



Next in Oil and Gas Industry's Crosshairs?

On January 6, Erica Peterson of WFLP (the Louisville, KY public radio station) reported in "Is Fracking Coming to the Cumberlands?"

Speculation has begun in Eastern Kentucky about a potentially large reserve of oil and natural gas trapped about two miles underground. If the Rogersville Shale is proven productive, it would be the region's first major oil and gas play. This has excited the industry, but some residents are worried about the toll large-scale oil and gas production would take on human health and the environment.

The Rogersville Shale is a Cambrian-age formation that lies under much of Eastern Kentucky and extends into West Virginia.

Peterson noted that one energy company had breathlessly blogged, "The Rogersville

Shale is even older and deeper than the Marcellus or Utica shales and is Cambrian age (+500 million years). This makes the potential shale play extremely risky and expensive, but the rewards could also be extreme!" (You can guess who would suffer the risk and who would garner any "rewards.")

Rogersville Shale Activity in WV

The Wayne County record room at the courthouse is packed with oil and gas abstractors. They're in the Cabell County courthouse, too. Wayne County records are online. Cimarex Energy, Cabot Oil & Gas, Chesapeake Energy and Continental Resources are now said to be active in the Rogersville Shale. Abarta Energy has also expressed interest.

Eastern KY landowners are being approached by companies wanting to lease their mineral rights, Peterson reported. That's what sparked the formation of a new group, Frack Free Foothills.

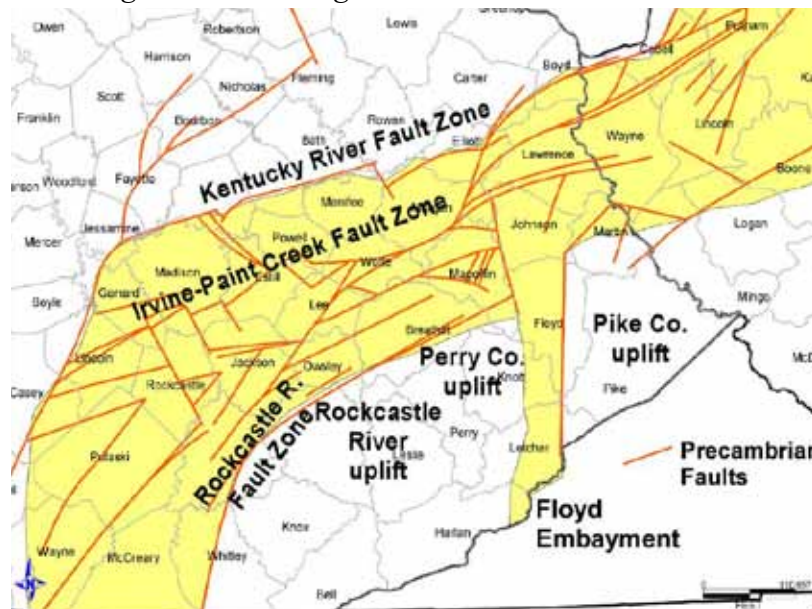
FFF's Jim Scheff told the *Richmond Register*,

"These companies will do whatever they can to get (landowners') signatures (on leases). It's not uncommon for someone to sign something then feel like they have been outright duped. The language in these documents can be confusing for someone who isn't knowledgeable about contract writing."

And Scheff told Petersen, "When

a landowner leases their land, they're putting all these effects that we know happen — increased fatalities, increased illnesses, increased birth defects, contaminated groundwater, contaminated surface water, lower property values, all of those things come to a community when somebody chooses to lease their minerals."

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Wise Woman Speaks on the Waters that Unite Us

Paula Swearengen — an OVEC volunteer — delivered this moving speech on January 17, on the steps of the West Virginia State Capitol during a Water Unites Us rally, part of January: A Month of Water events. See related story starting on page 12.

Hi, I am Paula Swearengen. I am originally from Mullens, WV. I am a volunteer for the Ohio Valley Environmental Coalition and the Sierra Club. This is my friend Dustin White, and he is an organizer for the Ohio Valley Environmental Coalition. He has graciously volunteered to stand up here with me today to give you a visual of the water quality all over West Virginia.

Throughout the years, I've gotten to speak at rallies outside of West Virginia. I am relieved I finally get to talk about my experiences at home. Please bear with me. Normally when I speak I don't write things down. But, what I have to say today is so important to me that I don't want to leave anything out.

I am a coal miner's daughter and a coal miner's granddaughter. Like many in this state that are connected to the industry, I was proud of that. But, I have lived long enough to swallow my pride, because I had to face the reality of what it's like to have a family of coal miners. My friend Dustin and I have something painful in common. I lost my father when he was 52 years old to cancer. When MCHM leached into Dustin's terminally ill father's tap, he had to melt snow to wash his dying father. Not only did he have to struggle to care for a loved one during that time — like me, he has had to struggle with what life is like in the coalfields. My grandfather spent 45 years in the coal mines. I watched him suffocate to death with black lung. My stepdad was a coal miner. He has heart disease and has had open heart surgery. My uncles have black lung. I have buried so many family members that I feel like our theme song is "Amazing Grace."

When I think about my family members, I don't define them by their profession. They are heroes to me because they sacrificed and suffered for the ones they loved. Their suffering has been unbearable and painful to watch.

I have lived long enough to not only see MCHM



Above: Paula Swearengen at podium and Dustin White with poster. Photo by Janet Keating. Right: White's poster, with photos by Vivian Stockman, Paul Corbit Brown and Sludge Safety Project.

pollute 300,000 people's water last year, but also to watch people all over Appalachia struggle with chemicals in their water. I have seen my neighbor's children have cancer. Twenty-nine miners died because safety regulations were ignored and not enforced. The most beautiful mountains in the world to me are being blown up. Our streams and rivers run black and orange. People no longer feel safe in their homes when the industry moves in next door.

Not only can they pollute our water, but they can also destroy our land and destroy our homes. I am frightened at the separation and the lack of humanity that has become a way of life. What have we become? Our leaders have failed us. More important, we have failed each other. No man or woman should have to choose between poisoning a child and feeding another. Instead of pointing fingers at each other, we need to ask our leaders why, and demand that they do their jobs!

Public health and safety should not be sold out to the highest bidder. Do we really want our children to inherit these struggles? It's past time; stop the fear that divides us. We need to start standing up for each other. There are alternatives.

We have got to stop fighting for our own demise and start standing up for our children! I, for one, don't want my children to hear the countless stories of heartache that my grandfather told me. The legacy of widows learning their husbands were buried alive should end today! We live in a land that comes last in opportunity. We are one of the sickest and poorest states in the nation. Water is our most valuable resource. Take a look at the photos Dustin is holding up. Take a hard look at the waters of West Virginia. We are the headwaters of the entire eastern seaboard.

We cannot live without clean water. Like water, our struggles flow throughout our borders. All of us are impacted one way or another. We have to conquer the divide. West Virginia is thirsty for clean water and we are hungry for change. Our leaders are in session



this month. Take a stand. Make your voice heard! Start today! March and unite! Our nation was founded on the premise “by the people, for the people.” Remind our leaders that they work for us and demand they start working on a solution. Appalachians have always been strong and our ancestors fought many labor struggles and won! I haven’t given up on us. Our children are depending on us to do the right thing.

This nation is fueled by the blood of our people! It’s time for an uprising!

- No more mountaintop removal!
- No more fracking!
- No more slurry injections!
- No more sludge ponds!
- No more irresponsibility!
- We want clean air and water!
- We want safe, diverse and sustainable jobs!
- We want a future for our children!

West Virginia, water unites us.

West Virginia, Unite! 🍷



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

Conductivity Settlements and Lawsuits

by Dianne Bady

Measures of stream conductivity, or ionic pollution, tell us how easily an electrical current can pass through the water. If water is pure, it doesn't have much ability to conduct an electrical current. High conductivity means that there are many ions and dissolved solids in the water, including sulfates, magnesium, calcium and bicarbonate.

Multiple peer-reviewed scientific studies have found that high conductivity from mountaintop removal mines in Appalachia devastates downstream aquatic communities.

In our legal actions mentioned in this article, the required pre-mining water testing shows low conductivity. As mining proceeds — as mountain tops are blasted to rubble and the rubble dumped into what we call valley fills — then streams downstream of the mining show dramatic increases in conductivity, as much as 10 times the EPA's benchmark level for conductivity.

It should come as no surprise that state and federal politicians have been working hard to pressure the U.S. EPA into changing its conductivity benchmark, so that mountaintop removal operators don't have to be bothered with really expensive pollution controls. To heck with the stream critters, and ultimately the people; the top political priority is mountaintop removal profits.

(Please remember this when politicians and companies argue that fracking is safe and regulated, and that multiple fracking operations (see Ohio River threats story on page 12) under the Ohio River will be just fine — trust us. This is exactly what they've been saying about mountaintop removal for over 20 years.)

Thanks to our lawyers at Appalachian Mountain Advocates and Public Justice and to generous help from the Sierra Club, we've made a great deal of recent progress on tackling the conductivity problems that inevitably arise below MTR mines. Thanks also to co-plaintiffs WV Highlands Conservancy and Sierra Club.

Illegally high levels of conductivity in streams are a serious problem below MTR mines, but are not typical at deep mines. When coal companies are forced to remedy this widespread contamination, it becomes even clearer that the financial costs of conducting mountaintop removal are much higher than the costs at underground mines.

Here's some of our latest conductivity-below-MTR-mines news:

Landmark Settlement with Alpha Natural Resources (the former Massey Energy)

In December 2014, OVEC and partner groups reached a settlement with Alpha over the company's illegal biological degradation of streams at several MTR mines: Elk Run Coal's East of Stollings Surface Mine and White Castle No. 1 Surface Mine in Boone County and Alex Energy's Robinson North Surface Mine and the Wildcat Surface Mine in Nicholas County.



When coal companies blast hundreds of feet of mountaintops to smithereens and dump gargantuan quantities of the resulting rubble into streams, then there are major troubles downstream.

An earlier decision by U.S. District Judge Robert C. Chambers in this case was the first time that conductivity pollution from mountaintop removal mines was found to be illegal, setting an important precedent. In June, Judge Chambers wrote that mining had not only changed the chemistry of the streams, but had also biologically impaired them. Chambers' ruling stated that this profoundly reduced both the diversity and abundance of aquatic life.

Alpha then appealed the judge's verdict to the 4th U.S. Circuit Court of Appeals, but the Court refused to hear Alpha's appeal, leaving Judge Chambers' verdict to stand. **This is really significant**, as often in the past, coal mining court decisions unfavorable to the coal industry were overturned on appeal to the 4th Circuit. **So our conductivity**

legal victory is not only strong but has great significance for future MTR mining, given that highly elevated conductivity seems universal downstream of MTR and treating conductivity is quite expensive (even more expensive than treating selenium).

The resulting December settlement required the company to reduce water pollution to legal levels by August of 2019. Although this may seem like a long period, the reality is that designing and implementing huge reverse-osmosis-based treatment systems is a huge task. The judge appointed a Special Master to oversee each step of the process to make sure Alpha takes the required steps

leading to construction of treatment facilities.

Notice of Intent to Sue Patriot Coal

Also in December of 2014, we notified Patriot Coal of our intent to sue the company over serious **conductivity problems beneath over 20 valley fills at their 20-square-mile Hobet mountaintop removal complex** in Boone and Lincoln Counties.

Our notice cited the extremely high levels of stream conductivity, caused by the company's water runoff that flows into the Mud River and its tributaries — including Lukey Fork, Ballard Fork, Berry Branch, Sugartree Branch and Stanley Fork.

Our notice letter also identifies evidence showing that before mountaintop removal started in the 1980s at the massive Hobet complex, the stream water quality was excellent and many organisms known to be particularly sensitive to conductivity pollution from surface mining were present.

The Mud River has been listed as biologically impaired by the WV Department of Environmental Protection since at least 2004. The river receives the pollution from the contaminated tributaries mentioned above.

Another Conductivity Settlement

On January 27, we achieved another federal court win that upheld all of our contentions about the horrible impacts of extremely high conductivity levels in Stillhouse Branch, resulting from runoff at Fola Coal's huge MTR complex in Nicholas and Clay counties. (Fola is a Consol subsidiary.) Again, we were able to demonstrate that, before mining started, this stream was healthy and biologically diverse. (For the story about the trial for this lawsuit, see page 8 of the Winter 2014-15 issue of *Winds of Change*.)

Another Conductivity Lawsuit Filed

We sued Fola Coal again in early February, this time for the excessive conductivity at their Monoc #2 surface mine in Clay and Nicholas counties. Runoff from this mine drains into Leatherwood Creek, which flows into the Elk River.

The ions coming out of Fola's Monoc # 2 mine are consistent with surface coal mining pollution in Appalachia. The ionic mixture of calcium, magnesium, sulfates and bicarbonate has toxic effects on aquatic life and significant adverse effects on fish assemblages.

The high conductivity (ionic pollution) at this mine has also caused or contributed to increased stream embeddedness. Embeddedness happens when dissolved metals (mostly iron and manganese) precipitate out of the water (become un-dissolved) and settle on the bottom, covering the rocks. This is bad for aquatic life, because it gums up "hidey holes" for critters and fish and damages the substrate that aquatic plants root in or hang onto. 🍄

Don Blankenship got these mountaintop removal mines going — Elk Run and Alex — and under his leadership these MTR mines have devastated the surrounding communities, as well as contaminating the water. Blankenship had no more concern for safe water than he had for the lives of miners.

High conductivity in streams is extremely expensive to remediate — this settlement is going to make MTR mining even more expensive than underground mining.

— OVEC volunteer Paula Swearengin



Citizens Sue U.S. EPA

Bowing to pressure from the coal industry, WV and KY environmental agencies for years have failed to prevent the widespread contamination of state waters by mountaintop removal mines. Documented, systemic failure to enforce the Clean Water Act at mountaintop removal mines exists in these two states.

According to federal law, it is the duty of the U.S. EPA to step in with enforcement when a state fails to stop illegal pollution. On January 7, OVEC and other groups, with AppalMAD, filed three separate lawsuits to try to force the EPA to do its job. Two of the lawsuits seek to revoke the authority of the WV DEP's mining division and its KY counterpart to implement the Clean Water Act and have the EPA take over in its stead.

For many years, citizens in the region have met with EPA officials in Washington, D.C., written thousands of letters, hand delivered petitions with many thousands of signatures, and rallied outside the doors of the EPA's office. We've filed and won or successfully settled numerous pollution-related lawsuits against companies and state agencies.

Also for many years, people have been asking: What does it take to stop an immoral, illegal human health emergency? What do we have to do to make those in power stop this blatant ongoing contamination of our waters?

The continuing danger to citizens here was emphasized even further by a third lawsuit. In that action, we asked the court to force the EPA to develop pollution limits to protect biologically impaired streams, because the state of WV has systematically refused to do so. This lawsuit seeks to use the total maximum daily load (TMDL) process to impose required pollution reductions and protect WV streams from virtually unregulated pollution from surface mines.

In addition to asking for the EPA's intervention at streams in watersheds known to be harmed by surface mining, we also included impaired watersheds from other parts of West Virginia. 🍄



We Need a Buffer Zone From Politics

In 1983, the Reagan administration adopted a stream buffer zone rule, prohibiting strip mines from digging in or dumping waste rock within 100 feet of streams.

By 2008, mountaintop removal valley fills, which buried streams with what used to be mountaintops, were painfully common in southern West Virginia.

The Bush administration faced intense pressure from citizens to actually enforce the stream buffer zone rule.

But pressure from mountaintop removal companies and their politicians resulted in the Bush administration changing the rule in 2008 to include new criteria for companies to get a waiver or variance, making valley fills officially legal as long as waivers were approved by regulators. Of course, regulators followed politicians' desires for more mountaintop removal.

Environmental groups have been trying ever since to get the original stream buffer zone rule reinstated. In January of 2013, OVEC and other groups, represented by lawyers at Earthjustice, reopened litigation against the U.S. Department of Interior, arguing that Interior failed to fulfill an out-of-court settlement to repeal a rule that threw out a key protection for Appalachian streams during mountaintop removal mining. **In December of 2014, Interior announced that the agency was doing just that — reinstating the original stream buffer zone rule.**

Although this is certainly a legal victory, it's unclear what impact it will have on the ground in mountaintop removal areas in West Virginia. The mountaintop removal mine now operating near the Kanawha State Forest, just a few miles from the state capitol building, already has a state variance from the 100 foot stream buffer zone rule. Other mountaintop removal mines with variances continue to operate throughout southern West Virginia.



There is no buffer for the dust coming off mountaintop removal operations — and into the lungs of those living nearby.

Too little, too late?

We deeply appreciate the people in the Obama administration who reinstated the original stream buffer zone rule. But this rule change, at this point, is like closing the barn door after many of the horses have escaped.

We are horrified at more than 20 years of government officials

continuing to turn a deaf ear to the many people pleading for relief from the assaults of mountaintop removal in their backyards.

Mountaintop removal areas are national sacrifice zones, pure and simple. Mountains, valleys and streams have been annihilated. Many people have essentially been forced out of their family homeplaces that were passed down for generations. The sites of once tight, generations-old communities are now buried with mining waste or blasted to oblivion.

Numerous scientific studies have documented the horrible health effects on people living near mountaintop removal: high rates of premature death, cancer, respiratory disease and birth defects. **One smoking gun has already been identified — the toxic dust from blasting** at specific MTR sites has been identified as containing the exact same poisons that are now deeply lodged in the lungs of people who live near those sites. (Careful scientists are quick to say that more study is needed.)

The politicians who claim to represent us — democrats and republicans alike — continue to totally ignore all of this horrifying health research. Already, media are reporting that one priority of the new Republican majority in Congress is throwing out the new stream buffer zone rule. And the new Republican majority at the West Virginia state legislature is already busy drafting new legislation in response to our legal victories — new legislation that it hopes will allow more water pollution at mountaintop

removal sites. Most Democratic legislators are in agreement.

Even the dead can't rest in peace, as hundreds of graves have been destroyed — family cemeteries blasted and shoved off the mountaintops and into the bottoms of valley fills.

The decimated population that remains in mountaintop removal areas is plagued with some of the worst rates of drug deaths and addictions in the United States. The streams are largely contaminated, making new, clean economic development terribly difficult.

There is an important reason that last January, when the Elk River in Charleston was contaminated with coal “cleaning” chemicals, people in faraway coal counties lost their public drinking water along with those who actually live near the spill site. Safe drinking water now needs to be piped many miles away from the Elk River because many of the people who once depended on their own clean wells can no longer drink that coal-contaminated water. 🍷



Members of The Alliance for Appalachia prepare to meet with White House Staff to discuss the need to end mountaintop removal and clean up the toxic legacy coal has left behind.
Photo courtesy of The Alliance.

Grassroots Progress Report Evaluates Obama's Legacy in Appalachia

In December, the Alliance for Appalachia released its Grassroots Progress Report, which assesses the work the Obama administration has done in our region and provides recommendations for the president's final two years.

Member groups of the Alliance, which include OVEC, believe the administration must seriously consider the extensive health and environmental costs of coal in the region, as well as address the urgent need for economic transition.

In addition to presenting suggested actions for the administration, the report outlines repeated failures by state agencies to enforce the law. For instance, a Kentucky mining company has violated the Clean Water Act nearly 28,000 times, likely the largest non-compliance of the law in its 42-year history, while state regulators continue to give only slaps on the wrists. The lack of accountability for rampant violations of the Clean Water Act and other laws are one reason that citizen groups are calling for urgent federal attention to the issue.

The quiet cut-off of funding for a USGS Study on the health impacts of mountaintop removal and continued delays in rule-making processes indicate that the administration is ignoring the issue, despite new studies

linking mountaintop removal to increased rates of cancer and growing national concerns over climate change and water shortages. We want the administration to address serious lapses in regulation, enforcement and oversight of mountaintop removal mining operations and to engage in collaborative dialogue around solutions and mitigation for the adverse effects of mountaintop removal mining operations, as well as to discuss what's next for the region.

“The coal industry is never going to be like it was in the 1930s. The jobs have been on a decline since the beginning. We need to realistically think of the future of Appalachia, and fix this mess,” said Teri Blanton, a volunteer with The Alliance for Appalachia and Kentuckians For The Commonwealth. “We could employ 10 times the number of workers just fixing the toxic pollution mountaintop removal has left behind. We need reinvestment in Appalachia — not just clean energy, but cleaning up the messes left behind by dirty energy.”

In addition to planning for an Appalachian future with fewer and fewer coal jobs, the coalition is seeking more permanent protections and concrete commitments for what the agencies can accomplish by the end of 2016. Read the report here: bit.ly/1yNHtt1. 🍷

To be hopeful in bad times is not just foolishly romantic. It is based on the fact that human history is a history not only of cruelty, but also of compassion, sacrifice, courage, kindness. What we choose to emphasize in this complex history will determine our lives. If we see only the worst, it destroys our capacity to do something. If we remember those times and places — and there are so many — where people have behaved magnificently, this gives us the energy to act, and at least the possibility of sending this spinning top of a world in a different direction.

And if we do act, in however small a way, we don't have to wait for some grand utopian future. The future is an infinite succession of presents, and to live now as we think human beings should live, in defiance of all that is bad around us, is itself a marvelous victory.

— Howard Zinn

Pipelines Opposition Growing as People Educate Themselves

The boom in fracking has led to several proposals for major natural gas pipelines in our region. These pipelines would cut through national forests, disrupt streams and pass through extreme terrain.

This in turn has prompted a growing coalition of citizen groups that are working together to inform and organize resistance to the pipelines. One such coalition is the Mid-Atlantic Responsible Energy Project (MARE).

Partners in MARE include the Greenbrier River Watershed Association, Appalachian Mountain Advocates, WV Highlands Conservancy, WV Rivers Coalition, OVEC and several other groups in both WV and VA.

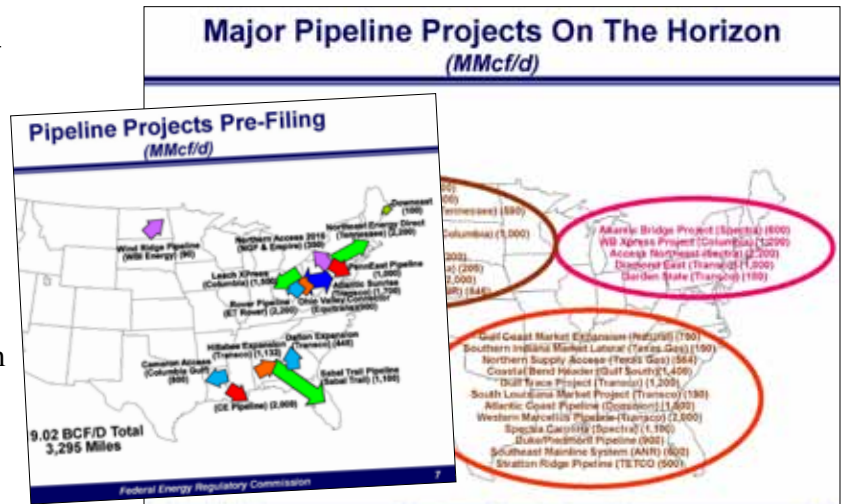
The Greenbrier River group has hired Elise Keaton as full-time education and outreach coordinator on the pipeline issues. At least two of the proposed pipelines, EQT's Mountain Valley and Dominion's Atlantic Coast, would impact the river's watershed and its residents.

Keaton's recently been at more than a dozen meetings, informing folks about the four main proposed pipelines, three of which are 42 inches in diameter and one 36 inches, along with several smaller ones which lead to and supply them.

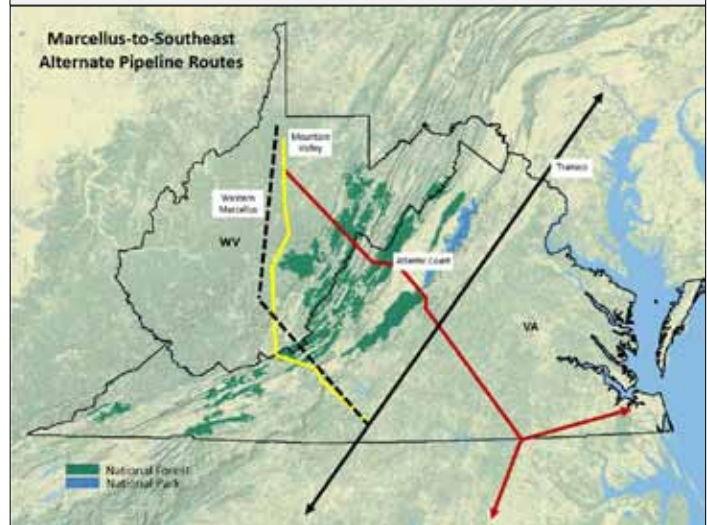
On January 10, S. Tom Bond, retired chemistry professor and "resident farmer" from Lewis County attended one of the meetings, this one hosted by the Mountain Lakes Preservation Alliance in Weston, WV. He wrote an article for FrackCheck WV about the meeting:

The pipelines will require 75 foot rights of way and will go through numerous streams, both causing siltation. They must be kept cleared for the life of the project, an unspecified time. Some companies say they will not use herbicide to keep them clear, but most observers think when the cost mounts, they will resort to herbicide, which will drift off the right of way, injuring surrounding forest or farmland.

The resistance is very high in the southern end of the Atlantic Coast Pipeline, because of the specialized agriculture there (vineyards, etc.) and relatively dense population. Many of the pipelines center around Doddridge County and Lewis County, in the center of WV. Timber on rights of way is largely wasted, piled up and burned.



October 9, 2014 Federal Energy Regulatory Commission
 Above: Slides from a 2014 presentation by FERC, depicting proposed pipeline projects. Below: Three unusually large pipelines proposed for rugged, wild terrain, much of it roadless, in WV.



Attorney Joe Lovett with the Appalachian Mountain Advocates presented at the meeting Bond attended (as well as at many others), detailing numerous distressing concerns property owners could face as the pipeline companies try to get them to sign leases. As Bond reported:

*Joe Lovett answered questions from the floor for half an hour or more. The most important thing for a landowner, he said was to **never sign a paper the first time it is presented to you.** Take time to think about it, do research, and discuss it with people you trust.*

According to MARE, the energy companies proposing these pipelines will try to secure easements through any means necessary, including the exercise of eminent domain.

A pipeline through or near your property can lower its value. Pipelines are also safety and environmental hazards.

Find out what your rights are and what you can do: visit www.mareproject.org.

I really think people across the state really need to open their eyes about gas fracking and gas pipelines. We need to think about what we're willing to sacrifice for the profit of the gas industry. As a state, we have to prioritize here. We're talking about the headwaters of the drinking water in the eastern U.S. Are we really going to give that up? It's not what we gain; it's what we give up. (People are) really concerned about their ability to continue to live in their homeplaces. People are deeply concerned, especially with things going on across the country with methane accidents.

– OVEC organizer Maria Gunnoe, as quoted in a January 22 State Journal news article, "Industry, environmentalists coexist at concurrent Atlantic Coast Pipeline meetings"

FERC Doesn't Work

According to its website, the purpose of the Federal Energy Regulatory Commission (FERC), "is to protect the public and energy customers, ensuring that regulated energy companies are acting within the law."

FERC says it is responsible for "approving the construction of interstate natural gas pipelines, storage facilities, and Liquefied Natural Gas (LNG) terminals."

And approve they do. But protect the public, not so much. That's why OVEC was glad to play a small role (helping with outreach and some media work) in the first activities of the Beyond Extreme Energy (BXE) collective. November's week-long direct action outside FERC's Washington, D.C., headquarters was called Beyond Extreme Energy: People Taking Action to Retire Fossil Fuels — No More Rubber-Stamping Business-as-Usual at FERC.

BXE's call to action:

The actions of the FERC are at odds with all that sustains life on Earth, including our climate system and clean water, air and land. As communities across the nation have risen up to fight pipelines crisscrossing the land, gas storage under lakes, and compressor stations and fracked-gas export plants in our backyards, FERC has remained unmoved, unresponsive and unaccountable. FERC has answered only to the fossil fuel industry, rubber-stamping almost every project.

In the face of increasing threats to our health, communities, democracy, property values, environment and climate we will gather to stop FERC's business-as-usual and to deliver a list of demands.

More than 50 groups endorsed the action, and more than 100 people were arrested as they blocked FERC's entrances. BXE has been at the forefront of subsequent actions.

Ted Glick, one of the organizers of BXE, with Chesapeake Climate Action Network, says:

(P)eople need to get it that the climate justice movement, increasingly aligned with other movements for progressive social change, refuses to accept "all of the above" and "business as usual." We know what time it is — there is little time left — and we are the leaders we have been waiting for. Now must be, has to be, our time to rise up in large numbers and with a spirit of love, a nonviolent discipline and a willingness to sacrifice that cannot be ignored. 🍌

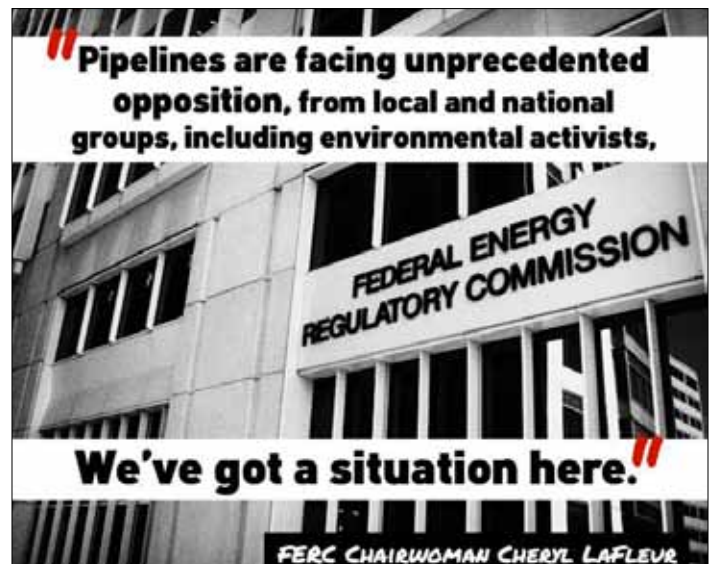
Ohio Valley Connector Project Connects Groups, Not That the Project Wanted That

Thanks to Ryan Talbott, with the Allegheny Defense Project in PA, for the heads-up on Equitrans' Ohio Valley Connector Project, another pipeline proposed for our region. Talbott notes, "The pipeline is intended to take fracked gas out of WV to inter-connect with the Rockies Express Pipeline and Texas Eastern... which means more Marcellus and Utica shale, which means more fracking in states like OH, WV and PA."

We joined FreshWater Accountability Project, based in Grand Rapids, OH, in signing on to Allegheny Defense's scoping comments on the proposed pipeline, which Talbott submitted to the Federal Energy Regulatory Commission (FERC) in late January.

The 28-page document concluded, "FERC must take a hard look at the indirect and cumulative impacts of the Project and consider other connected, cumulative, and similar actions in an EIS (environmental impact statement). FERC must consider reasonable alternatives (and) must prepare a programmatic EIS."

FERC is not known for caring what communities think about the gas-infrastructure that is devouring our area, but we await response. In the meantime, Talbott put together a staggeringly long list of projects that FERC has recently approved or is considering. Each day, more people are learning about the projects slated in their area. FERC can expect to hear from more of us. 🍌



Next in O & G Crosshairs?

continued from page 1

To educate folks about what fracking could mean for their communities, FFF invited Bill Hughes and Tom Fitzgerald to present at a community forum held in late January at the Acton Folk Center in Berea, KY.

FFF invited Hughes to outline all the troubles WV communities have faced as fracking activities have moved in. Hughes is on the Wetzel County Solid Waste Authority and he works part-time for both OVEC and the FracTracker Alliance. FracTracker paid Hughes' expenses for the trip to KY.

OVEC's Robin Blakeman attended the meeting. **Besides underlying eastern KY counties, the Rogersville Shale runs into WV, under her home county of Cabell, as well as Putnam, Boone, Wayne, Lincoln and Kanawha counties, in areas with a lot of fault lines** (fracking activity has been linked to earthquakes). Blakeman had to stand in the back of the room, because the nearly 400 people present filled every seat and lined every wall of the room. Organizers said fire codes forced them to turn away more than 100 folks after the meeting space was filled.

Fitzgerald is an environmental attorney with the Kentucky Resources Council. Both he and Hughes advised landowners to get a trusted attorney with expertise in property rights to go over any lease document prior to signing. He also advised that, in Kentucky, it is possible to appeal to the Attorney General to reverse a lease, if the landowner can prove they were given fraudulent or incomplete information. The best advice, however, is to "lawyer up" prior to signing anything. People should make certain any lease includes sampling their water to establish baseline data, before any shale-related activities begin.

And although leases may look lucrative, industry maneuverings can leave people with much less than they thought they were bargaining for. If people feel they were misinformed when they signed leases, they should contact an attorney to see if their signatures can be retracted, noted meeting participant Craig Williams, with the KY Environmental Foundation.

But what comes with the leases is only a small part of the story. Hughes told the crowd that fracking activities in a community bring a lot of negatives, especially water issues, air pollution and traffic accidents from the onslaught of numerous large trucks



It was standing room only for Robin Blakeman, who snapped this shot, and dozens more as Bill Hughes (way up front facing crowd) explained what the fracking invasion does to communities.

traveling on narrow, winding rural roads.

"If you have oversized, over-width, over-height and over-weight vehicles traveling on these roads, there might be a problem during even the best conditions," Hughes told the crowd.

This summer, all of OVEC's staff spent time talking to people horribly impacted by Marcellus shale drilling in Doddridge County, WV. We witnessed the transformation of a once bucolic rural area into what looked like a war zone — gigantic trucks everywhere. We saw gas company checkpoints on public roads that stopped all traffic. We met physically sick and heartsick surface landowners (who didn't own their mineral rights) whose homeplaces had been transformed into industrial complexes, often with horrible odors from gas activities. Is this same misery heading to western West Virginia and eastern Kentucky?

A couple of days after the meeting, Hughes told OVEC staff, "I just got another phone call today for information from a resident 20-30 miles from Berea, KY, who knew nothing about this meeting. He also had questions about the leasing process and general questions about what might happen. It is really fortunate that these KY folks have some warning and also now some resources to become better informed, organized and get out in front of the invasion." 🍌

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!

Appalachian Transition Fellowship Program Update

by Natalie Thompson

Regular readers of *Winds of Change* know that OVEC is quite fortunate to serve as a Host Community for the Highlander Research and Education Center's Appalachian Transition Fellowship Program from 2014 to 2015. It's a year-long, full-time paid program designed for 15 emerging community leaders who are committed to working in Central Appalachia toward the economic transition of the region.

I began working at OVEC on December 1, 2014. Having little knowledge of the Appalachian Fellows Program, I was astonished by the quarterly gathering that Janet Keating, Tyler Cannon, who is OVEC'S Appalachian Fellow, and I attended in December.

I discovered a multifaceted program designed for youth but invigorated and supported by sectors of business, local and state governments, communities and nonprofits. The unusual collaboration of said sectors and the energy produced by this union was overwhelming. The leaders are energetic, organized, passionate and intelligent facilitators. The fellows are educated, well spoken and deeply committed to the program.

Cannon's project for the program identifies energy efficiency success stories in West Virginia, with a focus on solar power projects that prove how important renewable energy is to our future, our health, our economy and our environment. He's compiling this information into a report that will be available in print and online.

Cannon's report should be available in May. About his project Cannon says:

In a time of high energy demand, energy efficiency is a least-cost resource to ensure security of the electrical grid for residents, businesses, schools and industry. Energy efficiency, simply put, is providing the same service while using less energy. This is a brief survey of energy efficiency in the state of West Virginia, intended to provide insight into the strengths and weaknesses of our state's energy efficiency policies. Energy efficiency serves as an underutilized opportunity for accessible job creation and security for the people of West Virginia.

Across the country, development opportunities in the solar industry are growing. Comparatively, West Virginia has many legislative and economic limitations regarding the development of solar

energy production of all scales, but we have had some laws that allow homeowners to make investments in solar and significantly cut their utility costs. Steps must be taken to use the available opportunity the solar industry presents, while it is still available. States across the country have embraced the solar market and seen tremendous gains as a result. I have compiled a collection of examples from around the state that show what savings we have gained and are hoping to gain with solar development in commercial, residential and government settings.

I invite you to take the time to visit the Appalachian Transition Fellowship website at www.appfellows.org and explore the great work these young, talented fellows are embarking on that will strengthen Appalachia's future.

I hope that, as supporters, you see the value of your membership and the importance of your ongoing support. Programs like this one epitomize the relevance of OVEC's work. 🍌

Welcome to Natalie



Natalie Thompson is OVEC's project coordinator for both WV Clean Elections and our Energy Efficiency Project.

She grew up in the southern coal-mining areas of WV, where her environmental consciousness was shaped early on by her grandfather, a mine foreman. Although his family was fed by the coal industry, he lamented the change from underground to MTR mining, and especially the destruction of the family's beloved Kayford Mountain. Spurred by the loss of a place where her family heritage precedes the Civil War, Thompson pursued and received a Bachelor of Science degree in environmental assessment and policy from Marshall University.

Thompson has created, led and/or volunteered for community projects such as facilitating Chat n' Chew open community, the development of a tree park, litter control, neighborhood watch, beautification efforts and more in Huntington, WV. She is also the principal executive officer of the Create Huntington Board of Connectors, a group that provides mini-grants and scholarships for projects that will benefit the city of Huntington, from arts projects to small business start-ups. 🍌



A Drinking Source for Millions Under Threat

by Robin Blakeman

In fall and again in late January, OVEC organized a meeting of individuals and representatives from WV- and OH-based citizen groups. We met to discuss multiple growing threats to Ohio River water quality. In fall, we met in Huntington, WV, and in January in Marietta, OH.

Uppermost on our minds is the rapidly expanding deep shale gas-based industrial processes inundating both states.

Our first steps working together include sharing our research findings as we encounter these threats in the region:

- gas pipelines and land-based transportation issues;
- pipeline compressor stations;
- gas drilling near or under the Ohio River and its basin;
- liquid waste from deep shale extraction activities (“fracking”), some of which could be radioactive, ending up leaching from landfills, used as “brine” for treating snow-covered road treatments or even used in agricultural processes;
- industrial “cracker” plants built to process the shale gas;
- the barging of liquid fracking waste on the river.

We agreed on the need to develop a more formalized alliance of our various grassroots groups and concerned citizens, and to do further outreach to other citizens and groups in the Ohio River basin, particularly in PA, OH, WV, KY and IN.

We plan another meeting in early spring to further develop our network of allied groups and citizens. I expect the alliance we are building to attract concerned citizens from all walks of life. Clean drinking water is everyone’s concern; it is essential to life. Jobs and economic development depend on the availability of clean water.

To get involved in this coalition, contact me at robin@ohvec.org or 304-522-0246. 🍌

Water Crisis Anniversary Underscores Continued Need for Vigilance

As you no doubt remember, on January 9, 2014, a massive chemical leak occurred at Freedom Industries’ tank farm along the Elk River, about a mile and half upstream from WV American Water’s intake pipes in Charleston, WV. Early in the day, a sickening licorice smell began wafting out of water taps. The smell came from something called MCHM, a chemical used to prep coal for market.

Hospitals reported an influx of people with rashes, nausea and other complaints after taking baths or showers. By afternoon, the governor declared a state of emergency and some 300,000 customers of WVAW were told to stop using their water for anything but flushing commodes and putting out fires. Stores were wiped clean of bottled water. The National Guard and local nonprofit groups worked to get bottled water to people in the nine impacted counties of central West Virginia.

Restaurants, small businesses and government buildings were forced to close. It would be days before some businesses could reopen. Several never did, having gone bankrupt. It took up to nine days before the government declared the water “safe” in homes in the region. But many doubted that declaration, and those who could afford to do so continued to purchase bottled water for months after the “all clear” had been given. *Some still refuse to drink the tap water.*

After the chemical spill, people mobilized for action, holding educational forums, rallies and meetings, all aimed at holding regulators and politicians accountable. We turned the palpable anger into organized citizens, and the West Virginia Safe Water Roundtable emerged. This loose coalition has involved up to 29 organizations, committed to working together to ensure the availability of clean, safe water to sustain life and a vital economy in West Virginia.

In response to citizen outcry, the legislature unanimously passed Senate Bill 373, which imposed the first-ever regulation of above-ground storage tanks. But as the months passed, industry pressure to backtrack on the bill mounted. The one-year anniversary of the careless contamination of the drinking water of nearly one-sixth of the population of West Virginia presented an excellent opportunity to publicly assess the state of clean water protections in WV and to urge citizens to stay vigilant.

The roundtable groups planned for months on how to mark the one-year anniversary of the water crisis. We had so much going on, we decided to call it all: January — A Month of Water.

Prior to kicking off the roundtable events, OVEC, with



Above: Rev. Mel Hoover and Rev. Rose Edington lead a prayer during the candlelight vigil marking the one-year anniversary of the water crisis. Inset: prayer vigil attendees.

Water unites us!

the help of the Hastings Group and Civil Society Institute, hosted a tele-press conference. Officials were already publicizing their take on what has been going on since the water crisis, and we wanted to be certain that the citizen-point-of-view was included in news stories leading up to the anniversary.

OVEC Executive Director Janet Keating gave the opening comments during the tele-press conference. Also speaking were WV Rivers Coalition Executive Director Angie Rosser, Cathy Kunkel, steering committee member, Advocates for a Safe Water System (newly formed after the chemical leak), Dr. Ben Stout, an aquatic biologist with a specialty in water quality and a professor at Wheeling Jesuit University and Rebecca Roth, a Charleston-area mother who was pregnant during the water crisis. Go to ohvec.org/water for a link to the audio and some of the comments made during the press conference.

January — A Month of Water officially kicked off on January 9, starting with well-attended citizen education workshops at the Culture Center on the WV State Capitol Grounds, sponsored primarily by the West Virginia Rivers Coalition.

That evening, folks braved 20 degree temperatures for an interfaith candlelight vigil at the Kanawha River in front of the Capitol. OVEC volunteer Paula Swearingin and OVEC's Robin Blakeman, a Presbyterian minister, served as primary coordinators for the vigil. Kate Long and Paul Epstein provided music. Speakers representing Native American, Hindu, Muslim, Unitarian and Christian faiths all underscored the sacredness of water in their faiths. You can read the opening prayer/meditation given by Reverend Mel Hoover and Reverend Rose Edington (chair of OVEC's board) at ohvec.org/water-vigil-prayer. After their prayer, Native American elder Bob Nuckles led a ceremony to bless the waters.

"This planet belongs to our children's children. No matter our beliefs, we come together in solidarity. We can make a difference," Nuckles said.

As the river water carried away the vigil's blessings, everyone came back to the culture center for hot chocolate and the world-premiere of *Elk River Blues*. Several hundred folks packed the theatre to watch this documentary by Mike Youngren, which features West Virginians' response to systemic failures that continue to threaten our water. The WV Rivers Coalition and the Unitarian Universalist Congregation Clean Water Task Force provided funding for the film.

On the morning of January 17, Advocates for a Safe Water System hosted a safe water system leadership training in Charleston. People gathered that afternoon for the Water Unites Us: Rally for Clean Water Statewide. The calls to action for this event included:

~Contaminated wells—Chemical spills—Acid mine drainage—Dead streams—Water table drop—Selenium—Slurry spills—Cracked wells—Leaky settlement ponds—Inadequate municipal water systems—Liquid fracking waste~

All over West Virginia, citizens are fighting for cleaner water... It's time to band together: Join the statewide movement for clean water because Clean Water is a Human Right!

The day concluded with a party and fundraising dinner, organized by awarewv.org, at a local lounge. Proceeds benefited the roundtable.

The Month of Water activities concluded January 23 – 24, with Looking Forward: Summit on Chemical Safety in West Virginia, hosted by People Concerned About Chemical Safety.

And soon thereafter, the 2015 WV Legislative Session began. How quickly those fellows (and they are mostly fellows) under the Golden Dome forget/ignore the lessons of the water crisis! About two weeks into the session, legislators introduced a bill that would drastically gut the unanimously passed 2014 above-ground storage bill, SB 373.

West Virginia Public News Service reported that Chelena McCoy (an OVEC member) has lingering health effects from the 2014 drinking-water contamination. And that she is "enraged, shocked and appalled" by the new legislation.

"It just absolutely infuriates me. The anger goes through my body when I even think about it," McCoy told the news service. "I just can't allow myself to believe that our representatives would stoop that low. Our politicians have been quick to try and protect industry, but I have always felt some of that was naiveté. After last January, there is no way they could blame it on ignorance."

As this is being written, legislators (in cahoots with corporate lobbyists) are busily at work on other bills that do *not* serve the public interest. And we are busily calling for folks to turn out at the State Capitol, to once again flex their democracy muscles. 🍌

January, the Month of Water



The West Virginia Safe Water Roundtable's January — A Month of Water events included above, top, the Jan. 9 candlelight vigil, with OVEC member D.L. Hamilton visible; left, the Jan. 17 Water Unites Us rally, where Dustin White and Robin Blakeman were in the throng holding signs; and above, right, workshops and other events at the WV Culture Center, also on Jan. 9.

Facing page, left column, top photo: The Water Unites Us rally marched to the governor's mansion; middle photo: The Vandalia Collective put on a fabulous street theatre skit during the Jan. 17 rally; bottom photo: The rally crowd enjoying the skit.

Facing page, right column, top photo: Yup! The DEP chief really said that, not during our month of water events, but a couple of weeks later, in defense of water during the 2015 WV Legislative Session (the inset photo is of a stream running orange with acid mine drainage); middle photo: Participants at the Jan. 17 rally love clean water; bottom photo, left: Rapper Beatty performs "West Virginia Water," which he wrote in the midst of the water crisis (Beatty moved to Atlanta in 2014, but drove all the way back to perform at the Water Unites Us rally); bottom, photo, right: Geneuahgehneh Lee, a member of the Vandalia Collective. The banner across Lee's outfit denotes that she is Miss Indian Defense League. Lee is part of the Cayuga Nation known as Haudenosaunee. Daytime photos by Janet Keating. Nighttime photos by Vivian Stockman.



People want to locate where the water is as clean as possible. That is our best economic development tool, not making the standards as low as possible.

— WV DEP Secretary Randy Huffman, defending drinking water protections before 2015 WV Legislature



Organizations that have participated in the WV Safe Water Roundtable meetings over the past year include: Advocates for a Safe Water System / Artists Working in Alliance to Restore the Environment (AWARE) / American Friends Service Committee / Aurora Lights / Citizens Actively Protecting the Environment / Covenant House / Fairness WV / Friends of Water / Healthy Kids and Families Coalition / Keepers of the Mountains / NAACP / OVEC (Ohio Valley Environmental Coalition) / Our Children Our Future Campaign / People Concerned About Chemical Safety / Sierra Club / The Alliance for Appalachia / Unitarian Universalist Clean Water Task Force / WV Center for Budget and Policy / WV Citizen Action for Real Enforcement / WV Citizen Action Group / WV Clean Water Hub / WV Council of Churches / WV Environmental Council / WV FREE / WV League of Women Voters / WV Moms for "SAFE" Water / WV Rivers Coalition / WV Sustainable Business Council

DAWG Gets It: Water is A Human Right

Our allies at Direct Action Welfare Group (DAWG) invited OVEC to participate in “Water is a Human Right,” held in Huntington, WV, in mid-December.

DAWG, the Assembly to End Poverty, and the Poverty Working Group of the U.S. Social Forum organized the event, which featured guests who have been on the forefront of the struggle for water in Detroit, MI, as well as West Virginians who are fighting for clean water, namely our own organizer Dustin White and Paul Corbit Brown with Keepers of the Mountains. The Appalachian Community Fund funded the event.

Members of the Michigan Welfare Rights Organization spoke about their fight for water in Detroit. In June 2014, *Democracy Now* reported on their efforts:

Activists in Detroit have appealed to the United Nations over the city’s move to shut off the water of thousands of residents. The Detroit Water and Sewerage Department says half of its 323,000 accounts are delinquent and has begun turning off the taps of those who do not pay bills that total above \$150 or that are 60 days late. Since March, up to 3,000 account holders have had their water cut off every week. The Detroit water authority carries an estimated \$5 billion in debt and has been the subject of privatization talks.

In a submission to the United Nations special rapporteur on the human right to safe drinking water and sanitation, activists say Detroit is trying to push through a private takeover of its water system at the expense of basic rights.

Maureen Taylor of the Michigan Welfare Rights Organization says, “In Michigan it is particularly egregious because a household that has welfare involvement and water is turned off with minor children in the home, means that protective services can come in and take the children out and put them in foster

care... This is an orchestrated attack by banks and corporations...in an effort to try to enrich themselves.”

Activists appealed to the United Nations in June for assistance, and over the weekend of October 18-20 of 2014, two United Nations officials, Catarina de Albuquerque, special rapporteur on water and sanitation, and Leilani Farha, special rapporteur on affordable housing, arrived on a fact-finding mission to observe the impact of the shutoffs and possible human rights violations.

Al Jazeera America reported:

“We were shocked, impressed by the proportions of the disconnections and by the way that it is affecting the weakest, the poorest and the most vulnerable,” said Catarina de Albuquerque, the U.N. special rapporteur on the human right to safe drinking water and sanitation, at a press conference on Monday.

“I’ve been to rich countries like Japan and Slovenia where basically 99 percent of population have access to water, and I’ve been to poor countries where half the population doesn’t have access to water ... but this large-scale retrogression or backwards steps is new for me.” She added, “From a human rights perspective, any retrogression should be seen as a human right violation.”

Learn more by searching “Water Crisis in Detroit: Putting Corporate Profit Ahead of Human Rights” online.

The struggle for clean water unites us. DAWG is in the midst of helping to plan the Central Appalachian People’s Movement Assembly, wherein regular folks work together to create a world that respects the human rights of all humans, nurtures creativity and health, promotes unity, solidarity and peace and uses resources in a way that protects the earth and affirms life. Visit wvdawg.org for info. 🍌





More than 50 years after the passage of the Civil Rights Act, dramatic racial disparities continue to exist in the nation, West Virginia included.

For instance, according to the WV Center on Budget and Poverty’s analysis of U.S. Census data, more than 55 percent of African American children in WV under the age of five live in poverty, as compared to 26.5 percent of white children in the same age group. In WV, more than 32 percent of blacks are living in poverty, compared to 17.5 percent of whites. And although blacks make up just 3.2 percent of the state’s population, they make up 12.3 percent of its incarcerated inmates.

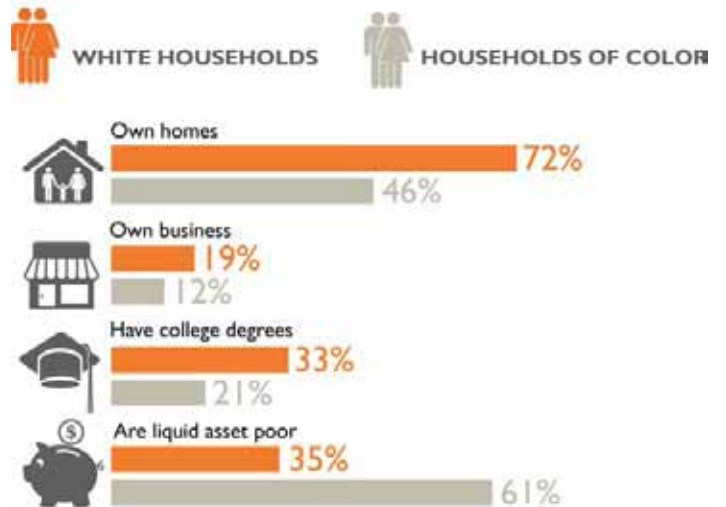
To inform and expand the conversation about race in WV, on November 10 –11, the center, along with the Partnership of African American Churches, the Charleston Black Ministerial Alliance, the American Friends Service Committee, the WV Women’s Commission and several other groups, presented the Summit on Race Matters in Appalachia. OVEC was one of the associate sponsors of the conference.

“We have to put racism in front of us, in order to put it behind us,” said conference keynote speaker, Dr. Gail Christopher, with the W.K. Kellogg Foundation. She noted that race does not exist, biologically. Race is a social construct, and racism is a set of beliefs that has shaped politics, policies and institutions, hampering human evolution. Racism is still a matter of life and death today, she said.

Christopher noted that racism still exists, even in the absence of racists, because of long-standing institutional practices and unconscious bias within each of us. Overcoming unconscious bias is a lifelong effort — we are all a product of our cultural programming and it’s hard to overcome. (Learn more at www.tolerance.org/activity/test-yourself-hidden-bias.)

Christopher also spoke about our state’s natural beauty — the trees, mountains and rivers. “There’s something about it that’s very special, important in reaching our higher selves.” But humans can participate in ‘organized lovelessness,’ not just to people we perceive as ‘other’ but to nature, too. Organized lovelessness can be seen in ‘our’ ability to *not* recognize kinder ways to treat the mountains than take their tops off.” 🍌

DISPARITIES BY RACE



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The best predictor of where a toxic waste dump will be sited is race, she said. Racism gave rise to the need for the environmental justice movement.

Another keynote speaker, Michael Wenger, a professor on race relations at George Washington University in Washington, D.C., said, “My experience both in West Virginia and throughout Appalachia has been that communities that promote racial justice and racial harmony, communities where there are fewer racial divides ... are more economically healthy.”

The third keynote speaker, Dustin Washington, director of the community justice program with the American Friends Service Committee, gave a history lesson. Ruling classes, afraid of poor people uniting and rising up against injustice, used race to divide the poor. Despite the civil-rights movement, Washington said, “we’ve never rooted out the white supremacy that was embedded in every single one of our institutions. That’s why it’s not enough to just talk about racial disparities, because we tend to say these systems are broken, when in actuality they’re doing exactly what they were set up to do. The systems in this country were *not* set up to serve every human being.”

The summit included screening of segments of the film *Cracking the Codes: The System of Racial Inequality*, which opened space for discussion, where people spoke of their own experiences.

Reverend Ron English, who helped organize the conference, was one of many speakers who talked about unconscious bias. He said, “As Maya Angelo used to say, when you know better, you do better and that’s what the whole conversation here is trying to get at.”

To get at more, see: www.racialequitytools.org and search “Freedom School” at afsc.org 🍌

Cradle to Grave

by Daile Boulis, an OVEC volunteer

From January 30 to February 2, I had the honor of attending the Extreme Energy Summit in Biloxi, Mississippi. OVEC organizer Dustin White went, too. From the event website:

The Summit...will bring together a wide variety of leaders representing groups across the country who are resisting all forms of energy extraction, from small grassroots community groups working in frontline communities to large national nonprofits and everything in between. In addition to meeting and strategizing, this diverse and dynamic group of organizers will have the opportunity to tour and see the heavily impacted Gulf Coast region as a coalition of local and regional groups have graciously agreed to host us and organize a tour of communities impacted by energy infrastructure in the Mobile area.

I was deeply affected by the tour that we took of the gulf region, by learning from the Eastern Biloxi Mississippi Coalition of Vietnamese-American Fisher Folks and Families how the BP Oil Spill continues to affect their lives and livelihoods, as well as by the Wedgewood Community in Pensacola, FL, whose community is surrounded on three sides by seven (soon to be eight) landfills. Additional stops at the Chevron Refinery in Pascagoula, MS, the MacCaffie Coal Terminal in Mobile and Africatown, AL, were also eye openers.

I learned a phrase during the tour: “From Cradle to Grave” — the full journey of an extracted energy product: extraction, processing, distribution (both raw and refined) and waste.

I am fairly educated and familiar with how coal is extracted, particularly here in West Virginia. I have seen the processing plants and the coal trains. But I never thought it completely through to the distribution of the coal and the dispersion of the associated waste. I never thought about where the coal goes or that as it travels its toxic dust and other byproducts are spread along the way.

I learned that the removal of the coal from “my mine” is the “cradle.” The coal is transported by truck to be processed, typically quite near where it is extracted. Then it is transported, generally by train, for immediate use, or for sale around the globe.

The MacCaffie Coal Terminal is huge. This is where much of our coal is transported to be shipped to countries around the world. In the shadow of this huge port is Africatown. This small historic community deals on a daily basis with the toxic effects of coal dust, chemicals that leak from trains and barges transporting coal, tar sands, and oil, among other products.

The terminal houses tank farms, open coal cars



The MacCaffie Coal Terminal, Port of Mobile, Alabama.
Photo courtesy Daile Boulis.

and shipping containers storing toxic extractive energy products as far as the eye can see — so many that if even the smallest percentage of them are leaking they have the potential to devastate not only Africatown, but also the entire gulf region.

Which brings me to “...the Grave.”

Where did the sludge from the BP Oil Spill go? When there is an environmental clean-up, such as the MCHM from the Elk River spill in Charleston, WV, what is the final destination for the disposal of such waste?

Simple answer: landfills. The final stop on our tour was a community in Pensacola known as Wedgewood. After listening to the presentation outlining the seven landfills and the hazardous waste they contain, I was genuinely concerned about breathing the air. I wish I were exaggerating. I was appalled that anyone had to live in these conditions. This is a nice neighborhood. A proud neighborhood, where property values are now so low that people can’t move away from the stench and the health risks. I can’t wrap my brain around the fact that someone, anyone, in their local, county or state government thought that it was appropriate, *is* appropriate, to locate these landfills on the very borders of this community.

Let me be clear: Throughout the process, from extraction to processing, transportation and disposal, people die. They die as a result of exposure to toxic byproducts in their water and in their air. Our need to “keep the lights on” poisons our citizens, our neighbors and our families.

I wish I knew of a solution. Simply reducing our energy footprint would help but not solve this issue. Requiring these industries to not only implement responsible practices for extraction, but also holding them responsible for cleanup, repair and restitution would be positive steps. Renewable energy would go a long way toward being a solution. But even if new clean technology were implemented today, we would still have a toxic legacy that requires response.

“Cradle to Grave.” People, communities are dying. Don’t doubt it. Don’t minimize it. Own it. Do what you can about it. 🍌

As If Mountaintop Removal Weren't Enough to Keep A Woman Busy

Dr. Randi Pokladnik and her husband Joel are long-time OVEC members. Randi is from eastern Ohio and has lived for 59 years in the strip-mined coal counties of Jefferson and Harrison. Unfortunately, deep shale gas fracking activities have become the latest way to destroy these beautiful areas.

Pokladnik has been involved with environmental issues for most of her life. One big cause she worked on was trying to stop the WTI hazardous waste incinerator that moved into East Liverpool, OH.

Pokladnik visited Kayford Mountain a few times when Larry Gibson was alive, so she has witnessed the devastation known as mountaintop removal coal mining. She carried out her doctorate research in West Virginia, Ohio and Kentucky on ginseng, generating articles such as *Can Woods Cultivated Ginseng Programs Help Preserve Mesophytic Forests and Provide Economic Development for Rural Communities?* Some of you may have seen her presentation titled *Another Perspective on Mountaintop Removal: Ginseng Poaching from the Next Generation*, which she presented at 2008 Appalachia Studies Association Conference at Marshall University.

Pokladnik has taught both high school and college students. She's grown quite concerned about the misinformation that oil and gas companies spew out during teacher professional development workshops. "I don't think many teachers realize that this oil and gas development will come at an enormous cost to the ecosystems and people living in the regions," she says.

To help counteract the misinformation campaign, Pokladnik has prepared *Debunking the Misleading Claims of the Oil and Gas Industry*, which she first shared at



Top photo: Kayford Mountain by Vivian Stockman. Not a good place for ginseng or people. Bottom photo: A fracking well pad in Wetzel County by Bill Hughes. The air, water, noise and light pollution at fracking operations are just some of the troubles. "Disposal" of liquid waste is another.

Wellness and Water III, held in Charleston in October, 2014. You can find the paper on the "Shale" section of ohvec.org.

Of course, Pokladnik's involved with the Ohio River meetings (see story on page 12). Her letter to the editor, "Fracking waste will yield toxic future," appeared in the *Columbus Dispatch* on December 12:

Our state legislators and the Ohio Department of Natural Resources have welcomed with open arms highly toxic "produced fluids" from gas and oil fracking.

In 2011, more than 2.8 million barrels of fracking waste were put into Ohio's injection wells. Half of that waste came from West Virginia and Pennsylvania. These wastes contain myriad industrial chemicals used to frack gas and oil wells. Because of nondisclosure agreements, many of the chemicals remain unknown; some are carcinogenic, while others are endocrine disruptors.

Additionally, because these chemicals come into contact with radioactive particles deep in the ground, they also harbor water-soluble radionuclides. Samples of fracking waste have contained levels of radiation over 3,600 times what experts say is safe for drinking water, according to Environment Ohio.

According to Ohio Revised Code 1509.226, these radioactive wastes can be applied to land surfaces as a dust control or road de-icer or dumped into landfills. Drill cuttings, wastes created during the fracking process, are finding their way into Ohio landfills. These materials are referred to as TENORM, or technically enhanced naturally occurring radioactive materials.

Ohio's landfills are not equipped to handle radioactive materials. Long after Ohio's oil and gas boom has ended, we will be dealing with this toxic legacy. 🍌

Kanawha Forest Coalition Update

In December, the Kanawha Forest Coalition (KFC) held a media day at the Kanawha State Forest (KSF). KFC invited reporters to see for themselves that the KSF view shed will indeed be impacted by a DEP permit for a 400-acre MTR mine near the forest, contrary to what both the mine operator and the DEP say. KFC led the media out to the gated Middle Ridge Road, where reporters could see that the permit area is easily visible (and audible) to hikers, bikers and other forest users, from within the forest and from within the KSF's Historic District.

Reporters were invited to visit the home of Daile Boulis, a Loudendale resident and OVEC member, who lives close to the mine operation. She spoke with reporters about how required DEP rules related to residents, such as testing their water, had not been followed.

Doug Wood, a recently retired DEP biologist and water quality specialist and also an OVEC member, was on hand to explain that the permit does not adequately protect against adverse water quality impacts.

Wood led the media tour to an abandoned mine portal that is a likely bat hibernaculum. He explained why the likely presence of the Indiana bat (listed as endangered) and the northern long-eared bat (proposed for endangered listing) make a study of the bats' habitat mandatory. But the DEP did not require a bat study for this permit.

Although the permit claims that no KSF wildlife will be affected by the mining, Wood showed the media vernal pools along the shooting range road that are prime breeding locations for frogs and salamanders. The pools and/or their amphibian populations will be directly impacted by the mining operation.

After the media tour, on December 18, the *State Journal* ran an article, "Kanawha Forest Coalition



Kanawha State Forest supporters rally at the State Capitol in August, 2014.

report addresses legal, procedural flaws in KD No. 2 Surface Mine permit," which reported:

The Kanawha Forest Coalition has relentlessly fought to dismantle the KD No. 2 Surface Mine near Kanawha State Forest since its permit was issued in May. Despite finding little resolution to their concerns so far, members have proven this week that they haven't given up the fight.

After hosting a tour of KSF's historic district, the group released a report Dec. 16 detailing what it calls "regulatory mishaps and procedural flaws" members say were involved in the DEP issuance of a permit allowing surface mining within 588 feet of Kanawha State Forest and within 1,500 feet of homes.

The report, written by Wood, describes instances in which DEP accepted "inaccurate data from coal company consultants" as part of the permit application process for the mine, the coalition said in a news release.

"The consultant who generated the view shed analysis falsely claimed that forest users within the Historic District would not be able to see the mine and therefore neither Forest users nor the Historic District would be impacted by the KD No. 2 mine," Wood said in a statement. "Harold Ward, director of mining and reclamation at the DEP, accepted this flawed claim without question, even after the State Historic Preservation Office repeatedly cited it as one of their primary concerns."

...Since beginning work on the mine in May, Revelation Energy, the mine's operator, has been found to be operating in violation of surface mining law and permit requirements relating to water quality, blasting and offsite damage 13 times since July, the coalition said in the news release.

The group appealed the mine's permit to the WV Surface Mine Board in June, but the board denied two requests for a temporary injunction to stop the mining during the appeal process

“Meanwhile... mining activity at Keystone Development’s #2 Mine was at a standstill, reportedly due to market considerations.”

and, four months after the August hearing, still hasn't made a ruling in the case, according to the coalition.

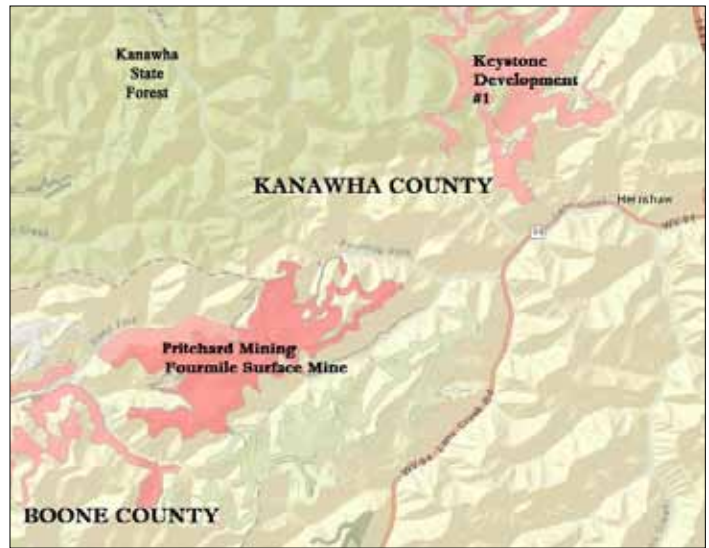
In early February, the board finally ruled, denying the citizens’ appeal to revoke the permit. In reporting on the board’s actions, the *Charleston Gazette* noted, “Meanwhile Tuesday (February 3), mining activity at Keystone Development’s #2 Mine was at a standstill, reportedly due to market considerations.”

Chad Cordell, with KFC, says, “The consequence of the Surface Mine Board’s decision to allow the mining next to Kanawha State Forest to continue means ongoing impairment of the headwaters of Davis Creek, increased risk of cancer and heart disease for local residents, and massive disturbance to one of the Charleston area’s greatest assets. Revelation Energy has already destroyed all aquatic life just over the ridge in Rush Creek and now we’re seeing major water pollution issues from KD#2, including acid drainage into Davis Creek.

“The Kanawha Forest Coalition has no intention of slowing our opposition to this strip mine. We will continue to pressure the DEP to enforce the laws meant to protect our water, property and health from the impacts of strip mining.”

OVEC organizer Dustin White says, “This is just another example of the blatant disregard the WVDEP has for the health and safety of the public by taking favor with the coal industry. Adequate proof was provided that the KD#2 permit should be revoked, yet the Surface Mine Board chose to endanger the Kanawha State Forest and the people living in the area. One hope is that the decreasing market for coal will put a permanent halt to this mine. OVEC will continue to support the Kanawha Forest Coalition in any way we can.”

The Kanawha Forest Coalition is made up of Kanawha Valley residents and local organizations working to protect Kanawha State Forest and the health of local residents from the adverse effects of mountaintop removal mining. For a copy of KFC’s latest report, see: tinyurl.com/KFCfiles. 🍌



Not only are the KD#1 and (off map) KD#2 MTR mines threatening Kanawha State Forest and nearby communities, but so is Pritchard Mining’s Fourmile mine.

Water Pollution: Intent to Sue Over Violations

On January 16, the lawyers at Appalachian Mountain Advocates, on behalf of OVEC, WV Highlands Conservancy, the Sierra Club and WV Rivers Coalition, sent a notice of intent to sue Pritchard Mining Company over its mountaintop removal mine, which is close to Kanawha State Forest, between the communities of Hernshaw and Ashford. The Fourmile Surface mine covers 668 acres in Kanawha and Boone counties. Valley Fill No. 3 drains into headwaters of Little Rich Fork, which then drains into Rich Fork of Bull Creek.

The baseline data indicate that the stream was in really great shape prior to mining. Once Valley Fill No. 3 was “constructed,” conductivity skyrocketed, along with concentrations of problematic ions, sulfates, TDS (total dissolved solids), calcium and manganese.

The notice of intent to sue argued that Pritchard is in violation of the state and federal performance standards that prohibit mining operations from causing violations of water quality standards. In addition, Pritchard’s mining operations have resulted in impermissible material damage to the hydrologic balance.

If Pritchard fails to come into compliance within 60 days (compliance with the Clean Water Act, the federal surface mine act (SMCRA) and the terms of their permits), we intend to file a citizen suit to compel enforcement. 🍌

In Defense of Nature

OVEC member Sandra McVeigh lives in PA, but she's long helped out in our efforts to end mountaintop removal and is an advocate against fracking.

McVeigh says, "Our area is being invaded by so much fracking that it's overwhelming." Here's a letter to the editor she recently sent to a newspaper in her neck of the woods:

A few weeks ago, I attended a Laurel Hill State Park presentation on osprey and learned that all of the osprey we see at Lake Arthur in Moraine State Park were reintroduced (through painstaking labor and expense) because decades ago they (and the eagles) had been inadvertently killed off from DDT poisoning in the environment.

Today, Lake Arthur is teeming with eagles, osprey, blue herons and a host of other wildlife. The lake, its wildlife and Moraine State Park are treasures for all members of the Butler County community; but there is a new, looming threat to their wellbeing. We know now that at least five Marcellus Shale wells are planned within a mile of Lake Arthur and will have strong potential to impact two watersheds and resulting streams that feed the lake (one of which is a Special Protection High Quality Watershed).

If we lose the eagles and osprey again at Lake Arthur, it will be because we don't deserve to have them there — because we were too busy with day-to-day life to pay attention to the protection they need to survive. What stands between their life and death is our willingness to defend them and make sure their water and food sources remain free from industrial contamination.

Just yesterday, I drove to pick up children at Lutherlyn Camp in Butler County and during the journey passed several industrial well sites. At one point during the drive, the road dipped down into a valley, and the air was filled with the dangerous and powerful smell of natural gas.

What will the air quality of Lake Arthur be in the future, as the fog settles on the lake in the early evening silence? Let us not forget that the lake is "home" for all the creatures that live there. They survive based on the quality of the water and air that we provide for them at Lake Arthur. 🍌



MLK Jr. Day

Working with others to promote peace and justice is a huge part of OVEC's mission. For instance, since at least 2001, OVEC's been participating in the Huntington Cabell Branch of NAACP's Martin Luther King, Jr., Memorial Civil Rights March and Celebration to honor the life and legacy of Dr. King. This January, about 300 people joined the march.

In an interview with a reporter from the Herald Dispatch, Sylvia Ridgeway, NAACP State Conference President and President of the Cabell Wayne Branch of NAACP, says, "We're realizing that some of these problems we had in the 1950s and '60s are still going on. So we haven't really arrived yet. The dream must go on; we must keep hope alive until we get what is due." 🍌



Top: Huntington, WV Mayor Steve Williams and NAACP State Conference and Huntington Cabell Branch President, Sylvia Ridgeway. Bottom: Part of the crowd of 300 some folks who took part in the march and celebration. Photos by OVEC Executive Director Janet Keating.

EPA's First-ever Coal Ash Rule Leaves Communities to Protect Themselves

In mid-December, the U.S. Environmental Protection Agency issued long-delayed federal regulations for coal ash but failed to fix major pollution problems from the disposal of coal ash waste, including contamination of rivers and drinking water supplies.

The Obama administration's failure to issue strong ash disposal regulations means that environmental disasters like the Dan River coal ash spill in North Carolina in February and the massive 2008 ash spill in Kingston, Tennessee, could happen again.

"Today's rule doesn't prevent more tragic spills like the ones we are still trying to clean up in North Carolina and Tennessee. And it won't stop the slower-moving disaster that is unfolding for communities around the country, as leaky coal ash ponds and dumps poison water," says Earthjustice attorney Lisa Evans.

The new rule fails to phase out the dangerous practice of storing immense quantities of toxic waste in unlined "ponds" behind earthen dams that are often structurally unstable and prone to failure. EPA's approach effectively lets the utility industry police itself without federal or state oversight.

Coal ash is the toxic waste formed from burning coal in power plants to make electricity. It is filled with some of the deadliest toxins known to man, including hazardous chemicals such as arsenic, lead, mercury and hexavalent chromium. Coal ash — the second largest industrial waste stream in the United States — is linked to the four leading



News file photo of Tennessee coal ash spill.

causes of death in the United States: heart disease, cancer, respiratory diseases and stroke.

Unsafe disposal of coal ash into the nation's more than 1,400 coal ash waste dumps has contaminated more than 200 rivers, lakes, streams and sources of underground drinking water in 37 states. Coal ash, when dumped in unlined lagoons and landfills, often poisons drinking water and kills fish and wildlife.

Earthjustice and the groups that sued the EPA over its failure to regulate coal ash are planning to keep up the fight for critical public health and environmental protection.

Coal ash regulations were proposed in 2010 following the largest toxic waste spill in U.S. history in Kingston, Tennessee, when one billion gallons of coal ash sludge destroyed 300 acres and dozens of homes. But in response to pressure from the coal power industry, EPA delayed finalizing the proposed rule. 🍌

Proven Carbon Sequestration: Leave it in the Ground

In January, the journal *Nature* published a study that concludes vast underground reserves of oil, gas and coal should be left in the ground if the world stands any chance of averting dangerous climate change.

Scientists calculated that **a third of global oil reserves, half of gas reserves and more than 80 per cent of coal reserves should remain in the ground as "unburnable"** to avoid exceeding a temperature-rise limit set in international climate meetings.

Policy makers have generally agreed that the average global temperature rise caused by greenhouse gas emissions should not exceed 2° C above the average global temperature of pre-industrial times.

To reach that goal, the study authors show that the overwhelming majority of the huge coal reserves in China, Russia and the United States should remain unused along with over 260 thousand million barrels of oil reserves in the Middle East, equivalent to all of the oil reserves held by Saudi Arabia. The Middle East should also leave over

60% of its gas reserves in the ground.

The development of resources in the Arctic and any increase in unconventional oil — oil of a poor quality that is hard to extract — are also found to be inconsistent with efforts to limit climate change.

The lead author of the study, Dr Christophe McGlade, said, "Policy makers must realize that their instincts to completely use the fossil fuels within their countries are wholly incompatible with their commitments to the 2° C goal."

Co-author Professor Paul Ekins said, "Companies spent over \$670 billion last year searching for and developing new fossil fuel resources. Investors in these companies should question spending such budgets. The greater global attention to climate policy means that fossil fuel companies are becoming increasingly risky for investors in terms of the delivery of long-term returns. I would expect prudent investors in energy to shift increasingly towards low-carbon energy sources." 🍌

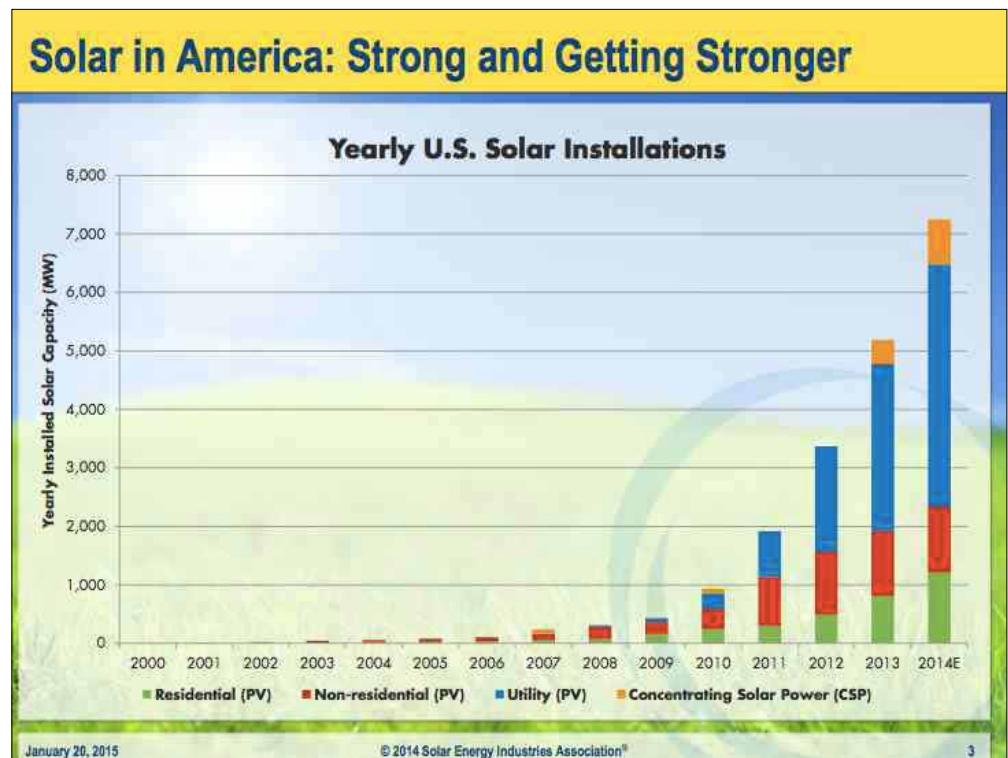
More Great News About Renewable Energy Daily

Pretty much every day, OVEC posts links to news stories about renewable energy on our website. You can find them right on our front page ohvec.org. Click the tab for renewables (a yellow sun with a green lightning streak) to see the latest news we've collected.

Checking this positive news as you sip your morning beverage is a great way to start your day.

Solar industry jobs are growing at 20 times the national rate

In 2014, 31,000 new jobs were created in the solar industry, which accounts for nearly two percent of all new jobs created in the U.S. last year.



Rooftop solar electricity on pace to beat coal, oil

The cost of rooftop solar-powered electricity will be on par with prices for common coal or oil-powered generation in just two years — and the technology to produce it will only get cheaper.

Council to guide transitions to 100% renewable energy

A new expert body has been formed to advise governments and organizations around the world on how best to ditch fossil fuels and make the switch to 100 percent renewables.

Made up of a dozen world-renowned energy experts, analysts and consultants, the International Energy Advisory Council (IEAC) was launched this week to assist with the design and implementation of forward-looking, sustainable energy policy, as part of the global effort to mitigate climate change.

The group's firm focus, however, is the replacement or avoidance of the world's incumbent centralized fossil-fuel and nuclear-energy systems with a combination of energy efficiency and decentralized renewable energy systems.

"The world no longer needs or wants centralized energy, fossil fuel or nuclear power plants, and we believe that 100% renewable energy systems are achievable based on a combination of energy efficiency measures and local decentralized renewable-energy systems providing the remaining energy requirements," says Allan Jones, chairman of the IEAC team.

Commitment to 100% renewable energy

By 2020, 100 of the world's largest companies will have committed to 100-percent renewable energy under a global campaign called RE100.

"Investing in renewable energy is good for business, the economy and the planet," Steve Howard, chief sustainability officer for Ikea, said recently. "Every business can benefit from making the switch to clean, abundant energy, and RE100 is a call to action to accelerate this transition."



2014: Hottest Year in Recorded Human History

In mid-January, the National Oceanic and Atmospheric Administration (NOAA) and National Aeronautics and Space Administration (NASA) held a joint press conference to announce that Earth had its warmest year in recorded human history in 2014.

The two agencies used different measurement techniques and both found global surface temperatures in 2014 were 1.24° F above the 20th-century average, highest among all years recorded from 1880 to 2014. The Japan Meteorological Agency (JMA) had the same findings.

Including 2014, 9 out of 10 of the warmest years in the 135-year period of records have occurred during the 21st century (2001 to 2014), with 1998 (4th warmest year on record) rounding out the top 10.

Jeff Masters and Bob Henson of the Weather Channel commented:

*The fact that separate analyses by three major research groups rated 2014 as the warmest year on record should put to rest the bogus idea often espoused by climate change deniers that “global warming stopped in 1998.” **Based on the evidence, more than 97% of climate scientists have concluded that humans are primarily responsible for the warming of the planet to the record levels observed in 2014. Climate change is already causing significant impacts to people and ecosystems, and these impacts will grow much more severe in the coming years. New research is painting a clearer picture of the tough decisions that lie ahead if we hope to reduce the serious risks that we and our planet face. As we approach the critical negotiations in Paris in December to hammer out a new binding climate change treaty, we should keep in mind that we can choose to take economically sensible steps to lessen the damage of climate change, and the cost of inaction is much higher than the cost of action.***



The Maxey brothers found MTR to be abhorrent.

Farewell to Donald Maxey

The Maxey family has given West Virginia and surrounding states some upstanding defenders of place and community. OVEC is saddened to hear of the passing, on January 27, of Donald Reese Maxey. He was 87 and residing in Frederick, MD. He was a Korean War veteran and a science teacher for more than 30 years. His obituary noted, “Impacts of his passionate environmental and community activism will be long standing in the area.” The family asked that, in lieu of flowers, donations be made to OVEC.

One of Donald’s siblings was William R. “Bill” Maxey, the former director of the West Virginia Division of Forestry, who died in 2004 in Boone County, WV. Bill’s obituary noted, “Bill was appointed the director of the Division of Forestry by Gov. Gaston Caperton in 1993... He resigned his appointment of Director of Forestry under protest of mountaintop removal mining in November 1998.”

Have you thought about your legacy?
Are you looking for a long-term way to make a meaningful difference in the movement to build a cleaner energy future?

Please consider making a planned gift to OVEC today.

Planned giving options include:

- Gifts of stocks and bonds.
- Including OVEC as a beneficiary in your life insurance policy.
- Including OVEC as a beneficiary in your will.

Tax benefits apply to each of these options. Please contact your attorney or a financial advisor for more info, or go to lalwv.org.

Stay current!
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often.



Blankenship on Trial

Rumors swirled for quite some time, but, finally, on November 13, an avalanche of news stories hit, nationwide. Here's what Ellen Smith of *Mine Safety and Health News* reported:

Former Chief Executive Officer of Massey Energy, Donald L. Blankenship, has been indicted under conspiracy charges that he violated mandatory federal mine safety and health standards, conspired to impede federal mine safety officials, made false statements to the United States Securities and Exchange Commission (SEC), and has been charged with securities fraud by the U.S. Attorney's Office in Charleston W.Va.

The 43-page indictment alleges that from about January 1, 2008, through about April 9, 2010, Blankenship conspired to commit and cause routine, willful violations of mandatory federal mine safety and health standards at Massey Energy's Upper Big Branch mine, located in Raleigh County, West Virginia.

The indictment alleges that during this same period of time, Blankenship was part of a conspiracy to impede and hinder federal mine safety officials from carrying out their duties at Upper Big Branch by providing advance warning of federal mine safety inspection activities, so their underground operations could conceal and cover up safety violations that they routinely committed.

The indictment further alleges that after a major, fatal explosion occurred at Upper Big Branch on April 5, 2010, Blankenship made and caused to be made false statements and representations to the SEC concerning Massey Energy's safety practices prior to the explosion. Additionally, the indictment alleges that, after this explosion, Blankenship made and caused to be made materially false statements and representations, as well as materially misleading omissions, in connection with the purchase and sale of Massey Energy stock.

The four counts charged carry a maximum combined penalty of 31 years' imprisonment.

Blankenship's trial was first scheduled to begin in January, but is currently set to begin April 20 at the U.S. Courthouse in Beckley, WV.

Since news of the indictment first broke, Blankenship's legal troubles have continued to make headlines and cause a stir in social media, despite U.S. District Judge Irene Berger's gag order on much of the court proceedings. For instance, on January 3, the *Pittsburgh Tribune* ran a story titled, "Disgraced coal baron Blankenship of Massey Energy



symbolized lethal greed," by Brian Bowling:

A dedication to the bottom line drove Don Blankenship's rapid rise in Massey Energy Co., and his dedication appears to be the linchpin of the government's prosecution of Blankenship for the deaths of 29 miners at the Upper Big Branch mine in West Virginia.

In a four-count indictment, federal prosecutors cite multiple instances when Blankenship, 64, scolded mine management for slowing production to address safety issues or violations cited by inspectors from the Mine Safety and Health Administration.

Blankenship's longtime critics recognize the pattern.

"If he felt he could make more money by breaching a contract or (violating safety and environmental standards), it was automatic. He did it," Pittsburgh attorney David Fawcett said. He represented Harman Mining Co. and Wheeling-Pittsburgh Steel Corp. in several lawsuits challenging Blankenship's business dealings...

For more than two decades, Blankenship dominated West Virginia's coal scene.

Although most coal executives restrict their comments to press releases, investor conferences and shareholder meetings, Blankenship held rallies and publicly debated environmentalists. [Ed. note: Among those debated were WV Highlands Conservancy's Cindy Rank and OVEC's Vivian Stockman.]

... "Even after Upper Big Branch, there were still a lot of people here who said he was right," said Vernon Haltom, executive director of Coal River Mountain Watch, a coalfield citizens group. "He had enormous influence in West Virginia, and I'm not sure he still doesn't."

...Blankenship's ascent began when Massey

hired him in 1982 as office manager for its Rawl Sales & Processing Co. subsidiary. Two years later, he was president of the subsidiary and embroiled in a strike that ended when he broke the miners union's grip on the company....Atop a mountain in Sprigg, W.Va., is the mansion in which Blankenship lived during much of his time as head of Massey.

He had employees install a water line to the mansion... while Massey's Rawl subsidiary fought claims by more than 700 neighbors that it polluted their drinking wells by pumping at least 1.4 billion gallons of coal slurry underground.

The seven-year legal battle ended when Blankenship resigned and Alpha Natural Resources bought Massey in 2011, Stanley said. Alpha settled the case for \$35 million in damages and \$5 million to monitor the health of residents.

Chuck Nelson, a former union miner [and OVEC member], worked for Massey for six years. He lost his job after helping to organize a protest by fellow residents of Sylvester, W.Va., when a Massey subsidiary blanketed the town with coal dust.

Wind blew the dust from a coal stockpile and conveyor belt on top of a ridge overlooking the town.

"I would come in from working the evening shift, and there would be a half-inch of dust on everything in my house," Nelson said.

Nelson became one of the few public voices before the Upper Big Branch explosion to talk about Blankenship's system of ignoring safety regulations in mines.

"All of them had the same practices," he said. "Whenever a mine inspector wasn't there, they really cut corners."

The Upper Big Branch explosion ended Blankenship's tenure at Massey. By the end of 2010, he had stepped down as chairman and CEO, and shortly afterward, Bristol, Va.-based Alpha bought Massey.

For the next four years, Blankenship made documentaries and wrote blog postings criticizing federal mine regulators and several investigations that concluded safety violations led to the explosion. He claims an inundation of natural gas was the cause.

His continued denial of responsibility changed some people's minds about him, said Vivian Stockman, project coordinator for the Ohio Valley Environmental Coalition in Huntington, W.Va.

He had many fans when taking on environmentalists and government regulators, she

said: "People like confrontation and bluster, and it's popular to tell off the federal government. He certainly tapped into that."

Then the public saw a side to Blankenship that she and other community activists long had known.

"I think a lot more people identify with the miners who lost their loved ones than this cold-hearted fellow who keeps insisting that he wasn't wrong," Stockman said. "I felt like, when the indictment came down, that was a pretty happy day for a lot of West Virginians." 🍌

Freedom Industries Officials Indicted, Too



Above: TV news screenshot of Freedom Industries executive Gary Southern, during a press conference on the first day 300,000 people would be without water, thanks to the leaking rotten chemical storage tank at Freedom. Area stores were already wiped cleaned of bottled water when Southern took this infamous swig as the cameras rolled.

On December 17, the *Charleston Gazette* reported that federal prosecutors charged Freedom Industries and six of its owners, managers and employees with criminal violations of the Clean Water Act related to the January 2014 coal-cleaning chemical leak that contaminated the drinking water of 300,000 people in Charleston, WV, and surrounding communities.

The indictment says, "Their negligence resulted in and caused the discharge of a pollutant, that is, MCHM, from point sources into the Elk River."

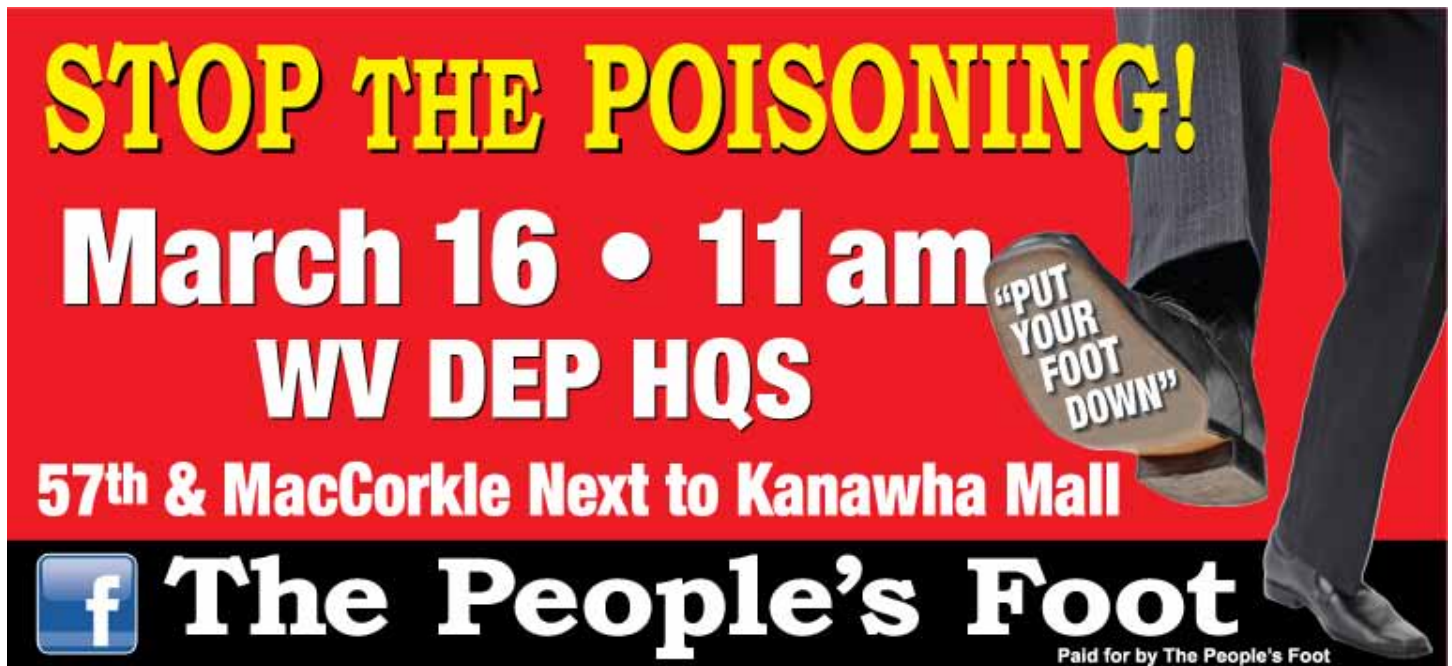
Freedom's Gary Southern faces a maximum sentence of 68 years in prison.

At a news conference, U.S. Attorney Booth Goodwin said the chemical leak was "completely preventable" and that Freedom's executives showed "flagrant disregard for the law."

Goodwin said, "It is hard to overstate the disruption that happens when 300,000 people lose water." 🍌

Ohio Valley Environmental Coalition
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STOP THE POISONING!
March 16 • 11 am
WV DEP HQS
57th & MacCorkle Next to Kanawha Mall

 **The People's Foot**
Paid for by The People's Foot

The WV DEP continues to ignore the studies that show mountaintop removal is drastically harming our health and cutting our lives short.

Time to put your foot down! Be sure to come out to DEP headquarters on March 16.

Bring your family and friends! We'll have a free T-shirt for the first 100 people.

For more info, see The People's Foot Facebook page or call the OVEC office at 304-522-0246.

Tell the DEP no more MTR permits. See you March 16!