



Huntington, WV

Winds of Change

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OVEC

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Landmark Court Ruling:

High Conductivity from MTR Mines Hurts Streams

A landmark June decision of the U.S. District Court for the Southern District of West Virginia found that high conductivity from mountaintop removal mines owned by Alex Energy and Elk Run Coal Company violates key clean-water protections.

This is the first-ever court decision to find that high conductivity discharges from mountaintop removal mines are damaging the life in streams. Our lawsuit successfully argued that runoff from four mines in Boone and Nicholas counties has contaminated water in Laurel Creek and Robinson Fork with sulfate and other dissolved solids that make those waterways toxic to aquatic life.

This suit was brought by OVEC, Sierra Club and WV Highlands Conservancy. We were ably represented by Derek Teaney, Joe Lovett and Mike Becher of Appalachian Mountain Advocates and Jim Hecker of Public Justice.

The federal court underscored the damage that surface coal mines are causing to West Virginia streams, observing in its decision that, "Losing diversity in aquatic life, as sensitive species are extirpated and only pollution-tolerant species survive, is akin to the canary in a coal mine. These West



Where there's a MTR mine, there's likely stream-harming high conductivity.

Virginia streams . . . were once thriving aquatic ecosystems."

The court found that there are significant levels of conductivity downstream from mines owned by Elk Run Coal and Alex Energy. The court also found that mining activities cause this high conductivity and that **conductivity in streams below these mines can be as much as 10 times above safe levels for local aquatic life.** Compliance with narrative water standards is typically determined by taking field measurements of the number and diversity of aquatic life in the stream, rather than by measuring only the amount of chemicals in the discharged water. The streams that

receive the mine discharges at issue in this case show significant damage to aquatic life compared to that in unpolluted streams.

"This problem is endemic to coal mines throughout Appalachia that use huge valley fills to dispose of their mining waste," said Jim Hecker, co-counsel in the case and Environmental Enforcement Director at Public Justice, based in Washington, D.C. "This decision will force mining companies to internalize the enormous treatment costs that they are

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This issue of *Winds of Change* is dedicated to the memory of Dan Kash

Energy Policies for Equal Rights and Justice

Remarks by Reverend Rose Edington, chair of OVEC's Board of Directors, at the July 17 NAACP press conference. See related story on page 14.

This is an especially inspiring day, because of the release of the West Virginia chapter of the NAACP's report on its National Environmental and Climate Justice Program. It is exciting and encouraging hearing that environmental justice is a civil rights issue — that while we constantly deal with prior struggles of various “isms,” the ongoing continuum of liberation also embraces relieving the impact of environmental oppression.

What could be more profoundly and simply said than that environmental justice is a civil rights issue? Having clean air to breathe, clean water to drink, unpolluted land for growing food and clean, sustainable energy are all necessary to our lives, and therefore, they are civil rights — among the equal rights belonging to all citizens.

I have long-time involvement in antiracism/anti-oppression work and in environmental justice. Like others involved in both, sometimes I've felt pulled between the two. It sounds a bit strange to admit this, but back in the 1980s and 1990s, some of us would debate about what work was more important — saving the earth so all people will be able to live on it or saving lives by eliminating racism and oppression.

Pitting those questions against each other sounds almost laughable now, but some of us in the environmental movement really had to learn to be guided by the reality that we are all connected.

There is still some elitism in the environmental movement, some classism, some racism. We have to constantly work on our own awareness, while also working on the big picture of civil rights for all. It has always bothered me that going green, buying organic products and finding non-GMO food is so much easier for wealthier people than it is for the rest of us.

In the past few years, community and home gardens, with people growing more of their own food, are helping even out the healthy food disparities. Some of us are remembering and relearning how to

can our food like our grandparents did.

Every struggle for civil rights has the example of the NAACP (National Association for the Advancement of Colored People), the SCLC (Southern Christian Leadership Conference) and great coalitions — the marches on Washington furthering the passage of the Civil Rights Act — to show that we, the people, can make enormous changes.

One thing that all struggles for increased civil rights have — whether it be against racism, sexism, hetero-sexism, economic and environmental injustice — is the commitment of ordinary citizens to come together to make change, to create justice.

One of the reasons I am involved with OVEC, which helped make this press conference possible, is OVEC's commitment to justice and its staff and volunteers who live out that commitment, daily, through their work and activism.

When I think of the NAACP and of OVEC, the qualities that come to mind are integrity, honesty, commitment to diversity, respect for all people. We know we can work well together — we already have. Remember the Moral March to the WV American Water Company, tailored after the Moral Monday Marches in North Carolina? OVEC and WV NAACP helped make that happen.

Today, the release of the NAACP “Report on Just Energy Policies: Reducing Pollution and Creating Jobs,” tailored for each state, provides a wonderful opportunity for further mutual reinforcement of the environmental justice work so desperately needed in our state.

When there is clean water, air and land, we the people — and indeed all life — have the opportunity to flourish. Nationally, there are now as many people employed in the solar industry as there are in the coal industry. Isn't that wonderful? It will be even more wonderful when we have at least 30,000 people employed by the solar industry in West Virginia. Or, as the NAACP report calls for — a combination of



solar, wind and geothermal energy industries. This state could be a national leader in sustainable energy. We have as much sun as Germany, known as the cloudiest European nation but still able to embrace solar power as well as wind. Our hills have plenty of wind, and, in the ground, discounting coal and gas, WV has enough geothermal energy to more than meet all our energy needs.

Diversifying our energy sources so that they become clean and sustainable is not only practical economically, but it also helps address climate change. So, some folks don't believe in climate change? I would hope they believe in having healthy people. With or without the climate change issues, clean, sustainable energy is certainly a goal worth having. Imagine the decrease in asthma, in birth defects, in various cancers, and imagine not having to fear polluted or poisoned water because we've created new, clean energy jobs and our energy policies sustain life.

How wonderful, that our goals intersect. That we can work together for a more just world. May OVEC and WV NAACP draw inspiration from one another as we seek to create a truly almost-heaven West Virginia. 🍓



In July, OVEC's staff met for two and a half days of intensive meetings. Then, they hugged a massive tree. Crystal Good snapped this shot: Peeping out from the back row, left to right: Dan Taylor, Vivian Stockman and Robin Blakeman. Front row: Maryanne Graham, Dianne Bady, Maria Gunnoe, Dustin White, Janet Keating, Tonya Adkins.

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



In July, OVEC's board of directors met for a weekend of intensive work in the beautiful setting of Hawks Nest State Park. In top photo, by Janet Keating, visible, left to right: Marty Amerikaner, Mike Sullivan, Rose Edington, Pam Nixon, Karen Scalf, Diane Wellman, Lauren Kemp and Danny Cook. In bottom photo by Danny Cook, left to right: Alfreda Barringer, who is a RoadMap consultant helping with board development, Judy Whitley, Lauren Kemp, Karen Scalf, Pam Nixon, Rose Edington, Diane Wellman, Marty Amerikaner, Mike Sullivan.

Save Kanawha State Forest!

On May 5, the WV Department of Environmental Protection issued a surface mining permit, KD#2, allowing Keystone Industries to blast off more than 400 acres of forested mountaintop near the Kanawha State Forest, which is a heavily visited recreational and ecological jewel just outside Charleston, WV.

Not long after the permit was issued, people began noticing signs warning of surface-mine-related blasting posted at trailheads along Range Road and at the shooting range in the forest. The DEP has given Keystone the authority to restrict access to sections of the park nearest the surface mining operation during blasting times. It is unclear how the company intends to ensure that all persons in the park within the blasting area have been cleared out.

For people's safety and assorted other reasons, the Kanawha Forest Coalition (KFC, a handful of members pictured in right column) is working to have the permit revoked. Members include residents of Loudendale, Mt. Alpha, South Hills, Kanawha City, East End, West Side and other neighborhoods and towns in the region, OVEC, Keeper of the Mountains Foundation, Coal River Mountain Watch, The Sierra Club, WV C.A.R.E. Campaign (Citizen Action for Real Enforcement) and individual members of the Kanawha Forest Foundation, the Kanawha Trail Club and the Sustainable Business Council.

OVEC organizer Dustin White had heard from people who said they wanted to see what was going on with the permit, so, on June 16, SouthWings took White and OVEC's Vivian Stockman and intern Michael Cook (on his first day at OVEC!) on an aerial photography tour. White oriented everyone and made certain they were over the correct mountain range while Stockman snapped shots.

A couple of weeks later, Coal River Mountain Watch's Rob Goodwin was looking at the shots and realized there was a violation of surface mining law visible in a recently logged part of the permit. On behalf of KFC, Rob drafted a formal citizens' complaint to submit to DEP and the federal Office of Surface Mining Reclamation and Enforcement (OSM). The DEP had apparently noticed the violation itself, a few days before we sent the complaint.

On July 15, the WVDEP issued an imminent harm cessation order on the KD#2 mine due to significant drainage and sediment control structure violations directly upstream of Loudendale and Kanawha State Forest. Operations have since resumed.

KFC's Chad Cordell told the *Charleston Gazette* that Keystone has had compliance problems at its other



operations and that, "We can expect more of the same until the WVDEP revokes this permit and stops allowing reckless coal companies to endanger our community, our health and our state forest."

Meanwhile, on July 8, KFC had hosted a community meeting attended by more than 200 people.

About one month later, more than 4,000 people had signed a petition calling on WV Governor Tomblin to revoke the KD#2 permit.

KFC held a rally August 7 on the WV Capitol Steps, organized and/or assisted by Cordell, White, RAMPS (Radical Action for Mountains' and People's Survival) by Becky Park, Kathie Giltinan, Rita Ray, Conni Gratop Lewis, Rose Namay and many others. The next day, KFC formally delivered the petitions to a representative of the governor. There will be more visits to the governor, as the petition drive is ongoing. You can sign online at: <https://tinyurl.com/kd2petition>.

Those signing the petitions are insisting that the permit be revoked because of the potential damage to nearby communities and to the ecology of the 9,300-acre Kanawha State Forest. The permit allows Keystone to use explosives to mine within 588 feet of the forest and to restrict public access to roads, trails and the shooting range within the forest for the next 10 years. In addition, the company will be blasting within 1,500 feet of people's homes in the community of Loudendale.

Daile Boulis is a resident of Loudendale, and her home, located within 1,500 feet of the blasting, is one of six on Middlelick Branch dependent on well water. She said, "It's difficult. We've seen what mountaintop removal does to well water and communities. We've lost homes and businesses to floods. This company has a history of violations and has already been in violation on this mine. We're scared."

In addition, KFC asserts that the DEP improperly issued the KD#2 permit without the approval of the State Historic Preservation office as required by state law.

White is helping with organizing efforts and Stockman recently conducted a couple of media trainings for members of KFC. To learn more or get involved, give us a shout at 304-522-0246. 🍌

Loudendale Resident Active in Work to Stop KD#2

by Daile Boulis

I have been quite busy in my fight against the Keystone Development #2 Surface Mine. In May, the WV DEP approved the permit for Keystone Industries / Revelation Energy's 414-acre surface mine that will be adjacent to the Kanawha State Forest and fewer than 2,000 feet from my home. On Thursday, August 7, my wife Tammy Dyer and I attended a rally on the capitol steps, urging Governor Tomblin to rescind



Daile Boulis, between Dreama Walker (left) and Tammy Dyer (right), at an August 7 rally asking Governor Tomblin to rescind the KD#2 permit near Kanawha State Forest.

the permit. Several hundred people attended, and the rally received a fair amount of media response. I spoke on behalf of the residents that will be affected by the Keystone Development #2 mine. I was so nervous that I don't know what I said. The next day we delivered more than 4,000 signatures to the governor's office. Again the media attended. Tammy and I finished the day by attending OVEC's annual picnic.

These events and the people involved made me feel positive, hopeful and personally powerful.

Then, on August 11, I went to a hearing at the Department of Environmental Protection regarding this permit. This was not my first hearing on KD#2, and I was better prepared this time for my anger and frustration. I knew that the DEP attorney would roll his eyes and be disrespectful. I knew that the Keystone attorneys would be arrogant and dismissive of human life. I knew that the Surface Mine Board would give the impression that they were objective, while finding for the mining company every time.

One expert for our appeal, Doug Wood, a biologist and former water quality inspector for both the WV Department of Natural Resources and DEP, was expressing concerns about mine run-off and the effects it could have on aquatic and terrestrial life. An attorney for Keystone, Ralph Hoyer, said, "And some flies might die, none of them would be on the endangered species list, would they?"

The arrogance demonstrated by Keystone's attorney in the above quote was minor compared to the repeated comments he made in asides about being done with "these people." Kanawha State Forest might not be affected by pollution in Kanawha Fork but we would be! Our ground and well water will be. When my father-in-law, Fred Thomas, made this point from the witness stand the attorney for Keystone snidely said, "You don't

know that." Fred responded with, "Prove to me it won't. You can't."

Kanawha Fork is the creek that runs in front of our home where it joins up with Davis Creek at the entrance to Kanawha State Forest, and then runs through Loudendale, WV. Approximately 2,300 homes are potentially affected by water polluted by mine run-off and at risk from mine-related flooding.

But then, from what I've seen of Hoyer, we're probably less significant than the flies he mentioned.

Our attorneys tried to get clarification on the \$700,000 (10 cents per ton of coal mined) the Keystone / Revelation will pay to the WV Department of Natural Resources, which "owns" the Kanawha State Forest. The CEO of Revelation Energy said it was a way to give back to the community for the "temporary inconvenience." His attorneys repeatedly called it a "settlement" and a "done deal" that they would not discuss. First of all, 10 years is not "temporary." Second, no matter what you call it, the "settlement" sounds more like the Department of Natural Resources signed off on the permit because they were paid off to do so.

The mine has had three violations since the permit was signed in May. The precursor to this mine, Keystone Development #1, has had a history of being in violation that already seems to be repeating itself at Keystone Development #2, which has been cited for at least three violations that we know of, resulting in cease-work orders.

WV Governor Earl Ray Tomblin has the authority to rescind the permit, or, at the very least, place the entire permit on hold until a full review can be done. To ignore us and not respond in any way makes his alliance clear. He does not represent the people of West Virginia. He represents the corporations.

The time I spent at the hearing was not a complete waste. Because I am often overwhelmed by the desire to burst out at these hearings and it's important to keep my mouth shut and my hands busy, this time I brought my sanity with me in the form of crochet. I may get a lot of gifts made this way.

Daile Boulis is a new OVEC member and a resident of Middlelick Branch in Loudendale, WV, near the proposed KD#2 Surface Mine. 🍷



We Take Action to Protect WV Waterways from More Illegal Pollution: AEP Must Clean Up

Here and facing page: John Amos Power Plant and associated coal ash “ponds.”

by Dianne Bady

On August 1, American Electric Power (AEP) settled our lawsuit regarding water pollution from three of the company’s coal-fired power plants in West Virginia. The John Amos, Kammer and Mitchell plants are repeatedly and illegally discharging pollution into local rivers and streams in excess of legal and safe limits. The groups who brought the suit are OVEC, WV Rivers Coalition, WV Highlands Conservancy and Sierra Club.

Our groups originally served legal notice on AEP in November 2013 for Clean Water Act violations of selenium, mercury and other dangerous metals known to harm aquatic life and degrade water quality. We also argued that the DEP must use the permitting process, which allows public notice and comment, to change water permits. For many years, DEP allowed AEP power plants to continue illegally polluting West Virginia streams by granting new permits via “agreed orders” which allowed the illegal pollution to continue but set new deadlines for compliance. However, when those new deadlines were not met, DEP responded by once again issuing a new agreed order with still another new deadline that was then ignored. It took our collective citizens’ lawsuit to stop this deadly pattern.

The John Amos plant will be required to reduce water pollution to legal levels by June 30, 2015. (The process of converting from wet ash storage to less risky dry ash storage is already underway there.) This huge power plant is located in Putnam County, WV,

and discharges into the Kanawha River and two of its tributaries, Little Scary Creek and Bills Creek.

The Mitchell plant in Moundsville, WV, must convert its wet coal ash pond to a less-polluting dry ash containment facility. The Kammer plant, also in Moundsville, was already tentatively slated for retirement, but now as a condition of our settlement will be required to shut down on December 31, 2015. Because of evidence of harm to nearby aquatic life, both the Mitchell and Kammer plants must study aquatic life near their coal ash disposal ponds. In total, AEP will be required to pay nearly \$100,000 in fines, penalties and fees.

According to required self-reporting to the DEP, the John Amos facility violated water pollution limits at least 870 times between June 1, 2008 and September 30, 2013. During the same period, the Mitchell plant reported at least 1,211 violations and the Kammer plant 157.

We hope that the new technologies required for lowering the discharges of mercury and other toxic heavy metals work as planned to bring the water pollution down to legal limits at these power plants. However, there is no getting around the significant, even if legal, levels of pollution coming from mammoth coal-fired power plants. Moving toward more energy efficiency and clean energy production is really the only way to make our air and water as safe as they need to be. We only need to remember the fish mercury advisories so prevalent for West Virginia



steams to be reminded of the impact that coal-fired power plants have already had.

According to OVEC board member Lauren Kemp, “Clean water is essential; without it life in a broad sense is not possible. This settlement puts these continued efforts to avoid compliance with the Clean Water Act on the record. The Huntington water supply is taken out of the Ohio River just north of the city. It could easily be affected by a number of pollution discharges or spill accidents on the scale of the Kanawha Valley Water Crisis.”

AEP, along with Appalachian Power and its other subsidiaries, is one of the largest electric utilities in the country and delivers electricity to more than 5 million customers in 11 states. AEP ranks among the nation’s largest generators of electricity, owning nearly 38,000 megawatts of generating capacity in the U.S. AEP also owns the nation’s largest electricity transmission system, a nearly 39,000-mile network that includes more 765 kilovolt extra-high voltage transmission lines than all other U.S. transmission systems combined.

We were represented in this litigation by Michael Becher of Appalachian Mountain Advocates of Lewisburg, WV, and Richard Webster of Public Justice in Washington, D.C. 🍌

According to the EPA, 72 percent of all toxic water pollution in the country comes from coal-fired power plants, making coal plants the number-one source of toxic water pollution in the U.S. Four out of five coal plants in the U.S. have no limits on the amount of toxics they are allowed to dump into our water. Coal plants across the country dump millions of tons of toxic heavy metals — including arsenic, selenium, boron, cadmium, mercury and lead — into our waterways, polluting our drinking water, fishing areas, rivers and streams. Research has shown that exposure to these dangerous chemicals can lead to birth defects, cancer and even death — meaning that limiting these pollutants will not only clean up our water, but will also save lives.

Landmark Court Ruling

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currently avoiding and imposing on the public. In an earlier West Virginia case that was settled, a mining company estimated that the cost to construct a treatment system to remove conductivity from a 1,000-gallon-per-minute flow of wastewater is over \$18 million.”

The EPA has estimated that 9 out of 10 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.

“As the court recognized in its decision, the West Virginia Department of Environmental Protection is not enforcing its own narrative standards against mountaintop removal coal mines,” said OVEC’s Vivian Stockman. “Unfortunately, that means it’s up to citizens like us to enforce the law and protect our precious streams. Ultimately, protecting streams is not just for aquatic life, it is for us.”

The next step in the case will be to determine the appropriate remedies for these permit violations, in the form of civil penalties and injunctive relief to clean up the streams. 🍌



According to the EPA, “Conductivity is a measure of the ability of water to pass an electrical current. Conductivity in water is affected by the presence of inorganic dissolved solids such as chloride and sulfate anions (ions that carry a negative charge) or iron and aluminum cations (ions that carry a positive charge).”
In April 2010, Ken Ward, Jr., reported in his Coal Tattoo blog, “Based on (a) study, EPA now says that it believes any mining proposals with predicted conductivity levels of 300 (microsiemens per centimeter) or below are generally okay, while anything above 500 is considered by EPA ‘to be associated with impacts that may rise to the level of exceedances of narrative state water quality standards.’”
When OVEC staffers and volunteers check streams near valley fills with conductivity pens (pictured above), we routinely find readings well over 500, often over 1,500. The reading above is 1,870. The water came from a Boone County stream receiving runoff from the massive Twilight surface mining complex.
Photo above by Maria Gunnoe.

Federal Court, Politicians and Too Few Fish

by Dianne Bady

As I write this in August, eight months after a major coal chemical leak into the state's largest public water supply, it is outrageous to see West Virginia's politicians continue to argue for the "rights" of the mountaintop removal industry to contaminate the state's waters.

In June, we won a court victory over conductivity pollution that is destroying aquatic life (see story on page 1). In July, state politicians blasted a Washington, D.C., federal Appeals Court decision that upheld the EPA's ability to protect communities and streams from conductivity pollution caused by mountaintop removal mining.

Following this D.C. Court decision aimed at enforcing EPA's legal authority to protect clean water, Governor Tomblin was quoted as complaining that this initiative "could create an endless regulatory loop that adversely affects the ability to issue permits. We, in consultation with the other litigants, will continue to explore our legal options after additional review of the ruling."

In other words, it is more important that mountaintop removal companies be able to do what they want with our water than for West Virginia to have clean water for fish survival and human needs.

Congressman Nick Rahall stated, "Today's decision is not the end of the debate; Congress will have something to say."

These comments are especially galling when one considers a study by the United States Geological Survey (USGS), *Temporal changes in taxonomic and functional diversity of fish assemblages downstream from mountaintop mining*, published in June, which found that streams impacted by mountaintop removal can have fewer than half as many fish species and a third as many total fish as other area waterways. (I suspect that water that won't support healthy fish populations isn't much good for people, either.)

The USGS used data covering several time periods to examine West Virginia's Guyandotte River basin. They found persistent changes in fish diversity and numbers associated with water quality degradation caused by mountaintop removal, and they found no evidence that fish populations recovered over time.



Nathaniel Hitt, a USGS research fish biologist and lead author of the paper, said, "The Appalachian Mountains are a global hotspot for freshwater fish diversity. Our paper provides some of the first peer-reviewed

research to understand how fish communities respond to mountaintop mining in these biologically diverse headwater streams."

Going back to the D.C. federal court decision mentioned previously, the state of West Virginia joined with these other litigants to challenge EPA's authority: the commonwealth of Kentucky, the National Mining Association and other mining groups. OVEC and a large coalition of citizen groups successfully sided with the EPA to support two initiatives:

1. Guidance the EPA provided to its staff on the need to address evidence of serious harm caused by mountaintop removal mining and to follow the Clean Water Act; and
2. Interagency review of the worst-of-the-worst pending permit applications.

We appreciate the hard work of attorneys at Earthjustice, based in Washington, D.C., and Appalachian Mountain Advocates on our behalf.

According to Vernon Haltom of Coal River Mountain Watch, "This is a good ruling that allows EPA to do its job, but it does not mean that failed state agencies such as the DEP will suddenly start to do their jobs or that they will stop granting mountaintop removal permits. We need to address the deadly human health impacts of mountaintop removal and halt new permits by passing (in Congress) the Appalachian Communities Health Emergency Act (ACHE) HR 526."

More than 20 peer-reviewed studies link mountaintop removal with significantly increased risk of cancer; heart, lung and kidney disease; birth defects and premature death, even after adjusting for other risk factors. One study shows that Appalachian residents of counties with surface coal mining are 63% more likely to experience certain birth defects. Another finds that cancer cases are clustered in areas with the most coal mining. 🍌

Old MTR Mine Site Still Discharging Toxic Selenium

WV Working to Change Selenium Reg

by Dianne Bady

In June, corporate landowner Hernshaw Partners, LLC, agreed in a settlement to apply for a Clean Water Act permit for its ongoing pollution from a valley fill on its property in Mingo County, WV. The federal district court approved the settlement in August.

The property is the site of a completed mountaintop removal mine that had all of its permits released by the DEP by the end of 1997. When a permit is released, the regulator is supposed to determine whether any discharges are still ongoing, and, if there are no longer any illegal discharges, the company then no longer has to report its pollution or make sure its discharges stay within permit limits.

Despite the permit release, recent monitoring by citizens showed that water flowing from the valley fill was still discharging the toxic pollutant selenium at levels that exceed federal and state water quality standards. The groups that brought the citizen enforcement suit and entered into the settlement agreement are OVEC, Sierra Club, and WV Highlands Conservancy.

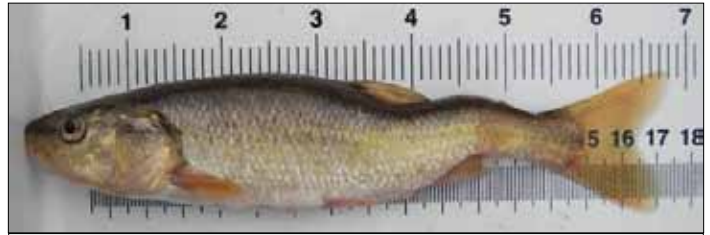
Under the terms of the federal court approved agreement, Hernshaw is required to initiate twice-monthly sampling for selenium within 30 days and to apply for a Clean Water Act discharge permit for its selenium discharges within 60 days to the DEP. If new sampling data shows continuing exceedances of the water quality standard, further action can be taken.

Unfortunately, this isn't the only site in Appalachia where former surface coal mines are still polluting our streams and rivers.

Selenium pollution is extremely expensive to treat. Our groups, working together with attorneys at Appalachian Mountain Advocates, have won or successfully settled a number of selenium cases against mountaintop removal mines in WV, requiring that companies spend tens of millions of dollars to bring selenium discharges to legal levels.

Sadly, the coal-industry friendly government of WV continues to work to encourage *more* mountaintop removal. **The DEP is currently working toward changing the state's selenium standards and also changing the methods of testing for selenium contamination. The law to make that happen was passed virtually unanimously by the WV state legislature a couple of years ago.**

One likely change is that citizens will no longer



*Selenium poisoning deformed the spine of this Mud River fish.
Photo: USGS.*

be able to demonstrate selenium violations by actually testing the water in streams. Instead, violations will be determined by agency staff who catch fish (*if* they bother to look and *if* they can find any fish; see related story on page 8) and measure the selenium concentrations in certain tissues of the fish. (Clearly, the old way of regulating selenium was far too burdensome on the mountaintop removal industry.)

Surface coal mining is one of the leading sources of selenium contamination of streams and rivers. Layers of earth containing high levels of selenium are disturbed, and this material is placed directly into streams in the form of valley fills. Precipitation and stream water flow through the valley fills, releasing selenium into aquatic ecosystems.

Because selenium builds up in living organisms over time, even small concentrations of the pollutant in the environment can increase dramatically in the tissue of fish and wildlife. Fish and birds are poisoned by eating selenium-laden food, including contaminated insects, fish or vegetation. In addition, selenium can cause reproductive problems as it is passed from parents to offspring in eggs. In fish, ingestion of toxic amounts of selenium can cause birth defects, damage to gills and internal organs and total reproductive failure.

It's unfortunate that WV's new selenium water testing methods will likely rely on finding and testing fish, rather than allowing day-to-day acute water testing in the actual streams to continue to serve as the common-sense way to detect too much selenium. 🍄

Alpha Natural Resources has announced that it is considering idling 11 surface mines in West Virginia. None of their underground mines is subject to this warning, which is necessary to give workers advance notice of potential job losses. We wonder whether our many successful lawsuits and settlements, which have forced mountaintop removal mines to pay steep costs to control illegal selenium pollution, have made it less economically feasible for MTR to continue. Selenium is not generally a problem at underground mines.

Now Hear This: Climate Action Now

In July, like many West Virginians, OVEC member Paula Swearingen found herself thinking about the impact on her family and state of a rule proposed by the Obama administration aimed at reducing carbon dioxide emissions from coal-fired power plants.

Swearingen, a mother of four boys aged 21, 18, 16 and 12, was so worried about the EPA's Clean Power Plan proposal that she carpooled with OVEC's Dustin

White and Coal River Mountain Watch's Vernon Haltom to Pittsburgh, PA, to speak at one of four field hearings on the rule. In late July and early August, EPA hosted hearings on the proposal in Denver, CO; Atlanta, GA; Washington, D.C., as well as in Pittsburgh.

"I'm worried the rest of America won't know that there are many people in coal-mining communities who support the EPA's regulatory authority to protect human health, yet we see this rule as only a starting point. We need it to go further, faster, for the sake of our children. Those of us living in the shadow of mountaintop removal coal mining operations are living on one of the front-ends of climate change, and it's already killing off communities," Swearingen said.

To make certain our point of view would be heard, in the months leading up to the hearings, OVEC worked with a few other groups who are members of the nationwide American Clean Energy Agenda (ACEA) coalition to organize delegations to send to Denver and Pittsburgh.

Fortunately, Michael Cook, a graduate student in the Department of Politics and International Affairs at Northern Arizona University, was interning with OVEC over the summer, in the midst of working on his doctoral thesis titled *The Political Economy of Mountaintop Removal Mining in West Virginia: Hegemony and Resistance*. He probably didn't get much work done on that, as we kept him busy with the logistics of getting a passel of folks to attend the hearings.

The groups in the ACEA network are working to end the nation's current "business-as-usual" energy trajectory. The citizen groups work in their own communities to address health and environmental issues stemming from coal mining, frac sand mining, gas fracking drilling and waste disposal operations, nuclear power and industrial-scale biomass. They are united in pushing for wide-spread, rapid adoption of localized renewable energy projects as the key to protecting the health and safety of their local communities.

"By citing the impact of smokestack emissions on public health, the EPA is highlighting the so-called



In Denver for the EPA hearing, left to right: Robin Blakeman, Chuck Nelson, Marshall Johnson, Stanley Sturgill.

'externalities' of fossil fuels, nuclear power and industrial-scale biomass. However, these costs are far more extensive when calculated at each of the stages of the fuel cycles of coal, natural gas and nuclear power. This rule should be the beginning of an EPA assessment of the entire fuel cycle, from drilling and mining, transportation, waste management, as well as the harms from smokestack emissions," says Janet

Keating, OVEC's executive director.

In Pittsburgh, White, Haltom and Swearingen spoke at the hearing. Swearingen also spoke at a noon Climate Action Now rally. Her grandfather and father were both miners, one lost to black lung disease, the other to cancer. "I'm tired of burying family members for this industry," she said. "The nation's energy plan is flawed. It's powered by my family's blood, and it's past time we stand up for a better energy future."

To the hearings in Denver, OVEC sent OVEC volunteer and retired deep miner Chuck Nelson; Marshall Johnson, a member of the To Nizhoni Ani grassroots organization, based in northeast Arizona on the Navajo (Dine) Reservation; OVEC organizer Robin Blakeman, Stanley Sturgill, a former underground coal miner with Kentuckians For The Commonwealth and Martha Doyle, a social worker and teacher at Mercy Medical Center in Des Moines, IA. They were joined by ACEA network members from Wisconsin who are working on frac sand mining issues.

The Associated Press reported on Sturgill's comments in articles that appeared in newspapers nationwide:

Retired coal miner Stanley Sturgill of Harlan County, Kentucky, traveled to Denver to tell the EPA that coal-fired plants are crippling his health and the public's. He suffers from black lung and other respiratory diseases, Sturgill said.

"The rule does not do nearly enough to protect the health of the front-line communities," he said. "We're dying, literally dying, for you to help us."

Make sure your voice is heard! Written comments on the Clean Power Plan proposed rule must be received by October 16. Learn more and comment online: <http://1.usa.gov/1hT77AX>. To help with your comments, see the ACEA factsheet: <http://bit.ly/1sOijoA>. 🍌

By the middle of this century, the average American will likely see 27 to 50 days over 95°F each year—two to more than three times the average annual number of 95°F days we've seen over the past 30 years. By the end of this century, this number will likely reach 45 to 96 days over 95°F each year on average.

- RiskyBusiness.org/report



Statement to EPA from Dr. Hendryx

My name is Michael Hendryx. I am a professor in the School of Public Health at Indiana University, Bloomington. I would like to thank the EPA for recognizing and responding to the issue of climate change, and especially for recognizing the critical contribution that burning coal and other fossil fuels makes to the climate change problem and to poor public health. However, the rule as proposed is incomplete and fails in my view for two interrelated reasons. First, it fails to recognize the public health problem created not only by fossil fuel combustion, but also by the extraction, processing and transportation of fossil fuels. Second, the proposed state-specific emission goals provide insufficient weight to the contributions that renewable fuels must make to reducing climate change and adverse public health impacts.

First, regarding the problem of extraction, processing and transportation: coal, natural gas and other fuels do not simply appear at power plants ready for use. Coal mining is itself a highly polluting industry that uses fossil fuel-based explosives and machinery, destroying landscapes and fouling local air and water. Millions of tons of coal are transported using oil and diesel burning engines in trucks, barges and trains. Coal is processed at local facilities that generate water and air pollution. Over the past eight years, my colleagues and I have published over 25 research papers in peer-reviewed journals that document serious public health problems for people who live near coal mining and processing sites. People in these communities are more likely than those in non-mining communities to suffer from cancer, heart and lung disease, and poor birth outcomes including higher rates of birth defects. We have documented that residential communities near surface coal mining and processing sites have elevated levels of particulate matter in ambient air. The dust collected from these residential areas contains silica, aluminum, molybdenum and other metals, and chemical compounds including polycyclic aromatic hydrocarbons. In one study, we found that levels of ultrafine particulate matter collected from coal mining communities was comparable to that found in large urban

settings. Laboratory studies indicate that the particulate matter causes vascular dysfunction and promotes tumor-like changes in human lung cells.

Second, regarding renewables: The proposed rule includes only modest goals for state-specific renewal energy generation. My state of Indiana, for example, is expected to generate only 7% of its energy from renewables by the year 2029. Arizona, a state with enormous solar energy potential, is expected to generate only 4% from renewables. In contrast, consider that Germany has provided as much as 50% of its country's electricity needs using solar power. In the absence of more ambitious but achievable renewable energy goals, the EPA's proposed rule, deliberately or not, will result in states continuing to rely on coal, burned more efficiently perhaps, and on increased use of natural gas. Burning coal more cleanly does nothing to address the pollution caused by coal mining and the subsequent health problems created in mining communities. Increasing evidence also points to the highly polluting nature of natural gas extraction, especially in the form of hydraulic fracturing. To ignore the contributions to climate change and poor public health caused by fossil fuel extraction of both coal and natural gas is a serious oversight in the proposed rule.

In conclusion, I applaud the EPA's efforts to address the problems caused by our continued overreliance on fossil fuels. I urge the EPA to increase the goals for renewables. I caution the EPA that we cannot simply replace coal with natural gas, or replace coal burned in dirtier plants with that same coal burned in slightly cleaner plants, without considering the climate change and public health costs of the full production cycles of these fuels (extraction, processing, transportation, combustion, and disposal), not simply the costs of their combustion. 🍂

Above, left: smoke and dust fill the air after a mountaintop-removal-related blast on Kayford Mountain, about an hour's drive south of Charleston, WV. Above, right, vapors rise out of stacks at the John Amos coal-fired power plant near Poca, WV.

UMWA Boss Stymies Climate Progress, Associated Jobs

by Dan Taylor

It came as no surprise that United Mine Workers of America (UMWA) boss Cecil Roberts led the charge for union members to protest the proposed EPA carbon emission standards at a public hearing about the regulations on July 31 in Pittsburgh, PA.

Although Roberts did admit in a released statement that global warming is a real phenomenon, his contention that the new rule would have “no significant effect on global greenhouse gas emissions” is absurd. Coal-fired power plants in the U.S. are drivers of climate change as the top producers of CO₂ emissions. In 2011, utility coal plants in the United States emitted a total of 1.7 billion tons of CO₂. A typical coal plant generates 3.5 million tons of CO₂ per year.

Global warming is already adversely affecting communities and economies across the globe. According to a report by the Nobel Peace Prize-winning Intergovernmental Panel on Climate Change, “Throughout the 21st century, climate change impacts will slow down economic growth and poverty reduction, further erode food security and trigger new poverty traps, the latter particularly in urban areas and emerging hotspots of hunger.

“Climate change will exacerbate poverty in low- and lower-middle income countries and create new poverty pockets in upper-middle to high-income countries with increasing inequality.”

Roberts goes on to say that we need a “global solution” to climate change, and that certainly sounds like a great idea. But, why not start here in America and lead the way? Haven’t we already worked on a global solution, the Kyoto Protocol, years ago? This international treaty sets binding obligations on industrialized countries to reduce emissions of greenhouse gases. Unfortunately, the United States, under the leadership of George W. Bush, chose not to sign on to the treaty. Why sabotage a local solution after previously sabotaging a global solution? Climate change is a serious issue and needs action



now. Exporting our coal to other counties does nothing to solve this problem; it only creates more problems and further compounds the threat to our future.

Why don’t we embrace a more sustainable and just future and create new jobs for Appalachia? We can meet the proposed CO₂ emission targets by scaling up our renewable

energy and energy efficiency sectors. In fact, according to a report from 2012 commissioned by the Sierra Club, there is the potential to create at least 19,500 jobs in West Virginia by scaling up our energy efficiency.

If the UMWA is looking for new sectors in which to organize, scaling up renewable energy and efficiency jobs offers a great opportunity for the union. Current and future generations deserve just, sustainable employment — jobs that don’t sacrifice our health and the health of our planet. 🌍

Renewable? It’s Doable!

In June, the International Renewable Energy Agency (IRENA) gave an assessment of renewable energy to a meeting of the United Nations in New York City. IRENA’s study shows that energy from renewable sources could double by 2030 (from about 18 percent now to 36 percent) if governments put in place policies to promote it.

This could be “achieved using today’s technology and globally would have a lower cost than using fossil fuels, because of benefits to health and the environment from cutting pollution,” according to a *Financial Times* news story on IRENA’s study.

Adnan Amin, IRENA’s director-general, told the *Times* that the world was at a “transformational moment” in energy. **“Now it’s a question of political will and how ambitiously governments want to move on this.”** 🌍

Faith Leaders Favor Divestment

OVEC's most direct involvement in the fossil fuel divestment movement has been through Robin Blakeman's attendance at the Presbyterian Church (USA) — or PCUSA — General Assembly, in Detroit, from June 13–20. She worked to pass PCUSA fossil fuel divestment overture in a variety of ways, including:

- organizing a breakfast strategy meeting for the Fossil Free PCUSA (FFPCUSA), group sponsored by OVEC, with a brief pitch for members of FFPCUSA to check out OVEC online and via social media;
- speaking at an open hearing to the Environment and Immigration Committee (which first considered the fossil fuel divestment overture);
- coordinating press releases;
- talking to new contacts for Fossil Free PCUSA, managing our new contact list, and making initial contacts with new people.

Held every other year, the PCUSA General Assembly is a national gathering of elected Presbyterian leaders from all across the country, plus advisory delegates from international, youth, and ecumenical groups, and from theological schools. It is the venue for many major decisions that affect the denomination's policy, theological standards, and procedures.

After 90 minutes of debate on the floor of PCUSA General Assembly, the fossil fuel divestment overture was referred to the denomination's Mission Responsibility Through Investment (MRTI) committee; this group is the socially conscious investment arm of the denomination.

Follow-up plans within FFPCUSA have resulted in a survey going out to new contacts, a letter drafted to MRTI requesting involvement in their decision making process, and a commitment to longer-term grassroots organizing on this issue within the denomination.

The next PCUSA General Assembly will be in Portland, Oregon, in 2016. Blakeman plans to remain involved in the grassroots movement within the

denomination which strives for full divestment from all fossil fuel stock holdings.

The 2014 PCUSA General Assembly affirmed overtures that state disapproval of a large coal shipment facility on the West Coast and endorsement of the Precautionary Principle.

The denomination also affirmed an overture that will divest the denomination's stock holdings from Caterpillar (based on the destruction that their products facilitate in Israel/Palestine). All of these overtures have

implications for our work in WV.

Earlier this summer, Union Theological Seminary

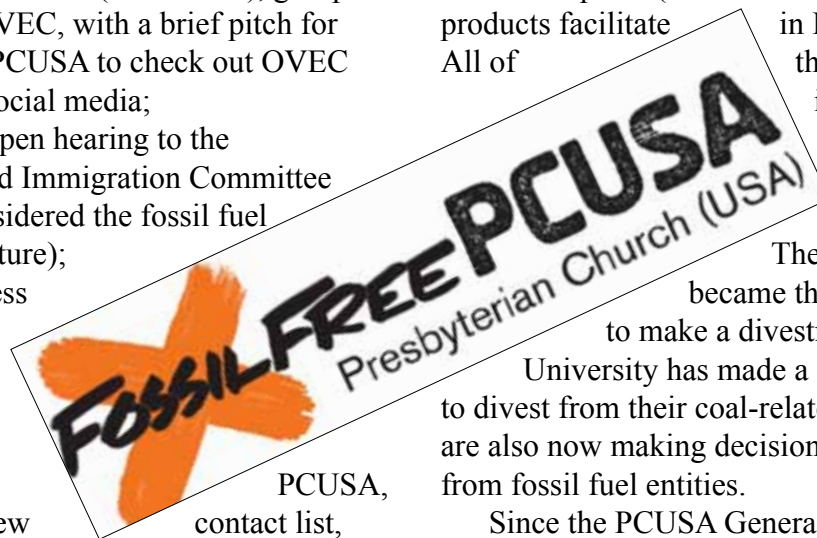
became the world's first seminary to make a divestment decision. Stanford

University has made a significant commitment to divest from their coal-related stocks. Major cities are also now making decisions to divest their stocks from fossil fuel entities.

Since the PCUSA General Assembly, two significant faith-based groups have passed fossil fuel divestment decisions: the World Council of Churches and the Unitarian Universalist Association.

OVEC board member Rose Edington and her husband Mel Hoover were involved in advocating for the UUA Divestment overture and we thank them.

Clearly, the divestment movement is gaining ground; if you are interested in finding out how you can be involved, contact Robin Blakeman at 304-522-0246 or robin@ohvec.org. 🍌



Stay Connected!

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

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 frequently for updates. Check out our extensive background information in the Issues section. Find us on **Facebook and Twitter**. Link up from ohvec.org.



Create Jobs, Reduce Pollution with Just Energy Policies

On July 17, the NAACP West Virginia State Conference held a press conference to discuss the release of its new report, *Just Energy Policies: Reducing Pollution and Creating Jobs — West Virginia Report*, which assesses energy policy in the state of West Virginia through a civil rights lens. The report provides analysis of West Virginia’s energy sector policies based on environmental, human health and economic impacts and lays a path for preserving the wellbeing of the community while creating economic enterprise opportunities.

OVEC helped to organize the press conference, held on the steps of the Culture Center on the State Capitol grounds.

“NAACP’s long-standing commitment to foster a more just world helps to inspire OVEC’s environmental justice work. The policies proposed in this report could help speed the transformation of West Virginia’s energy sector, from its present unjust practices, which heap pollution onto local low-income communities, to one that promotes a healthy and diverse economy, respectful of the environment and all peoples,” says OVEC Executive Director

Janet Keating.

“At a time when there is growing recognition that West Virginia is at the nexus between climate change impacts and the opportunities to forge new safer and cleaner pathways for energy production, the NAACP is compelled to advance a justice- and equity-based analysis of our energy choices and their effects on community wellbeing and the environment on which we all rely for our existence,” says NAACP West Virginia President Sylvia Ridgeway, who spoke at the press conference.

Other speakers included Jacqui Patterson, director of NAACP National Environmental and Climate

Justice Program; Kenneth Hale, president of NAACP’s West Virginia Political Action Chair and Charleston Branch; Reverend Rose Edington, chair of OVEC’s Board of Directors (see her remarks on page 2) and Maya Nye, president of People Concerned About Chemical Safety. 🍌



Above: Charleston NAACP President Kenneth Hale at podium.
Left: Rose Edington, center, and West Virginia State President of the NAACP Sylvia Ridgeway, left, speak with reporters as the press conference winds down.

Just Energy Policies and West Virginia

Excerpt from press conference remarks by Jacqui Patterson, director of NAACP National Environmental and Climate Justice Program

In spite of West Virginia's in-state clean energy potential, in 2010, fossil-fuel-based energy accounted for 96% of the total energy consumed in the state.

Given the nation's historic reliance on and the harmful effects of fossil-fuel-based energy production processes, through our findings we identified production of energy as a clear civil rights issue. We then signaled the need to transition from fossil-fuel-based energy production practices to an aggressive emphasis on energy efficiency and clean energy policies and practices.

An overview of (some of) our findings in West Virginia:

Energy Efficiency Resource Standards

WV does not have energy efficiency standards. Therefore, the state should implement policy action establishing a minimal 2% annual reduction rate of each previous year's electricity sales to improve its 2013 rank of 46th out of 50 states (plus Washington, D.C.) in future energy efficiency rankings by the American Council for an Energy Efficient Economy.

Net Metering Standards

WV has mandatory net metering standards per system and for the entire state. WV mandates a statewide net metering capacity limit of 3% of the previous year's peak demand. The state divides its system capacity limit standards based on whether producers are customers of utilities with more than or fewer than 30,000 customers. Requiring all electric utility companies to provide retail credit for ratepayers with system capacities of up to at least 2,000 kW would help and incentivize individual consumers and small businesses to affordably access clean energy resources.

The NAACP advocates for across the board, statewide goal setting in the transition to greater energy efficiency and use of clean energy with a corresponding increase in incentives.

According to the National Renewable Energy Laboratory, WV has significant rural utility scale solar energy production potential, and the state sits atop several geothermal hotspots that give WV the greatest geothermal energy potential in the eastern United States.

We also have two measures of economic equity that we examined in WV:

Local Hire

There is no Local Hire provision for WV. Establishing a Local Hire Provision that encompasses energy projects would significantly increase the amount of tax dollars reinvested in the local economy and provide local jobs to enable people to work near where they live.

Minority Business Enterprise

WV's Department of Transportation certifies DBEs (disadvantaged business enterprise), including minority businesses and women-owned businesses, for federally assisted DOT projects. The state should set aside funds for DBEs to ensure that disadvantaged businesses access contracting opportunities. Additionally, the state should expand training and establish proactive notifications to alert DBEs to procurements. Finally,

WV must expand the DBE program to include other sectors outside transportation, to include its energy industry.

There is nationwide potential to reduce our energy consumption and thousands of gigawatts of clean energy just waiting to be harnessed, while promoting community economic development, including the creation of good jobs!

We at National NAACP look forward to serving our units and working with all interested partners and allies to make this happen, for the betterment of our communities and the planet. 🍌



Foreground: Jacqui Patterson speaks with a reporter at the conclusion of the Just Energy Policies press conference.

In 2012, the NAACP and its partners, the Indigenous Environmental Network and the Little Village Environmental Justice Organization, released the *Coal Blooded* report, which detailed the harm being wrought on communities of color and low-income communities by the burning of coal. Coal mining, prepping coal for market, burning it to create electricity and "disposing" of coal combustion waste (coal ash) all result in direct human and environmental health impacts, and coal-burning emissions are the main source of greenhouse gases. Adopting the policies in this latest NAACP report could help us in our endeavor to avoid catastrophic climate change.

Salamanders and Casseroles; What Could Be Better?

by Deborah Griffith

On August 8, OVEC members and supporters gathered at a picnic shelter in beautiful Coonskin Park in Charleston, WV, for our annual picnic. Despite a steady rain that fell throughout the evening, about 60 people showed up.

As we feasted on the picnic fixings, Dr. Tom Pauley, an expert on West Virginia's salamanders, treated us to a fascinating talk. He was incredibly informative, especially concerning our salamanders' habitats and habits and how both are changing — and why.

Sitting in the shelter, listening to Pauley and yet hearing, too, the rain pelting on the leaves of the towering trees surrounding us in their full August glory, felt just like “home.” It was quintessential West Virginia, an atmosphere familiar to me as far back as my memory stretches: abundant rain, humid air, bird and insect sounds, verdant forest (though only minutes from downtown Charleston) and eating outside with friends and/or family. I looked around at the diverse group of people (most of them in various stages of damp to drenched) gathered there, and I thought, “This is part of what we're trying to preserve — part of the reason we're all here.”

Once the question-and-answer session with Dr. Pauley wound down, we held our annual awards ceremony. It seems to me that this surely can be no easy task, deciding whom to acknowledge each year, with the field so full of outstanding candidates!

This year's special award winners are:

- Outstanding Ally: Rob Goodwin, with Coal River Mountain Watch
- Super Citizen Lobbyist: Karan Ireland of Citizens Actively Protecting the Environment (CAPE)
- Outstanding Volunteers for OVEC: Marilyn Howells and Paula Swearingen
- Outstanding Sustainable Community Initiative: Dan Conant of Solar Holler
- Fracktivist of the Year: Diane Pitcock of Doddridge County Host Farms
- Outstanding Regional Networker: Maya Nye of People Concerned About Chemical Safety

In a moving ceremony, OVEC founder Dianne Bady presented the Laura Forman Passion for Justice Award to WV Virginia Highlands Conservancy's Mining Chair Cindy Rank. (See story page 17.)

This isn't an annual award and is only

occasionally bestowed. Laura Forman was a beloved OVEC organizer, who, at age 39, collapsed and died on December 10, 2001, during an OVEC protest of the U.S. Army Corps of Engineers issuing of permits for mountaintop removal coal mines.

“Cindy has spent more than 30 years volunteering her time to protect West Virginia's water. It would be hard to think of any other non-lawyer who knows as much about mining-related water laws and regulatory history. We at OVEC owe her a great debt of gratitude,” Bady said.

Thanks to everyone who came out for our evening of food, fun and comradery — and special thanks to all the award winners. Our work is not possible without all of us! 🍌



Receiving their awards, left to right, row one: Rob Goodwin, Maya Nye and Paula Swearingen; row two: Diane Pitcock, Robin Blake-man handing award to Dan Conant. Row three: picnickers in action.
Photos by Danny Cook.

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



On Receiving the Laura Forman Passion for Justice Award

by Cindy Rank

It was both humbling and gratifying to receive the special Laura Forman Passion for Justice Award.

Laura was always totally involved — head, heart and hands — with efforts to protect the people and natural environment of West Virginia.

In 2000, as I prepared to leave my 19 years of work at a primary care center we opened in southern Upshur County, it was with the intention of working more closely with Laura, who at the time was organizing in the communities in southern WV where mountaintop removal coal mining was damaging more and more lives and more and more streams and mountains. But life doesn't always honor our wishes and Laura was taken from us before my own plans could develop.

That said, my personal disappointment and loss have been more than made up for by the many folks in OVEC who have stepped up and into the fray and continue to do an outstanding job of exposing the



Left, Dianne Bady and Cindy Rank exchange a hug as Rank receives the Laura Forman Passion for Justice Award. Looking on are, standing, Paula Swearingen and, seated, Janet Keating.
Photo by Danny Cook.

dangers and damages of MTR and helping people most affected find their voices and speak out loud and clear to end the destruction.

Although memories of Laura and seeing the faces of OVEC folks I admire and work with on a variety of issues overwhelmed me emotionally and prevented me from making any clearly understandable

comments at the picnic, I hope everyone understood how honored I am by this recognition from OVEC, and especially in the name of Laura.

It was a fun picnic with fine people. It was wonderful to hear from the other awardees about their inspiring efforts in so many diverse areas of the state. And it was a delight to hear the presentation by Dr. Tom Pauley whose book *Amphibians & Reptiles in WV* is always front and center on our easy-to-reach pile of reference books and often consulted when we see a new critter cavorting on our porch or in the woods or hiding under rocks and in the stream.

Thanks to all. 🍷

Wellness and Water III

Please plan to join us on October 3–4 for Water and Wellness. For the third year in a row, people concerned about health issues in communities adversely affected by water pollution will gather to share experiences and knowledge and to explore solutions. W&W is sponsored by multiple groups.

The first year in Morgantown and the second in Buckhannon both focused on impacts from shale gas drilling and mountaintop removal coal mining.

This year, we meet in Charleston and include a third source of pollution: chemical manufacturing and storage, which has been on the minds of many since the MCHM chemical leak in January that contaminated drinking water for some 300,000 people hooked into WV American Water's distribution area.

On the evening of Friday, October 3, we'll kick things off with a concert featuring Andrew McKnight and Colleen Anderson & George Castelle. The concert will help raise money for conference scholarships.

The Saturday program will include lively educational meetups and plenary speakers. We'll hear from Grant Smith of the Civil Society Institute, who will address the potential

of truly renewable energy sources to alleviate health problems and water pollution. We'll also hear from folks whose lives are negatively affected by water pollution from gas, coal and chemical operations.

Featured speakers:

Dr. Rahul Gupta — Executive Director/Health Officer, Kanawha/Charleston Health Department, central figure in the MCHM discussions and studies.

Helen Slottje — 2014 Goldman Prize Winner, helps towns across New York defend themselves from oil and gas companies by passing local bans on fracking.

Maria Gunnoe — 2009 Goldman Prize Winner and OVEC staff member, organizer, educator and leader in the opposition to mountaintop removal coal mining.

Join us at the Village Chapel Presbyterian Church, 3818 Venable Avenue in Charleston. Contact Robin Blakeman at 304-522-0246 to volunteer or for more information. 🍷



OVEC Intervenes in Chemical Industry Effort to Weaken Air Safeguards

The EPA has proposed a Final Rule on Emission Standards for Hazardous Air Pollutants for three categories of chemical plants. This rule would provide new health and environmental safeguards. The covered chemical facilities emit significant amounts of air pollutants that the EPA recognizes are human carcinogens and can cause other reproductive, neurological and respiratory harm, as well as other health hazards. EPA's final rule would provide new health and environmental safeguards from these chemicals.

The American Chemical Council (ACC), a trade group for the chemical manufacturing industry, brought a lawsuit to "vacate and weaken" the improvements in the EPA's final rule. The case was filed in the United States Court of Appeals for the District of Columbia Circuit.

In June, OVEC, the Louisiana Environmental Action Network and Sierra Club filed a motion with the Court to intervene on behalf of the EPA's final rule. Emma Cheuse, attorney for Earthjustice in Washington, D.C., is acting on our behalf.

Our motion to intervene states that our groups "respectfully request respondent-intervenor status in these proceedings to protect the interests of their members who are exposed to and suffer negative



Corporations and their lobbying groups don't care if chemical plants contaminate communities.

health and welfare effects caused by the hazardous air pollution that the final rule seeks to limit."

There are about 75 existing facilities located around the United States currently subject to EPA's standards, including eight in West Virginia.

"The ACC, formerly the Chemical Manufacturers Association, has long

advocated for less stringent environmental laws or self-regulation," says OVEC board member Pam Nixon, a long-time advocate for chemical safety in the Kanawha Valley.

"Often, when changes have occurred to benefit the industry, they have come at a cost to public health and safety and the environment. When questioned, the industry officials have been quick to state they were in complete compliance with all environmental laws — laws they lobbied to weaken. ACC's race to the bottom must be balanced by EPA's strengthening of the final rule in order to provide protection to everyone exposed to emissions from chemical plants, especially communities already suffering from disproportionate environmental impacts."

The final rule applies to these categories of chemical facilities: Group IV Polymers and Resins, Pesticide Active Ingredient Production and Polyether Polyols Production. 🍌

Graphic Novel *Carbon* A Page-Burner

Congratulations to OVEC member and WV State University Assistant Professor Danny Boyd, who has just published *Carbon*, a graphic novel that tells the story of what happens when an evil coal operator unwittingly awakens and releases a cursed and banished underground civilization.

"I have been thinking about this story for nearly 10 years," said Boyd, who during that time has transitioned from a successful movie-making career into creating award-winning graphic novels. "The primary goal is to entertain, but the story also reflects

many real and complicated issues that face the coal industry today."

Carbon is published by Caliber Comics, a leading American comic book publisher that has published over 1,300 comics and helped launch the careers of some of the leading comic book writers and artists in the industry today.

You can pick up a copy of *Carbon* at Charleston's Taylor Books, or in comic books stores nationwide.

Learn more at <http://danielboyd.com/>. 🍌

Kids Grow Gardens, Enthusiasm

This growing season, OVEC is partnering with the Boys and Girls Club of Huntington, WV, in a gardening project to teach young people how to grow food and flowers organically in low-cost containers. OVEC staffer Tonya Adkins, with the help of Ashley Dennison, worked with the boys and girls to create grow-bags from reusable Walmart shopping bags. They also made a vertical flower garden using a canvas shoe bag. The youngsters planted the grow-bags with seeds of cucumbers, cherry tomatoes, butternut squash, summer squash, beans and corn. They also planted colorful containers of flowers to brighten up the outdoor activity area, as well as a tub of strawberries, which the kids were especially excited about. The project is ongoing, as Adkins continues to visit the Boys and Girls Club to show the kids how to care for the plants and harvest the vegetables.

The facility's Unit Director Jessie Morris says she is amazed at how engaged the kids are in learning about gardening. Like most youngsters, they love getting their hands in the dirt and delight in finding worms in the organic compost.

Huntington Boys and Girls Clubs Executive Director Mike Patick says he would like to continue the partnership in the future. Next year, we would like to expand the program to be similar to the WV State University Extension Service's SCRATCH program, where youth learn to grow, produce and process food for consumption and sell surplus to local markets. Next year, the Club's surplus produce could perhaps be marketed through nearby The Wild Ramp, a year-round community-supported market that provides a viable economic outlet for local food producers, while providing consumers access to locally grown agricultural products. 🍎

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!



Photos of Boys and Girls Club gardeners by Tonya Adkins.

Down by the River: *Enemy of the People*



Audience members, asking questions, down by the river. Photo by Connie Mayle.

In June, a rare treat arrived in the Kanawha Valley — live theatre on the river, literally! In response to the January coal-chemical spill, the New Brooklyn Theatre group performed a new site-specific adaptation of Henrik Ibsen’s play, *Enemy of the People*. The setting? A floating stage with few props, on an active boat dock on the Kanawha River. The play is about poisoned water and poisoned politics, adapted for WV in 2014, with a cast featuring local actors, as well as a few from elsewhere.

Before the production arrived in town, at the urging of Charleston resident and activist Ann Montague, Jeff Strabone, the chairman of the theatre company got in touch with OVEC via e-mail, asking if we’d send a special guest for some of the performances, recommend other special guests and help spread the word about the shows.

“We choose plays that speak to problems in the world, and then after each performance we have a special guest to talk about the issue with the audience and the cast. Our show is a great opportunity for consciousness-raising and public dialogue,” Strabone wrote.

Via the WV Water Roundtable and WV Clean Water Hub listservs, special guests for the

Water / Energy ... Energy / Water... Water / Energy... Energy / Water

In June, the U.S. Department of Energy (DOE) released a report, “The Water-Energy Nexus: Challenges and Opportunities,” which details how water and energy systems are tightly intertwined.

Water is used in all phases of energy production and electricity generation. Energy is required to extract, convey and deliver water for diverse human uses.

The boom in domestic unconventional oil and gas development (fracking) has underscored the relationship between energy and water resources.

The report, which you can read online at



Energy.gov, notes that water scarcity, variability and uncertainty are becoming more prominent, potentially leading to vulnerabilities in energy production and supply. DOE identifies areas in need of more research and development, including promoting responsible energy operations with respect to water quality, ecosystem and seismic impacts. Responsible energy operations! Imagine that!

To determine the next steps, DOE says it will work with partners, including other federal agencies, state and local governments, foreign governments, private industry, academic institutions and non-governmental organizations and citizens. 🍌

performances were soon lined up, including WV Rivers Coalition’s Angie Rosser and OVEC’s Robin Blakeman and Vivian Stockman, who provided the audience with information about OVEC’s ongoing involvement in water pollution related events across the state.

Promotional materials and the play program related the following:

On January 9, 2014, an estimated 10,000 gallons of MCHM (4-methylcyclohexane methanol) spilled into West Virginia’s Elk River from a facility run by Freedom Industries. The spill was one mile upstream from West Virginia’s principal water intake and distribution center. After the spill, 300,000 West Virginians were warned by their governor not to use their household water for “drinking, cooking, washing, or bathing.” To date, there have been over 500 water-related hospital visits reported. Many residents remain unwilling to drink the water.

Though written in 1882, this is a play for our time with special relevance for West Virginians as they try to chart their future in the wake of the chemical spill. An Enemy of the People tells the story of Thomas Stockmann, who discovers that the water in his town is polluted. Stockmann must find the strength to stand up to opposition from the press, civic leaders, and the local government. Along the way, he finds the crisis is more personal and complex than he had originally thought.

The production seemed to impress audience members each of the 12 nights it played in Charleston. A few boaters and fishermen, however, were a bit confused by it all... 🍌

Exactly What Pocahontas County Does NOT Need

According to assorted news sources and environmental groups, Dominion Resources has proposed building a 550-mile pipeline to bring natural gas from our mountains to the coast in Virginia and North Carolina, presumably for export. In WV, Harrison, Lewis, Upshur, Randolph, and Pocahontas counties are all in the crosshairs. The proposed 42-inch pipeline's current route would have it passing through parts of the Monongahela National Forest and over the Greenbrier River, the headwaters of Shavers Fork and several other waterways.

WV Highlands Conservancy, WV Chapter of the Sierra Club, Allegheny Blue Ridge Alliance and other citizen groups in WV and VA are examining ways to oppose this behemoth project, which would require a huge right-of-way swath along its length and would require massive compressor stations (how many stations is unclear at the moment).

To voice her opposition to the pipeline, Pocahontas County resident Lauren Ragland formed West Virginia Wilderness Lovers (WVWL). She invited Maria Gunnoe to a luncheon about the pipeline on August 18. Below are Gunnoe's comments.

My name is Maria Gunnoe, and I am an Appalachian Community Organizer for OVEC. My family has lived in West Virginia for many generations. My 5th-great-grandfather Hans Peate was Cherokee and from Pocahontas County, WV. He migrated from these mountains and moved on to Boone County, where he began a long history of family that would make anyone proud. I am very fortunate to remember all four of my great-grandmothers, as well as their stories about the elders in my family. Boone County at one time had much in common with Pocahontas County.

Our mountains were also majestic and our waters ran clean. The regulatory agencies and extraction industries have poisoned and pillaged our once beautiful area. We no longer fish or swim in our streams. The floors of the streams are thick with black and red goo. Nearly all of our streams are heavily polluted with mining waste. Industries dispose of their waste in our streams — usually at night while we sleep.

We also had wildlife reserves and historic parks that were literally blown up and buried by mountaintop removal coal mining. Our state politicians and regulators



What one compressor station for a 46-inch pipeline looks like. The proposed pipeline would be 42 inches in diameter and 550 miles long, stretching from PA to NC. Photo courtesy WVWL.

not only permit this activity, but they uphold it, saying, "We need more flat land." The rock formations that Daniel Boone camped in were blown up because they sat on coal. Historic family cemeteries throughout our mountains have been made inaccessible and dangerous because of blasting on all sides to get to the coal underneath. Most important, our people's health has been seriously compromised.

There are now 24 peer-reviewed health studies

that show the environmental degradation and flat-out destruction of Boone County has seriously impacted our health and shortened our life expectancy. One study shows that a non-smoking gestational mother has a 42% likelihood of having a child that has birth defects just because she lives in Boone County. The non-mining, non-impacted area that was used as the *control area* in this study was Pocahontas County. I also own property in Pocahontas County, and I often escape all the terrible things in Boone County and come to this awesome and wonderful place to simply pretend that life is normal again.

What we have here in Pocahontas County is a treasure beyond words. Take a visit to Boone County and you will see what happens when you allow any extraction industry to get a foothold in paradise. After years of blasting, constant noise, massive sludge dams, broken roads, bad air, sick people, struggling families and dirty politics, I can now stand in my yard and see three mountains that have been flattened and run with poisoned water. We were promised prosperity and we got nothing but destruction.

No natural gas pipelines in Pocahontas County — that is what I would like to see. After fighting the coal industry for nearly 20 years in the southern part of our state, some days all I need is a place to rest. My place to rest in Boone County is now an industrial nightmare and this was all permitted, regulated and upheld by our politicians. Don't let it happen here. Call Pocahontas County Commission at 304-799-6063 and tell them, "No natural gas pipelines in Pocahontas County."

You cannot regulate destruction and Pocahontas County is not the place to try. 🍌

The proposed 550 mile, 42-inch pipeline would carry gas extracted from the Marcellus and Utica shales.

Concerns Over Radioactive Waste In WV Landfills

excerpt from a Public News Service-WV article by Dan Heyman

As West Virginia revises its emergency landfill rules, concerns are rising about the tons of low-level radioactive waste from Marcellus drilling going into the state's dumps.

One Marcellus well can produce 500 tons of drill cuttings, including naturally occurring radioactive waste, amounts that threaten to overwhelm the handful of the state's landfills that accept it. In the last legislative session, lawmakers told the DEP to better monitor and regulate the dumping. But Bill Hughes, chair, Wetzel County Solid Waste Authority, says the rules as written are not enough. *(Ed. note: Hughes is currently working part-time with OVEC.)*

"This is not spent fuel rods from a nuclear reactor; this is low-level radioactive waste," says Hughes. "But 'low-level' multiplied by 250,000 tons in one landfill, in one year."

The DEP wants the drill cuttings to go into separate, walled-off sections of the landfills. It also has called for more radiation monitoring, testing of the water leeching from landfills, and testing the composition of some horizontal drill cuttings. Those rules are now set to go into effect.

Hughes doesn't believe the testing and monitoring is thorough enough, especially since the waste could affect drinking water. Given that one of the elements in the cuttings has a half-life of 1,500 years, Hughes observes, the state should be a lot more careful.

"We must be a little smarter and a lot more prudent," he says. "What's in it? How much is in it? What's the long-term concern for our children and great-grandchildren?"



Above: Bill Hughes at the WV Chapter of Sierra Club's Marcellus Academy 2014, held in June at WV Wesleyan College in Buckhannon, WV. Hughes led several workshops during the weekend on such topics as problems caused by the Marcellus Shale gas industry, the stages of drilling and the outrageous impacts on residents. OVEC's Vivian Stockman led an "Old School Media 101" workshop and RAMPS volunteer Kim Ellis gave a "Know Your Rights" workshop. Photo by Chuck Wyrstok.



Reverend Jeff Allen (right, foreground) lays out his vision for the WV Safe Water Roundtable as Katey Lauer looks on. Also pictured from left to right, Rose Edington (OVEC board chair), Mel Hoover, Bill Price and Robin Blakeman. This was the first of three meetings of the roundtable to help develop vision, structure and strategy in the aftermath of the WV water crisis. Photo by Janet Keating.

Water Unites Us

As we reported in the last issue of Winds of Change, after the January water crisis, where a coal-washing chemical contaminated the water supply of 300,000 people in central West Virginia, OVEC helped to organize and participate in numerous roundtable meetings. The meetings fleshed out all kinds of actions, from protests, to lobbying, to petitioning the Public Service Commission. Organizations whose primary focus is not usually on environmental issues have been, and continue to be a part of the roundtable.

In May, we began a series of post-crisis meetings. We met three times to review our collective efforts during the crisis, outline future opportunities, develop a mission statement, clarify the group's structure and discuss ways to maintain and build an energized citizen-powerbase. We came up with a name: The WV Safe Water Roundtable. We also came up with a tagline: Water Unites Us.

Learn more about the roundtable. Contact OVEC at info@ohvec.org or 304-522-0246. 🍌

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

by Janet Keating

Beyond climate chaos, the biggest issue we face is water quality and quantity. I first realized that water was going to be a defining issue of the 21st century when I attended graduate school. My professor was focused on the impacts of pollutants on water quality, especially those sequestered in sediments of the streams or rivers.

Later, in the late 1990s, OVEC was trying to stop the construction of what would have been the largest pulp and paper mill in North America (which would have used an outdated, dioxin-producing bleaching method). In the course of OVEC's litigation over permitting, one of our attorneys discovered that West Virginia regulators had *not* been enforcing portions of the federal Clean Water Act for 15 years.

When sections of a stream no longer meet water quality standards, the state is supposed to require a clean-up plan, technically known as the Total Maximum Daily Load or a TMDL. West Virginia regulators were not doing their job, and polluting industries had been given carte blanche to pollute our waterways even if a pollutant was above the allowable limit. I remember a meeting with a federal Region III EPA official, state regulators, attorneys for industry and state DEP officials, during which the EPA official gave the state regulators and industry an ultimatum: either prepare and adhere to water clean-up plans for polluted streams and rivers at the state level or these TMDLs would be written by regulators in Philadelphia. Polluting industries had finally hit the wall, so to speak, and actually seemed surprised that they might have to curb their water pollution. That was in 1998.

In the new millennium, mountaintop removal had exploded on the scene and Bush had taken over the White House. Along with Bush came new federal "regulators," including Jeffery Jarrett, who would head the federal Office of Surface Mining Reclamation and Enforcement (OSM). The only meeting I remember having with any federal regulators about mountaintop removal during Bush's terms in office was with Jarrett, along with many of our allies in the work to end mountaintop removal and valley fills. When it was my turn to speak, I recall saying, "I have one word that I would like you to take back to your boss. Water. In a world dying of thirst it is beyond common sense that in West Virginia, we are burying water beneath millions of tons of rock and mining waste."

Either Jarrett didn't deliver this message or it fell on deaf ears; OVEC and others now have litigated for more than a decade on the issue of valley fills and their association with water pollution. Under the federal Clean Water Act, filling a stream with waste material is a clear violation of the law. However, with a stroke of a pen, resorting to an executive administrative order, Bush



Above: In March, 2001, Inez, KY resident Monroe Cassady looks on at continued clean-up efforts five months after the Martin County coal sludge impoundment disaster.

redefined "waste material" as "fill," which, with a permit from the US Army Corps of Engineers, was allowed.

On October 11, 2000, the 72- acre Martin County coal sludge impoundment in Inez, KY, failed; 307 million gallons of toxic coal waste inundated more than 75 miles of streams between West Virginia and Kentucky, shutting down water intake systems and businesses along the Tug Fork and the Big Sandy rivers and killing all aquatic life. This disaster, then described by the EPA as the worst environmental disaster east of the Mississippi, prompted citizens to implore that the federal government (Mine Health Safety Administration) look into concerns around the hundreds of unlined coal waste impoundments in Central Appalachia. Senator Byrd provided funding that led to a website (coalimpoundment.org) on which citizens could see where impoundments were located, which company owned them and whether they had a high risk of failure. The information is still critical but falls short of what should be done — requiring coal companies to use a dry press method, doing away with the need to dispose of liquid waste in impoundments or to inject it underground.

Within a few years, citizen groups, including OVEC, concerned residents of Mingo County and Coal River Mountain Watch formed the Sludge Safety Project, prompting Dr. Ben Stout (Wheeling Jesuit University) to work directly with community members to ascertain what might be causing citizens living near coal sludge impoundments and coal waste underground injection sites to be sick. For example, in the community of Prenter, WV, residents living in four different households each had a family member with brain tumors; when they met to talk about the issue, they concluded that the common

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The Issue of Water

continued from page 23

denominator was their well water and coal waste. Through organizing, they won replacement water, and eventually a municipal waterline was constructed for about half the community members in that hollow.

Although some water quality issues have developed over decades, like those related to coal waste impoundments and underground injection of coal sludge, others are the result of a catastrophic failure, like the collapse of a Tennessee Valley Authority (TVA) fly-ash retention pond in Harriman, TN, in December 2008, at the Kingston Power plant. It was the largest ash spill in U.S. history. A dike failed and roughly one billion gallons of toxic coal ash covered about 300 acres of land and water near the Kingston Fossil Plant. The ash, containing mercury, lead, arsenic, chromium and other heavy metals, filled three embayments north of the coal-fired plant and flowed into the Emory and Clinch rivers.

The toxic gray sludge, which devastated homes, was 20 feet deep in places; what had once been a beautiful place to live was reduced to muck and rubble. A test of river water near the spill showed elevated levels of lead and thallium, which can cause birth defects and nervous and reproductive system disorders. Clean-up efforts have taken years, with a price tag exceeding \$1 billion, but toxic coal ash still lingers in the receiving streams. Who really knows what health effects might come from long-term exposure to water riddled with heavy metals?

Another catastrophic event occurred less than a year later in West Virginia. In October 2009, most of the fish and other aquatic life in the 28-mile length of Dunkard Creek were killed by a toxic bloom of golden algae spoiling the area for fishermen and picnickers. An EPA investigation failed to pinpoint the exact cause of the algae bloom. Although the EPA fined Consol Energy, Inc., \$6 million for the incident and required them to install a \$200 million treatment system, another EPA biologist in Wheeling challenged the notion that mining caused the fish kill. He stated that the death of Dunkard Creek may have been caused by environmental circumstances related to fracking of the Marcellus Shale. Whether Dunkard Creek died at the hands of the coal or the gas industry, the water quality problems caused by fossil fuel extraction are likely to keep on coming if we don't transition soon to renewable energy.

The importance of clean, safe water hit home, literally, for 300,000 residents of the mountain state, when Governor Tomblin issued a "do not use" order on January 9, 2014. Schools and businesses were shuttered for days, hundreds of people were admitted to emergency rooms, pregnant women were cautioned not to drink tap water for weeks, and 100,000 people experienced



Above: On July 23, demolition was well underway at the Freedom Industries tank farm, seen here in the foreground on the left bank of the Elk River. Just 1.5 miles downriver (toward the top of the photo) is WV American Water's drinking water intake valve. On August 17 the Charleston Gazette reported: "Back in April 2006, officials from West Virginia American Water told state regulators they were planning to review the Elk River watershed to find out what potential contamination sources were upstream from their Kanawha Valley water treatment plant... Three times over a two-year period, West Virginia American officials marked a 'P' — meaning 'Planning to do' — next to a question about whether the company was going to 'review' the treatment plant's watershed 'for potential contaminant sources.' The review was not completed — and it still hasn't been."

symptoms from exposure to a heretofore largely unknown chemical. The 10,000 gallon "spill" of crude methylcyclohexanemethanol (MCHM, used for cleaning coal) into the Elk River 1.5 miles above West Virginia American Water's municipal water intake served as a wake-up call to politicians, regulators and ordinary people: (1) don't take clean, safe water for granted and (2) clean, safe water and economic development go hand-in-hand. Politicians and regulators were quick to blame Freedom Industries, the company that owned the above-ground storage tank facility, for perhaps the "worst man-made environmental disaster of the century." But environmental "regulators" appointed by coal-friendly politicians had been turning a blind eye to that facility for decades and the privately held municipal water company, WV American Water Company, had not bothered to find out what potential pollutants lurked so near its single intake on the Elk River.

Lately, water issues keep popping up. This May, I had the good fortune to take part in a Nibi Walk (Water Walk) for the Ohio River, organized by Sharon Day, an Ojibwe elder of the Indigenous People's Task Force. Beginning on Earth Day, she and Barbra Baker-Larush walked the entire length of the Ohio River, the most polluted river in our country. They carried with them water drawn from the headwaters in Pittsburgh, PA, to their journey's end in Cairo, IL, on May 26. Many joined them along the way to honor and pray for the water; after all, water is life.

Part two of "Water is The Issue" will appear in the Winter 2014-15 issue of Winds of Change. 🍌

Kroger Gift Card Program Changes

To everyone who has been contributing to OVEC over the years through the Kroger Cares gift card program, thank you! To those of you who shop at Kroger but aren't yet part of the program, please get on board. It's a way to donate to OVEC without spending one extra penny on groceries and prescription meds you purchase at Kroger.

Kroger Cares is shifting to Kroger Community Rewards.

The main change will be that just by scanning your Kroger Plus Card (which you will need to tie directly to OVEC, details below), Kroger will contribute to OVEC. You will not need to purchase or reload your gift card anymore.

In order to make this transition, visit www.Kroger.com/communityrewards to enroll your personal Kroger Plus card (that's the card you use at checkout to get discounts) and connect it to OVEC. Then, each time you use your Kroger Plus card, your purchases (excluding fuel, alcohol and tobacco) will go towards rewards for OVEC, just like in the past. In addition, once a household member enrolls her or his card, all linked Kroger Plus cards within that household will begin earning funds for OVEC.

The final date to reload your gift card was August 30. Any remaining Kroger Cares gift balances may still be used for Kroger purchases. The cards do not expire until the funds on them are used up.

Rewards may be earned for OVEC under Kroger Community Rewards as long as the gift cardholder has signed up successfully for the new program and uses her or his Kroger Plus card at time of the purchase.

Please take a few minutes today to link your card to OVEC: Go to www.Kroger.com/communityrewards to register and follow the steps listed there. Have your Kroger Plus card handy. (If you do not yet have a Kroger Plus card, they are available at the customer service desk at any Kroger.) Be sure to link your card to OVEC by searching, when prompted, for "OVEC" and "dot" the button that appears beside "Ohio River Valley Environmental Coalition" after that search. If you are having trouble finding OVEC, be sure to select the option to "view all organizations." Questions? E-mail info@ohvec.org or call 304-522-0246 and ask for Maryanne. 🍌



Kroger shoppers: Please take a few minutes today to make certain you are still "eating for OVEC."

Memberships and Kroger Cards

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

end of 2014.

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

DEP's Advocate for You

Welcome to Wendy Radcliff, the DEP's new environmental advocate. She serves as a liaison between the DEP and individuals and groups concerned about the environment. In this role, Radcliff will answer questions, address complaints and help solve problems. She will provide assistance on a variety of issues ranging from bringing the DEP's attention to community concerns to explaining how to file a Freedom of Information Act (FOIA) request.

Radcliff started her new position in mid-June, but many of you already know her; she was the first of only two individuals to ever hold this position, which was created in 1994.

Radcliff left the agency in 1998 to obtain her law degree from West Virginia University and has been working for the past 10 years as an assistant state Attorney General, advising the Environmental Quality Board, the Air Quality Board and the Surface Mine Board.

The Environmental Advocate position had been vacant since the end of January, when Pam Nixon, who had been in the role since shortly after Radcliff left, retired. Nixon is now on OVEC's board of directors.

Sad Farewell to Pauline, Butch and Tom

Pauline Canterbury



Pauline Canterbury in the courtroom as Massey was brought to task for messing Sylvester.

We were heartbroken to hear that Pauline Canterbury, 84, died on May 9. She was one of the “Sylvester Dustbusters,” who successfully sued Massey Energy for making a mess of Sylvester, WV. She had served on the board of Coal River Mountain Watch and was a member of OVEC, long active in our joint Sludge Safety Project.

CRMW Executive Director Vernon Haltom remembered Pauline: “She spoke to WV and U.S. legislators about the misery of living near mountaintop removal and a sludge dam and was a favorite of reporters, photographers, filmmakers and writers with her sparkling sense of humor. She participated in several demonstrations and marches, including the Mountain Justice events in the Coal River Valley in 2005.”

Butch Sebok

OVEC extends our deepest sympathy to Patty Sebok and her sons on the passing of Harry Layton “Butch” Sebok, who died May 28. Butch, a resident of Seth, WV, was a coal miner and a member of UMWA and Local No. 6426. Butch was a proud member of the U.S. Marine Corps and a Vietnam War veteran. He was buried with military honors. He always supported his wife Patty and her friends in their work to end mountaintop removal and to make our roads safer from overweight coal trucks and was interviewed for films and articles alongside Patty. Butch will be sorely missed!



Above: A view of Almost Heaven, WV seen from the home of Patty and Butch Sebok.

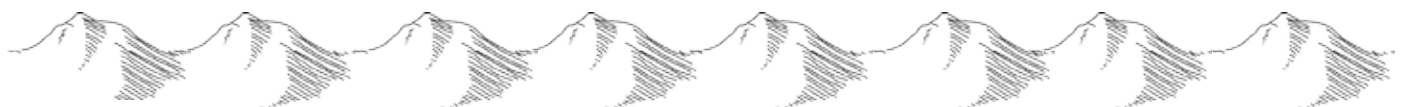


At a 2005 protest in Huntington, WV, OVEC member Tom Jones, reminded us all to turn out the lights when we don't need them.

Tom Jones

For many years, Tom Jones was actively involved in OVEC’s work, serving as a board member, marching at rallies, tabling at events and traveling to Washington, D.C., to speak out against mountaintop removal mining. Even after health problems slowed his activism, he continued sending words of encouragement, providing financial support and attending gatherings when he could. We were deeply saddened to learn of Tom’s passing on February 12.

Those of us who had the privilege of knowing Tom remember his passion, not only for the environment, but also for music and writing. He was the published author of several books, including a series of historical novels. He also played flute for several years with a small music group that performed in the Huntington area. Additionally, for many years he worked every Thanksgiving and Christmas day at a homeless shelter in Huntington, serving dinners to the homeless. We extend our heartfelt condolences to all of Tom’s family and friends. 🍌



Remembering Dan Kash

by Janet Keating

In July, OVEC received the sad news that Dan Kash had died. I first met Dan Kash in 1992, when OVEC hired me as a project coordinator. As an air regulator for Kentucky's Division of Air Quality (DAQ) in Ashland, KY, Dan was a rare find. He actually wanted to do his job. During my first trip to the air quality office to learn more about pollution problems at the (then) Ashland Oil refinery, Dan patiently answered my questions and opened the books on the company, so to speak. At the time OVEC hired me, Dan was working with others to prevent strip mining in southern Ohio's Wayne National Forest. He was a good and thoughtful friend, too. Knowing my love for birds, he called the office once to let me know that the red-cockaded woodpecker had been seen somewhere in Daniel Boone National Forest.

In 1993, after years of citizens videotaping emissions from the Ashland Oil refinery on nights and weekends when inspectors weren't available, the company was required to install a 24-hour video-surveillance system as part of a \$9 million settlement between Ashland Oil and the state of Kentucky to help resolve numerous state and federal air quality violations, most of them found by Dan Kash, the supervisor of the Ashland branch of the DAQ.

As an active, long-time board member and then board chair of OVEC, he cared passionately about the communities and the people he tried to protect from polluters, like those living near the former Ashland Oil refinery. On November 3, 1993, Dan, as a senior environmental regulator in Kentucky, broke the state's "conspiracy of silence" about how the refinery emissions were making people nearby sick. In a PBS special called *Earthkeeping*, he said that area residents had been suffering from "chemical invasion" from the refinery. People burdened by the refinery emissions had been pleading for relief for years, and, at last, Dan decided he wouldn't be silent any longer, even if it meant losing his job.

In 1995, as reported in OVEC's newsletter, four representatives from OVEC sat across a long table from four Ashland Oil executives to discuss concerns about the "violation-plagued" Catlettsburg, KY, refinery and to explore the possibility of regular meetings between Ashland executives and concerned citizens. The then-director of Kentucky's Division for Air Quality, John Hornback, arranged this meeting. Kentucky regulators, including Dan Kash, sat at the ends of the table.

Our newsletter reported, "As the discussion progressed, Dan moved his chair closer to the OVEC side of the table, announcing that since he only had a week left at this job, he wanted to be nearer the OVEC side."

Dan had always been a consistent voice calling for the protection of human health; he regularly risked his job to

do what was right.

Even more than air pollution harming citizens, Dan abhorred mountaintop removal strip mining. He hated what it did to forests, water and people. In 1997, Dan, as chairperson of OVEC, debated Arch Coal's David Todd and the head of WV's Division of Surface Mining, John Ailes, on the issue of mountaintop removal. While Todd talked about how the mining companies were "complying" with mining laws, Dan focused on what he called the "social and cultural" disintegration of West Virginia, noting that Blair, West Virginia's, population had dwindled from 225 families to 80. When a miner raised the issue of job losses, Kash said bluntly, "I can't justify destroying an entire mountain for cheap electricity." He ended the debate with an impassioned plea: "If you and I and others don't act now, vast areas of Appalachia will be leveled. Mountaintop removal mining is really out of control in West Virginia and Kentucky."

Whenever he saw an article about mountaintop removal in a newspaper or magazine quoting an OVEC person, he would call the office to say "good job" or bring the article to the next board meeting. He was so proud of OVEC and was such an encourager and supporter. We could always count on him to show up at our mountaintop removal protests.

And there was one protest, I'm sure he remembered for the rest of his life. Dan was absolutely devastated (like all of us), when Laura Forman (former OVEC organizer) died in Huntington at a protest that she had organized against the U.S. Army Corps of Engineers' issuance of valley fill permits. Dan was dressed as Santa Claus for that December 10, 2001, event, poised to present the Corps with some sludge-fudge. After her untimely death he had this to say about Laura: "May your delightful soul sit upon a tulip tree and guide us in our fight."

So Dan, we hope your courageous soul is somewhere beautiful, with a beloved hunting dog, in a land of soft breezes, beautiful mountains and intact forests. 🍂



Dan Kash on Kayford Mountain.
Photo by Janet Keating.

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Speak Out with P.E.A.K. Kit

Our Friends at The Post Carbon Institute hooked us up with 500 copies of the Public Energy Art Kit (P.E.A.K.), a large-format printed compendium of 14 posters about the challenge of tackling climate change, energy inequality and fossil fuel dependency. If you'd like a copy, contact vivian@ohvec.org, or go online to www.energy-reality.org/art/ to download your own kit.

Below is an example of one of the posters. Help spread the word that it's time we take an honest look at our energy predicament and change course: post a poster in a public place. Then take a photo and send it to energyreality@postcarbon.org or tag your photo #energyreality on your favorite social media site.

YOU HAVE IMMENSE POWERS

1. THE POWER OF INVISIBILITY
 START A POWER-FREE NIGHT. REDUCE ENERGY FOOTPRINT TO [lightbulb icon] FOR A PERIOD OF TIME.

2. THE POWER OF SELF-PROPELLED TRAVEL
 TAKE A TRIP BY BIKE EVERY DAY.

3. THE POWER OF UNLIMITED LEARNING
 NEVERENDING SKILL BUILDING. ABILITY TO PRODUCE & REPAIR YOUR OWN GOODS!

4. THE POWER OF ALCHEMY
 ABLE TO TURN HOUSEHOLD WASTE INTO GOLD!

5. THE POWER OF INFLUENCE
 ABLE TO USE VOICE TO EXPRESS DISSATISFACTION WITH THE POWERS THAT BE.

6. THE POWER OF CONSERVATION
 ABLE TO REDUCE WATER CONSUMPTION BY 700 GALLONS A YEAR BY SHAVING ONE MINUTE OFF YOUR SHOWER TIME.

SECRET MISSION:
 COME UP WITH A NEW POWER BASED ON SOMETHING YOU CARE ABOUT!



OWN YOUR POWER
 ART: KERI SMITH | LEARN MORE: ENERGY-REALITY.ORG/POW

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