



# Winds of Change

Supporting Organized Voices and Empowered Communities Since 1987

Huntington, WV

OVEC

www.ohvec.org

## Busy Defending WV? Take Time Out to Picnic!



On the lovely summer evening of July 26, about 80 OVEC members and supporters, many pictured above, gathered to picnic at Coonskin Park in Charleston, WV. We venture to say that everyone had fun, enjoying meeting friends old and new. Thanks to everyone who came out.

As people gathered, we were treated to some great music, and for that we thank banjo picker John Kuhn, guitar player and angel-voiced Tonya Adkins, who is on OVEC's staff, and djembe drummer Joe Lung.

Food is central to a picnic, of course, so OVEC provided the traditional picnic fare of hotdogs and also an awesome vegan Bar-B-Q dish from River and Rail Bakery in Huntington, which is owned by former OVEC staffer Kim Baker. We also had pork BBQ from Ridge View BBQ in Institute. With all the fine fixings folks brought to the table, a feast unfolded.

As we ate, we were visited by Ostenaco, an 18th-century Cherokee. OVEC member Doug Wood portrays Ostenaco (right) as part of the History Alive! program of the West Virginia Humanities Council. His early interest in Eastern Woodland Indian history was inspired by stories of his Cherokee ancestors

told to him by his paternal grandmother, and then blossomed into intensive research into prehistoric and historic American Indian history, lifeways and environmental relationships.

As Ostenaco faded back into the woods of Coonskin Park, we began an important part of the evening: our annual awards ceremony. OVEC believes outstanding leadership deserves to be recognized. We are truly fortunate, as an organization, to have so many outstanding volunteers, people who are the lifeblood of OVEC's work.

Without so many dedicated volunteers who share their time and talents, we could never have achieved the many victories we have since our beginnings in 1987.

Our awards are a small way for us to publically thank a handful of you for the work you do on behalf of OVEC or other groups. Know that *every* volunteer



### Inside This *Winds of Change*

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# Dealing with DEP and MTR

by Maria Gunnoe

*I challenge the West Virginia government agencies to show me one community of healthy people that remained intact after MTR's impacts.*

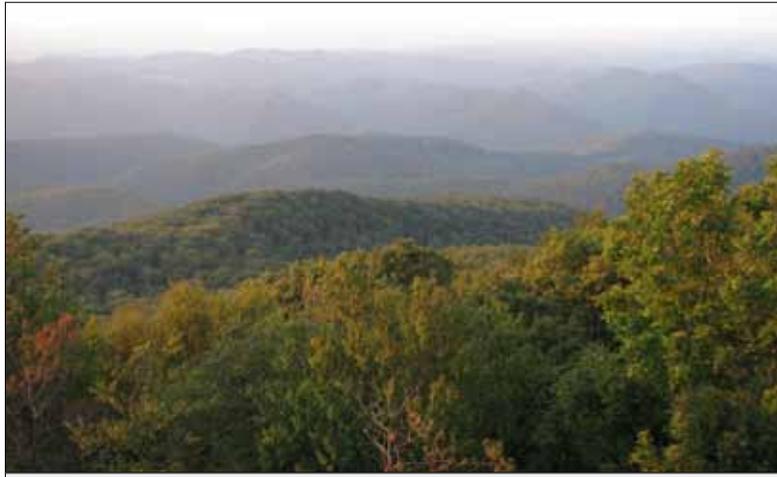
I have worked for nearly 17 years to protect our rural communities from the onslaught of permitting for mountaintop removal (MTR) coal mining and the associated air and water pollution.

The first permit I appealed was in 1997, when the WV Department of Environmental Protection (DEP)

allowed a coal company to blast just 500 feet from my residence in Tanner Town, near Cazy, WV. Both my children had asthma, so, of course, I was outraged at the DEP's unwillingness to do anything to stop or curtail the company from blasting so close to our homes.

The community of Tanner Town was depopulated in the late 1990s. The land had been rented from land companies, in some cases for 50 years. The coal company bought the land from the land company and gave the people \$3,000 each to assist with moving costs. After years of filing and following up on water- and air-pollution complaints, I left Tanner Town and moved just a mile away to my childhood home in Bob White, WV, hoping that things would improve. They only got worse. The DEP permitted a 1,183-acre MTR mine just 3,500 feet from where my house sits in Bob White. Once again, the safety and well being of my family were put at risk by this out-of-control industry that insists on blasting away our mountains to get the coal and the government agency that permits it.

When I first started appealing permits, I (like most citizens) was under the impression that the DEP's job was to protect the people's environment and enforce the laws. I worked to understand permits and the permitting process, which I still don't completely comprehend. When I think I understand, the DEP changes the process again.



*Oh the hills, the beautiful hills! How I love my West Virginia hills. How majestic and how grand and... how unprotected they and all their inhabitants are under the highly-politicized, so called Department of Environmental Protection.*

In 1997, I didn't know that the permits I saw in the local newspapers had anything to do with me. The maps were so poorly printed and the information so random that most of the time I didn't give them a second glance. I scanned them at best. I worked 40 hours a week and had two kids in school and sports, so I was too busy to try to

take on any new projects.

Yet, I was appalled by what the DEP was permitting to happen to the place and the people I love. I had to take a stand to protect my family. From what I was finding, no one was protecting us. The DEP's unwillingness to enforce the lax regulations on coal companies was putting all our lives at risk. We all knew it, and we felt powerless to do anything to stop it, to protect our children's air and water. The DEP was reluctant to censure the coal companies no matter what laws they violated.

For years, I have gone along with the DEP's permit processes. I have contacted the DEP to schedule many site visits to see what the companies are planning near our homes and what the DEP intends to permit. To make site visits — to go into our ancestral mountain lands where the companies are blasting out the coal, areas now called surface mines — citizens go through "safety training." Now that this land that I roamed as a barefoot child is a mine site, I must wear safety boots and a hard hat and abide by mine company and DEP rules. No disrespect for rules. I appreciate those that kept us safe in this now unsafe environment.

The companies have been permitted by the DEP to completely decimate many beautiful places in West Virginia that I grew up knowing and loving. Some of

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# OVEC Picnic

*continued from page 1*

is dear to us, and all deserve recognition. But at the picnic, we were so pleased to honor our 2012–2013 award winners for their work with OVEC or allied groups:

**Outstanding Ally:** Debbie Jarrell, co-director of Coal River Mountain Watch

**Outstanding Regional Networker:** Sylvia Arthur

**Outstanding Volunteers:** Judy and Russ Whitley

**Outstanding Citizen Lobbyist:** Becky Park

**Outstanding Sustainable Community Initiative:** The Wild Ramp

**Fracktivists of the Year Award:** Doddridge County Watershed Association. Accepting the award on behalf of the group were Christina and Wayne Woods.

**Laura Forman Passion for Justice Award:** Wilma and Terry Steele

Each award winner was presented with a framed certificate and a beautiful, hand-carved wood bowl by artist Ervin Jones. Thanks to WV Environmental Council's Denise Poole and the store with which she



is affiliated, Common Ground Shoppes in Huntington, WV, for the connection to Jones and his craftwork.

To the award winners, we hope each of you knows how grateful we are for the special gifts that you so freely share with OVEC and others. Please know that you truly make a positive difference in OVEC's work and West Virginia's environment and communities, as well as in the world at large!

Thanks so much to all the board members who attended the event. Our board members surely are a dedicated bunch.

If you missed this picnic, do try to make the next one. You're sure to have fun and meet new friends. 🍌

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

## Witness

Sometimes the mountain  
is hidden from me in veils  
of cloud, sometimes  
I am hidden from the mountain  
in veils of inattention, apathy,  
fatigue,  
when I forget or refuse to go  
down to the shore or a few yards  
up the road, on a clear day,  
to reconfirm  
that witnessing presence.

- Denise Levertov

# DEP Permits New Way to Allow Excessive Selenium in Streams

The use of mixing zones in water pollution permits is apparently a new way for coal facilities to avoid installing treatment for illegal discharges. In July, OVEC, WV Highlands Conservancy and the Sierra Club legally appealed a permit renewal granted by DEP that allows the use of a mixing zone in ways that violate several different legal requirements designed to protect the waters of the state.

Second Sterling's Clark Branch Refuse Area near Keystone in McDowell County was given the okay by DEP to combine two water pollution outfalls into one and to create a mixing zone as a means to determine selenium limits, in spite of the prohibition on the use of a mixing zone where upstream water quality is already in violation of pollution limits. The streams in this area have had many documented selenium violations in the past several years.

The result of a mixing zone is much weaker selenium limits. In this case, the limits are 16.36 ug/l monthly average and 28.35 ug/l maximum daily, rather than the standard water quality based limits of 4.7 and 8.2.

Even *if* the use of a mixing zone were legal here, DEP failed to do it right. There are no required geometric limits, no required anti-degradation review, and DEP's selenium limits are based on the company's calculations, which included some incorrect numbers.

DEP seems to be doing whatever they can to allow coal companies to illegally pollute streams with selenium for as long as they can get away with it. *And if it weren't for our collective legal work, DEP would be getting away with permitting the routine contamination of streams with harmful levels of selenium.*

Why is selenium such a hot political issue in this state? Selenium water pollution is the Achilles heel of the mountaintop-removal industry.

The DEP's top officials get their marching orders

from the Tomblin administration. Tomblin says Obama's EPA is waging a "war on coal," and he is rallying the troops to fight back. This supposed war started when EPA finally listened to our pleas for relief from the onslaught of more and more illegal permits for mountaintop removal mines and actually pushed back a little bit on the coal industry's and WV politicians' desire for as much mountaintop removal (MTR) as fast as the companies wanted it.

In spite of our collective legal victories, including Patriot Coal's current phase-out of MTR, many other existing MTR mines continue to expand, as does the threat of more selenium-contaminated water.

DEP continues to reissue strip mine permits with

no selenium limits, or inadequate limits, and we continue to legally appeal such permits.

For example, several months ago we won a legal appeal to the WV Environmental Quality Board after DEP issued a water pollution permit for a Dynamic Energy surface mine in Wyoming County. The permit had no limits on selenium discharges, despite reports of high selenium at the site.

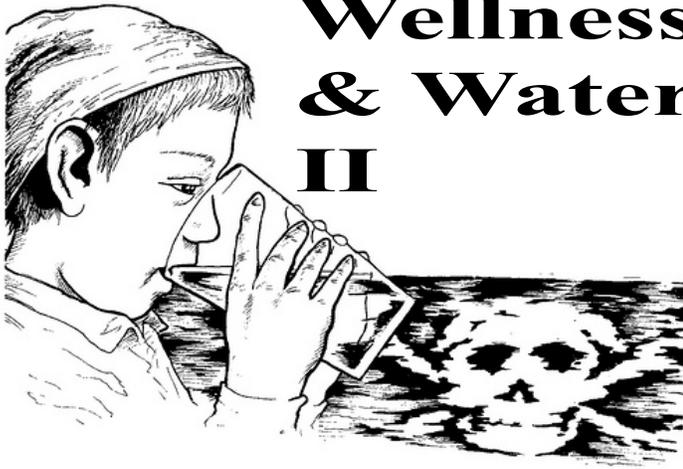


Mix this. Selenium in the stream plus selenium in the stream still equals trouble.

It appears that part of the Tomblin administration's strategy of fighting back against the fictitious war on coal is to allow the coal industry to blatantly get away with violating pollution laws, regulations and guidance.

If it weren't for the superb work of our friends and lawyers at Appalachian Mountain Advocates, no one would have even noticed DEP's newest approach to allowing as much selenium into streams as the coal industry wants.

Be sure to check out pages 14 and 15 in this issue of *Winds of Change* to learn about ways you can get involved in the CARE campaign — our coalition work addressing DEP's mining program's failures. To tell your own horror story about DEP or otherwise take part in the campaign, contact Dustin White at 304-522-0246 or [dustin@ohvec.org](mailto:dustin@ohvec.org). 🍁



# Wellness & Water II

*I fear that if we don't act now to stop this madness, evacuation from the gas fields of WV, PA, and OH will be the only option. We really don't have much time. Even if we stop right now, the long term impacts to water resources will certainly continue for generations to come... if our species actually survives the Anthropocene, that is.*

*In my professional opinion, as a veteran researcher with nearly 20 years' experience working with the U.S. Department of Energy on the fate and transport of contaminants in groundwater, we should now be developing research programs at the state and federal levels to monitor the degradation of surface and groundwater for the next 50 years. Remediation will not be an option.*

- Yuri Gorby, PhD, Rensselaer Polytechnic Institute



Photo of W&WII above by Dustin White

*The group ended the weekend conference by sitting together in roundtable discussions to see where and how they could take action. But for everyone there, from the presenters to the attendees, the personal stories they heard provided the best motivation to find solutions for clean water.*

- from a WBOY Channel 12 news story on W&WII by reporter Alex Hines

You know some major problems exist when nearly 75 people devote most of a summer weekend to exploring an issue in depth. On June 29–30, at the second Wellness & Water forum (W&WII), held in Buckhannon, WV, participants explored the topics of wellness and water in relation to the extraction and waste disposal activities associated with mountaintop removal coal mining and Marcellus Shale drilling.

As with the first such event, held in September 2012, these gatherings provide opportunities for people from different environmental and citizens' rights groups to gather for networking and shared learning.

Plenary speakers for the event included scientific expert Yuri Gorby of Rensselaer Polytechnic Institute, public policy expert Leslie Fields of the Sierra Club and renewable energy expert Grant Smith of the Civil Society Institute.

Representatives from various organizations that seek to provide information and assistance to people who are concerned about their water quality and/or finding alternatives to fossil fuel usage were also on hand to lead workshops and participate in panel discussions. These included Marc Glass of Downstream Strategies, Rob Goodwin of Coal River Mountain Watch and Brian Oram of B.F. Environmental Consultants. Also presenting were Dave Hanna with New Vision Solar, Samantha Malone of FracTracker, Aaron Sutch with the Mountain Institute and Laura Rigell with the Swathmore College Divestment Campaign.

Attendees also heard testimonials from five coal and gas affected residents. Many participants said that this was the most powerful portion of the program.

Folks had some fun while in Buckhannon, too. The bluegrass band East Run performed on Saturday evening, and throughout the event, participants were encouraged to express themselves creatively by making "bendy stick" creations. These were judged on Sunday prior to the conclusion of the conference. Overall, it was a great weekend.

W&WII participants agreed that we need to come up with processes for continued information sharing. So, we created a Facebook page: [on.fb.me/11xfJbm](https://on.fb.me/11xfJbm). Join up to find photos and videos and to stay current with W&WII-centric information.

Co-sponsors of W&WII were OVEC, Doddridge County Watershed Association, WV Chapter of the Sierra Club, WV Highlands Conservancy and WV Surface Owners' Rights Organization. 🍌

# Marcellus Mayhem

*We are seeing the industrialization of our rural counties. Hundreds of Marcellus well permits have already been issued by WV DEP and probably only about six percent of those leases that have been issued permits have already been drilled. We are still very much at the front end of what's planned for Doddridge and surrounding counties in the coming years.*

- Diane Pitcock, founder of WV Host Farms

A fire on McDowell B well site burned for nine days in 2010. Photo courtesy of Wetzel County Action Group.

## On June 22

WBOY-TV reported that a frackwater truck, owned by Jay Bee Oil and Gas Incorporated of Union, NJ, struck a pick-up truck on Rt. 50 in Ritchie County, WV, killing the driver and her passenger.

## On July 13

WTRF-TV reported a fire in a flare tube at a Stone Energy gas well pad near American Ridge Road in Wetzel County, WV.

## On July 18 WTRF-TV reported:

*As the gas boom continues in our area, the Tyler County Courthouse says it has been overwhelmed with property record searches.*

*Abstractors are lining up outside of the courthouse for hours at a time, even bringing in line-holders, all to get a look at the records vault in the County Clerk's office the next morning.*

Commenting on the story, Diane Pitcock said:

*Tyler County Courthouse sidewalk looks more like the scene for a line waiting to purchase rock concert tickets...*

*Doddridge County has a similar problem with their tiny records room in their courthouse. Elbow to elbow these abstractors are busy searching the deed books for their employers to find out which plot of land will be the next target for drilling leases... Lord help you if you are a county citizen who just wants to go into the courthouse and pull a death certificate, will or marriage license....*

## On July 7

a Marcellus gas well in New Milton, Doddridge County, exploded, injuring eight people, according to the *Pittsburgh Post Gazette*. The well is owned by Denver-based Antero Resources. Four people were flown to a Pittsburgh hospital's burn center; the others were treated locally. (Later news sources reported five injured.)

Diana Arbogast spoke with a reporter as she sat in the Pittsburgh hospital's waiting room. Doctors were treating her husband, Charlie, a rigger and trucker who was working at the well pad. He received third-degree burns on his knees, forearms, hands and face.

The paper reported:

*(Diana) hadn't spoken with (Charlie) since Friday, when he left for work at the Antero Resources drill site. The 57-year-old had been gone for more than 40 hours before the explosion, and she wonders if his employer followed mandatory work hour rules.*

*"You come to the rigs, you do what you do and you don't ask questions," Ms. Arbogast said. "Not if you want your job."*

In an e-mail, WV Host Farms founder

Diane Pitcock wrote:

*This well site explosion incident in New Milton happened on the well pad just above my home. We were awakened by the sound of two explosions around 4 a.m. that rattled our windows. Ironically, just yesterday we were taking a San Francisco journalist around to tour some Doddridge and Tyler County well sites where we have WV Host Farms volunteers who give access to their land. One of the well workers we saw yesterday at one of the pads told us that he'd been working 30 hours straight! Does that make you feel confident that these rig workers are wide awake, alert, on their toes, and ready to react quickly to emergencies without impaired judgment from sleep deprivation?*

*We've also had cases where we've heard tanker truck drivers lamenting over the CB to other truckers that they were finally just getting off from a 16-hour shift. Think about that. Then consider the number of tanker truck accidents we are seeing these days, including some with fatalities.*

*I think we might need OSHA (Ed. note: Occupational Safety and Health Administration) to start hanging around Doddridge County. Maybe dropping in on some of these well sites and looking at the logs to see the number of hours and length of shifts that some workers are expected to cover. Goodness knows that a lot of the pictures that we gather from various well sites have things depicted in them that OSHA would find of interest. The industry is getting billions and billions of dollars in natural gas profits from shale gas drilling. You would think that they would at least consider putting safety over profits... enough so as to keep our workers and residents from harm. But are they?*

The San Francisco journalist, AlterNet's Tara Lohan, wrote:

*An explosion at a nearby gas drilling well pad jostled John Pitcock awake around 4 a.m. on Sunday morning. Pitcock and his wife Diane moved with their sons from the Baltimore, Maryland area to rural New Milton, West Virginia in Doddridge County nearly a decade ago to enjoy a quiet country life. But when drilling companies began tapping the underlying Marcellus Shale in the area for natural gas reserves using high-volume horizontal hydraulic fracturing (or fracking), their peaceful country life disappeared.*

*The Pitcocks have been plagued by noise, lights, dust, emissions and truck traffic after a neighbor leased his land to a drilling company,*

*which has erected several well pads on the land adjacent to their property. Over the last year trees have been clear cut, miles of roads built through their rural neighborhood, and drilling begun. On Friday, July 5 I visited their home and witnessed gas being flared from a well through the night — the light illuminated their front yard from a ridge top about 2,000 feet away.*

Lohan cites the *Charleston Gazette-Mail* in reporting that DEP has cited other Antero operations for 17 violations of state code in the past three years, including one fire that injured three workers. She concludes her article, "John Pitcock says that he doesn't think companies should be drilling in this manner in proximity to people's homes."

**On July 23** Tommy Paxton died at the Pittsburgh hospital's burn unit. He was one of the five workers burned during the July 7 explosion at Antero Resources gas well pad in New Milton.

**On July 28** Jason Mearns, another Antero worker injured that day, also died.

We extend our deepest condolences to the families of both the workers and those killed by the truck.

*(Editor's Note: Lohan is traveling across North America documenting communities impacted by energy development for a new AlterNet project (hittinghome.org). OVEC networked her with people to interview during her recent visit here.)* 

*This is only a sad smattering of news reports on the ongoing Marcellus mayhem. Stay up to date by checking our daily news links on the OVEC website homepage, [ohvec.org](http://ohvec.org). Click on the oil rig icon.*

## Military Report: Energy Security

Excerpted from June 24 *Inside Climate News*

A new report from the U.S. Center for Naval Analyses and the London-based Royal United Services Institute, two of the NATO alliance's front-line strategy centers, recommends putting more effort into fighting global warming than securing reliable supplies of fossil fuels.

**The authors call the habitual American fixation on winning energy independence through expanded North American production of oil and natural gas "misguided."** They say the "only sustainable solution" to the problem of energy insecurity is **not through more drilling, but through energy efficiency and renewable fuels.**

(Thanks to [blogs.wvgazette.com/coaltattoo](http://blogs.wvgazette.com/coaltattoo).) 

# Beacons of Hope: Renewable Energy in WV

One of the beacons for hope in the fossil-fueled climate crisis is the expansion of distributed renewable energy — local, decentralized energy production. Distributed energy brings economic benefits to communities and is not subject to the massive electrical shutdowns of



centralized electricity production. (Remember last year's derecho?)

Many other states are ahead of West Virginia in implementing policies to encourage distributed renewable energy and energy efficiency, but there are some bright spots here at home. OVEC continues working toward a community wind farm, and we've taken the lead on collaborating with other groups on a hoped-for solar project as well.

Our partners in this potential solar project have made real-world progress of their own in the past several months.

The Mountain Institute in Pendleton County will use a newly installed solar array to reduce electricity costs and help teach visitors about energy efficiency and renewable energy. The array includes 13 American-made solar photovoltaic panels, each capable of producing 235 watts of power, and the system ties directly into the utility grid and does not require battery storage.

The system will supply 100 percent of the electricity to power the Center's Caretakers Cottage and is expected to save thousands of dollars in electricity costs over its lifetime.

The original system design had called for 12

panels; however, Mountain View Solar of Berkeley Springs offered to donate an extra panel to increase system size and power output.

The solar installation follows the recent completion of a 3.12-kilowatt solar array atop the Farmers Market in Morgantown, an expandable

system that is part of a series of projects designed by The Mountain Institute to mitigate rising energy costs, empower local economic development and help protect natural resources.

Aaron Sutch, energy program manager with the Mountain Institute, said that despite what some might think, West Virginia is ideal for solar.

According to a news release from the Morgantown Parking Authority, the system will save the authority money on utility bills throughout its lifetime of operation.

"We see this as a step for the Mountain Institute to facilitate future projects like this where we can leverage funds from grants or raise money ourselves and then go in with other entities to basically start planting the seeds of solar," Sutch said.

"The Mountain Institute is planting one solar project at a time," said OVEC board member Crystal Good. "These initiatives, in tandem with OVEC's work toward community wind, bring awareness, education and solutions toward distributed renewable energy and decentralized energy production.

"Distributed and decentralized means power production is localized — and that empowers communities in more ways than one." 🍌

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## Beacons of Hope: Faith Community Resolutions

The United Church of Christ (UCC) leads the way for most other U.S. Christian denominations by passing two resolutions that establish ethical standards related to fossil fuel extraction. One calls for divestment of denominational finances from all fossil fuel entities; the other questions the ethics of mountaintop removal.

Both these resolutions were passed at the UCC Twenty-ninth General Synod. Rev. Jim Deming —

who has participated in the Alliance for Appalachia's Week in Washington — provided most of this information and was quite active in the campaign to pass both of these proposals. Read all 2013 UCC resolutions online: [ucc.org/synod/resolutions](http://ucc.org/synod/resolutions).

Note that none of the resolutions are considered formally in force until the UCC board approves the minutes of this year's General Synod. The minutes



# Huntington Habitat Gets It

by Dan Taylor

Despite a lack of serious investment from state government and corporate interests, there are a lot of great things going on around West Virginia involving energy efficiency and renewable energy. We at OVEC



would like to highlight these great local initiatives and the amazing work people are doing.

I recently sat down with David Michael, executive director/CEO of Huntington WV Habitat for Humanity (HAHFH) to talk about how energy efficiency and renewable energy have become a big part of their work to better serve low-income residents and help them build assets in the new sustainable economy.

Since 2008, HAHFH has been improving the energy efficiency of its newly built houses through wall and ceiling construction that includes more insulation, compact florescent light (CFL) bulbs, attention to caulking, high-efficiency heat pumps and more efficient air conditioning, conditioned crawlspaces and more.

Since November 2010, HAHFH has built all new homes to Energy Star certification, the first of four West Virginia Habitats to do so, with two more set to join soon. This came out of talks in 2010 between Habitat for Humanity of West Virginia, the Habitat state support organization, the 17 WV Habitat affiliates, and the WV Division of Energy. Although not requiring the member Habitat affiliates to build to Energy Star certification, the HFHWV does

strongly support it through education and advocacy. Statewide, 30 homes have already been built by West Virginia Habitat affiliates to Energy Star certification.

According to Michael, the changes in building practices were fairly simple. The group was already doing many good things on the efficiency front; with a little consultation from some Energy Star experts, they were ready to go.

These changes will then help low-income residents receiving the homes to help save money on their utility bills that can be put towards other things like food, clothing or even savings.

HFHWV has installed solar panels on four area houses to save the residents even more money on utility bills. The first panels went in January of this year at a home off of East Pea Ridge Road in the affiliate's first subdivision, with a second following just days later on a house located on 9th Avenue in the Fairfield East neighborhood of Huntington. The third house, in the West End of Huntington, just down the street from the OVEC office, is slated to be installed next, followed by another on 9th Avenue.

We commend the forward-thinking work of Huntington WV Area Habitat for Humanity and the Habitat affiliates in Wood, Monongalia and Pendleton counties (and soon Wayne County and the Eastern Panhandle). All are helping to increase good stewardship of our energy, while decreasing folks' electric bills. 🍌

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## ...Faith Community

will be submitted for approval in October.

When contacted, Rev. Deming expressed absolutely no concern about the process of final passage of these resolutions. We at OVEC are glad to see Christian denominations, like UCC, dealing openly and honestly with the critical issues of mountaintop removal coal mining and the ethics of investments in any fossil fuel entity. 🍌

If you are a member of a school, city or faith-based group which would like to explore the ethical issues related to divestment from fossil fuel entities in depth, you may want to check out one of these websites: [gofossilfree.org](http://gofossilfree.org), or [greenfaith.org](http://greenfaith.org), or [interfaithpowerandlight.org](http://interfaithpowerandlight.org).

Regarding Interfaith Power and Light (the last website listed above), there are discussions happening now about starting a WV chapter of this group.

If you are interested in joining these discussions, contact Robin Blakeman or Dan Taylor at 304-522-0246.

# Owners of Former MTR Sites Sued For Ongoing Pollution

In May, OVEC, WV Highlands Conservancy and the Sierra Club filed litigation against three corporate owners of so-called “reclaimed” mountaintop removal mining sites in West Virginia.

These sites, which still include valley fills, continue to discharge toxic pollutants — including selenium — and therefore violate protections against mining pollution under the Clean Water Act. All of these sites have had their permits released under the Clean Water Act and Surface Mining Control and Reclamation Act (SMCRA), but continue to discharge pollutants.

The suits are directed at the current owners of “reclaimed” mine sites. The David L. Francis Trust owns property that contains portions of the “reclaimed” Sprouse Creek West Surface Mine. The Shepard Boone Coal Company, LLC, owns property that contains portions of the “reclaimed” Colony Bay Surface Mine. And the Pocahontas Land Corporation owns properties that contain portions of the “reclaimed” Pounding Mill No. 1 Surface Mine and Surface Mine No. 8.

The Associated Press (AP) reported, “The litigation signals a new strategy from the environmental community, which has long sued coal companies over pollution but rarely sued after their operations are reclaimed and released from bonding and permit requirements.”

Sierra Club attorney Peter Morgan told the AP that we need to dispel the myth that these mines no longer threaten the environment when they’re done producing coal.

“The landowners that we’ve targeted are corporate landowners, so we’re hoping they have some influence over the mining companies and the regulators. We’re trying to take advantage of their leverage. We suspect they don’t want this liability identified. They don’t want to be left holding the bag for what the mining operators did.”

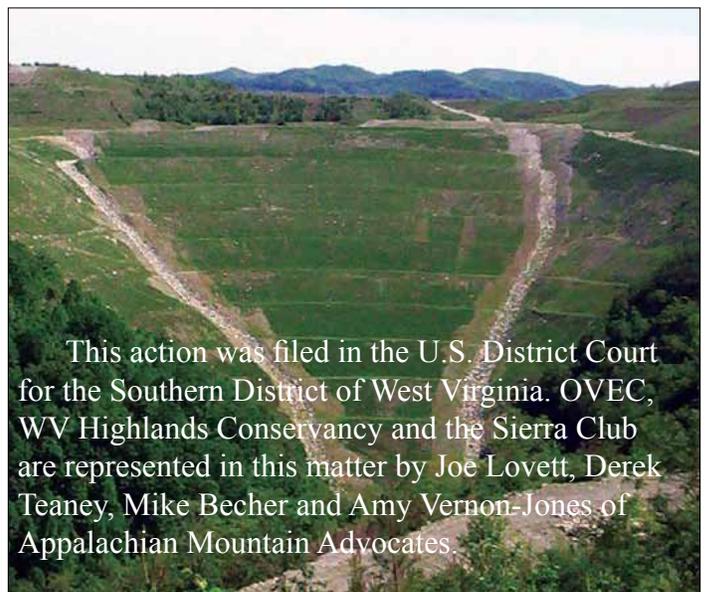
The sites that are named in the lawsuits were selected based on a number of factors, including water samples from streams below the sites that show elevated levels of selenium, the continued presence of mining waste in valley fills, and the absence of any other mines or likely sources of selenium upstream of the sampling point. All of the sampling was done from publically accessible locations. 🍌



*Valley fills, like the ones above and below, are the primary source of water pollution from surface mines in Appalachia. When these mines cease operation, the valley fills remain intact. Because the ultimate source of the pollution is the valley fill material that remains on site, many abandoned and even so called “reclaimed” mine sites continue to discharge pollution, including selenium, at levels that harm water quality and aquatic life. In many cases, the owners of “reclaimed” mines do not have Clean Water Act permits that allow pollution to continue to flow from these sites, and federal and state regulators typically do not monitor the discharges from these former mine sites.*

*Even after a mine is reclaimed, valley fills continue to collect and channel water into local waterways. Valley fills are engineered with ditches on their surface and drains underneath; these ditches and drains are integral to the permanent structural stability of the fills, and so are not removed as part of mine reclamation. The ditches and drains convey and discharge water from discrete locations.*

*Selenium, a toxic element that causes reproductive failure and deformities in fish and other forms of aquatic life, is discharged from many surface coal-mining operations across Appalachia. At very high levels, selenium can pose a risk to human health, causing hair and fingernail loss, kidney and liver damage, and damage to the nervous and circulatory systems.*



This action was filed in the U.S. District Court for the Southern District of West Virginia. OVEC, WV Highlands Conservancy and the Sierra Club are represented in this matter by Joe Lovett, Derek Teaney, Mike Becher and Amy Vernon-Jones of Appalachian Mountain Advocates.

# Groups Challenge Two MTR Mines Harming Streams

On June 27, OVEC, WV Highlands Conservancy and the Sierra Club filed another action against a mining company for significant pollution that has biologically impaired two West Virginia headwater streams in Nicholas and Clay Counties.

The lawsuit, filed in federal court in Huntington, alleges that mine runoff from MTR mines operated by Fola Coal Company, LLC, has contaminated the water in two Leatherwood Creek tributaries — Road Fork and Cogar Hollow — with sulfate and other dissolved solids that are harmful to aquatic life.

These claims are based on the same legal theory that the groups used to obtain a 2012 settlement against Fola, requiring it to clean up another biologically impaired tributary — Boardtree Branch — in the Twentymile Creek watershed. In both cases, the groups contend that the mining companies have violated West Virginia’s “narrative” water quality standards, which set general criteria for water quality, rather than “numeric” water quality standards, which set limits on the concentration of specific pollutants in water.

Some tributaries of Leatherwood Creek show significant damage to aquatic life compared with that in unpolluted reference streams. Levels of conductivity measured in Road Fork and an unnamed tributary in Cogar Hollow have been over 10 times higher than EPA’s standards for protecting aquatic life. More than 60% of the land area in the Leatherwood Creek watershed has been permitted for coal mining.

This new lawsuit is in addition to three existing lawsuits against Alex Energy, Elk Run Coal Company and Fola that allege that contaminated mine runoff has contributed to biological impairment of other streams in West Virginia. So far, the groups have filed lawsuits targeting seven streams that are biologically impaired by coal mining operations — Boardtree Branch, Mudlick Fork, Robinson Fork, Stillhouse Branch, Spruce Run, Road Fork and Cogar Hollow. The same groups have also recently notified Fola of their intent to sue the company for biological impairment of another tributary of Leatherwood



Creek — Right Fork.

OVEC’s Dianne Bady said, “We hope that citizen suits like ours will put more pressure on government agencies and coal companies to stop the widespread degradation of West Virginia streams.”

The U.S. Environmental Protection Agency has estimated that nine out of ten streams

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

Counsel in the case are Jim Hecker at Public Justice in Washington, D.C., and Joe Lovett and Derek Teaney of Appalachian Mountain Advocates in Lewisburg, WV, also known as AppalMAD. 🍓

## Legal Action Against Alex Energy

On July 16, OVEC, WV Highlands Conservancy and the Sierra Club filed suit against Alex Energy for failing to protect waterways from toxic selenium pollution at the PGM Surface Mine No. 1 in Nicholas County, WV.

We contend that Alpha Natural Resources subsidiary Alex Energy violated key protections in the Clean Water Act and the Surface Mining Control and Reclamation Act. Mining pollution coming from valley fills at the site, specifically those flowing into Hardway Branch of Twentymile Creek, exceeds state and national limits for selenium. The mine’s permits do not authorize such discharges.

In March 2012, the groups filed a lawsuit against Alex Energy over water quality violations at their Surface Mine No. 3. During the course of that litigation it was discovered that, according to Alex Energy’s own monitoring, PGM Surface Mine No. 1 had been regularly discharging selenium without permit authorization since at least 2007. The company attempted to have those records sealed but the District Court denied the motion.

We are represented by attorneys at AppalMAD. 🍓

# Solidarity, People

by Dan Taylor

The May 20 rally at the FirstEnergy shareholder meeting in Morgantown, WV, included union members from the Utility Workers Union of America, the International Brotherhood of Electrical Workers, the United Mine Workers of America (UMWA) and others, protesting over contract negotiations and CEO pay. Also rallying were Sierra Club members, Energy Efficient West Virginia and myself, as an OVEC representative, all protesting over the proposed Harrison Power Plant rip-off for West Virginia ratepayers.

This amazing direct action made me think about all of the other opportunities for solidarity between organized labor and the environmental movement and how we can unite to oppose corporate greed.

One such opportunity, and an example of corporate bad actors, is Caterpillar, Inc. West Virginia knows this company through its local dealers, Wayne Supply Company and Cecil I. Walker Machinery Company. These manufacturers of the equipment that is being used to destroy our mountains are ardent supporters of the public relations group Friends of Coal.

Well, it turns out that Caterpillar has found ways to anger citizens across the world on other issues as well. Whether it's due to their manufacturing of the machines that the U.S. government supplied to Israel (machines that were used in Palestine to destroy homes and that killed American Rachel Corrie) or Caterpillar's rampant union busting of American workers, social justice advocates of all stripes seem to agree that Caterpillar is a prime example of corporate malfeasance and greed. Their union busting should come as no surprise to those of us in Appalachia, as their allies in the Friends of Coal are also in the business of attacking organized labor.

So, we need to get past the recent trend of allowing these corporate bosses to pit labor and environmentalists against one another, because traditionally we have been allies.

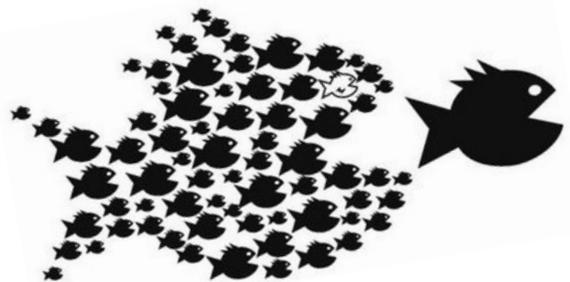
Gar Alperovitz states in his latest book, *What Then Must We Do?*, "The UAW [United Auto Workers] hosted an important early conference on water quality issues and subsequently fought for the banning of DDT and even advocated for tougher



automobile emissions standards...in general labor unions were essential to the election of many of the liberals who voted for environmental legislation. Wisconsin Senator Gaylord Nelson, the founder of Earth Day, for example, had initially worked as a labor lawyer and always relied on unions for political support."

In Appalachia, unions were at the forefront of the fight for black lung legislation, protecting the health of those who worked in the mines. We need the UMWA now more than ever to pick up the fight for the health of others currently living in the coalfields. An op-ed in the *Charleston Gazette* by OVEC member and retired UMWA miner Terry Steele perfectly sums up the current situation and the problems that it brings for both of our movements. (See op-ed at right, on page 13.)

It is essential that we seek out greater opportunities for solidarity and mutual support to unify our struggles and build power for our common cause, for the benefit of all West Virginians. 🍷



## Stay Connected!

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

**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 [ohvec.org](http://ohvec.org) frequently for updates. Check out our extensive background information in the Issues section. Find us on **Facebook and Twitter**. Link up from [ohvec.org](http://ohvec.org).

# The UMW, MTR and politics

*This Charleston Gazette op-ed by OVEC member and UMW member Terry Steele ran March 16*

Being honest may not get you a lot of friends, but it will always get you the right ones. This is a statement that our politicians and union leaders need to learn.

In the deep valleys and steep hills of southern West Virginia, two tragedies have taken place over the last 20 years: The mountaintop removal that annihilates the mountains and health of coal communities and the decline of the UMW.

The scenery of the area has taken a different shape, one that any common-sense person would realize is headed downhill. Friends of Coal signs replaced UMW signs and the area that was once a union stronghold has surrendered to big coal and the politicians who carry their dirty water. The union still fights for the rights and safety of the miner while they are on the job, but when it comes to the destruction of their communities, the union joins the other side. How did this happen?

In the late 1980s and early 1990s, the union was beaten back by a well-thought-out plan by big coal to weaken and destroy the UMW. The plan is working to perfection.

They created MTR mines that used fewer miners and kept a few mines in the union so that the UMW would join the effort to relax the laws for water and air quality. This is where the fabric started to unravel: The union had always fought for safety rules for its underground miners, sometimes even with blood. This new type of mining required different types of safety regulations, ones that protected the environment and the people living in the areas where they mine coal. The miners of Blair Mountain fought for a union not only for higher wages and a strong union, but also for their family and the ability to have a good life.

Today, money means everything, and health and quality of life are ignored. West Virginia is now rated last in the Gallup-Healthways Well-Being Index score. The UMW was a divided house once they fought against the very laws that would protect the people in the communities where their miners live.

The people who live in these communities are having their water destroyed, their homes flooded, their air polluted and, yes, their jobs taken, indirectly. I say indirectly because MTR mines require half the miners



*Terry Steele and his wife Wilma receive the Laura Forman Passion for Justice Award during OVEC's summer picnic.*

as underground mines. You can see why this is a win-win situation for the coal companies and a virus for the union.

If you don't believe the coal companies and the UMW are fighting together to weaken safety standards, then look at the water quality hearing on selenium.

I have not heard of the union helping a coal company

whitewash safety laws since the days of Tony Boyle.

Under Boyle, the money and strength of the union was the UMW's focus, while miners' safety was in jeopardy. The union has become so weak in southern West Virginia that it will not stand up to the lying politicians who are the Friends of Coal and whose goal is to destroy the union.

How many Friends of Coal politicians showed up or spoke out for the Patriot miners? The union is even afraid to take the lead on saving Blair Mountain, leaving that to the environmentalists, who seem to care more about our history than the union.

The Friends of Coal have turned West Virginia into a red state by building a mountain of lies. They defeat people who are for the people and their communities, and they help coal companies empower union-busting Republicans.

I once had a union official tell me his main objective was to preserve the union. To that I now answer: A union divided cannot stand. The state legislators are trying to pass laws to weaken the environment in West Virginia. Many of these people do not even believe in climate change. Yet these people are also trying to reform our educational system. How can people who don't believe that two plus two is four or don't believe in science possibly come up with a program that will help our children?

As mountains disappeared, people lost perspective to formulate sound long-term goals. It's time to clean the coal dust from your eyes and ears so you shall know the truth: Our strength is in our history. The heart and strength of the union beats within those who are fighting to save Blair Mountain! We need jobs, but the companies we work for must care as much for the environment and workers as they do for money. The true mountaineer loves his family and his home: the Mountain State. 🍌

**Part 733 of the federal Surface Mining Control and Reclamation Act (SMCRA) allows for citizens to petition the federal Office of Surface Mining, Reclamation and Enforcement (OSM) to assume authority over a failed state agency.**

## ***Dare to CARE***

On June 24, a coalition of 18 state and national organizations filed a formal administrative law petition with the federal Office of Surface Mining Reclamation and Enforcement (OSM) alleging widespread problems with the state Department of Environmental Protection’s (DEP) enforcement of the Surface Mine Control and Reclamation Act (SMCRA).

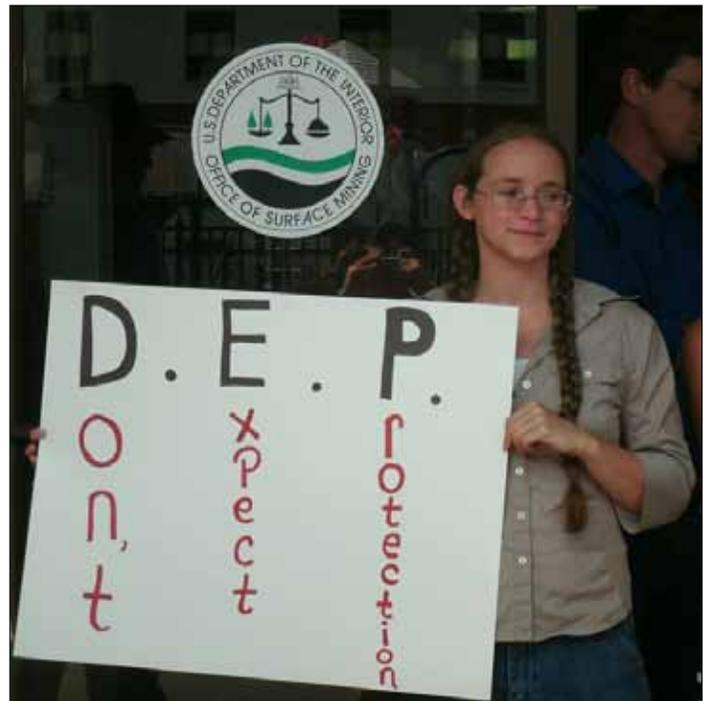
DEP has the authority and responsibility to enforce federal laws on mining, but is failing in that responsibility, so the petition demands federal intervention. The filing of this petition triggers an obligation on the part of OSM to investigate our claims and, if they are deemed valid, to order changes in the state program or assume enforcement itself.

To deliver the 102-page petition, a group of West Virginia citizens gathered for a press conference in front of the OSM in Charleston, WV. Coal River Mountain Watch Co-Director Debbie Jarrell, retired deep miner and OVEC member Chuck Nelson, and author and OVEC member Rev. Denise Giardina delivered comments to the crowd and media.

“The situation here couldn’t be more urgent. Every year there is another flood, another stream dies, another health study comes out showing the devastating effects of unenforced mining law on our



*Ask Secretary of the Interior Sally Jewell to direct OSM to investigate the deficiencies at DEP without delay. Take action here: <http://tinyurl.com/krowqtz>.*



*At the launch of the CARE campaign outside the Charleston office of OSM, Mountain Justice volunteer Annie Jane Cotton sums up feelings of citizens across WV about DEP. Photos pages 14 and 15 by Dustin White.*

communities. We need action and we need it now,” Jarrell said.

“People who have lived in the coalfields for generations have reached out to our DEP for help. After many years of pleading our case, we have no confidence in our DEP, nor should we. Our only option is to seek federal intervention to assure that our communities get what everyone deserves — protection from the pollution and toxins that are directly impacting the health of the people that live within these communities,” Nelson said.

Giardina noted that the coal industry wields far too much political influence here, hence the need for federal regulators to step up. “When you look at the state of West Virginia, West Virginia is a wholly owned subsidiary of the coal industry,” she said.

After hearing from speakers, folks marched to the State Capitol (see photo at left) to deliver a copy to Governor Tomblin. There prominent activist Rev. Jim Lewis and Keepers of the Mountains board member Paul Corbit Brown spoke.

**The filing of the petition represents the first step of the Citizen Action for Real Enforcement (CARE) Campaign, a new effort bringing together citizens and groups across the state to demand accountability from state government and to address DEP’s failures.**

“We have had over 35 years of our government

# CARE: Citizen Action for Real Enforcement

failing to protect us in West Virginia DEP,” said Coal River Mountain Watch’s Rob Goodwin, one of several people who spent more than two years researching the data compiled in the petition.

The petition details a litany of problems with the state regulatory program including granting and renewing mining permits illegally, systemic failures to properly assess the risks of flooding from mine sites, drastic understaffing, and failure to assess meaningful penalties for violations of the law. (If you would like an electronic copy of the petition, e-mail [vivian@ohvec.org](mailto:vivian@ohvec.org).)

The petition documents violations of SMCRA and other state and federal regulations, including:

- **Inadequate staffing:** The West Virginia Department of Environmental Protection (DEP) is chronically understaffed and fails to conduct all required inspections and scrutinize permits sufficiently. Despite OSM granting DEP millions of dollars to increase staff, DEP has not followed through.

- **Illegal permitting:** DEP continues to issue permits to coal companies with open violations of the Clean Water Act, which is prohibited by the SMCRA.

- **Placing people at risk:** DEP’s disregard for the law places communities at increased risk for flooding and water contamination. Recovery from these harms becomes a cost to all taxpayers.

- **Insufficient fines:** Violators are charged with relatively miniscule fines, leaving it profitable for companies to operate illegally.

These failures can no longer be tolerated. After decades of DEP’s failure, it is past time for OSM to assume control of SMCRA permitting, implementation and enforcement in West Virginia. 🍌

Original signers of the petition: Coal River Mountain Watch, OVEC, Sierra Club, WV Highlands Conservancy, WV Rivers Coalition, Appalachian Voices, Keeper of the Mountains Foundation, League of Women Voters of WV, Mountain Heritage and Health Association, WV Citizens Action Group, WV Environmental Council, Christians for the Mountains, Catholic Committee of Appalachia, Appalachian Catholic Worker, National Wildlife Federation, Center for Biological Diversity, Earthjustice, and the Center for Health, Environment & Justice.

*OSM appreciates and takes seriously the concerns of all citizens living and working in coalfield communities. We have discovered that often, the most qualified people to report on a potential problem are the ones who are closest to them, and that is the basis of our system of handling citizen complaints. We have not had the opportunity to look at the specifics of the petition filed today, but we assure everyone that we will examine all of their concerns and handle them in a manner appropriate to the Surface Mining Act.*

- OSM spokesman Chris Holmes commenting July 24 to a SNL Energy reporter



Chuck Nelson speaks to the news media at the CARE launch.

## Tell your story of DEP failing you.

Large out-of-state coal companies have wielded overwhelming political influence over the state government for more than 100 years.

The entrenched political power of the coal industry in West Virginia gives citizens no choice but to appeal to the federal government for intervention.

It will take a concerted and sustained campaign for this petition to force meaningful changes in mining regulation in West Virginia. The campaign is bringing together a broad base of West Virginia public interest groups to provide political pressure on a state level and national allies to amplify our voice in Washington. We need you...

*Get involved in the CARE campaign!*

Contact Coal River Mountain Watch, OVEC, WV Highlands Conservancy, WV Rivers Coalition or the WV Chapter of Sierra Club.

Find contact info online or call OVEC at 304-522-0246

# Protect Your Family Cemetery

If you are lucky enough to have a family cemetery nestled in our hills, you know that plot of ground is priceless.

Unfortunately, many other landholders in our state do not place the same value on your family cemetery. Some would gladly plow it up in order to extract minerals found beneath it or to make a roadway or a building site on top of it — or through it.

Although a recent court ruling has granted restitution funds to one family who had their cemetery desecrated (see story at right), many others are having great difficulty gaining access to their cemeteries and/or finding them desecrated in various ways once they arrive at the location.

That's why we've been building a network of citizens, faith community leaders, veterans groups and genealogical societies, all working together for improved cemetery legislation and enforcement of that legislation.

To this end, the Rev. Jeff Allen, director of the WV Council of Churches, a United Methodist Minister and OVEC board member, successfully advocated for the passage of a resolution supporting better cemetery laws at the 2013 WV United Methodist Annual Conference.

We congratulate Rev. Allen on the passage of this resolution and hope that other denominational leaders will follow suit. We would appreciate knowing of any faith-based efforts to raise awareness surrounding cemetery preservation.

We are currently revamping our Cemetery Protection brochure and should have it available soon. If you are interested in the information available in this brochure, see [ohvec.org/issues/cemetery](http://ohvec.org/issues/cemetery); among other information, you will find instructions on how to record your cemetery with the State Historic Preservation Office (SHPO).

We stress that this is an important way to make sure your cemetery is noted on maps when permits are issued and therefore one more step toward protecting it. Citizens, however, must be quite vigilant in monitoring their family burial grounds.

We also want to hear your story, especially if it involves blocked access to a cemetery and/or desecration of a family cemetery. We want to help you take action! Please contact Robin Blakeman at 304-522-0246 or [robin@ohvec.org](mailto:robin@ohvec.org).

# Justice in Desecration Case



It is official — the families associated with the Crystal Block Cemetery in Logan County have prevailed. We rejoice with them as they have had a long struggle in and out of court to obtain some justice and compensation for the desecration of their ancestors' graves. This cemetery historically is the final resting

place for members of many black families from the area.

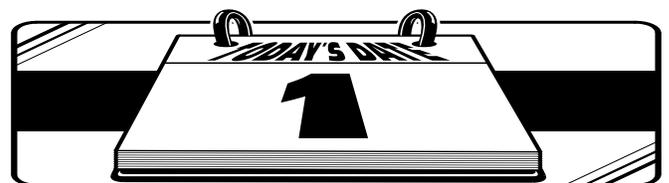
In November 2012, after six years of litigation and a month-long trial, a Logan County jury found two natural gas companies culpable of desecrating this cemetery as they bulldozed for access to a drilling site. The companies, General Pipeline Construction Co. and Equitable Production (now EQT) were ordered to pay \$14,000 in restoration costs, \$700,000 in emotional distress damages and \$200,000 in punitive damages to 14 families.

The companies appealed that verdict, but in late July a judge turned down the appeal.

This is a victory that OVEC celebrates with all who have joined in the struggle for cemetery preservation. In particular, former OVEC staff member Carol Warren and OVEC organizer Robin Blakeman joined WV Council of Churches representatives to do a re-consecration ceremony for the cemetery several years ago.

We also congratulate attorney Kevin Thompson for his good work on behalf of these families. Public Justice (which, along with Earthjustice and Appalachian Mountain Advocates, has represented OVEC in many legal actions) named Thompson as one of five finalists for their 2013 Trial Lawyer of the Year Award.

There's still much to be done to preserve family cemeteries. For now, though, we are very glad that justice has prevailed for the Crystal Block families.



*Stay up to date on the latest events.  
Check our online calendar at [ohvec.org](http://ohvec.org).*

# Power Plant Plays

by Dan Taylor

After a recent hearing, the WV Public Service Commission is set to rule this fall on Appalachian Power's attempt to purchase the John Amos and Mitchell coal plants. Appalachian Power (APCo), a subsidiary of American Electric Power (AEP), proposed to purchase these existing coal-fired power plants from AEP's



Ohio Power. The purchase of a portion of the John Amos power plant and 50% of the Mitchell power plant comes with the staggering price tag of \$1.2 billion, billed to West Virginia ratepayers who would lose a coming rate decrease promised to them.

At issue is the fact that Appalachian Power didn't issue a request for proposals to see if any other options might be available at a lower cost. This is particularly concerning because the price that Appalachian Power is proposing to pay for these coal plants is about four times the price that similar coal plants have sold for in the past year in open-market transactions. APCo president Charles Patton even testified under oath that there was no attempt made to negotiate a lower price for WV ratepayers with Ohio Power, as this would be "unfair" to the power company!

This is coupled with the fact that dirty coal-fired power is on the way out. This has a lot to do with much-needed environmental regulations and the fluctuating price of lower sulfur coal needed to run the Amos plant, which is trending higher and higher, leaving us to pay the cost. There are also issues relating to the 71-acre fly ash pond at Mitchell, whose liabilities would be passed on to APCo if this purchase goes through, leaving state ratepayers exposed to clean-up costs.

## ACEA Wants Executive Order On Water, Clean Energy

In July the Committee for an American Clean Energy Agenda (ACEA) submitted a detailed executive order to the White House for the consideration of President Obama.

The draft executive order would require: (1) the completion of a long-overdue national water census; (2) the creation of a "U.S. Water Budget"; and (3) a plan for a shift by 2030 from fossil fuel and nuclear power to clean energy, increased energy efficiency, and enhanced energy storage technologies in key

APCo also hasn't made energy efficiency enough of a part of its solution to meeting its long-term energy needs, which would contribute to saving ratepayers money. Saving electricity through investments in energy efficiency is far cheaper than generating the same amount of electricity from Amos and Mitchell or any other power

plant, and promotes good stewardship of our energy and environment.

Experts at the hearing from the Sierra Club and Energy Efficient WV, such as Cathy Kunkel, testified to the need of better energy-efficient targets for APCo. Even though energy efficiency can't meet the company's total short-term generation shortage, the company should start investing in efficiency now to minimize the need for investments like this in the future and to help customers lower their bills in a state with high energy usage and a lack of energy efficiency policy. During the public comment portion of the hearing, Robin Wilson from WV 350 Reversing Climate Change spoke of the importance of investment priorities and whether it makes sense to invest in these dirty coal plants or to invest in the future with energy efficiency.

AEP and APCo need to look to the future and not tie West Virginia to a dirty and expensive past, and the Public Service Commission needs to make them do this, for the benefit of state citizens instead of AEP shareholders. Let's hope this is the case and, until then, please let your local representatives and the PSC commissioners know that this coal plant transfer is a bad deal for ratepayers. For more information, contact me, Dan Taylor, at (304) 522-0246 or [dan@ohvec.org](mailto:dan@ohvec.org). 🍌

watersheds identified by the US Geological Survey.

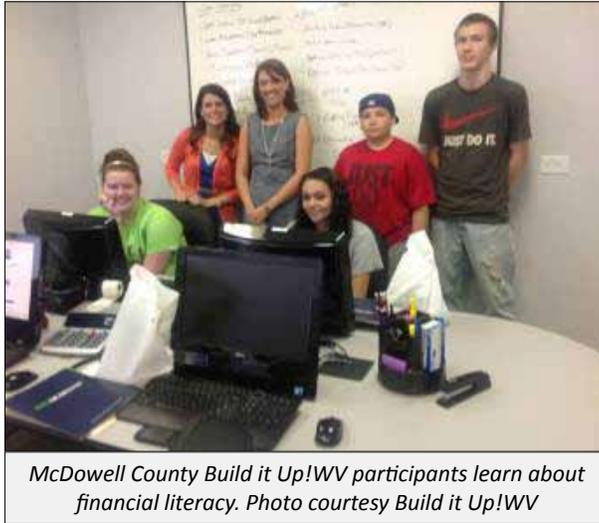
ACEA represents 120 citizen organizations with nearly 2 million members in 33 states and the District of Columbia. Three West Virginia-based groups are founding members of the ACEA: OVEC, Coal River Mountain Watch and Christians for the Mountains. ACEA is organized by the nonprofit Civil Society Institute and the Environmental Working Group.

Read the entire draft executive order at [www.americancleanenergyagenda.org/news/](http://www.americancleanenergyagenda.org/news/). 🍌

# Watch Out — WV's Youth are Inspired and on a Mission!

by Jenny Totten and Build it Up! West Virginia participants

*As a born and raised West Virginian, I can say that my state has gotten some pretty bad raps in the past. Sure, we've been last in a lot of things, and we've been first in some others, like obesity rates and unhappiness, but the recent release of the interactive documentary *Hollow* has ignited a passion and a fire in several of our Build it Up! West Virginia participants to design and create community and economic development activities across southern West Virginia. Below are their comments about the future of this state, the future of McDowell County and their place in both. I hope you feel inspired, I know I do.*



**I have lived in McDowell County** my whole life. It's quite the perfect place to be!

But, I've seen a few things that communities/towns could do to help make it a better place. I would first start by sending flyers to get people to volunteer to help clean up the parks, streets and old buildings. Also, we as a community need more activities for kids of all ages. A lot of people here have low incomes, so maybe someone could talk to local businesses about donations. Drugs are a real problem here in McDowell County; you always hear about drug busts or people overdosing. It's very depressing. Maybe if we could get more stuff for our young people to get into, it would take their minds off taking or selling drugs. Even letting them know somebody is here to listen that cares for them would make just about all the difference needed. McDowell County would be the nicest place around if people would help take care of it. Watching the film *Hollow* truly inspired me to continue doing good for myself and my community. Encouraging others to watch the film and take part in the change McDowell County needs is definitely on my to-do list!

— *Dakota Bolen, McDowell County*

**I'm a very creative person.** I have ideas for things most people wouldn't think twice about. I have a passion for creating art and stories, and I find myself noticing beauty in negative spaces. I live in McDowell County, West Virginia. I've heard that it was once the most beautiful place to be. I'd love to see it return to the way it once was, and I believe, with the right help, our community could achieve this!

The first step is to learn to be a positive thinker and to have a positive outlook on everything! Next, we as

a community need to learn to present ourselves with pride. If we can't manage to be proud of what we *do* have, why would anybody want to help us achieve more? Finally, we need more programs that allow the community to share ideas for events and other things. Maybe if we had something like this, more people would see that we are trying to better our area and help us!

I want to see McDowell County thrive! I want to make it beautiful again! There are so

many *simple* things we could do to make this place better that wouldn't take much money or effort. For example, the Martha Moore Park in town. That place sits empty 90% of the time, when there could be events happening all the time. Things like movie showings, live local artists, art shows and talent shows. So many things could happen there; all we need is a little publicity.

Working at the food bank with Linda, distributing food and helping my community continues to inspire me to help McDowell County as much as possible, and watching the *Hollow* documentary gave me hope and that extra little push I needed to better myself as a resident, student and worker.

I look forward to working with Build It Up! in the future and continuing to help around my community.

— *Samantha Finley, McDowell County*

**My name is Trystan Lively.** I have been born and raised in West Virginia and I wouldn't want to be anywhere else! I love this state with all my heart and am proud to call it home. It is my dream to help everyone else realize just how great our state is. West Virginia usually gets a pretty bad reputation for being full of hillbillies and inbred cannibals. Although this might sound intriguing to some (for reasons I cannot explain), it is far from the truth. West Virginia is full of loving people, beautiful scenery and rich heritages. I want everyone to see that, especially the people who are born here. I have many friends who can't wait to leave West Virginia. They tend to say it's "boring," to which I respond with the question, "how?" West Virginia is far from boring!

Because of these things, I want to prove to everyone that our state and the people in it are much more than meets the eye. Elaine McMillion, who came up with the concept for the documentary *Hollow*, and I have known

*continued on page 19*

# White Visits Swarthmore

*In May, OVEC organizer Dustin White was invited to Swarthmore College in Philadelphia to speak to members of Swarthmore Mountain Justice, the college's student fossil fuel divestment campaign, about MTR in Appalachia. Here is what one of the attendees had to say about Dustin's visit:*

This spring, Swarthmore Mountain Justice made the first steps towards escalating our campaign in response to the board's consistent refusal to consider the proposal to divest seriously. We had been planning to voice our demand one final time as part of a student-organized takeover of an open meeting by the school's board, at which many students gave voice to various grievances against the college and the injustices it perpetuates.

Two days before the board meeting itself, Dustin generously came all the way out here to talk to us and other Swarthmore students. On the evening of May 2, Dustin came for a showing of the film *Burning the Future*. The film powerfully demonstrated the horrible damage that the extraction industry inflicts on both the nature and the people of Appalachia. Immediately

## Inspired Youth

*continued from page 18*

each other for quite a while. The fact that she has been able to shine such a good light on West Virginia makes me very, very happy. What she has done is exactly what I want to do more of for West Virginia. I may not be the person behind the camera filming for the rest of the world to see, but I am the one trying my best to clean up our communities. I want to help the people of West Virginia the most that I am capable of helping. I want our state and the people in it to flourish. Because this is so near and dear to my heart, I am going to college for social working and community development.

I can't even begin to explain the joy I get from volunteering and working in different communities. It doesn't matter if I'm in McDowell County, Kanawha County, Cabell County or anywhere else in the state, I still get the same amount of joy in helping to better all of our communities. I am dedicating my life to helping this state be seen in a better way, and I want to personally thank anyone else who is helping to do this, too. Everything has to start somewhere, and in order to change things someone has to do something. I am determined to be a "someone," and I am determined to change things. I don't care what I have to do or how I have to go about it, things will change, and for the better.

— Trystan Lively, Kanawha County 🍌



afterward, Dustin followed up with a talk reflecting on the damage the industry had done to his own life and community.

He talked about how MTR had nearly removed a family cemetery along with the mountain; how MTR has increased flooding in the valleys; how tap water has been poisoned by toxic runoff water; how entire communities have been forced to leave, either by the companies buying the land directly or the companies making living conditions impossible; how the extraction industry keeps the region poor and alternative jobs rare; and how the companies retain a stranglehold on the region with pro-coal campaigns and political corruption.

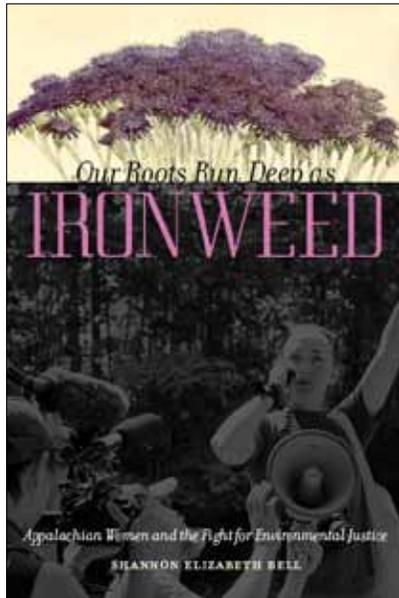
Dustin's talk was extremely powerful to me, because of both his emotional delivery and the tragic content. Personally, as a newer member of SMJ and one who has yet to visit Appalachia, it made me more acutely aware of the human costs of the extractive industry and even more motivated to fight in solidarity with Appalachia and take on Swarthmore's board.

Two days later, as the chair of the Investment Committee of the Board started to open the meeting with his absurd assertion that divestment would cost the school \$200 million, over 100 students walked into the room and lined up along the walls. We took over the meeting and restructured it as an open mic, allowing any student, alum, faculty or board member to come up and get in line to speak. As part of this, other SMJ members and I spoke and delivered the ultimatum to the board and told them that we will no longer tolerate business as usual if they do not begin the process of divesting by the beginning of next semester. We will escalate and interfere with business as usual ourselves, with direct action, until they begin to live up to the social justice ideals that the school claims to stand for.

*Nathan Graf is a freshman at Swarthmore. We are glad to have him and the other students in the fossil fuel divestment campaign fighting not just for Appalachia, but for everyone's future. 🍌*

# Bell Rings Ours

Congratulations to OVEC member Shannon Bell! Many of you may have met her during her work on the Southern WV Photovoice Project, [www.wvphotovoice.org](http://www.wvphotovoice.org).



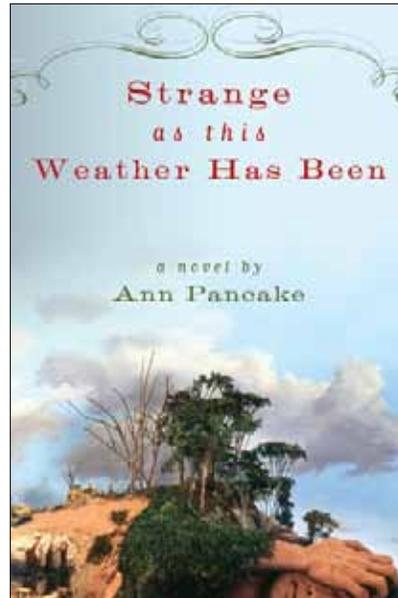
Bell has earned a Ph.D. in sociology and is now an assistant professor in the Department of Sociology at the University of Kentucky.

Bell won this year's Boguslaw Award for Technology and Humanism from the American Sociological Association. The award recognizes work that addresses technology and human affairs, social action and social change, conflicts over values, or work that proposes innovative solutions to emerging social issues associated with technology. In accordance with Robert Boguslaw's wishes, the honored work should address the concerns of ordinary people rather than reflecting organizational or institutional agendas.

The award comes with a \$250 prize, which Bell has donated to the Sludge Safety Project. Thank you Shannon!

We look forward to the publication of her book, *Our Roots Run Deep as Ironweed: Appalachian Women and the Fight for Environmental Justice*, to be published in October by University of Illinois Press. The cover will feature a photograph of OVEC staffer Maria Gunnoe taken by OVEC staffer Vivian Stockman.

Profiled in the book are many OVEC members and friends, including Donna Branham, Pauline Canterbury, Mary Miller, Debbie Jarrell, Maria Lambert, Joan Linville, Donetta Blankenship, Lorelei Scarboro, Patty Sebok, Teri Blanton, Gunnoe and the sorely missed Judy Bonds. Bell will donate 30% of the proceeds from the sale of this book to be split between OVEC, Sludge Safety Project and Coal River Mountain Watch. The book is available for pre-order for \$20.00 from [amazon.com](http://amazon.com).



# Strange Weather Makes For Good Reading

Congratulations to author and OVEC member Ann Pancake. Shepherd University has

selected her novel, *Strange as This Weather Has Been*, for the school's 2013-14 Common Reading Program.

"This is the first Appalachian school to use the book as a Common Reading book. I'm pretty happy about it," Pancake said.

As part of the Common Reading Program events, Pancake will give a lecture and book signing on November 5 at 7 p.m. in the university's Frank Center Theater.

Set in present day West Virginia, *Strange as This Weather Has Been* tells the story of a coal mining family living through the latest mining boom and the destructive reality of mountaintop removal. It was selected as one of Kirkus Review's Top Ten Fiction Books of 2007, won the 2007 Weatherford Award, and was a 2008 Orion Book Award finalist. Pancake interviewed several OVEC members as she wrote the book.

For more information, go online to [shepherd.edu/commonreading](http://shepherd.edu/commonreading).

## OVEC WORKS!

*Thanks to everyone near and far for taking action to end environmental injustice, 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!**

# *ENERGY:* Overdevelopment and the Delusion of Endless Growth

Thanks to the Post Carbon Institute (PCI), OVEC is in the midst of distributing more than 250 copies of the large-format book *ENERGY: Overdevelopment and the Delusion of Endless Growth*.

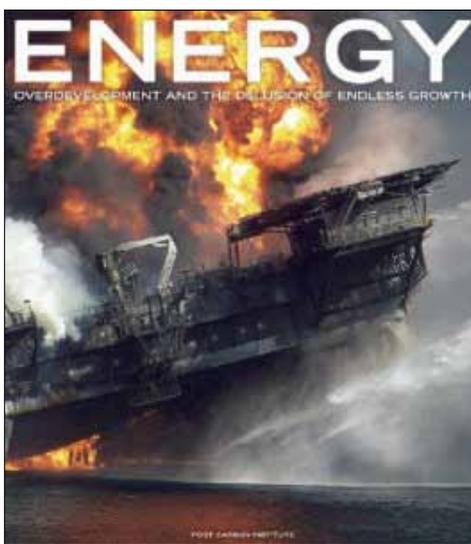
For the purposes of public education and outreach, we've shared these books with policy makers, other organizations, professors, college libraries, faith leaders and organizations.

Every high school library in the state should be receiving a copy of the book, via a pair of students selected from each school to attend the 2013 WV Hugh O'Brian Youth Leadership (HOBY) Seminar. In June, OVEC staffer Vivian Stockman spoke to the HOBY crowd as part of a panel titled "West Virginia's Role in the Future of Energy in America." PCI's Leslie Moyer made special arrangements to provide the *ENERGY* books for the students' high schools.

*ENERGY* is published by the Foundation for Deep Ecology in collaboration with PCI. Foundation for Deep Ecology also published the book *Plundering Appalachia*, which we distributed in a similar manner a few years ago. Stockman's photographs of mountaintop removal appear in both books. See [energy-reality.org/books](http://energy-reality.org/books) and [plunderingappalachia.org](http://plunderingappalachia.org).

Organizationally, OVEC has partnered with PCI in their Energy Reality Campaign, a national effort to increase energy literacy, with the ultimate goal of remaking the energy economy as if nature, people and the future matter. We encourage individuals to join in, too. Go to [energy-reality.org](http://energy-reality.org) and take part. 🍌

Journalist Peter Britton's e-book *Coal Ain't the Culprit* is now available online — search the title online and you'll find it. If you haven't done so already, check out his musical *HollowGirl* over on CDBaby. Britton extensively interviewed Maria Gunnoe for these projects.



In a large-format, photo-driven narrative (including 195 color photos), *ENERGY* features the writings of more than 30 leading thinkers on energy, society and ecology. Contributors include Bill McKibben, Wendell Berry, Lester Brown and Amory Lovins.

Collectively, they offer a wake-up call about the future of energy and what each of us can do to change course. They lift the veil on the harsh realities of our pursuit of energy at any price, revealing the true costs, benefits, and limitations of all our energy options.

Ultimately, the book offers not only a deep critique of the current system that is toxic to nature and people, but also a hopeful vision for a future energy economy in which resilience, health, beauty, biodiversity and durability, not incessant growth, are the organizing principles.

*Energy is at the heart of the human predicament in the 21st century, and we now face a transformational moment in our energy story. As we leave the age of seemingly cheap and plentiful fossil fuels and enter an era of extreme energy, the ever-rising financial, social, and environmental costs of fossil fuels can no longer be ignored.*

*How we embrace this moment may well dictate the very future of our species — and millions of others.*

*There are many things we must do to transition away from oil, coal and natural gas, but the most important are these: Reduce our consumption of fossil fuels. Use what fossil fuels we have more efficiently. Develop renewable energy sources and technologies. Decentralize energy production so that communities can power themselves from local energy sources.*

— Post Carbon Institute

## ENERGY REALITY

The U.S. has tripled its solar-power-generating capacity since 2010 and increased it tenfold since 2007, according to a new report from Environment America.

The report said California, Arizona, Nevada, Hawaii, New Mexico and New Jersey lead the country when it comes to the amount of electricity being generated from the sun's energy. Although those are some of the country's sunniest states, the report says it's the political commitment that makes the most impact: Lawmakers in those states have passed solar-friendly laws and regulations.

# A Farewell to Janice Nease

by Janet Keating

West Virginia's mountains and people have lost another passionate protector. Janice Nease, a coal miner's daughter, founding member and former executive director of Coal River Mountain Watch, died on July 8, 2013. Janice was a strong Appalachian woman who clearly understood how our mountains and culture are inextricably linked. She excelled at articulating the problems that people face in Appalachia. At one of the first rallies for the mountains, Janice said: "Coal is the greatest threat to prosperity in West Virginia. Coal never has and never will fulfill its promises."

For many years thereafter, Janice and other folks organized by Coal River Mountain Watch were central to numerous actions and events aimed at countering coal propaganda and holding elected officials accountable, like the "Coal Ops 2000" conference held in Beckley. At that event, while coal industry management from across the country were inside the Country Inns and Suites talking about the financial benefits to be gained from mountaintop removal and how to repair their ever-darkening public image, Janice, along with people from Whitesville, Seng Creek and other mountaintop removal communities set up a wall of protest signs outside.

Janice travelled frequently with Judy Bonds (another fallen hero) and Freda Williams, spreading the word about the impacts of mountaintop removal and dangerous coal slurry impoundments. Janice was particularly concerned about the Brushy Fork Impoundment (below), designed by the same engineers as the disastrous Martin County sludge lake that failed in October 2000 in Inez, KY. In excess of 300 million gallons of toxic coal sludge inundated



more than 75 miles of streams and rivers in Kentucky and West

Virginia killing all the aquatic life, shutting down public water systems and flooding peoples' yards more than seven feet deep.

On one notable summer day, dubbed "Summer Solstice Sludge Tour," Janice, Judy, Freda and folks from OVEC toured the massive 645-acre Brushy Fork coal slurry impoundment. The impoundment was constructed in the 1990s by Marfork Coal Company, which was owned by Massey Energy at the time. In 2011, Alpha Natural Resources purchased Massey's holdings, including the Brushy Fork impoundment. Brushy Fork is a tributary of Little Marsh Fork that flows into Marsh Fork, comprising part of the headwaters of the Coal River upstream of Whitesville.

This spring, federal regulators approved expansion of the Brushy Fork coal slurry impoundment, one of the largest in the nation, increasing its holdings from 6.5 billion gallons to 8.5 billion gallons and to a height taller than the Hoover Dam. I shudder to think about the loss of life if that impoundment ever fails.

At OVEC's Fourth Interstate Summit for the Mountains, Janice received a well-deserved Speaking Truth to Power award. Despite her diminutive size, she never shied from getting in the face of elected officials, environmental regulators, coal guys and others whom she held responsible for the injustices caused by mountaintop removal. I loved that about her and will miss her. She helped lay the foundation for the good work that continues in the Coal River Valley.

Although West Virginia has lost another native daughter who loved the people, the culture and the beauty of our mountains, I can only imagine the jubilation on the other side when Janice was greeted by Judy Bonds, Larry Gibson, Winnie Fox and Laura Forman and other fallen mountain defenders. Thanks, Janice, for all your passion and the countless hours you worked to help preserve our mountains, communities and Appalachian culture. 🍌



# Larry's Place: Kayford Mtn. and Our Hearts

by Janet Keating

When I arrived on Kayford Mountain at the annual Keeper of the Mountains Fourth of July celebration on Saturday, July 6, vehicles filled the parking area and spilled over onto the side of the road near the picnic area. Music was underway on the bandstand and a wonderful spread of food and drinks were on the long wooden tables. I added my fried eggplant to the mix.

But one important and familiar face was noticeably absent: Larry Gibson, that remarkable, scrappy leader who helped to first expose mountaintop removal to our nation (“Sheer Madness” in *US News and World Report*, by Penny Loeb, August 11, 1997). Like thousands of others, my education about mountaintop removal mining began with Larry and Kayford Mountain. On September 9, 2012, Larry was stricken with a heart attack on Kayford Mountain and died later that day after being taken to the hospital by helicopter.

Despite feeling sad, it was great to see former OVEC Board Chair (and past president of the Keeper of the Mountains board) Chuck Nelson, who greeted me with a smile and a hug. Delta Merner was giving Chuck and others instruction about how to test conductivity in streams as they sat in the shade. I saw many familiar faces: Jen Osha, Carol Gibson, Elise Keaton, Bill DePaulo, Paul Corbit Brown, Linda Nelson, Donna Branham, Paula Swearingen, Larry Gibson, Jr., Joe Gorman, Crystal Good (OVEC board member) and others.

This trip to Kayford marked the first time I'd been there since Larry died. Like others, I came to pay homage to Larry, his life and his tireless efforts to save our mountains, communities and people. He's buried up there. His grave is next to his and Carol's modest cabin. Paula walked with me up the hill and to the grave. She sensed my sadness. She said, “It's been a very emotional day for everybody.” Indeed. Seeing that grave, the headstone that bears his photo and his words — that made his passing real to me. Like so many folks, I had attended and even spoke at his life celebration last October. That was surreal. But this? This was unabashedly down to earth and real.

Although it was strange not seeing Larry in the flesh, several times I overheard folks saying that Larry's spirit was strong on Kayford Mountain. I took



*Larry Gibson Jr. at his father's grave on Kayford Mountain.*

solace in that. That place was surely infused with his spirit, and his memory is etched in the minds of all those he touched.

I'm glad that Keeper of the Mountains Foundation is carrying on Larry's work. Events like this are a wonderful informal way to reconnect with other mountain keepers and actually take a deep breath and in some respects, a day off. Rejuvenation is so important to anyone who's in this work for the long haul. We all should head to a mountaintop and take time to appreciate ourselves, our friends and the beauty of life around us. Kayford Mountain is the perfect place to rest, renew and remember why this work was so important to Larry and to the people living with the impacts of mountaintop removal. Appropriately, a portion of Saturday was set aside to once again honor Larry and his efforts.

Near dusk, everyone gathered near the grave for a dedication of Larry's headstone — speeches, song, tears and silence, save for the song of the wood thrush. When I reflect on the first trip to Kayford Mountain, I realize that none of the folks I saw during that visit were then involved in trying to end mountaintop removal. And more likely than not, it was Larry who had inspired and encouraged each one of them to go ahead and get involved. As long as I live, I will cherish my memories of Larry as an important leader in our movement — a small man in stature who left a large, indelible impression wherever he spoke. 🍷

**Statement of the Mining Working Group at the UN  
to the 4<sup>th</sup> Session of the Open Working Group  
on Sustainable Development Goals  
on the Topic of Health  
June 19, 2013, United Nations**



Thank you, Mr. Chair. I am representing both the Loretto Community and the Mining Working Group at the UN — a coalition of NGOs with members living on every continent — but, really, I’m speaking on behalf of the millions of people whose lives and health are being destroyed by the devastating impacts of the “extractives development model<sup>1</sup>.”

I bring you the voices of women living in Central Appalachia — one of the most biodiverse regions of North America. Last year we held a Women’s Tribunal<sup>2</sup> on the devastating coal-mining practice called mountaintop removal (MTR), in which mountaintops are blasted away using explosive power equal to many Hiroshima bombs.

The experiences of the women who testified echo what we are hearing from our members all over the world. Please hear these voices:

• A Public Health Nurse: *“It’s not possible to destroy our mountains without destroying us. It’s not possible to poison our streams without poisoning our children for untold generations to come.”*<sup>3</sup>

• A 25-year-old woman: *“Whether to give birth to my future children in my homeland is a decision I should not be forced to make.”*<sup>4</sup>

The people whose lives are affected by MTR’s pollution of air and water demand an end to the human rights abuses inflicted with impunity by the extractives industry.

In the Central Appalachian state of Virginia, coal-mining counties have:

- the highest rates of asthma
- 25% higher mortality rates
- 26% higher rates of cancer
- 26% higher rates of birth defects

And the grim reality is that this is happening all around the world. Given (UN’s) estimate that “1/4 of the global burden of disease can be attributed to environmental factors,” we recommend:

- That a mandate be given to UN agencies (e.g., WHO, UNDP, UNEP, etc.) to study and monitor the health impacts of the extractives development model;
- Ultimately, health targets should call for an end to preventable illnesses and deaths caused by harmful extractive practices.

In closing, let me end with a final quote from the Women’s Tribunal:

**“We don’t live where they mine coal — they mine coal where we live.”**<sup>5</sup>

*-Statement delivered by Sally Dunne, Loretto Community  
on behalf of the Mining Working Group at the UN.*

End notes:

1 “Extractives Development Model” is used to refer to the nexus of industry, government and the current economic model that drives the unsustainable and destructive methods of global resource extraction.

2 **Women & Climate Justice Tribunal, Central Appalachia, May 10, 2012 co-organized by the Loretto at the UN, Feminist Task Force and the Ohio Valley Environmental Coalition.** ←

3 Testimony from Beverley May, Family Nurse Practitioner, Floyd County Kentucky, Central Appalachian Women’s Tribunal, May 10, 2012.

4 Testimony from Ivy Breshear, member of Kentuckians for the Commonwealth (KFTC), Central Appalachian Women’s Tribunal, May 10, 2012.

5 Testimony from Lorelei Scarboro, Community Organizer, Boone-Raleigh Community Group and OVEC member, Central Appalachian Women’s Tribunal, May 10, 2012. 🍌



# The Great Ohio River Relay Needs You

Calling all kayakers, canoeists, bicyclists, walkers, runners, rollerbladers or anyone who can transport a baton by non-fossil fuel means. And, calling anyone who can attend a rally. We're going to need you to help us draw attention to the rising dangers associated with unconventional gas well drilling (deep shale fracking) and waste disposal for the Ohio River and its tributaries.



no concern for the health and well-being of the residents of the communities they have occupied.

Between the depletion of fresh water to serve the voracious appetite of millions of gallons of water for each fracking operation and illegal dumping and accidental discharges and spills of toxic and radioactive brine fluids into our waterways

and onto our roads which eventually make their way to our water aquifers, we have reason to be concerned and to defend the very source of life: water.

Rally organizers note, "We consider ourselves to be under attack by domestic environmental terrorists. Our government has shown little inclination to protect us as they were elected to do, and the corporations have paid them not to do their jobs, so, therefore we submit that it is up to us to take direct action to bring attention to this issue and to stop those who would do us harm."

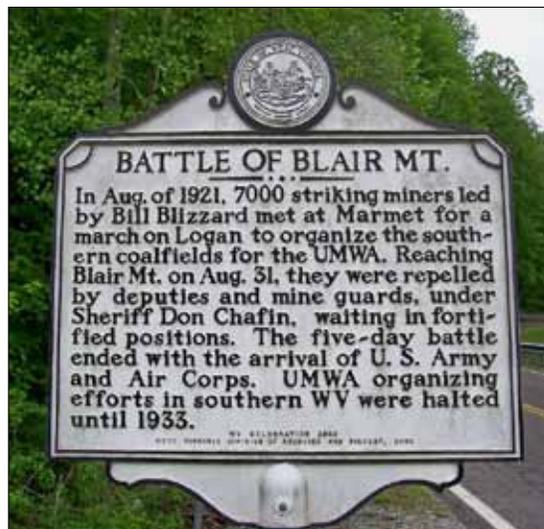
Learn more at [greatohioriverrelay.com](http://greatohioriverrelay.com).

Come take part in the Great Ohio River Relay, which begins with a rally on Saturday, September 14 at the Point State Park fountain in Pittsburgh, Pa. There'll be rallies along the way, with OVEC organizing one in Huntington on the riverfront. Watch OVEC's Facebook page and website, [ohvec.org](http://ohvec.org), sign up for our action alerts and/or contact us at 304-522-0246 for the details.

Shale gas extraction activities are jeopardizing our water, our roads and our health. Our drinking water sources along the Ohio River are in danger, threatened by corporate interests that show little or

## OVEC Files to be Consulting Partner in New Blair Mountain Mine Disputes

OVEC has worked with other groups for many years to try to protect the Blair Mountain battlefield in Logan County. Back in 1921, attempts by the United Mine Workers to organize in southern WV resulted in a major battle on Blair Mountain. That battle was won by the coal industry and the state and federal government forces allied with the industry. Major union organizing efforts were then halted until 1933.



In March of 2009, after years of efforts led by then OVEC board member Regina Hendrix and others, the Blair Mountain battlefield was listed on the National Register of Historic Places. This was important, because it would offer some protection from mountaintop removal mining at the site of the nation's largest labor uprising. Unfortunately, in December of 2009, the Keeper of the National Register removed Blair Mountain from the National Register. Coal company legal efforts

preceded that delisting.

OVEC is a party to a 2010 federal lawsuit requesting that Blair Mountain be relisted on the National Register of Historic Places. That lawsuit is currently before the Court of Appeals for the U.S. District of Columbia Circuit. But for now, there is no historic protection for the battlefield, and coal companies seem eager to get permits.

The U.S. Army Corps of Engineers is the agency that would issue a federal permit for

any mountaintop removal/valley fill mining on Blair Mountain.

OVEC, as well as partner groups, has filed to become a Consulting Party in developing a Programmatic Agreement that would govern the U.S. Army Corps of Engineers' work with three coal applicants relating to mining on or near Blair Mountain: Arch Coal's Mingo Logan Coal, Aracoma Coal and WP, LLC.

# Dealing with DEP

*continued from page 2*

the loveliest spots in our state are now at the bottom of valley fills. The once-beautiful landscape is now a moonscape, with nothing but a history of bad decisions, dead land and dead and dying communities and people.

I challenge the West Virginia government agencies to show me one community of healthy people that remained intact after MTR's impacts. It is shameful what the government agencies and agents have permitted. Lives should never be threatened and health and well-being should never be compromised. But, in WV, our DEP agents say, "If you don't like it, just move." I just wonder what our state's going to be like if everyone just moves.

Once you make a permit site visit, it's often followed up by an "informal conference," which used to be called a hearing. The DEP quit calling them hearings in 2004, when we citizens requested a hearing on the permits behind Marsh Fork Elementary School in Sundial, WV. My guess is that the DEP didn't want folks to be under the impression that they were being heard. These conferences are often open to the public, and the coal companies rally their men (whose jobs may depend on the permit approval) against the citizens who complain. Citizens who live in the communities below the surface mines oppose these permits, because our lives depend on the DEP not giving them, yet they do it every time. In West Virginia, jobs are more important than lives to some.

The workers are often worked into a frenzy because they are told that they will lose their jobs if they don't get the permit. So, citizens who oppose the permits are singled out and, in some cases, even violently attacked. The conferences are often filled with desperate, angry strip miners. Citizens' concerns are often dismissed or ignored. The citizens who choose to speak up are labeled as tree huggers, environmentalists or (my favorite) stubborn holler dwellers.

These conferences are often very intimidating to citizens and in the end the DEP allows the permit



*Doesn't DEP see? What once was the town of Lindytown in Boone County is a perfect example. MTR moves in; communities are driven to extinction.*

to blow mountains into dust over our homes. In 2007, about 60 strip miners crashed an OVEC meeting at the Van community center concerning one of the local permits. The permit that was being allowed was *illegal*. Yet, community members and I were attacked because we caught the regulatory agencies charged with protecting our lives giving an illegal permit to the coal company to blast for coal and fill the valley stream. We called them out and took them to federal court and stopped this permit. The violence escalated to the point that people were afraid of the strip miners, fearful of threats being made. This permit battle starts in our communities.

Shouldn't the *Department of Environmental Protection* care about what it is allowing to happen to the environment of West Virginia? It's not as if DEP officials live on another planet, with different air and water. This is their and their kids' environment, too. Why would they pollute their own kids' water? It simply never has and never will make sense to me. The agents of the DEP are supposed to protect the environment and this, in turn, protects our lives, but in West Virginia we are told that it's a permitting agency.

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



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

**I have recently been opposing a permit in Buffalo Creek.** The DEP is allowing a permit renewal for a Buffalo Creek prep plant and an impoundment pond. This is a new low for DEP and the coal companies. The people of Buffalo Creek were traumatized in 1972, when one of these crazy coal experiments went very wrong. When Buffalo Creek was failing, the agencies were telling the people of Buffalo Creek that everything was okay, just as they are today. Let's hope this time that they get it right and don't kill 125 people and leave 4,000 people homeless.

The DEP's failures are making history. They have failed to protect citizens in order to protect the mining company's right to mine coal in our communities. The DEP refuses to recognize the science that shows that MTR is killing us. Let's call this what it is: the DEP is allowing this mining at any costs.

When one of the DEP agents asked me why OVEC would want to trap the people of Twilight in that terrible place by purchasing land there, I was so shocked I could barely respond. Trap?! The DEP permitted Twilight to become the war zone it is today. I couldn't believe they had admitted the truth. They know that the processes of appealing these permits and going on these site visits and learning all the ins and outs of the permits is far above the average citizen's head.

DEP has allowed our cemeteries to be destroyed, while we risk our lives on what they called an access road. We've done everything possible to stop them from destroying the places that are so dear to us, and now they are horrible places to go. The DEP knows that it is all in vain. The DEP must, by law, give us the opportunity to appeal permits, but that doesn't mean they will deny any permits. Although we might think the WV DEP is a *protecting* agency, DEP officials have told us they consider DEP a *permitting* agency. If this is the case, then coal companies, instead of West Virginia taxpayers, should be paying DEP employees' salaries. 🍌



Hey DEP, kids need clean water!



## Why We Need Election Reforms

We see the DEP is a highly politicized agency. There are plenty of good folks in the agency, working there because they want to protect human health and the environment. But the DEP secretary is appointed by the governor and historically the governor is a puppet of ole King Coal. Politicians lower down the chain also like to meddle in DEP's business, by keeping DEP underfunded and by writing regulations that favor the polluters who donate the most to political campaigns. Hence the need for election reforms for which OVEC continues to work by leading WV Citizens for Clean Elections.

A July 20 *Charleston Gazette* column titled "Why people don't run for office" underscores the need for our Clean Elections campaign here in West Virginia.

Statehouse beat reporter Phil Kabler asks, "Why is it so hard to find good candidates for U.S. Senate and congressional seats? ... Actually, the question is worded wrong. The question should be, in this current political atmosphere, "Why would anyone in their right mind want to put themselves through a congressional campaign?"

Kabler says that, post *Citizens United*, you will be outspent by opposition party committees from the other side, and you will be "subject to endless attack ads from any number of independent expenditure organizations" and intense scrutiny of your life history "by political operatives looking for the smallest missteps to turn into attack-ad fodder."

Kabler adds, "On top of that, if you go through the entire costly, demoralizing process and win, your reward is membership in the most hostile, dysfunctional Congress in memory." 🍌



## Picnic Pundits: Why Join OVEC

We asked folks attending our summer picnic to let us know why they joined OVEC and why others should join. Here are some of their responses. If you'd like to share your answers to those questions, contact Vivian at [vivian@ohvec.org](mailto:vivian@ohvec.org) or 304-522-0246. Check [ohvec.org](http://ohvec.org)'s blog for more picnic punditry.

**Why I joined OVEC:** Because I love nature.

**Why I joined OVEC:** Gets results. **Why others should join:** Grassroots organizing at its best. Website constantly updated. Meet people from different walks of life.

**Why I joined OVEC:** Save the mountains; clean drinking water for children. **Why others should join:** Clean drinking water for children; Save the most beautiful state on God's Earth.

**Why I joined OVEC:** Love of the environment; hate for MTR. **Why others should join:** See above!

**Why I joined OVEC:** I was appreciative of how effective OVEC had been in stopping the pulp mill and then in taking on MTR. **Why others should join:** We continue to need organized, effective voices to protect our resources.

**Why I joined OVEC:** I loved the message and was happy to know someone was organizing around environmental and political issues. **Why others should join:** There's power in numbers.

**Why I joined OVEC:** I was impressed *anybody* would take on Ashland Oil. And then they went on to take on coal operators and mountaintop removal. They had creative leaders, Janet Keating and Dianne Bady, and thought up things like the postcards that told people what the smell would be like downwind from a pulp mill. I loved it!

**Why others should join:** We need a large support group protesting, writing letters and making the somnambulant public aware of what's going down — especially considering the coming fight over fracking the state to death. Will we *never* learn?

**Why I joined OVEC:** Because we need to work to make our environment better. Need to save the mountains we have left. **Why others should join:** The more people that will work together to help the environment, the better.

**Why I joined OVEC:** I joined to support your efforts and to be plugged in to your communication network. I depend upon your information, updates and education. Thanks. **Why others should join:** Your efforts are important to our area and its future. So others should support you and plug into your communication network.

**Why I joined OVEC:** I joined to be part of a movement for social and environmental justice, to work with people of like-minds, in an effort to better this world in which we live. **Why others should join:** Others should join because it will help empower our communities.