filed by the WV Highlands Conservancy and several coalfield residents, some of whom were OVEC members. This was also the first lawsuit, right out of law-school, for Joe Lovett, now the director of Appalachian Mountain Advocates (AppalMAD). Lovett continues to be the lead attorney in a dizzying array of legal actions designed to protect mountains, streams and human health in coalfield communities. We’re also grateful to Cindy Rank, with the Highlands Conservancy, and to lawyers with the Sierra Club, Public Justice and Earthjustice for their crucial work with Lovett, Derek Teaney, Margaret Janes and others at AppalMAD.



The 5,000-page EIS weighed almost 40 pounds and stood about 30 inches high when the 8.5 by 11-inch volumes were stacked on one another.

The 1998 Spruce litigation resulted in a settlement stipulating that mountaintop removal be severely limited at the site near Blair and required the U.S. EPA to carry out an Environmental Impact Statement (EIS) on the practice of mountaintop-removal/valley-fill mining.

Although the EIS took years to complete, it provided the first extensive scientific evidence of the severe harm that MTR inflicts on water and ecosystems.

The legal actions that OVEC and our allies have taken to stop or limit MTR mining have focused on violations of the federal Clean Water Act, which was written to protect water quality by limiting the pollution of waterways. An obvious question is, how can the quality of water be protected in streams that are completely buried by valley fills? That’s always been easy for Big Coal to answer. Coal officials claim that they build new streams that are just as good as

the ones they obliterated.

The legal catch is that the Clean Water Act says newly created streams must duplicate both the form and functions of the original streams. This had not been a problem for coal officials, who quite easily convinced all the regulatory agencies that their new streams do all that (because they said so), and the permits to bury more and more streams were rubber stamped for many years.

Today, however, it is difficult to get a new permit to bury streams. The litigation led by AppalMAD on behalf of OVEC and allies brought expert witnesses to court who are top academic experts on headwater streams and stream creation. Our experts provided overwhelming scientific evidence that the functions of headwater streams cannot be duplicated by streams that coal companies create. For one thing, headwater streams contain specialized organisms that shred organic matter that flows downstream to feed larger critters. When those headwaters are buried, a crucial part of the food chain is wiped out.

Under the George W. Bush administration, science never had much of an impact on environmental policy. But Barack Obama was elected with his strong promise to base policy decisions on sound science. By the time Obama became president, the growing numbers of anti-mountaintop removal activists had an enormous amount of scientific evidence pointing to the severe and irreversible damages caused by mountaintop removal. And, collectively, we did everything we could to get that science in front of Obama’s policymakers at EPA and other agencies, and to remind them of Obama’s promise to lead with the science.

Because of the power of the scientific evidence, OVEC and allies won a number of lawsuits and successful settlements related to water quality. Several years ago, the public pressure put on EPA led the agency to pull back 79 mountaintop removal permit applications for “enhanced review.” Instead of new permits being rubber stamped, each permit had



Drainage ditches on the face of a valley fill, like those shown here, can never replace the biologically crucial functions of headwaters streams.



to undergo a time-consuming and thorough review before being either issued or denied. One lasting impact of that EPA decision to more thoroughly review each new MTR permit was that some companies withdrew permits from consideration and some permits were denied outright. There is much less mountaintop removal going on now than there would have been without this action by the EPA.

It was the crucial combination of litigation and organized citizen action that made this happen.

OVEC, WV Highlands Conservancy, Sierra Club and Coal River Mountain Watch have also had a significant impact through our many lawsuits targeting illegal selenium water pollution generated by mountaintop-removal type mines. (Selenium pollution is not typically a problem for deep mines.) As a result of our many successful lawsuits, the three major mountaintop removal companies in West Virginia — Patriot, Alpha, and Arch — are now required by court order to spend hundreds of millions of dollars on selenium treatment systems at their many large-scale surface mines here.

Now that the price of coal is low, and coal companies are idling mines, it seems to be disproportionately large-scale surface mines that are being idled. For example, Alpha’s mammoth Twilight mountaintop-removal mine, near the small plot of land and coal reserves that OVEC owns, has been shut down — for now. With the added expense of selenium treatment, it makes economic sense to keep deep mines running.

A recent written statement by Alpha Energy includes this: “Alpha’s rationalization efforts focus on thermal coal operations that have a cost, customer or transportation advantage. Operations that have competitive cost positions and... that will survive a stricter regulatory regime, will supply the majority of the company’s U.S. thermal output.”

In summary, our litigation has had major real-world impacts in the fight against mountaintop removal. We have also faced several negative court decisions recently. But that is another story. 🍌

No effect on related environmental values is more adverse than obliteration. Under a valley fill, the water quantity of the stream becomes zero. Because there is no stream, there is no water quality.
- Judge Charles Haden, 1999



Appealing for Guidance

Last year, the U.S. EPA issued conductivity guidance for MTR mining permits (to ensure permits would include long-ignored water-quality standards) and joined with the U.S. Army Corps of Engineers to create an enhanced coordinated process (ECP) for review of permits that were pending in early 2009.

The National Mining Association sued the EPA for its actions. West Virginia and Kentucky “regulatory” agencies and other industry groups joined in the lawsuit, which was filed in the U.S. District Court for the District of Columbia.

In July of this year, Judge Reggie Walton ruled for the industry and state agencies, finding that the EPA infringed on the corps’ and state regulators’ authority to issue permits for MTR under federal clean-water and surface-mining laws.

This decision did not address or undermine the clear science showing the harm caused by mining waste, including from conductivity. Although the decision set aside the guidance, it recognized that EPA could take the same ultimate action to protect waters, but found that EPA must do so through a federal rulemaking (which could take years to implement), instead of through guidance.

In late September, the EPA and Army Corps of Engineers appealed that ruling to the U.S. Court of Appeals for the D.C. Circuit.

OVEC, WV Highlands Conservancy, Coal River Mountain Watch, Kentuckians For The Commonwealth, Southern Appalachian Mountain Stewards (Va.), Statewide Organizing for Community eMpowerment (TN) and the Sierra Club have joined in the appeal. We are represented by Earthjustice and Appalachian Mountain Advocates. 🍌

Judge Upholds Blair Mountain Delisting

Excerpted from an Oct. 2 Charleston Gazette article by Paul J. Nyden

A federal judge upheld a decision to remove Blair Mountain Battlefield, the scene of the largest armed confrontation in U.S. labor history, from the National Register of Historic Places.

The decision to remove Blair Mountain, initially made by the keeper of the National Register of Historic Places in 2009, was upheld Tuesday by a judge with U.S. District Court for the District of Columbia.

More than 90 years ago — between Aug. 25 and Sept. 2, 1921 — more than 10,000 union coal miners fought with armed coal company guards along the Blair Mountain Ridge near the Logan-Boone county border. It ended only after federal troops intervened.

The National Park Service added Blair Mountain to its National Register of Historic Places in March 2009. Nine months later, in December, the NPS reversed its decision after a dispute about who owns the properties on Blair Mountain.

Several labor and environmental organizations filed a lawsuit on Sept. 9, 2010, seeking to reverse the decision.

They included the Sierra Club, OVEC, Friends of Blair Mountain, West Virginia Labor History Association, National Trust for Historic Preservation in the United States and the West Virginia Highlands Conservancy.

“Restoring Blair Mountain to the National Register of Historic Places would help permanently protect this important landmark from being destroyed by the same coal industry that fought against worker’s rights at its summit,” said Regina Hendrix, with the Sierra Club’s West Virginia chapter.

The ruling, issued by U.S. District Judge Reggie B. Walton, maintained that those groups have no legal standing because no coal companies have announced



Sheriff's deputies during the battle. Source: Wikipedia.

immediate plans to begin mining on Blair Mountain.

Hendrix said, “We believe the judge is wrong and there is a real and imminent threat of Alpha Natural Resources, Arch Coal or other companies destroying Blair Mountain. We will continue to watch out for, and defend, this historic site and the legacy of those who died standing up for the rights of hard working miners.”

“The Battle for Blair Mountain is a central event in labor history in the United States and certainly one of the best known of the many labor struggles in West Virginia. The actual site of the battle is a key part of our history and should be preserved for our children’s children to visit and explore,” Hendrix added.

Gordon Simmons, president of the West Virginia Labor History Association, said the group will definitely favor an appeal of the judge’s decision.

“I don’t think there is any question in the minds of people in West Virginia, including people in the mining business, about the undisputed historical importance and significance of Blair Mountain,” Simmons said. 🍷

Take Action

Our friends at ILoveMountains.org note that President Obama and his administration have a number of tools that they could use to protect the Blair Mountain Battlefield, such as using the Antiquities Act to designate Blair Mountain as a national monument.

Learn more and take action:
ilovemountains.org/protect-blair-mountain

Stay up to date with current campaigns:
blairmountain.org



June 11, 2011: Hundreds marched for saving Blair Mountain.

Patriot Benefits a Concern For All

by Dustin White

As a boy I can remember joining my father on the picket line on the bridge leading to the Wells Complex coal mine. Back then coal was booming in Boone County, West Virginia, and Peabody Coal was the dominant company in the area. The United Mine Workers of America was vigorously fighting for miners’ rights. My dad had been a coal miner with Peabody since coming home from Vietnam. He was a member of the UMWA, and he and his co-workers had gone on strike against Peabody for a new contract. They had been on the bridge for days dressed in their camouflage and with signs in hand. My dad and his fellow miners had worked hard for their benefits, and they weren’t going to back down.

That seems like a lifetime ago, and my how things have changed. My father is retired now. Coal production is at a new low. The UMWA is not as prevalent as it once was, and many union members face a new challenge. Patriot Coal, the company born of Peabody to inherit its holdings in Appalachia, has filed for bankruptcy. Retiree benefits, like my father’s, could be at risk.

Patriot is responsible for more than \$600 million in health care liabilities for approximately 9,000 Peabody union retirees and their spouses in the eastern U.S. With its bankruptcy, Peabody may dissolve its responsibility to provide for their retirees. My father, who retired in 2006, and many other former Peabody/Patriot employees cannot and must not lose their medical and other benefits they worked



so hard to earn. Like others, my father suffers the health impacts of spending many years in the coal mines.

In response to protecting these benefits, the UMWA has launched its “Fairness at Patriot” campaign. They are suing Peabody and Arch Coal, both of which dumped mostly union mines, along with a large number of retirees, into the new Patriot Coal, in what looks like a deliberate attempt to shed responsibilities and weaken the union. I am proud to say that OVEC supports this call for fairness for workers, retirees, and their families as Patriot moves through Chapter 11 bankruptcy. We urge Patriot to show respect for workers and for all citizens of Appalachia, even if the company has not shown respect for the environment of our state.

Patriot is one of the largest purveyors of mountaintop removal in the state of West Virginia, and it is currently the company dismantling my ancestral home of Cook Mountain. Patriot still owes it to their workers to honor the benefits they have earned. The workers are not at fault for the practices their company chose to follow. However, studies have overwhelmingly shown that mountaintop removal harms residents, including the employees at Patriot and their families. They cannot afford to lose their benefits.

Before his passing, Larry Gibson said, “I am in favor of benefits for the working man and families!” We agree and urge Patriot to act fairly and justly for everyone. Solidarity! 🍷



Left to right: Governor’s assistant, Rebecca Park, Mat Louis Rosenberg (seated), Dustin White and Dustin Steele talking about the need to plan for our future. Park told the Beckley Register Herald there is an obvious need “to diversify the economy in the coalfields and protect the pensions and health care of miners.”

It’s Past Time For a Post-Coal Plan

In late October, in an action initiated and organized by Radical Action for Mountain People’s Survival, 35 constituents attempted to deliver a letter to Governor Tomblin at the Governor’s Mansion in Charleston. The letter brings attention to the decline of the coal industry and calls for economic diversification in the coal-bearing regions of our state. As residents spoke with police officers at the door, supporters witnessed the governor leaving via his back driveway. Residents and supporters proceeded to the governor’s office, where the letter was signed and delivered to Tomblin’s director of constituent services.

The citizens asked the governor to cease using divisive, misleading “war on coal” rhetoric. A better focus would be for the governor to create a citizens advisory council on economic diversification to advise his administration.

Read the entire letter and learn more at: rampscampaign.org. 🍷

He Answered the Call...

by Janet Keating

More than fifteen years ago, Larry Gibson spoke at the first public forum on mountaintop removal. The forum, which was held at Marshall University, on June 17, 1997, had been organized by OVEC. The miracle of that long-ago day is that Gibson immediately began to attract national and international attention to his efforts to save our mountain ecosystems in Central Appalachia. He became a hero to so many people, and photos of Gibson on his mountain were soon splashed across the front pages of national newspapers. His heartfelt quotes began to appear in countless magazine articles and his face could be seen front and center in documentaries decrying this egregious mining method. More than 50 people attended that first



forum. The coal industry had been invited to share its point of view, but they didn't show up.

Gibson spoke that day of his great-grandparents' 1830's farm on Kayford Mountain, which was threatened by a Massey Energy operation. He explained that his family refused to sell because of what it would do to them. "With this type of mining," said Gibson, "for my little girl there's no mountain to farm—and for her kids, there will be no mountains. They will be gone." He quoted his daughter Victoria: "Daddy, I can hear the mountain crying," and said, "this is the best reason in the world to fight this." So for the next 15 years (added to the ten he had already been working on his own), he tirelessly fought, not only to save his ancestral home, but all the mountains, streams, and communities surrounding it — and, as Larry was often heard to say, "to save my people."

Was it fate or Providence that Gibson, as a volunteer and the only person there, answered the phone in the WV Citizen Action Group office when journalist Penny Loeb called? Loeb was writing an article for *U.S. News and World Report* about



the 20th anniversary of the Surface Mine Control and Reclamation Act (SMCRA), and she wanted to know whether he knew anyone who could take her to see a mountaintop removal site. Well, Larry did know someone. On August 11, 1997, Loeb's article, "Shear Madness," blew the national cover on the coal industry's dirty little secret. The eye-popping centerfold photo of Blair, in Logan County, West Virginia, showed how close the strip mining came to the community below the mine site. The article reported that arsonists had burned down a number of houses that families had sold to the coal industry so they could move away from the explosions and choking dust.

A photo in that article shows Gibson on the porch of a campground cabin on Kayford Mountain talking with friends about how mountaintop mining is creeping ever closer to his family cemetery. This groundbreaking article is still an exceptional piece, summarizing all the major harmful environmental and human impacts caused by mountaintop removal. OVEC bought and distributed hundreds and hundreds of reprints. We are thankful to Gibson for answering that phone call. In this instance, timing had been everything.

But Larry Gibson was not content to just pass out magazine articles or newsletters that provided information on mountaintop removal mining. He began inviting people to come and see with their own eyes the destruction on Kayford Mountain — a mountain that he, with the help of his family, had

Above, left: Larry and fellow UMWA supporters at the 2011 March for Blair Mountain. Above, right: Mark Schmerling's photo of Larry and Dog on Kayford Mountain graces the cover of Dr. Shirley Stewart Burns' Bringing Down the Mountains. Mid-page: The July/August 1999 issue of Mother Jones magazine included a photo of Larry and a relative witnessing a blast on Kayford Mountain. Opposite page, top: Photographer Deana Smith snapped this shot of Larry and Julian Martin during the Walk for the Mountains. Opposite page, center: Larry, at OVEC's request, hosts a group of officials and academics from Ghana on Kayford Mountain in 2011. Larry taught hundreds of groups, from around the nation and around the world, about MTR.

...And He's Still Calling Us All — To Action!

saved from decapitation. From its peak, thousands of folks have seen the breathtaking assault of the coal industry, with Gibson's words echoing in their ears: "What are you going to do about this now that you know?" Before taking people to the cemetery, or to see mountaintop removal after passing through "Hell's Gate," he would demonstrate how a mountain was leveled, using a scale-model "puzzle" and art piece, which had been made by OVEC member Carol Jackson. Piece by piece, Gibson would disassemble the tiny mountain, exposing "coal seams," as he explained the process to visitors. "This right here is the family cemetery," he would say, pointing to the little white crosses on the model.

Gibson served on OVEC's board for more than 12 years, from June 1999 to December 2011. During all of those years, OVEC provided financial support for his outreach efforts.

In 2009, OVEC paid Patricia Feeny (who had recently left her OVEC organizer job to transition to medical school) to raise funds for Gibson, with assistance from OVEC's executive director. Their fundraising was specifically aimed at providing a full-time staff person to help Gibson, as well as some security cameras for the cabins and grounds on Kayford Mountain. That year, at Gibson's annual Fourth of July festival weekend, angry miners crashed the party. If you are wondering what kind of intimidation Gibson faced at times, you can check out that confrontation, which was filmed by B. J. Gudmundsson: bit.ly/Q6ZkXS.

Gibson could have spent all of his days passively accepting visitors to Kayford, but he was not content to just sit by while so many mountains in West Virginia were in the crosshairs of the coal industry. He decided more people in West Virginia needed to be

informed. Inspired by the indomitable Doris "Granny D" Haddock, who walked at the age of 90 from California to Washington, D.C., to raise awareness about the need for campaign finance reform, Gibson announced that he was going to walk across West Virginia. His friend and mentor, former Congressman

Ken Hechler (who had walked with Granny D), said at the time: "These two movements are very closely intertwined, as you need campaign finance reform to save the mountains."

No amount of reasoning would deter Gibson. Laura Forman, Dianne Bady, and I all tried to talk him out of the walk. After all, tempers were flaring

and tensions were sky-high in the southern mountain communities, because of a recent federal court decision. In October 1999, Federal District Court Judge Charles G. Haden II ruled that mountaintop removal coal operators could not bury streams under

millions of tons of waste rock and earth. That ruling shut down plans for an Arch Coal mine in Blair. In this landmark ruling, Haden concluded that valley fills in perennial and intermittent streams violated federal and state mining rules and the Clean Water Act. A Logan County newspaper's headline blared, "This is WAR"

(sound familiar?). I would be understating Gibson's insistence, if I said he badgered us into submission on the subject of his walk.

We finally agreed that OVEC would sponsor Gibson's Herculean effort, but only if he went for a physical exam and we could work with him to plan his route. From July 9 to August 21, he was accompanied most of the way by Julian Martin from the WV Highlands Conservancy (of "I ♥ Mountains" fame). Other walkers included Secretary of State Ken Hechler, Reverend Rose Edington, Reverend

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Calling

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Mel Hoover, OVEC board member Dan Kash, Carol Jackson, Mitchell Stanley, Tom Skergan, West Virginia author and OVEC member Denise Giardina, and others. At press events along the way, artist Carol Jackson

set up her cardboard mountaintop removal mock cemetery, featuring 900 tombstones and symbolizing the wholesale destruction of mountains, streams, and communities. With assistance from many groups working to end mountaintop removal, the "Walk for the Mountains," a 490-mile, six-week-long trek, culminated in a rally at the State Capitol.

OVEC co-director Dianne Bady reflected back on Gibson's epic walk after hearing the news of his sudden death on September 9 from a heart attack (as he worked on Kayford Mountain): "When it came time for him to walk through the coalfields, people who had been walking with him were very understandably reluctant, and everybody was trying to talk him into changing his route — but he absolutely refused. He was jeered, he was heckled, but he didn't give up—and he made it from one end of the state to the other. To me, as I remember Larry, this is just so poignant, because it speaks of the incredible courage and determination that this man had."

On September 10, OVEC board chair Marty Amerikaner said of Gibson: "The light that illuminates OVEC's work is dimmer today. We lost not only a fighter and a spokesperson, but also a funny, smart, and loyal leader for OVEC. His work on OVEC's board for many years helped guide the organization in significant ways, and he was one heck of a man. I almost wrote: 'RIP, Larry,' but it is incongruous to suggest that Larry rest at all. He won't hear of it."

Larry Gibson is a hero who seemed to show up at every rally, protest, public hearing, or other event calling for peace and justice in our southern mountain communities. We are so going to miss his smiling face, familiar laugh, and fierce love.

Larry can finally rest, while the rest of us keep on working together for environmental justice and an end to mountaintop removal. 🍌



Larry Gibson and Maria Gunnoe on Kayford Mountain in 2005.

Gunnoe Honored

The University of Michigan awarded OVEC organizer Maria Gunnoe with its Raoul Wallenberg Medal in an on-campus ceremony in Ann Arbor on October 23. After the medal presentation, Gunnoe gave the 22nd Annual Wallenberg Lecture, which you can watch here: bit.ly/YocdN5.

"Gunnoe is a fearless advocate for environmental and social justice," said Wallenberg Committee member Penny Schreiber. "At great personal risk, she rallies communities that face the destruction of their natural environment and works to educate and build citizen advocacy."

Chris Takahashi, a member of U-M's Students for Clean Energy, described Gunnoe as "truly a hero," noting that her lecture was "inspiring to our group in our fight for clean energy here in Michigan."

The U-M was delighted to have Gunnoe on campus for four full days. She participated in luncheon discussions with students in the undergraduate honors program, the Environmental Law Society and the Women Law Students Association.

Gunnoe also met with local activists at Ann Arbor's Ecology Center, with undergraduate students taking a course on the Literature of Environmental Social Justice, and with students and faculty at the School of Public Health. Additionally, she traveled to UM-Flint, where she met with students and faculty and spoke to a graduate class on poverty, environment, and inequality in the School of Natural Resources and Environment.

On her final evening in Ann Arbor, Gunnoe took part in "Cure for the Common Coal," a roundtable discussion organized by the Union of Concerned Scientists. She appeared alongside Dr. Jeremy Richardson, another West Virginia native, who is currently USC's Kendall Science Fellow in Clean Energy Innovation.

Previous recipients of the prestigious Wallenberg Medal include the Dalai Lama, South African Bishop Desmond Tutu, Rwandan genocide hero Paul Rusesabagina, Congressman John Lewis, and Burmese human rights activist Aung San Suu Kyi.

The year 2012 marks the 100th anniversary of Raoul Wallenberg's birth. A 1935 graduate of U-M, Swedish diplomat Wallenberg saved the lives of tens of thousands of Hungarian Jews near the end of World War II. Learn more: wallenberg.umich.edu. 🍌

Cemetery Desecration: Some Measure of Justice

by Carol Warren

The first time I spoke with James Olbert, I was completely engaged by his story. He phoned me in my capacity with the WV Council of Churches, wondering if there was anything we could do to help. A self-effacing, pleasant man, Olbert was obviously deeply distressed. His family cemetery had been purposely bulldozed by a gas company making a road. He related that a passerby had called out to the workers, didn't they know there was a cemetery there? Contrary to the company claims that the desecration was "accidental," the workers not only knew there was a cemetery, they also knew exactly who was buried there. The racial slur uttered by the worker confirmed that. The family had been trying for six years to obtain amends and justice, but the process seemed to have stalled.

The council did help, and so did OVEC. The WVCC's Reverend Jeff Allen, OVEC staffer Reverend Robin Blakeman and I went to visit the cemetery with James Olbert and another family member, James Early. We saw for ourselves the dislocated gravestones and metal markers placed by funeral homes scattered over the road. We asked if the family would like to have the site re-consecrated after the terrible desecration that occurred there. That appealed to the family, and we worked with Olbert to schedule the ceremony in August 2010, at the time



Olbert family members plant flowers at the Crystal Block Cemetery in Logan County, West Virginia. Photo by Carol Warren.

of the family reunion. Local Pastor Willie Lewis joined us for that moving ceremony, at which the children planted flowers and placed a new sign reading "Crystal Block Cemetery."

OVEC staffers and WV Council of Churches

representatives were present to support the family when a number of Certified Questions on the case were presented to the WV Supreme Court. The council had filed an amicus brief at the request of the family's attorney, Kevin Thompson.

The case was then sent back to Logan County and a court date finally set. In October, to our great relief and excitement, we learned that the family's day in

court yielded a jury verdict ordering the gas company, Equitable, to pay \$700,000 in compensatory damages, \$14,000 in repair costs, and \$200,000 in punitive damages. This will certainly not make up for the suffering of the family members, or the insult to their beloved dead. But at least it is some measure of justice for people who have endured a difficult ordeal. Equitable plans to appeal the verdict. 🍌



Above: The forested knob at left is Jarrell Cemetery in Boone County, West Virginia, in the midst of the massive Twilight MTR mine. OVEC's Cemetery Preservation Group can give you tips to help you protect your family cemetery. Contact Robin Blakeman at robin@ohvec.org or 304-522-0246 for information, or click on "Cemetery Protection" at www.ohvec.org. Thanks to SouthWings.org for the flyover that allowed us to snap this horrifying photo.

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First 100 Days: Let's Clean It Up

By the time this edition of Winds of Change is published, we'll know the outcome of the 2012 presidential election.

During the campaign, the two mainstream presidential candidates practically duked it out over who promised to do the most for the coal industry and who would drill even more for oil and gas on public land.

At the height of the candidates' cheerleading for this "more, more, more of the same" energy agenda, 100 grassroots organizations offered up a First 100 Days clean energy agenda for the next president of the United States.

The American Clean Energy Agenda focuses on reducing our reliance on coal, oil, natural gas, and nuclear power and supporting rapid expansion of renewable energy.

Read the full text of the agenda and the list of the 100 groups endorsing it so far, representing more than 1.7 million members nationwide, at www.AmericanCleanEnergyAgenda.org.

The First 100 Days clean energy agenda is an outgrowth of the American Clean Energy Agenda project, which was unveiled in June 2012 and initially supported by 36 U.S. citizen organizations, including OVEC, Coal River Mountain Watch, and Christians for the Mountains.

"In poll after poll that we've conducted, it's clear the public supports a truly clean energy future," says Civil Society Institute president Pam Solo (CSI helped organize the original 36 groups). "The public favors energy sources that are not water intensive and which do not pose health risks or require unending subsidies from public funds," Solo explains. "They understand that it cannot happen overnight and that it will only happen when serious policy making replaces public posturing. The American Clean Energy Agenda is a call for decisive leadership toward a truly clean energy future."

The First 100 Days clean energy agenda calls on the next U.S. President to:

First, work to establish a much-needed national water policy in order to avert or mitigate the current and future water scarcity problems that face the nation

if today's electric generation mix remains unchanged or becomes even more dependent on fossil fuel-fired and nuclear power. Power generation in the U.S. currently accounts for 50 percent of all water withdrawals and 41 percent of all fresh water withdrawals.

Second, establish sustainability criteria to guide the choice and deployment of new electricity generating technologies. Americans require and support a power system that is affordable and reliable, consumes modest volumes of water, substantially reduces public health impacts, improves environmental quality, and addresses climate change. The incoming administration should work to eliminate all public support for energy technologies that do not meet these criteria.

Third, begin to make energy efficiency and non-combustion-based renewable energy technologies the core of the electric power system and adopt policies and programs that lead to eventual replacement of fossil fuel-fired and nuclear power plants.

Fourth, and finally, make it a priority to ensure that the United States becomes the acknowledged global leader in job-creating clean energy technologies and in confronting the challenge of climate change.



It's Time to Switch



DOE Says We Can Do It

The Department of Energy (DOE) has conducted the largest ever examination of America's potential renewable energy capacity. The outcome? **DOE found that currently existing renewable energy technology would be able to supply up to 80% of America's daily electricity use by the year 2050.**

OVEC adds: No doubt, if we generate the political will, we can do more, faster. Our future depends on it!

Learn more: <http://bit.ly/Tgr61q>

Ruined Summer: Climate Change Scorched 2012

by National Wildlife Federation

A new National Wildlife Federation report says climate change made its presence felt in disappointing, dangerous, and destructive ways this summer. From severe heat waves, devastating wildfires, catastrophic floods, serious crop damage and destructive pests expanding their range, people in most parts of the nation suffered the impacts scientists have predicted for years. Those impacts will spill over into next year with higher food prices and damaged ecosystems struggling to rebound.

"This summer has been the season climate change became real to many Americans," said Joe Mendelson, NWF's director of climate and energy policy. "From burned houses to parched fields to West Nile virus, it's time for all political parties to start protecting our homes, families, and communities. We need to get serious about reducing the uncontrolled carbon pollution that is ravaging our country."

In reviewing independent data, NWF experts concluded that the weather of 2012 has broken records. The past 12 months were the warmest ever recorded in the United States, with more than 113

million people in areas under extreme heat advisories as of June 29. July was the warmest July on record and the warmest month ever recorded.

Extreme weather events require costly responses, costs often borne by government at all levels. The cost of wildfire suppression, about \$3 billion a year, has tripled in the United States since the late 1990s. The U.S. Forest Service now spends around half its annual budget fighting fires.

More frequent extreme weather with long-term consequences will continue without action to address climate change. "Heat waves, warming waters, floods, droughts, wildfires and insect and pest infestations are the new reality of an ever-warming world," the report asserts.

The report recommends the nation quickly adopt comprehensive policies that reduce carbon pollution, and move rapidly to adopt clean energy technologies such as wind and solar power. The NWF report, "Ruined Summer: How Climate Change Scorched the Nation in 2012" is posted at www.nwf.org/ruinedsummer.

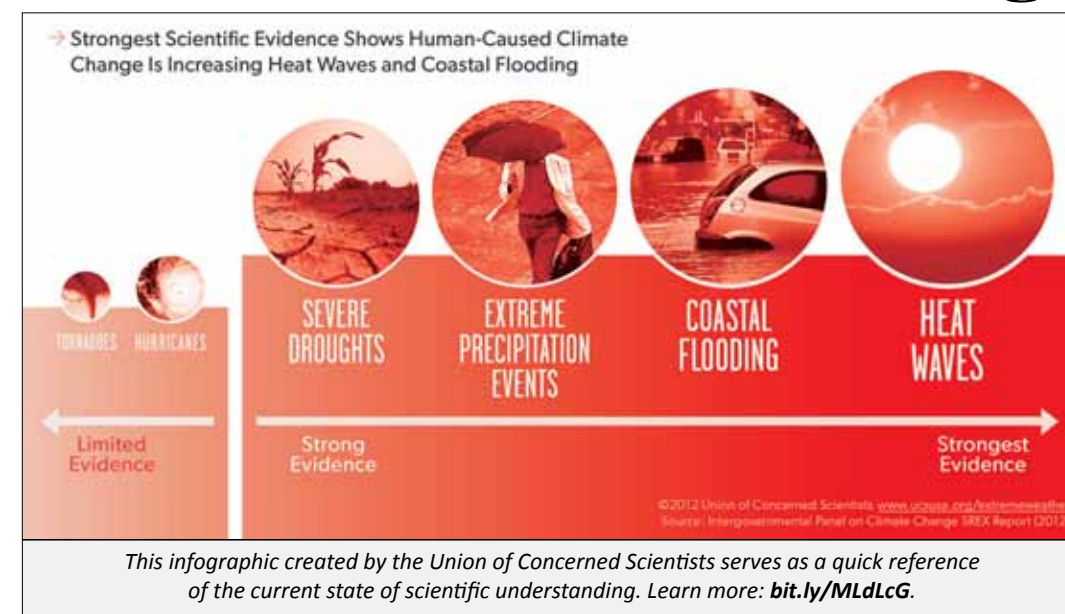
Extreme Weather and Climate Change

Extreme heat waves. Huge hurricanes. Derecho. Superstorm Sandy. What's up?

Climate scientist Brenda Ekwurzel says, "For extreme events observed since 1950, the evidence for the links with climate change are strongest for heat waves and coastal flooding and strong for intense precipitation in some areas and drought in others. The current state of scientific understanding

is less clear for hurricanes overall, though aspects of hurricane development are expected to be influenced by a warming planet. These include warmer sea surface temperature during hurricane season, a warmer atmosphere concentrating precipitation, and higher storm surges compared to a century ago due to sea level rise."

What contributed to Superstorm Sandy's devastating power? "According to NOAA's National Hurricane Center analysis, Sandy traversed sea surface temperatures that were far above average for late October. Warm ocean water fuels hurricanes and makes them more powerful," Ekwurzel says.



Clean Elections Update

After the whirlwind WV State Supreme Court decision that denied candidate Allen Loughry the matching funds promised to him by the public financing pilot program, the Citizens for Clean Elections-WV is in action mode. Since the WV Supreme Court has validated public funding of elections, our state legislature now needs to codify the bill and approve a constitutional method for participating candidates to raise additional funds if they are outspent by privately funded candidates. At the very least, in the 2013 legislative session, the pilot project needs to be extended through 2016.

The original bill stated that matching funds were supposed to be available in state Supreme Court races when a privately financed candidate exceeded a spending threshold. These rescue funds were to insure that a publicly funded candidate had enough money to counter excessive donations. After Massey CEO Don Blankenship spent in excess of \$3 million of his own money to unseat Warren McGraw, even our then governor Joe Manchin supported public funding for Supreme Court races as a way to improve the public perception of undue influence over the court by campaign contributors.

The WV Supreme Court ruled only that the matching funds provision of the bill was unconstitutional, even though they could not point to a single prior ruling by any court (including the U.S. Supreme Court) that matching funds for judicial races would be unconstitutional. In an *amicus* brief we signed onto in a similar case in Wisconsin, one argument stated that judges, unlike other elected officials, have a duty, under the Constitution's 14th Amendment, to be impartial. Therefore, reforms to prevent the appearance of courtroom bias represent a compelling government interest. Unfortunately, the WV Supreme Court didn't agree.

At a time when unlimited money is flowing into election campaigns, we need public funding of elections more than ever. Democracy is bettered when candidates can receive enough money to run a viable campaign against their more moneyed competitors. Accepting public funding also creates free publicity, as Allen Loughry learned; and voters can see that a "voter-owned" candidate is not just another shill for

big special interests and the wealthy — or, in this instance, for attorneys that may appear before the court.

The pilot project for public campaign financing seems like a good start in reducing any perceived or actual influence over the court system in West Virginia. If this program is successful, we will look to extending public financing to other elected offices in



West Virginia and, perhaps, nationwide. We need to take back our political system and put power in the hands of the people, where it belongs. Remember government "of the people, by the people, and for the people"?

But we will need your help. Starting now, and through the 2013 legislative session, we are going to need supporters out there contacting state representatives and letting them know that the pilot project should become law and, at the very least, the matching funds portion must be "fixed" and the pilot extended to the 2016 races. Let your representatives know that to insure an impartial court system, West Virginia needs voter-owned, not corporate-owned, elections.

Contact Dan Taylor at dan@ohvec.org or 304-522-0246 to learn more or to get involved in OVEC's Clean Election's work. 🍌

Stay Connected!

Stay Informed by E-mail: Join OVEC's Action Alert! e-mail list by going to www.ohvec.org and clicking the "Action Alert" button. This is not a discussion list, so you won't be swamped with e-mails.

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

Stay Informed Online: Visit www.ohvec.org frequently for updates. Check out our extensive background information in the Issues section. We are on **Facebook**, too. Link up from www.ohvec.org.

Citizens: Unite to Throw Out *Citizens United*

In early October several West Virginia citizens groups held a press conference at the State Capitol to ask state legislators to back efforts to overturn the U.S. Supreme Court's *Citizens United v. Federal Election Commission* ruling.

Charleston Gazette reporter Paul Nyden wrote, "That 5-4 decision, handed down in January 2010, allows corporations to act as people during elections — meaning they can make political contributions as large as they choose."

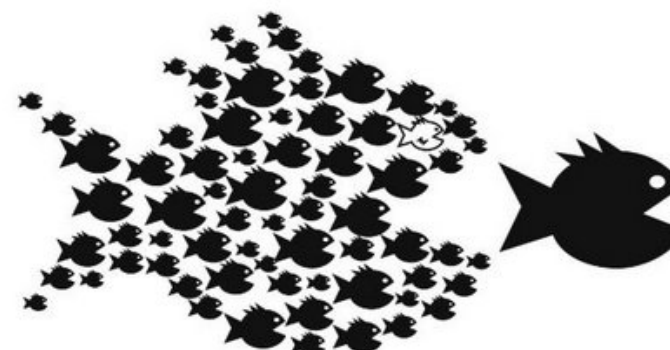
Nyden noted that *Citizens United* also allows many of those contributions, which can run into millions of dollars, to be made in secret.

During the press conference, WV Citizen Action Group, Public Citizen and West Virginians for Democracy delivered to Senate President Jeffrey Kessler (D-Marshall) a petition signed

by more than 2,700 people and groups, including OVEC. The petition asks the Legislature to support a constitutional amendment to overturn *Citizens United*.

"I appreciate the opportunity to accept this petition," Kessler said. "I will introduce legislation again this year to overturn *Citizens United*."

OVEC is working with WV-CAG and Public Citizen to build momentum on this issue. We will need your help during the 2013 legislative session. Think "rally." Contact organizer Dan Taylor at dan@ohvec.org or 304-522-0246 to get involved. 🍌



ORGANIZE!

Appeal: EPA Spruce Permit Veto Correct

When the U.S. EPA vetoed a permit for the Spruce No. 1 MTR mine, near Blair in Logan County, the agency was acting to protect the waters, wildlife and people from the harmful effects of MTR mining. Recall that this was the largest MTR mine ever proposed.

After about a decade of litigation on the original nationwide permit authorization for this mine, leading to an initial settlement and environmental impact statement and review, in 2007, the U.S. Army Corps of Engineers issued an individual permit for the mine to Mingo Logan, a subsidiary of Arch Coal. The mine was still subject to a lawsuit and mining had not started on most of the proposed site, when, in 2009, EPA began the veto process. In January 2011, the EPA vetoed the corps' permit.

The coal industry challenged the veto, and in March of this year, U.S. District Judge Amy Berman Jackson ruled that the EPA does not have the authority to veto a permit once it has been issued by the corps.

In May, the EPA appealed the judge's decision. We think that the correct thing to do is for the D.C. Circuit to reverse and uphold EPA's well-supported veto decision. It's clear that the Clean Water Act gives the EPA the power to veto specifications contained in permits issued by the corps. The law authorizes EPA to have the final say to protect waters, which includes the power to withdraw action by the corps whenever EPA finds it would cause unacceptable environmental harm. EPA has a robust scientific basis to veto this mine's valley fills and prevent it from causing irreversible harm to waters, aquatic life and our affected communities.

In early September, after filing comments and advocating for EPA to finalize a strong veto determination, we joined in the case as a "friend of the court" (or *amicus curiae*), appealing to ask the D.C. Circuit to reverse the D.C. District Court. This will ensure that EPA retains its full legal authority, as granted by Congress under the Clean Water Act.

Appalachian Mountain Advocates and Earthjustice are representing OVEC, WV Highlands Conservancy, Coal River Mountain Watch, Natural Resources Defense Council and the Sierra Club in this appeal. 🍌

Why West Virginia Needs A Moratorium on Permits for Marcellus Gas Wells

In accordance with West Virginia Code establishing the Department of Environmental Protection:

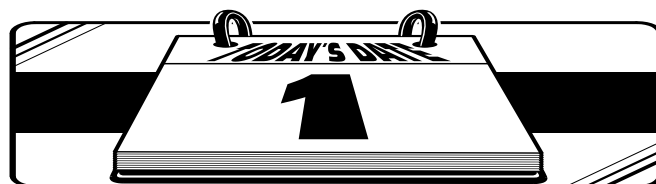
Chapter 22, Article 1-1 (a) The Legislature finds that: (1) Restoring and protecting the environment is fundamental to the health and welfare of individual citizens, and our government has a duty to provide and maintain a healthful environment for our citizens

we call for a moratorium on new permits for natural gas wells until the following minimum requirements are met:

1. No new permits should be issued until DEP inspections of drilling operations and gas wells become mandatory. The WV DEP must determine the number of active wells that an inspector can effectively oversee and limit the number of permits issued to the corresponding number of inspectors on staff.
2. No new permits should be granted until tracers are added to the hydraulic fracturing fluids so groundwater contamination from drilling operations can be identified.
3. No new permits should be issued until a closed-loop process is mandated for drilling and hydraulic fracturing. In order to protect the state's surface and groundwater, no waste or flowback, solid or liquid, should be applied to or buried on the land.
4. No new permits should be granted until all hazardous materials are disposed of in hazardous waste facilities.
5. No new permits should be issued until home rule is honored. Local towns and counties must be allowed to control whether, where and when hydraulic fracturing is done in their communities, including control of the roads and hours where trucks hauling drilling equipment and supplies are allowed to operate.
6. No new permits should be issued until air pollution emissions are monitored and regulated and pollution controls are required on all gas facilities.
7. No new permits should be issued until West Virginia citizens are guaranteed a permanent replacement if their source of clean water becomes contaminated at any time within 1 mile of a natural gas drilling operation unless another source of pollution can be proven.

We know that the legislation adopted in December 2011 was grossly inadequate, and does not provide the basic protections needed by West Virginia citizens. Yet permits for new wells continue to be issued, leaving landowners and local citizens helpless to stop the dangers in their neighborhood. Natural gas development can be done right, but today, it is being done wrong, and that needs to stop. Right Now!

Prepared by the West Virginia Chapter of Sierra Club, Marcellus Committee. 🍌



Curious about upcoming events related to our work on mountaintop removal, Marcellus Shale, Sludge Safety Project, clean elections, energy efficiency, and renewable energy? Check our online calendar often to find out what's coming up and how you can get involved. Go to www.ohvec.org and click on "Events Calendar." If you have an event you'd like us to consider posting in our online calendar, e-mail the information to vivian@ohvec.org.

Happy 98th to Living Legend Ken Hechler

Still ferocious in the fight against mountaintop removal after all these years

from a *September 20 Earthjustice* blog by Joan Mulhern

Ken Hechler is an American hero. He has worked in public service for his entire amazing career; he served in the military, as a White House aide and speechwriter, as a national and statewide elected official in West Virginia, as a member of the U.S. Congress for 20 years, and then as West Virginia Secretary of State. Today, as he turns 98, he is still a dedicated public citizen, especially in his efforts to stop mountaintop removal, the devastating coal mining practice that is destroying the mountains and streams of central Appalachia and threatening the health and lives of people who live in communities surrounded by mines.

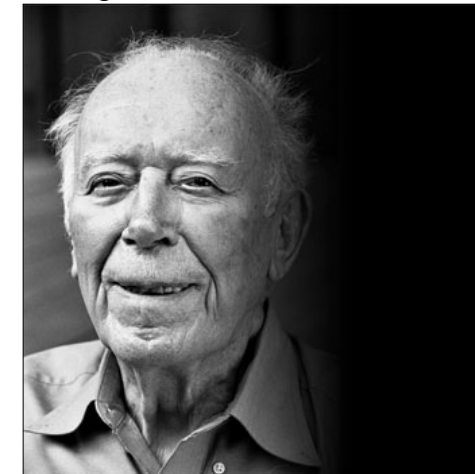
No one who has met Ken will ever forget him.

I first met him in 1999 when I started at Earthjustice. Joe Lovett of Appalachian Mountain Advocates and his colleagues had just won the first-ever federal court ruling against mountaintop removal. This set off a political firestorm in West Virginia and at the U.S. Capitol. Efforts were underway to overturn the decision by exempting mountaintop removal from federal environmental laws.

Ken inspired the citizen activists and all of us in Washington, D.C. to fight back. He moved us with his eloquence and his sense of humor, plus his love of music. One of the first times I saw Ken perform was at the U.S. Capitol, where he entertained but

also moved us with his rendition of "Almost Heaven, West Virginia" by rewriting the words to say "Almost Level, West Virginia."

One of his mottos is "I'm a fighter," and he is. In 2010, Ken ran for U.S. Senate on a platform to stop the destruction caused by mountaintop removal. In



Mark Schmerling's photo of Ken Hechler appeared on billboards in Earthjustice's Mountain Heroes campaign. See page 7. Also see: earthjustice.org/mountain-heroes.

2009, Ken and others were arrested for civil disobedience for protesting a coal plant above an elementary school where children were forced to play in a toxic dust-covered playground.

This activism is just the latest in a long career of fighting for justice. Ken was the only member of Congress at the time who marched with Dr. Martin Luther King, Jr. in Selma. He spent many years in Congress trying to abolish strip mining, including mountaintop removal. Much devastation and harm over the last 35 years would have been avoided if Congress had

adopted his bill.

Ken, if there is anyone we need to be with us for another 98 years, it is you. We will keep working with you to stop mountaintop removal well before that. But we look forward to celebrating your 100th birthday in 2014, and many more to come.

On behalf of all Americans and people everywhere who care about justice, thank you and Happy Birthday!

(Ed. note: We are so proud to say that Ken Hechler is a long-time OVEC member.) 🍌

Archives: Law to Rebuild Mountains Falls by Wayside

Excerpted from a May 3, 1998 Charleston Gazette article by Ken Ward Jr.

Congress debated the federal strip mining law for years. The measure was opposed by coal operators, and twice vetoed by President Ford. President Carter signed it on Aug. 3, 1977.

Lawmakers bickered repeatedly over whether operators should be allowed to conduct mountaintop-removal mining at all.

In old-time strip mining, machines chipped away at the sides of hills to slice off coal reserves. In mountaintop

removal, much bigger machines shave off the entire tops of mountains.

Environmentalists and some members of Congress, including then-Rep. Ken Hechler, D-W.Va., wanted to ban mountaintop removal altogether.

"This is not only aesthetically bad, as anyone can tell who flies over the state of West Virginia we are scalped off, but also it is **devastating to those people who live below the mountain,**" Hechler said in a 1974 debate. 🍌

OVEC's Carbon Sequestration Site

To help combat climate change and mountaintop removal, OVEC has our own carbon sequestration project next to a large mountaintop removal mine.

The little bit of land we own in Twilight, in Boone County, West Virginia, includes ownership of the 20 vertical feet of coal underneath.

By not allowing this coal to be mined, ever, we are sequestering it, leaving it safe and sound in its natural habitat.

It's a non-violent, legal protest of global warming. And it's a carbon sequestration project that isn't costing taxpayers a cent.

Learn more: www.mtrstopshere.com.

Wells Fargo in Twilight, Lindytown

This summer, Amanda Starbuck with Rainforest Action Network (RAN) asked OVEC staff if we might arrange a tour of MTR-impacted areas for a couple of Wells Fargo bank executives. We quickly replied: "Yes!"

For the last three years, RAN, the Sierra Club and BankTrack have issued reports titled "Coal Finance Report Card," analyzing top banks' involvement in financing mountaintop removal and other aspects of coal extraction and burning.

The 2012 report finds that the top 5 worst banks on coal financing are Bank of America, JPMorgan Chase, Citi, Morgan Stanley and Wells Fargo. See: ran.org/coal-finance-reportcard-2012.

RAN notes that, "An increasing number of U.S. and European banks are waking up to the environmental, social, regulatory and reputational risks that arise when doing business with the coal industry. In order to address these risks, banks have developed an assortment of enhanced diligence processes around such transactions and in some cases have set limits as to the amount of exposure they are prepared to accept."

RAN has been pressuring Wells Fargo to change its policies regarding MTR financing, and the bank agreed to send two executives to see MTR's effects for themselves. So, in mid-September, Starbuck and RAN's Ben Collins brought in two Wells Fargo executives, Environmental and Social Risk Manager Robyn Luhning and Director of Environmental Affairs Mary Wenzel.

OVEC staff Robin Blakeman, Maria Gunnoe, Vivian Stockman and Dustin White hosted the ground tour, which began in Charleston, West Virginia, with



The September 10 issue of People magazine ran an article titled "Saving a Small Town" by Kurt Pitzer. Starting on page 71, the four-page story focused on OVEC's work in Boone County.

"Time is running out to keep Twilight, W.Va., from being lost to an extreme coal-mining process, but Maria Gunnoe is trying," Pitzer wrote. Local folks quoted or photographed include members of the Mooney, Cook and Richmond families and Pastor Melvin Messer.

a breakfast meeting and slideshow detailing MTR's immense impacts on people and the land, air and waters that sustain life.

We headed to Boone County, to meet with residents of Twilight, a community facing extreme health impacts and the threat of extinction due to MTR. Companies MTR mining in the area are Patriot Coal, Alpha Natural Resources and Fraser Creek. Leo Cook and Michael Workman both shared their stories with the bankers.

We headed just up the road to view the remains of Lindytown, a community no more. The same fate awaits Twilight, unless we stop the mining. In the midst of a heavy downpour we headed over to the Mud River, to Patriot Coal's Hobet MTR operation to see the remains of communities there and the active MTR operation.

We are awaiting word to see if Wells Fargo will change its policies in regards to financing coal.

MTR Bad For Your Heart

Researchers at the WVU School of Medicine and School of Public Health have found that exposure to airborne particulate matter from MTR sites may impair blood vessels' ability to dilate, which may lead to cardiovascular disease.

The findings of the researchers' study were published in the journal *Microcirculation*.

"This is the first study of this kind to directly associate mountaintop-mining air pollution with a lack of vascular function," said Tim Nurkiewicz, an associate professor at WVU.

The study is titled "Air pollution particulate matter collected from an Appalachian mountaintop mining site induces microvascular dysfunction."

Working within one mile of an active MTR site, researchers used a vacuum system to collect the airborne particulate matter, made up mainly of silica and sulfur. Adult rats were exposed to the air samples. Just one day after the exposure, the rats' blood vessels' ability to dilate and function normally was significantly reduced.

Water, Wellness

continued from page 3

illnesses, and the families would move away for a couple days and it would be fine and then they'd move back and it would start up again," Rank said.

Our panelists included Dr. Michael Hendryx, Professor in the School of Public Health, the Department of Health Policy, Management and Leadership, West Virginia University; Dr. Jill Kriesky, Center for Healthy Environments and Communities, Graduate School of Public Health, University of Pittsburgh; and Dr. Ben Stout, Aquatic Biologist, Wheeling Jesuit University. Their presentations gave scientific backing to the stories told by the folks living downstream and downwind of these extreme extraction processes.

The event was planned and co-sponsored by OVEC, the WV Chapter of the Sierra Club, WV Highlands Conservancy and WV Citizens Action Group. Thanks to the First Presbyterian Church of Morgantown for providing our venue.

View the entire event here: bit.ly/PqyMRm. We are looking for someone who can edit the footage into a concise (45 – 60 minutes) video, suitable for screening at house parties and public meetings.

Help plan future events like this. Contact Robin Blakeman at robin@ohvec.org or 304-522-0246.

Field Academy Notes



Each year, the Field Academy, based in Portland, Maine, brings high school students with diverse backgrounds and from all over the country together in a particular region of the United States.

The purpose of the Academy is to get young people to think about citizenship and community and talk about issues of power and privilege both within their group and within the country. The Academy's aim is to develop leaders and change-makers.

The 2012 Field Academy students (above) spent seven weeks this summer in Central Appalachia, listening to people's stories and seeking to understand the complexity of issues like mining and mountaintop removal.

Their leader, Heather Foran, shared with us in a note some feedback from the students, who had told her that some of the best and most informative time they spent here was with then-OVEC Fayette County organizer Andrew Munn.

Monster Marcellus News

On Halloween, an *Akron Beacon Journal* blog broke the news that a new gas processing plant and high pressure gas gathering system began operating in Harrison and Doddridge Counties. Phase I of this Sherwood facility will process 200 million cubic feet per day. As shale gas extraction continues in the area, gas processing capacity at the Sherwood complex could exceed 1 billion cubic feet per day. MarkWest Energy Partners and Antero Resources are working together on the project. Read the blog: bit.ly/SwBCn5.

One resident of Doddridge County reacted, "How fitting for this article to be released on Halloween... Trick or Treat! I think the citizens of Doddridge County and the county commission have been tricked into not knowing what is really going to be coming out of this plant, into our air, over our communities, nor how it might impact the health of those living in close proximity."

Lawsuit: Health and MTR

continued from page 1



(We had attempted to bring the health studies into the evidence in our lawsuit against the Highland Reylas strip mine in Logan. Alpha and the corps argued that since the studies had not been presented to the corps prior to its issuance of Highland's permit, the corps had not had a reasonable time to consider them. The judge agreed and denied our motion to add them to the case.)

On the same day our Raven Crest lawsuit was filed, a similar lawsuit was filed in Kentucky by the Sierra Club and Kentuckians For The Commonwealth (KFTC). This suit also alleges that the corps granted a mountaintop-removal permit while illegally failing to consider the health impacts and the stream damage. This permit would allow Leeco, Inc. to destroy more than three miles of stream and construct one enormous valley fill at the Stacy Branch mine, along the border of Perry and Knott counties in eastern Kentucky.

These groups are represented by Joe Lovett, Amy Vernon-Jones and Mike Becher of Appalachian Mountain Advocates, by Mary Cromer of the Appalachian Citizens' Law Center and by Emma Cheuse, Jennifer Chavez and Neil Gormley of Earthjustice.

Pam Maggard, a member of KFTC, lives near the Stacy Branch mine. She said, "This mine is going to ruin our neighborhood here in Sassafras. We have several people who already have breathing problems and kids with asthma. Once again, no one will be able to enjoy being outside on their porches and in their yards because of all the dust and mud." 🍌

OVEC WORKS!

Thanks to everyone near and far for taking action to bring about progressive change in West Virginia, with an extra special thanks to all the residents of the southern mountain communities who speak out courageously. We hope you know how much we appreciate you. OVEC works because of you!

THANKS!

25 Years of OVEC

continued from page 2

the proposed site, just as the air permit came out for public review. The postcards stank like rotten eggs, just as the pulp mill would. Ingenious!

Janet Keating excelled in the role of primary organizer, and OVEC held a series of Stop the Pulp Mill Rallies at the West Virginia State Capitol building. Our first rally drew 100 people; our last rally brought out over 1,000 people! Several days after that large gathering was well-covered by the media, Senator Jay Rockefeller publicly announced that he was no longer supporting the construction of the pulp mill.

In a final irony, the company was faxing to the DEP the company's revocations of their permit applications (they'd decided *not* to build the mill), at the exact same time as the DEP was trying to fax the company DEP's revocations of the permits that DEP had earlier granted.

In the course of working to stop the pulp mill, one of our attorneys noticed that the state DEP had not been following a portion of the Clean Water Act for 20 years. So, OVEC filed suit and won in 1998. Since that victory, DEP has required water pollution clean-up plans (called TMDLs) for waters that exceed legal pollution limits.

What would it be like today if that gigantic, heavily polluting plant had been built? We'd be breathing dirty air while avoiding massive logging trucks and worrying about erosion from all the denuded hillsides it would have taken to feed the biggest pulp mill in North America. Would public water systems do an adequate job of removing dioxin and other toxic chemicals from our water supplies? On days when the air blew from the mill toward Huntington, would our town smell like rotten eggs?

OVEC's work over 25 years has made the quality of our environment much better than it would be if we hadn't existed. The only way we have ever been able to make a difference is by helping to organize many people to work together for the good of all. A few paid staffers cannot make change. It takes many people, many voices, a whole lot of patience and trust in our collective power.

Part 3 of OVEC's history, covering organizing and bringing public attention to mountaintop removal mining, will appear in the next Winds of Change. A summary of our mountaintop-removal litigation is on page 10 of this issue. 🍌

Big Fun at Our 25th Birthday Bash

They've testified in front of Congress, presented to the United Nations, have been in just about every major newspaper and magazine in the world, and have been featured in literally dozens of major books and documentary films.

On Saturday, the Huntington-based, internationally-recognized non-profit, The Ohio Valley Environmental Coalition put the cell phones on silent and paused to celebrate 25 years with a potluck dinner fueled by a retrospective slide show, a reading by board member and poet Crystal Good, and dancing with the Voodoo Katz.

So began an October 28 *Herald-Dispatch* article titled: "Huntington non-profit OVEC celebrates 25 years this weekend." The article continued:

The Saturday night event at the Charleston Woman's Club also featured a nod to the many OVEC board members and workers who have passed away, including Jim Foster, Winnie Fox, Ronald Goodman, Frankie Mooney, Lawrence Richmond, Nancy Taylor, Sibby Weekley, Michael Workman, Paul Workman, and Laura Forman, who had a heart attack at age 39 during a Huntington protest and passed away.

OVEC members noted the recent passing of the late, great advocate, Larry Gibson. After a moment of silence for Gibson, the group had an equally appropriate collective cheer to, "Stop Mountaintop Removal!"

"While we began as an acorn of an idea, OVEC has steadily grown, become more deeply rooted in community, with members not only throughout the state, but also throughout the nation," said OVEC Executive Director Janet Keating in opening remarks to the more than 100 people who came out to celebrate our milestone birthday.

"We have come together tonight to celebrate 25 years of non-stop environmental work — with many small victories and some significant big ones," said Keating. "We started as an all-volunteer group in

1987, and we now have ten paid staff with many active volunteers and members."

Thanks go to artist and dancer Jude Binder, of Heartwood in the Hills fame, who beautified the place with a display of her hand-carved masks, one of which is titled "Kayford."

Thank you to the folks who donated our silent auction items (most of which were lovely works of art): Jane Davies, Michael Davis, Jeff Fetty, Jane Flesher, Clarice Kumlien, DL Hamilton, Carter Seaton and Kathryn Stone.

Thanks to Robin Godfrey for playing the grand piano during our reception and dinner. Thanks to everyone who brought a covered dish to share for dinner. And thanks to board member Crystal Good for reading two of her fabulous poems from her first book, *Valley Girl*, and to the Voodoo Katz for getting us up and dancing for hours.

Thanks to Danny Cook and Marilyn Howells for helping with event set-up and handing

out programs. Thanks to Brianna Griffith and Greg Carroll for washing a mini-mountain of dishes.

Thanks to the party planning committee, including board member Ronda Harper, for creating such a fine event and to the membership committee members, Cook, Howells, Sylvia Arthur, Mike Sullivan, and Judy and Russ Whitley, for making phone calls to invite folks to the party. Thanks, too, to the OVEC staff who ran themselves into the ground doing set-up and clean-up and to Emma Lou and everyone at the Woman's Club for treating us so kindly.

Thanks to every group and individual who took out an ad in our 25th Birthday Bash program. We think it turned out great. Let us know what you think — check out the program here: bit.ly/Sy0JTY.

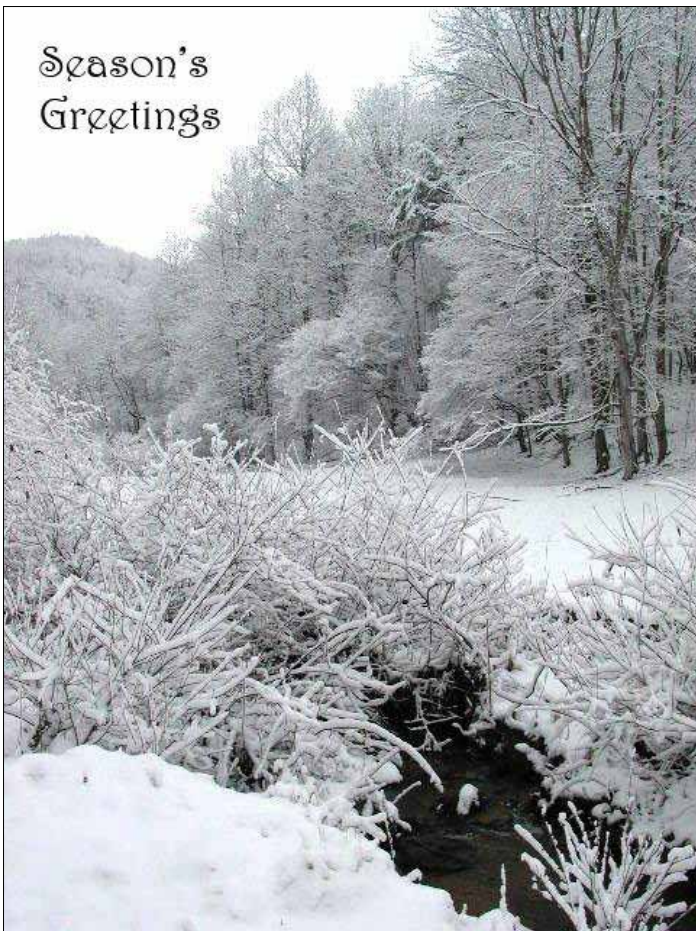
"We are still here because OVEC wins," said Keating on our party night. "OVEC wins because we are tenacious and we deeply believe in the power of organized people. We win because of your support."

So, thanks to each and every one who has supported OVEC over the years. We made it to 25 because of you! 🍌



Ohio Valley Environmental Coalition
P O Box 6753
Huntington WV 25773-6753

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Thank you for all your support in 2012 — and for helping us celebrate our 25th birthday.

None of us knows what the future holds for OVEC, but we can all share the satisfaction of knowing that OVEC's presence in West Virginia has had a significant positive effect on the quality of life and the environment. We know that, with your continued support, we can forge a new vision for the state's future: a future in which all people are respected and valued; that preserves our mountain ecosystems and unique culture; and is truly democratic, inclusive and sustainable. That's a tall order, but with your continued support, we can do this together.

Not only do we need to continue to oppose projects that cause more harm than good to communities, but, at the same time, we need to actively promote clean, distributed, renewable energy and energy efficiency, as well as to advocate for small local businesses, local foods and other creative ventures where the profits remain in the community. We can't leave this important work to the politicians and profiteers — they benefit too much from the status quo. We will have to show up. We will have to make demands. We will have to raise our voices.

See you in 2013!

