

Summer 2015



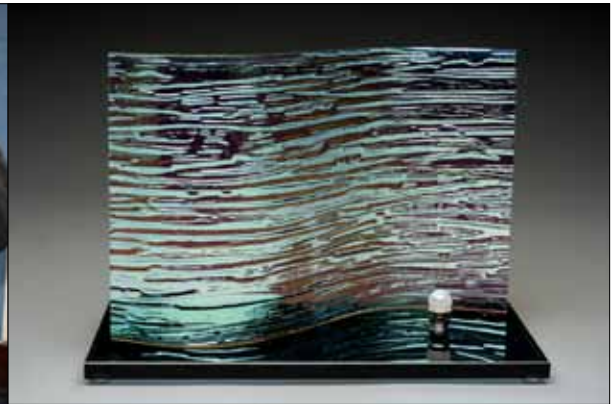
Winds of Change

Supporting Organized Voices and Empowered Communities Since 1987

Huntington, WV

OVEC

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At left, OVEC board members, volunteers, supporters and staff at the National Press Club in Washington, D.C., receiving, above, the Jean and Leslie Douglas Pearl Award, given by the Cornell Douglas Foundation.

OVEC Wins Second Annual Jean and Leslie Douglas Pearl Award

The cherry trees were in bloom and our spirits were high as we (several OVEC board members, volunteers, supporters and staff members) headed to the National Press Club in Washington, D.C, on April 14 to receive the second annual Jean and Leslie Douglas Pearl Award.

The Cornell Douglas Foundation gave four of the awards this year. Recipients are each given \$30,000, along with an original glass sculpture (see photo above).

“The Jean and Leslie Douglas Pearl Award, named in memory of my parents, is given to organizations and to individuals dedicated to improving the lives of others and to providing a sustainable earth for future generations,” says Ann Cornell, president of the Cornell Douglas Foundation. “Despite challenges that often confront the recipients, they are committed to act as catalysts for positive change and determined to promote the rights of individuals to live in a world with clean water, air and sustainable land.”

“Jean and Leslie Douglas lived each day with

integrity, vision, respect for people and the natural world and boundless love for family,” Cornell adds.

Other award winners this year are the Shepherdstown, WV-based group SkyTruth; Tyrone B. Hayes, Ph.D., a biologist at the University of California, Berkeley; and Frederica P. Perera, Ph.D., a public health professor at Columbia University.

Past recipients of the award include Arlene Blum, Ph.D., of the Green Science Policy Institute; the late Theo Colburn, Ph.D., of the Endocrine Disruptor Exchange; and John Peterson Myers, Ph.D., founder, CEO and chief scientist at Environmental Health Sciences.

The Cornell Douglas Foundation is a private, foundation established in 2006. Its mission is to provide small grants to organizations that promote the vision of the foundation: advocating for environmental health and justice, encouraging stewardship of the environment, and furthering respect for sustainability of resources. 🍌

Inside This *Winds of Change*

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We All Share In This Honor

On April 14, OVEC's Executive Director Janet Keating gave this acceptance speech at the National Press Club as OVEC received the Jean and Leslie Douglas Pearl Award:

Good afternoon. It is truly an honor to be with you. We, of the Ohio Valley Environmental Coalition — OVEC — are sincerely grateful to the Cornell Douglas Foundation for this prestigious recognition and thrilled to be among the outstanding recipients of this second annual

Jean and Leslie Douglas Pearl Award. We are the ones receiving this award, but I would be remiss if I did not tell you that the foundation has been deeply committed to our cause, to saving our ancient mountain ecosystems, communities and people. To that end, Ann Cornell has been more than a benefactor: She's been our champion.

Experience has taught us that no individual within OVEC could ever accomplish as much as our grassroots organization has done, together, in the past 27 years. Many people, who can't be with us today, even those who have

passed on, share in this honor. All of our successes have come from the collective hearts, minds and actions of OVEC's hard-working and devoted volunteers, board members, and staff members. Without their active participation, I doubt that we would be here today.

For OVEC to receive a Pearl Award seems so appropriate because OVEC is in the business of creating "pearls." Those who pollute our air, land and water in our region, undoubtedly find us to be a source of persistent irritation. And like that grain of sand in the oyster shell, we don't stop irritating them until they either willingly change or are forced

to change their ways. Interestingly, at the same time that we aim to change the behavior of polluters, we often witness amazing transformations in the lives of people with whom we work, who access and exercise their personal power. Nothing is more gratifying than seeing a community member speaking out for the first time about an injustice.

Ann has asked us to reflect upon what our goals might be in the next year, so I reached out to others. Here are three brief responses:

1) "I would like OVEC to educate people in our region about the serious threats from potential deep shale fracking for oil and gas from the Rogersville Shale deposit and to be successful in generating so much citizen involvement that actual fracking for this oil is minimized or stopped."

2) "I would be remiss if I didn't throw in the need to prevent catastrophic pollution of the Ohio River from the fossil fuel and chemical companies that line it in dramatically increasing numbers."

3) "I hope for an immediate moratorium on mountaintop removal permits."

In summary, three worthy goals for the coming year are: to stop fracking, to protect the Ohio River from further pollution, and to end mountaintop removal coal mining in Central Appalachia.

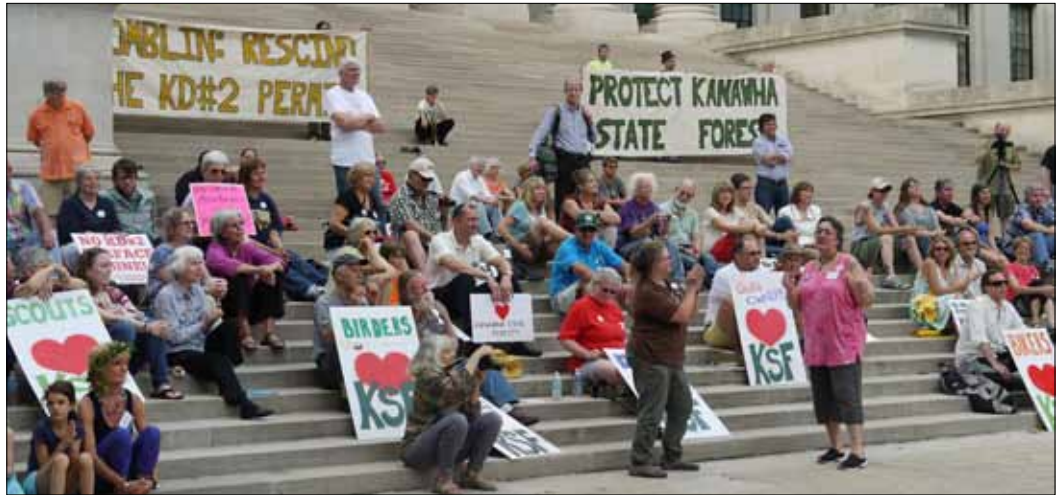
I leave you with these final thoughts: We have the right and an obligation to protect that which we love. To that end, my goal in the coming year is to connect with more Appalachians who are driven by love — an abiding love of the natural world that sustains us, a love of our glorious mountains which renews our spirits, a love of our home places, communities, and people that ground and connect us and a love of our unique culture and history which defines us. 🍓

"For OVEC to receive a Pearl Award seems so appropriate because OVEC is in the business of creating 'pearls.' Those who pollute our air, land and water in our region, undoubtedly find us to be a source of persistent irritation. And like that grain of sand in the oyster shell, we don't stop irritating them until they either willingly change or are forced to change their ways."

KD#2 Permit Receives Yet Another Cessation Order

On April 6, the Keystone Development #2 permit, better known as the mine beside the Kanawha State Forest, was issued its third cessation order by the DEP within a year. The permit, once touted by the DEP and the governor's administration as one of the most scrutinized ever in the state, has received more than 20 violations since work began. The permit is currently under A4-Active status, which means that although it is considered to be an active mine, no coal is being removed from the site. Many mine operators consider violations to be just the "cost of doing business," but for KD#2, it seems to be causing them to halt business. Even so, DEP has not yet collected many of the fines it has levied for violations incurred by KD#2.

The Kanawha Forest Coalition has been doing



A Kanawha Forest Coalition rally in August, 2014.

great work with public education about this MTR mine. They've also been monitoring the mine closely; many of the violations KD#2 has been cited for might have gone unnoticed if not for the coalition's vigilance. There have been rumors that the mine will move into idle status due to the market value of coal reaching new lows, but no papers along those lines have yet been filed.

Due to the high volume of violations Keystone Industries has received, the DEP has issued a show-cause order to them. If the DEP concludes that a pattern of violations exists, and that those violations "were caused willfully or through an unwarranted failure to comply," the agency must issue a show-cause order. This order gives the company a chance to argue why its permit should not be revoked. Under state law, the DEP can revoke permits and shut down mining operations that commit "patterns of violation." As this is written, it is unclear what DEP will choose to do. The Kanawha Forest Coalition will continue its work to have this permit withdrawn and gone forever, so the people living near the permitted area and elsewhere can rest peacefully, knowing they will not have to live with the constant blasting, toxic dust, water contamination and impacts that this mine would have to the Kanawha State Forest and neighboring communities.

If you would like to get involved with the coalition, visit the website, kanawhaforestcoalition.org, or find them on Facebook. You can also contact OVEC organizer Dustin White for details at 304-541-3144 or dustin@ohvec.org.

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Ohio Valley Environmental Coalition
P.O. Box 6753, Huntington, WV 25773

phone: 304-522-0246 fax: 304-522-4079

www.ohvec.org

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

Legal Action: State Agency's Failure to Enforce Law Endangers People, Environment

For many years, hundreds of people have been asking: What does it take to stop an obvious, immoral and illegal human-health emergency? Out-of-control mountaintop removal (MTR) coal mining is linked to epidemics of cancer, cardiovascular disease, birth defects and premature death in affected communities. What do we have to do to make those in power stop this blatant and ongoing sickening of our people and contamination of our waters?

In January, OVEC and other groups filed three lawsuits against the U.S. EPA for EPA's chronic failure to do its legally mandated job: to demand that environmental agencies in West Virginia and Kentucky actually enforce pollution laws at MTR sites. (See OVEC's Spring 2015 *Winds of Change* for details on these lawsuits.)

On March 17, seven local, regional and national groups filed a formal notice of intent to sue the U.S. Office of Surface Mining for failing to intervene on West Virginia's lax oversight of MTR and other destructive surface coal mining. The WV Department of Environmental Protection has, for decades, allowed the coal industry to ravage the environment, putting people at risk and destroying local communities.

The state's chronically poor oversight has included a persistent failure to conduct inspections meant to protect people and the environment from coal companies that operate outside the law. WV has also failed to undertake required assessments to ensure that streams, rivers and drinking-water wells aren't harmed by MTR and other destructive surface coal-mining practices.

Under WV's program, we've seen once-vibrant streams die, devastating floods and loved ones exposed to toxic blasting dust become ill. MTR coal mining has destroyed communities and threatens to destroy more. We filed suit because we need OSM to take action now.

Our March notice of intent to sue OSM was filed after our groups spent many years trying to get OSM to force DEP to regulate MTR as required by law. In June 2013, 18 organizations joined a legal petition to the Office of Surface Mining detailing the extensive mining-oversight failures of DEP. The federal agency



Pick a mountaintop removal operation, any one, and you'll likely find state mining regulation enforcement failures. For this shot, SouthWings provided the birds-eye view. Thank you as ever and always, SouthWings.org and all you fabulous volunteer pilots.

has acknowledged that five of the claims have merit, but has failed to take action toward promulgating a federal program. Under the federal Surface Mining Control and Reclamation Act, OSM is required to step in when a state fails to implement, enforce or maintain its program for overseeing surface mining.

The notice of intent to sue details the state's failure to complete mandatory inspections evaluating whether a mining operation is complying with the law.

"During one three-month stretch in 2014, the state failed to conduct 171 required inspections," said Lori Ann Burd, environmental health director at the Center for Biological Diversity. "These chronic failures translate into serious harm on the ground — because without inspections, the people who live in the state have to rely on the mining industry to voluntarily report things like water-quality violations that threaten public health."

The groups filing the notice are OVEC, Coal River Mountain Watch, WV Highlands Conservancy, WV Rivers Coalition, Center for Biological Diversity, National Wildlife Federation and the Sierra Club. 🍷



Patriot Coal's Hobet 21 MTR Mine Wiping Out Mud River Watershed

On April 5, OVEC and other groups filed a lawsuit in the U.S. District Court for the Southern District of West Virginia over widespread water pollution from Patriot Coal's sprawling Hobet 21 coal mine in Boone and Lincoln counties. This pollution has led to elevated conductivity levels in several streams.

The illegal pollution from more than 20 valley fills at the site has caused almost the entire Mud River watershed to become biologically impaired, meaning that the pollution is killing off aquatic life to the point where these streams are no longer healthy ecosystems.

"State and federal governments have allowed severe water contamination to continue at Patriot's Hobet mines for many years, in violation of the Clean Water Act's protections. This makes new clean economic development difficult. Now it is critical that government take responsibility for improving the economic damage they have allowed in mountaintop removal areas, as well as the damage to the environment," says OVEC founder Dianne Bady.

"Patriot Coal is flagrantly violating the terms and protections that are in its own permits," she notes, "and this has created a serious water quality problem over a significant area. Treating this pollution will be challenging and should be a reminder that the coal industry has long avoided paying for the true cost of its mining operations. Instead, much of that cost has been offloaded onto West Virginia's water, its wildlife and its citizens."

As mines across the region continue to face requirements to address their pollution, the growing trend is clear: *Mining company irresponsibility is a key driver of the economic and environmental decline of the region, and cleaning up this pollution is critical to the region's recovery.* Since Hobet began mountaintop removal mining in the Mud River watershed in the 1980s, the health of local streams and waterways has declined dramatically. Data from the period before mining demonstrates that these streams once enjoyed low levels of water pollution, as well as healthy local wildlife communities.

"There are ways of treating this pollution, and we hope Patriot decides that the future of our streams, wildlife and Appalachian heritage are worth what it takes to protect them," says Cindy Rank of the WV Highlands Conservancy.

The basis for Tuesday's suit is a section of the mine's pollution permit that prohibits dumping into local waters "materials in concentrations which are harmful, hazardous or toxic to man, animal or aquatic life," or that cause "significant adverse impacts to the chemical, physical, hydrologic or biological components of aquatic ecosystems."

The groups bringing the lawsuit are OVEC, WVHC and the Sierra Club. We are represented by attorneys with Appalachian Mountain Advocates. 🍌

Above, left: Part of the Hobet MTR Mine, where once was the community of folks who lived along Berry Branch, in Lincoln County. Flyover courtesy SouthWings.org.

Above, right: More of the massive Hobet mine, which straddles Boone and Lincoln counties.

Rogersville Shale Update

... even if we cut flow rates in half ... this is definitely shaping up to be a world-class play.

— Cimarex Energy, writing online about oil flowing out of their Rogersville shale test well in Lawrence County, KY, adjacent to Wayne County, WV

Cimarex is aggressively seeking leases in Wayne County for oil and gas exploration. Their land agent, Gulfland Appalachian Energy, recently sent letters to residents outside of Pritchard reading: “Please allow us the opportunity to visit with you before signing a lease with any other company.” In fact, three other companies also want access to oil and gas rights at this much-loved homeplace, which is surrounded by neighbors getting similar requests.

A company called Black Gold sent what looks like a mass mailer to some residents in the Lavalette area, asking to lease mineral rights. And some miles southeast, a sign that reads “I Buy Mineral Rights,” along with a phone number, sits next to a sign for the Beech Fork Wildlife Area. Beech Fork State Park is the most heavily used park in WV.

Marcellus Shale is being fracked at around 5,000 feet below the surface, whereas the Rogersville test wells are 14,000 and 15,000 feet deep. The formations that include the Rogersville run anywhere from 10,000 to 30,000 feet below ground in West Virginia.

Officials with Abarta Energy, active in Eastern Kentucky, say that the Rogersville is an extremely risky prospect, but the rewards could be immense.

We’ve learned from our friends in the Marcellus fracking areas of WV that it seems to be residents who bear the greater share of the fracking risks.

New information from the U.S. Geological Survey says that the Rogersville Shale in KY and WV is the next likely horizon for unconventional petroleum system development (a prettier term for fracking). A 2014 report from the KY Geological Survey states that “a viable petroleum system exists in the Rogersville.” (To see a map of the Rogersville Shale, see the front page of the Spring 2015 *Winds of Change* at ohvec.org/newsletters/2015/spring.php)

At least three Rogersville test wells are currently in use, two in eastern Kentucky and one in Putnam County, WV, northeast of Hometown.

The KY Geological Survey reported on an older Exxon test well in Wayne County, WV. Their 2014 report showed evidence of an “oil window,” as well as wet gas (propane and ethane) and dry gas (methane) in the Wayne County test well.

A Kentucky geologist said that Rogersville wet gas (ethane and propane) is more likely to be found in Kentucky than in West Virginia; West Virginia is more

likely to have only methane. But ethane and propane were found in the Wayne County test well.

Remember the massive explosion in Fayette County, WV, earlier this year, when several train cars carrying Bakken crude oil ignited and about 2,500 people had to be evacuated? That crude oil shipped from North Dakota contained ethane and propane, which is what made the mixture so explosive. We wonder whether any oil produced in Wayne County would have the same sort of explosive characteristics.

There is already a good deal of research showing that underground “disposal” of massive amounts of liquid waste from fracking activities can cause earthquakes — new 2015 data comes from Texas and Oklahoma. Also, a spokesperson with Climate Reality Check notes that the deeper the fracking activities, the more the risk of earthquakes. The extremely deep Rogersville Shale is riddled with geological faults, and faults run under the Ohio River, which borders portions of the Rogersville. If this deposit is drilled, any leaks or spills could run into the Ohio River or its tributaries.


In February, Corky DeMarco, director of the WV Oil and Gas Association, stated, “It’s only a matter of time before operators have the technology to tap and produce” the deep Rogersville Shale. Does this mean that current technology does not yet exist to drill that deep? Is our region considered a good area for experiments in new fracking technologies?

Already, a new pipeline spur is proposed coming out of Wayne County.

Landowners approached by oil and gas land agents should seek advice from a good lawyer before signing any agreements. Although leases may look lucrative, industry maneuverings can leave people with less than they bargained for and can allow for unanticipated property damage.

To learn more about central and northern West Virginians’ current experience with large-scale fracking for natural gas, please visit wvhostfarms.org.

According to the WV Surface Owners’ Rights Organization (SORO) website, “You probably can refuse (or maybe block) a horizontal well on your land.” Along with extensive information useful to landowners, SORO’s website (www.wvsoro.org) includes a list of lawyers who work on oil and gas matters.

For info sources cited in this article, please see ohvec.org, and click on our blog and search for “Rogersville.” 

An Unconventional Life in WV's Fracklandia

by Janet Keating

On the morning of March 25, OVEC staff member Vivian Stockman, another person and I met up with Diane Pitcock, the energy behind the WV Host Farms (WVHF, a project of the WV Landowners' Alliance), in Clarksburg to start a tour of fracking areas in north-central WV. WVHF provides opportunities for scientists, students, government officials/regulators, foundation program offices and anyone else who wants to see up-close the community-level impacts caused by fracking-related activities.



We began our tour at the massive Lightburn compressor station (above) (owned by Dominion Energy) near Jane Lew on Old Mill Road. We were met by WVHF volunteer, Tom Berlin, who taught at Alderson Broadus University. His concerns about fracking are broad, including wells and pipelines and also the social justice issues surrounding the process.

Like much fracking-related development, this gigantic, noisy compressor station is located in a rural area. Standing on the road, we imagined this rolling landscape before the disruption caused by the compressor station. I couldn't hear any bird song. We could barely hear the dogs barking at the nearest house, just across the street. I downloaded a decibel meter onto my phone, and the level, as we stood on the public road several hundred feet away from the facility, read 75 decibels. As a point of reference, dinner-table conversation measures around 60 decibels and a jet taking off measures 80 decibels.

From the Lightburn Compressor station, we headed south with Tom to see the beginnings of a new fracking pad. Along the route, he pointed to numerous clear-cuts for the proposed gathering lines for pipelines. We pulled off the road to get a better look and take photos of the damage related to Stonewall Gas Gathering, LLC, pipeline construction (right). Hundreds of hardwood tree carcasses were strewn on the steep denuded hillsides — valuable wood going to waste. How safe would this be for a worker and how stable, over the long haul, can these pipelines be in West Virginia's steep, rugged and landslide-prone terrain?

Shortly after we arrived at our next stop and stood looking up at the construction of a new drill pad, a fellow in a pickup pulled up and asked what we were doing there (on a public road). He said he

was security, sent from the Lightburn Compressor facility to check us out. Diane provided him with her WVHF's business card and made it clear that when she conducts tours, every place she goes is legal, no one is trespassing and, if she is on private land, she has permission from the landowner. This sort of harassment is pretty typical, according to Diane.

Our last stop of the day included a dinner in Weston with various community members. Several people from the recently formed Mountain Lakes Preservation Alliance were there. We heard how this group is educating others about the proposed Mountain Valley Pipeline and Consol Energy's plans to drill in Lewis County. We also heard from Diane Gooding, who believes strongly in property owners' rights and who's been in agribusiness (raising sheep and practicing organic farming) since 1991. She said that she's been having run-ins with the gas industry (Ike Morris and former state senator Mike Ross) for quite a while. Her friend and helper on the farm, Ruth Lamb, also joined us.

Also joining us for dinner was Tom Bond, who is a retired chemist, a volunteer on the advisory panel for WVHF and a cattle farmer from Lewis County. Tom works with others to protect his farm from the effects of fracking and gives generously of his time to talk with visitors about his concerns.

In 1962, the industry drilled four 5,000-foot conventional wells on his 515-acre farm. He says he's "never been a friend of the gas company." When fracking came along, he met Diane and others from WVHF, as well as folks from the Doddridge County and Mon Valley Watershed Associations. He's especially concerned about impacts to the Monongalia River watershed.

Also joining us were John Cobb and Betty Jean Bragg,

who live in Ireland, WV, in Lewis County. John, formerly employed at CBS and McGraw Hill, worked with anti-PATH power-line activists in 2008, a case in which citizens prevailed. Living on 350 acres, he is quite concerned about how fracking will affect water and property rights. His activism now includes writing to several newspapers and elected officials on the local, state and federal level. Betty Jean grew up in Braxton County. Having raised her children in Columbus, OH, she returned to WV and attends meetings with John. She believes that fracking will affect everybody.



April Keating, who lives in Buckhannon, inherited property in Charleston, WV, that includes a gas well. She has been approached about injecting “brine” into her old well. She said she’s always been an environmentalist. After she saw the documentary *Gasland*, she reached out to students at WV Wesleyan to encourage them to visit Doddridge County and tour with WVHF. April has been holding and attending community meetings with Elise Keaton (with the Greenbrier River Watershed Association) regarding the proposed Atlantic Coast Pipeline that could greatly impact communities and the Monongahela National Forest.

Kevin Campbell, from Adrian, WV, is a firefighter and an EMT who has driven trucks for the oil and gas industry. He described drill pads as “scary places,” though some resemble parks — depending on who manages the well, the conditions can be good or bad. He has worked for three different companies where he was pushed to work up to 18 hours per day. Concerned about the overall effects of fracking, Kevin said he couldn’t justify what he was doing any more. As an EMT for Doddridge County, he sees the enormous harm caused by gas companies, including people sickened by inhaling contaminants at well sites and children killed in vehicle crashes (lots of big rigs on narrow, winding country roads). One big concern is, he says, “We have nothing in the state to extinguish a fire at the (proposed) Atlantic Coast Pipeline.”



On day two of our tour, we met Diane Pitcock and Bill Hughes, OVEC’s eyes and ears on the ground in Wetzel and Tyler counties, in West Union. Our first stop in Doddridge County was the enormous MarkWest plant (above) (only 1/6th finished), adjacent to the North Bend rail trail. What a “greeting” for tourists who hike or bike that trail, complete with dust during its continued construction, flaring and air pollution from the cryogenic (separator) units (separates the wet gas from the dry components). A large tanker filled the parking area for the rail trail, though a “NO TRESPASSING” sign is situated beside the trail.

This facility, which has major potential to pollute

the air and water, is adjacent to Middle Island Creek, which serves as a drinking-water source for West Union. Diane referred to the construction as a “mini-mountaintop removal site,” where the gas company has decapitated a hillside. Dust from the continued construction fills the air, and the surrounding mountains are scarred from pipeline development. Back by our vehicles, another man in a pickup truck was gathering information about us — makes and models of our cars, license plates, etc. Diane showed him her business card and let him know that we were perfectly within our rights to observe the MarkWest plant.

We next traveled Old Route 50 to take a look at an



EQT Corporation water-withdrawal site. Fracking requires three to five million gallons of water for a single frack (an incredibly bad idea for a world dying of thirst). I was stunned to see a truck with the word “residual” on the side, backed up to the withdrawal site (above). Was it wastewater being dumped or was clean water being withdrawn? Who can really tell?

From there, we headed to Central Station, an unincorporated community in Doddridge County, 2.5 miles west of West Union. Driving in, I smelled the noxious fumes from the gigantic, noisy compressor station that now looms next to the community.

At lunchtime, we enjoyed the hospitality of Lyndia, Anthony and Tony Ervolina. It began to rain, so we huddled in their covered picnic area. Because we were not quite prepared for the cooler temperatures, Lyndia supplied us with warmer jackets as we ate lunch and heard about how their lives have been disrupted by the gas industry. Their lovely old home that they are restoring is next to Route 50, now constantly busy with white pickups, big trucks called “sand cans,” water and “brine” trucks, etc.

Lyndia fought back tears as she spoke about it being too dangerous now to stroll leisurely on the country road beside their home. Not long after the fracking began close to their home three years ago, an old gas well began spewing methane that wafted into their air shed. They suspect that the new hydro-fracking came in contact with the old well, which is known as “communication.” Despite their having contacted state regulators numerous times, nothing has been done and no gas company has been held accountable. When the rain subsided, we walked out to the old well, where we could hear the hissing and smell the fumes.

We traveled from the Ervolinas’ home to Beth and



Dave Crowder's place, formerly 80 beautifully forested acres, of which now 40 acres are useless. They lost the use and enjoyment of half their land because of an early 1900's gas lease. The gas industry set up shop on their land, constructing a huge well pad above Dave's workshop and home (above). As fumes from the well pad escaped into the atmosphere, I couldn't help but wonder about the cumulative impacts of all the numerous well pads and compressor stations in north-central WV.

On our third and final day, we met up with Bill Hughes in Jacksonburg in Wetzel County and headed to the 13,500-acre Lewis Wetzel Wildlife Management Area, where horizontal drilling or fracking has been going on for about eight years. We observed numerous stream crossings that were failing. Bill wryly remarked that the 15 gas well inspectors for the state would be overworked just in Wetzel County. He explained that frackers had been operating for at least four years in Wetzel County before the state legislature passed any bills to regulate horizontal drilling for shale gas. The law requires that drillers must place their well pads at least 600 feet from a dwelling, 100 feet from a regular stream and 300 feet from a trout stream. As we looked at the mess of the drilling in the wildlife management area, Bill remarked, "They (the gas company) now seem to have temporarily abandoned this area (and have) no inclination to fix this stuff."

Bill referred to the Trans Energy Dewhurst site, which was included with other notices of where violations were issued and where the U.S. EPA brought enforcement action after they discovered the filling of a stream. Chesapeake Energy, elsewhere in Wetzel County, pled guilty to three criminal counts and was fined \$6 million, thanks to Bill's and Ed Wade's observations and dogged determination. As we continued up the one-lane country road, we observed the placement of pipes across a stream as a "temporary" stream crossing and rusted petroleum-products storage tanks filled with God-only-knows-what directly adjacent to streams.

The Trans Energy Dewhurst pad was the eye-popper of the day. It was part of a larger settlement with the EPA, and Trans Energy agreed to pay several million in fines for an after-the-fact "road" that they built, which includes an area filled in for their well pad. Someone decided that the roadbed wasn't far enough from the creek, so they destroyed the side of a mountain, which is now eroding



and looking like a landslide about to happen (above), and diverted the perennial streams. If this is how the state allows frackers to behave on public land, what hope do we have if fracking takes place on public land beneath the Ohio River?

After leaving the wildlife management area, we headed to Pine Grove and observed the six to eight EQT wells along the North Fork of Fishing Creek, which serves as the sole municipal water source for the city of Pine Grove. Next, we stopped by the Underwood well pad and then at another nearby well pad and spoke briefly with Larry Barr, a landowner. This well pad is positioned just 200 feet from his home. Because the first wells were drilled before the new horizontal well act in December 2011, additional wells can still be added to the existing well pad near his home. We drove past the EQT gas operations in Mobley to a new permitted but as yet undeveloped well site. Plans are afoot for a well pad behind the church and between two homes. Farther up the hollow, we traversed a well pad built close to a dwelling and adjacent to the creek.

Getting close to New Martinsville, we traveled high on a ridgetop to Bethany and Corey Dulaney's home at the top of Hoyt Ridge Road (a narrow, winding, public road). The well pad being constructed is within sight of their once-private setting. Anyone who saw how the frackers have invaded the Dulaney's space would be shaken. We parked just past the cow barn and walked back down their driveway to get a closer look.

Back in our vehicles, we were stopped by the oil company "guard," who told us that we had to wait because a wide load was on its way up to the well pad. Bill Hughes asked, "Where are they now?" She replied that she didn't know. We headed back the way we came, where we could pull off the road and watch them.

What would a citizen who lives on that ridge do in the event of a real emergency if the roads were blocked by the massive trucks and equipment? A few days after our visit, Bethany and her two young sons were driving along Hoyt Ridge on the way to church, when they were hit head on by a gas employee's truck. Fortunately, the airbags deployed and all the passengers were declared okay after a trip to the hospital. Their vehicle was totaled.

Before heading to New Martinsville, we stopped to meet with George Maury at his beautiful home atop a ridge with a stunning view. The nearby well pad is on the adjacent property. George came up (along with the cutest little beagle I've ever seen) from a cabin that he built on his property. He said that, because of fracking, he was concerned about the safety of his grandchildren and animals. And, he is terribly concerned about the pollution that may occur on his farm.

Our final stop of the day was a meet-up with Teresa Jackson in New Martinsville. Her story is gut wrenching (for some of that story, see the Summer 2014 *Winds of Change*). Jay-Bee Oil & Gas set up shop — the Lisby pad — on her family's Tyler county land with basically no notice. In early January 2014, WV regulators cited Jay-Bee for creating an "imminent danger that a freshwater source or supply will be contaminated or lost" in the aftermath of a natural gas drilling tank explosion at that site.

In March 2014, families living near the well pad, including Teresa and her husband and children, were forced to evacuate their homes because of sickening air emissions along with the threat of explosions. Fortunately, Bill hounded the DEP until a cease and desist order was issued.

Unfortunately, problems still exist at that Tyler county well pad, and the Jackson family can no longer live in their home. They would be homeless if it weren't for her brother offering them a place to stay on his land.

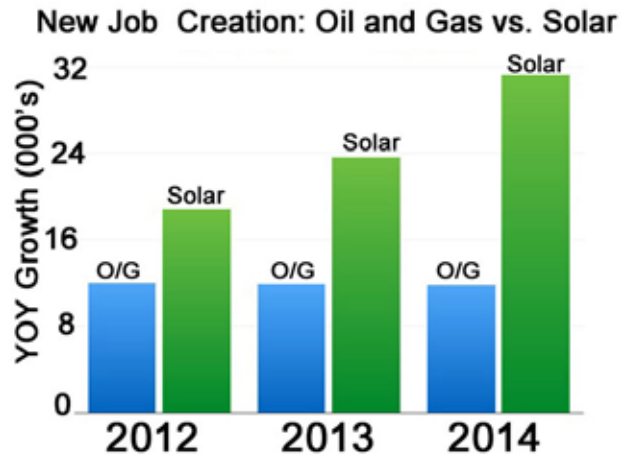
However, after Teresa moved to her brother's, she learned about the plans for the Rover pipeline, which is slated to cross his property. The 42-inch Rover pipeline (from Doddridge county, WV to the Canadian border), with 36-inch gathering lines, would traverse Doddridge, Tyler, Wetzel, Hancock and Marshall counties, around 57.7 miles, with rights of way of up to 200 feet (approximately 61 million square feet of cumulative impact, 1,400 acres or 1,050 football fields), clearing trees from hillsides and traversing waterways and fields. Gas companies could also use herbicides to clear vegetation or situate new compressor stations on landowners' property. If the Federal Regulatory Commission approves the Rover pipeline, landowners who don't make "deals" with the gas company might have their property taken through the use of eminent domain. Teresa is now active in the Tyler, Doddridge and Wetzel Land Group, organizing to oppose another assault by the gas guys on rural communities — yet another blight on West Virginia's landscape. 🍷

OVEC is holding meetings regarding deep shale drilling impacts, meetings where those in the crosshairs of Rogersville Shale activities can learn from those impacted by Marcellus drilling. If you'd like to learn more or to become active, please contact us at info@ohvec.org or call our office at 304-522-0246.

WV Host Farms Invite

WV Host Farms welcomes folks to physically come see what is happening in Frackistan, WV (parts of north central WV). If you can't make it there in person, come on in virtually, to a Dropbox folder called PUBLIC SHARE FOLDERa-pics from WV Host Farms Program. See bit.ly/1EVtumG.

WV Host Farms says, "The photos show some of the many environmental and public health impacts of shale gas drilling in our rural WV communities."



The Economics Are Breaking Our Way

Can we build enough citizen power to head off risky deeper fracking for oil and gas?

The numbers are in, and the news is not good for new fossil-fuel developers. But, without a major new organized citizen effort, the fossil fuel industry could once again have its way in West Virginia — destroying even more of our water, land and lives.

"The world is changing. Each month, the price of a solar panel drops another percent or two, and that means that the planet is now installing more renewable capacity than new coal, oil, and gas... Countries like Bangladesh are on the way to having solar panels on every home by decade's end," says Bill McKibben, a leader in climate change activism.

Investors are voting with their dollars. Will it become difficult for new, risky fossil-fuel startups to get the investment money they need?

The Rogersville Shale contains oil so deep that it was previously thought to be impossible to develop. Yet, the "jobs" argument will be used to argue that we *need* experiments in deep fracking in our area.

The data show that solar energy is now providing more new jobs than are all fossil fuels put together (see chart above). Will WV's development agency be throwing money at even deeper fracking for oil and gas? Wouldn't it make more sense to launch a major effort to get more solar power employment in our region? 🍷

Environmental Groups Align Efforts to Challenge FERC Pipeline Projects

Groups claim federal agency facilitates fracking for shale gas

The Federal Energy Regulatory Commission (FERC) is not informing the public about the big picture when it comes to natural gas infrastructure projects related to increased deep shale gas drilling, according to several environmental groups from Ohio, Pennsylvania, West Virginia and Virginia. We are concerned that the regional impacts to forests, watersheds, air quality and wildlife are largely being ignored as FERC approves new gas pipelines and compressor stations across our region. We contend that FERC's rush to increase natural gas infrastructure incentivizes fracking for shale gas while stifling the development of renewable energy.

"Natural gas is not a bridge fuel but an anchor keeping us stuck in the past," says Ryan Talbott, executive director of the Allegheny Defense Project in Pennsylvania. "If we want to achieve meaningful reductions in greenhouse gas emissions, we need to get beyond all fossil fuels, including natural gas. We will never get to a clean energy future as long as FERC keeps incentivizing more fracking for shale gas through these infrastructure expansions."

In Pennsylvania, which has already seen a dramatic increase in pipeline construction in recent years, there are several large pipeline projects on the horizon.

In neighboring Ohio, there are several new large-diameter pipelines proposed, including the Rover, NEXUS, and Leach Xpress pipelines. Combined, these projects would add over 1,000 miles of gas pipeline in Ohio and neighboring states.

"Here in Ohio, we have been shocked by the sheer immensity of these large pipeline projects intended to transport fracked gas to markets, including export markets," says Lea Harper, managing director of the FreshWater Accountability Project in Ohio. "We are glad to be part of the growing movement to hold FERC accountable for the long-term impacts caused by the unconventional shale gas drilling industry, contributing to the destruction of ecosystems, negatively impacting property values, creating public health and safety threats and exacerbating global climate change through the proliferation of fracking and its infrastructure, including compressor stations, pipelines and export facilities."

Multiple pipeline projects, including the Ohio Valley Connector, Mountain Valley, and Atlantic Coast pipelines, are also threatening West Virginia's forests and watersheds. Combined, these pipelines would add over 800 miles of

pipeline from Ohio to North Carolina.


"All signs point to the urgent need for West Virginia and the world to accelerate our shift to truly cleaner renewable energy," says OVEC's Vivian Stockman.

"If FERC continues greenlighting more pipelines, then it is greenlighting more deep-shale gas fracking activities. That means more reeling communities subject to dangerous heavy truck traffic, more poisoned water and air, more noise and light pollution, lowered property values and more risks of deadly explosions. FERC is standing in the way and should step aside: no more enabling the extreme extraction of deep shale gas."

In Virginia, where the U.S. Forest Service recently banned new leases for fracking in the George Washington National Forest, Ernie Reed of Wild Virginia is concerned about pipeline construction in Virginia's other national forest, the Jefferson National Forest. The Mountain Valley pipeline will directly impact the Jefferson National Forest and the Appalachian Trail in southwestern Virginia. In addition to the Mountain Valley pipeline, the Atlantic Coast pipeline would affect hundreds of miles in Virginia.

The groups claim that FERC routinely ignores the cumulative environmental impacts of all this pipeline construction by considering each proposal in a vacuum and ignoring the regional impacts, including the effects of related fracking for shale gas. In October 2014, in a presentation to the Maine Natural Gas Conference, FERC highlighted dozens of planned and pending pipeline projects in the Northeast and mid-Atlantic regions of the country. The presentation also highlighted numerous projects intended to export natural gas to foreign markets.

In a recent appearance at the National Press Club, FERC Chairman Cheryl LaFleur defended the agency's work with the gas industry to expand pipeline infrastructure, claiming, "the nation is going to have to grapple with our acceptance of gas generation and gas pipelines." According to Terry Lodge, an attorney representing FreshWater Accountability Project and Neighbors Against NEXUS, this reveals FERC's bias in favor of more gas infrastructure and raises concerns about how closely the agency considers threats to the environment and local communities.

Lodge says, "We may have to routinely call upon FERC commissioners to disqualify themselves from voting on the key decisions the agency is supposed to make." 



Efforts To Counter Fossil Foolishness Abound...

How Green is My Town

Green is not just a sports-jersey color in Huntington anymore! There are many signs of local efforts to “green” our community.

For instance, the new Marshall University (MU) Engineering Department building now has a plant-based “green roof,” installed on April 1. This was *not* an April Fool’s day joke! At least 50 volunteers — students, faculty, alumni and community members (including OVEC staff member Robin Blakeman) — gathered on the roof to set large crates of plants into place for the greenest roof in town.

Also, the MU and Huntington community converged on the MU Student Center on April 22 — Earth Day — this year. There was such a crowd that the OVEC table had to be restocked before noon! Aside from our usual glorious OVEC table display, OVEC board of directors member and membership committee chairperson Mike Sullivan gave away (MU sports-related) “Thunder Towels,” which were quite popular. Other exhibits included live snakes and Huntington Sustainability Fair information. There were lots of veggie and flower seedlings, available with a donation to the MU Parks and Recreation Department.

Also on Earth Day, OVEC board member Lauren Kemp and OVEC staff member Natalie Thompson helped with the Earth Day Celebration on 14th Street West in Old Central City, just down the street from our newly expanded office space (more on that below). We joined other green-minded local groups with informational displays inside the Wild Ramp and Farmer’s Market, which sells locally grown produce. At our table, Thompson gave away 86 Norway spruce tree seedlings to students attending the event. That will surely add plenty of green in Huntington!

Then on Arbor Day (April 24), the Greater Huntington Park and Recreation District hosted a



Top: Volunteers work on a new green roof on MU campus. Bottom: OVEC board member Mike Sullivan speaks with students during the Earth Day event at MU. Photos gleaned from Facebook.

Fruit Tree Planting Ceremony at Miller School Park, planting an urban orchard of 30 fruit trees provided by WVSU Extension Service. Thompson helped with the day’s events.

And, still more evidence of a greener Huntington: the Huntington Sustainability Fair was held on May 16. OVEC was one of the sponsors of this great initiative that provided entertaining and educational opportunities to many Huntington residents. If you missed it this year, plans are afoot to bring the fair back next year.

And, drumroll please...

Finally, what could be greener than helping OVEC upgrade our office space? We’ve purchased the building in Huntington where we’ve rented the small upstairs apartment for the last 15 years! With the aid of the Mountain Association for Community Development and the Coalfield Development Corporation (great nonprofits in KY and WV, respectively), our office design will include new energy-efficient windows, an on-demand water heater and better insulation, and reclaimed, recycled building materials will be used for renovations.

Now firmly “planted” in our building, OVEC staffers will not only have a much better space in which to work, but we will also be better equipped to support the needs of the communities we serve — in an ever-growing, ever-greening manner.

We hope you will consider providing a donation for our building renovation. Together, we grow! Our goal is to raise \$60,000 to renovate and furnish our new digs; so far, we have raised more than \$8,000. Please contribute, either by donating at ohvec.org or sending us a check today: OVEC, PO Box 6753, Huntington, WV 25773-6753. 🍷

Help Your Congregation Win a \$10,000 Energy Efficiency Upgrade

The newly formed WV Interfaith Power and Light (WVIPL) is partnering with Appalachian Power Company (APCO) to help congregations and nonprofit organizations in certain areas of our state become more energy efficient.

Once your congregation or other nonprofit has signed up for and taken an APCO Energy Assessment Training and the follow-up steps, then your congregation could be in the running to win a \$10,000 energy efficiency upgrade! Details on how to compete for the prize are below.

Contact Emmett Pepper at emmett@eewv.org or Robin Blakeman at robin@ohvec.org or 304-522-0246 to find out if your congregation is in the served area and how to sign up for the Energy Assessment. After the training, your congregation motivates its members and friends to get a free home energy assessment, which should help households lower their electric bills. Each household that participates “earns” \$10 worth of energy efficiency upgrades for the congregation where they are a member or friend. You do not have to be a



homeowner to participate — the assessment is open to renters, with their landlord’s permission.

During a home energy assessment, a trained energy contractor comes to your home to give you expert advice tailored to your home on how to reduce your energy bills. Each participating household receives a “goody box” of items, such as high-efficiency light bulbs, pipe insulation and low-flow faucet attachments, to help start saving energy immediately.

At the end of the competition in May 2016, APCO will add up how many home Energy Assessments were logged for each congregation or nonprofit. The congregation or nonprofit that gets the most people to do home Energy Assessments will get a \$10,000 energy efficiency upgrade for its building.

West Virginia Interfaith Power and Light offers people of faith a religious response to global warming. More than 40 states are part of Interfaith Power and Light, which engages faith communities and individuals in collective action, from education on climate change, to energy saving activities, to policy advocacy. 🍌



Talkin’ Renewables on Mountain Talk

In late spring, WMMT’s (Whitesburg, KY) Mountain Talk radio show host interviewed OVEC staff member Natalie Thompson and OVEC’s Highlander Center Appalachian Fellow Tyler Cannon. Other fellows/hosts, from other regions, were also interviewed. The show focused on progress of fellows and their host groups in the Highlander Center Appalachian Fellowship Program.

“An integral part of the fellowship program is

to reach out and share our work and experiences as they develop. Having an opportunity to share our collective works, interests and goals on one of central Appalachia’s strongest community-powered radio stations was a great achievement in that regard,” Cannon said. His project is all about renewable energy and energy efficiency efforts already underway here in West Virginia. We’ll have more on the project in our next newsletter. 🍌

STOP THE POISONING!
March 16 • 11 am
WV DEP HQS
 57th & MacCorkle Next to Kanawha Mall
 PUT YOUR FOOT DOWN!
 The People's Foot
Field for by The People's Foot



The People's Foot:

by Maria Gunnoe
 On March 16, about 200 people showed up outside WV DEP's headquarters in Kanawha City for The People's Foot. We were there to put our foot down, to demand that WV DEP stop permitting cancer-causing pollution above our homes. With one united voice, we called on our government leaders to address the very real health effects of mountaintop removal coal mining.

In the past, our state leaders have ignored the science, hoping that it would simply go away. The People's Foot demanded an immediate moratorium on MTR permitting. Our goal was to push the DEP, the governor and the health department to respond. It looks like we did good work, everyone!

We spread word of the event for months on Facebook and Twitter. There were personal invitations, mailers, phone calls, media advisories and billboards, too — up a month beforehand in Charleston, one of them quite near DEP's headquarters (above). As word peaked, just days before The People's Foot was to collectively stomp

Speakers at The People's Foot event included Coal River Mountain Watch's Debbie Jarrell, Vernon Haltom and Bob Kincaid, OVEC's Janet Keating and Maria Gunnoe, WV Highlands Conservancy's Cindy Rank, Christians for the Mountains' Allen Johnson, Keeper of the Mountains' Bill DePaulo, the young daughter of Chad Cordell, with Kanawha State Forest Coalition, the ACHE Act's Bo Webb, Kentuckians For The Commonwealth's Stanley Sturgill and Norm Ferguson. OVEC's Tonya Adkins and T. Paige Dalporto provided music.

Save Lives No More MTR Permits
 U.S. House of Representatives Bill H.R. 912: Appalachian Community Health Emergency Act



Hey DEP, Ignoring the Science and the Impacts Won't Make Them Go Away

down, DEP chief Randy Huffman told the *Charleston Gazette*, “I think it is something that is worthy of a closer look. It is something that is worthy of consideration. The evidence that is being stated in some of the studies, that needs to be considered.”

The day after The People’s Foot, the Tomblin administration told the *Gazette* that it would “initiate an evaluation of the growing body of studies that have found residents living near mountaintop removal coal-mining operations face increased risks of serious illnesses and premature death.”

Dr. Rahul Gupta, the newly appointed commissioner of Bureau for Public Health (who, you may recall, was the most forthright and trustworthy public official during the January 2014 MCHM water crisis) told the *Gazette* that his agency would review research on the subject, working with DEP, as well as with assorted federal scientific and regulatory agencies.

Gupta told reporter Ken Ward, Jr., “The analysis is something that is needed going forward. The bottom line here is to let science speak for itself. It’s time that we attempt to do that.” 🍷



Images: Top line, left to right: 1) The billboard that went up in 10 locations around Charleston a month before The People’s Foot. 2) The crowd numbered about 200. 3) OVEC’s Maryanne Graham (right, behind table) and CRMW’s Vern Haltom had their hands full giving away T-shirts. 4) More of the crowd. Far left column, top to bottom: 1) Martha Osborn (left) and Kathryn Stone; behind them, Charles Bella. 2) OVEC board member Pam Nixon (left) and Cary Jo Grace. 3) Background, Cindy Rank (left) and Mary Wildfire; foreground, Rose Marie Riter (left) and OVEC Executive Director Janet Keating. Middle left column: An ACHE Act banner. Far right column, top to bottom: 1) Left to right, Mary Wildfire, R.D. Dean and Warren Owings, all of whom live in solar-powered homes. 2) Allen Johnson addresses the crowd. 3) The front design for The People’s Foot T-shirt. Photos by Vivian Stockman and Janet Keating. Graphics courtesy The People’s Foot.

Faith in Action:

April Renews Spiritual Commitment to Better WV

Three events converged around the same week in mid-April this year, all of which affirm the fact that people of faith, members of diverse spiritual communities, *do* care about and act to preserve the environment.

Representatives from various faith communities, including Catholic, Evangelical, Native American and Protestant, co-planned and led an ecumenical “Cross in the Mountains” prayer service April 18 on Kayford Mountain. People who do not necessarily affiliate with any specific religious group were also welcomed and involved in this event. OVEC staff members Robin Blakeman and Dustin White and OVEC volunteer Nada White were involved, as were Allen Johnson, of Christians for the Mountains, Jeannie Kirkhope of the Catholic Committee for Appalachia, and Matt Sherman, a Native American elder.

The prayer service followed a pattern established by “stations of the cross” services, common in Christian communities during the week prior to Easter. The service was adapted, however, to have a specific focus on environmental issues that concern central Appalachia, including a focus on the mountaintop removal sites that border Kayford Mountain, and to honor the life and work of former OVEC board member and Keeper of the Mountains founder Larry Gibson.

Toward the conclusion of the service, participants placed small white crosses on and around Larry’s grave; these crosses bore witness to the issues Larry spoke about frequently, including water contamination and cemetery desecration from mountaintop removal sites.

The April 19 initial public meeting of WV Interfaith Power and Light provided another opportunity for diverse faith and spiritual leaders to engage in environmental-



Top: Brian DeRouen and Jocelyn Carlson during Cross in the Mountains, near Larry Gibson’s Cabin. Below: Participants gather with crosses to place on Larry’s grave. Photos by Chuck Ray Conner.


issue-based discussions. Steering committee members — including Blakeman and OVEC board members Jeff Allen and Rose Edington — have been meeting for over a year in order to get a chapter of Interfaith Power and Light established in West Virginia. Interfaith Power and Light (IPL) is a national group, with state chapters, concerned with encouraging energy efficiency upgrades, education and action on climate change and related issues. WV is one of the last 10 states in the nation to establish an IPL chapter. (See related story on page 13.)

Kicking off Earth Week, the Appalachian Preservation Project’s Preserving Sacred Appalachia conference drew approximately 30 participants to a two-day conference at John 23rd Center in Charleston. This unique interdisciplinary conference encouraged participants to take a broad and deep look at the ethical issues surrounding fossil fuel extraction and climate change — both within Central Appalachia, and nationally/globally.

One of the panels of this conference featured Blakeman and the Center for Biological Diversity’s Tierra Curry. Both discussed the effects of climate change: Blakeman provided information on climate change

from her recent trip to Alaska, and Curry provided information that was both globally and locally focused, including information from the Friends of the Blackwater forums on climate change.

Bill Price, with the WV Chapter of the Sierra Club, provided information specific to mountaintop removal issues at this conference. The Appalachian Preservation Project is a new ally for both OVEC and WV IPL. Check out their website: appalachianpreservationproject.com.

For more information on faith-based activism, contact Blakeman at robin@ohvec.org or 304-522-0246. 

The Bill Mill of WV

by Natalie Thompson

Going into the 2015 WV Legislature for the first time as a lobbyist, I really didn't know what to expect. I had heard a number of times that it was going to be a tough session, due to the political shakeup. My first day under the golden dome came during my fourth week of employment with OVEC.

The first meeting was with Governor Tomblin's Director of Policy Larry Malone, who is a former executive director of the WV Oil & Natural Gas Association. I was joined by members of the WV Chapter of the Sierra Club, Energy Efficient WV and the WV Environmental Council, all of whom I'd had minimal contact with prior to this meeting. The four of us assigned ourselves roles for the meeting. I was to explain why energy efficiency is important to our constituents and our economy. I was nervous and excited — well, more nervous than excited. I have to talk to an oil and gas guy about energy efficiency? But, the meeting went well, with discussions on the LEEP Act (Local Energy Efficiency Partnership Act), Integrated Resource Planning vs. Energy Efficiency Resource Standards and the EPA Clean Power Plan.

The following 60 days were a whirlwind of calls, meetings, cancellations, memos, fact sheets, finance hearings, committee meetings (sometimes until midnight), petitions, allied lobbyist gatherings, lawmaker stalking (just kidding, but it felt like it sometimes), notes, amendments, public speaking, bill tracking and the occasional lunch in the capitol cafeteria with special folks that quickly became close — and with whom I could vent my frustrations. I have two special people to thank for their mentorship in the lobbying process: EEWV Executive Director Emmett Pepper and Julie Archer, with WV Citizens for Clean Elections.

Our LEEP Act was introduced with bipartisan sponsorship and was well received, but fell into the "not right now" pile. As allied lobbyists, we tackled multiple bills pertaining to Category "A" Drinking Water,

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!

Aboveground Storage Tanks, the Renewable Energy Portfolio Standard repeal (we fought to save net metering for solar), the Public Service Commission (Water and Sewer) Deregulation, Campaign Contribution Caps, Political Action Campaign Contribution Disclosure, Horizontal Well Drilling and the State Plan for the Clean Air Act... whew!

An interesting bill, SB541, surfaced in the Senate Judiciary Committee and would have allowed unlimited campaign contributions. A subcommittee formed to deal with the bill, and Julie and I sat in on every meeting. We pushed hard for disclosure and limited contributions, speaking to the Judiciary Committee on behalf of WV citizens that already have little to no trust in our government. The bill actually came out of the Senate in an amended and compromised state that we could live with. Once it reached the House Judiciary Committee, the disclosure provisions were gutted. Thankfully, this bill in its flawed and fearful form was killed.

After all this and other scary bills against education, LGBT rights, women's rights and all the other messes, I have to admit that the truth is I loved it. Chaos mixed with strategies that change at a moment's notice. High-speed chases to get to the senator you need to speak with before he enters his next committee meeting. The adrenaline of speaking to those you want to persuade, in front of your peers. The inherent comradery of sharing ups and downs as each of us trudged through the marble halls, hoping for miracles. I feel as if I learned a lifetime of lessons, and I truly look forward to putting my new skills to work in the next election year, 2016. 🍌

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



Dear Legislators:

During the 2015 Legislative Session, clean water advocates fought hard to save SB 373, the 2014 bill that passed in the wake of the MCHM/Elk River water crisis. This year, legislators introduced SB 423, which would roll back many of the protections gained in the 201ww4 bill. Despite our efforts, such as the e-mail below, 423 was passed.

Reverend Rose Edington, a Unitarian Universalist minister, who is chair of OVEC's board, sent this e-mail, with the subject line "Too scarred and scared for SB 423," to members of the House Judiciary Committee:

It was only a short year ago, and I cannot forget the trauma of the chemical spill into our water system and our inability to use water, a resource necessary for our lives. Indeed, we ourselves are walking bodies of water; when you consider that we are more than 60% water. The life-giving blood that swirls through our veins is 92% water. We need water to think and to move, since our brain and muscles are 75% water. Even the frame for our bodies, our bones, is 22% water. Scripture reminds us, "Your body is your temple." We need to respect our bodies, our temples, and care for them. We need clean water in order to do so.

Like many people, I felt great relief last year when SB 373 passed. It felt like a burden had been lifted, so I cannot understand why anyone would want to endanger the people of this state and the states where our waters flow by weakening SB 373. We simply cannot afford to roll back last year's legislation. No one wants a repeat of last year's crisis.

Adding to the difficulty last year was at first not knowing enough about the chemical MCHM to even figure out a response beyond "don't use the water." So, again, we who lived through last year's crisis cannot understand why



SB 423 contains section 22-30-14 that puts new restrictions on information that could prevent water facilities from being aware of the threats to their water system. It is only common sense that our water utilities know both the location and the contents of chemical storage tanks, especially the data on stored chemicals. There was enough fumbling around last year, trying to determine what MCHM would do to us, so that none of us, including you who make our laws and were affected by last year's spill — can afford to be ignorant of what is in those storage tanks.

Finally, I want to share with you that in my early years, our family's water source came from clear, clean, tasty well water. I urge you to consider the more rural areas of our state, where people depend on ground water for all their water uses. Tanks and pollutants that could threaten drinking water in rural areas need to be included for monitoring and inspection. Everyone's water needs protection, not just those of us who now live in cities with public water systems.

Because our state's current energy policies favor fossil fuels and all the chemicals needed to get them out of the ground and ready for use (MCHM is such a chemical), I would urge you to be open to and willing to support diverse energy resources that are safer and healthier for us. Great strides are being made in energy use from solar, wind, hydro and geo-thermal — all of which this wonderful state has in abundance.

We need safe water to take care of our bodies, our temples, our lives and the lives of those yet to come. Please help us be safe and healthy. 🍷



Meet Volunteer Katie Norman

Marshall University student Katie Norman has been a regular volunteer in the OVEC office since last year. She says:

I've been interested in the environment and WV politics for most of my life. I'm majoring in Biology at Marshall, so when I started thinking about volunteer and internship opportunities, OVEC was my first choice.

I wasn't sure what I could do to help out at first, but I'm interested in graphic design and computers so that's been my focus. I've worked on a few big projects, but mostly I do day-to-day things — mailing and flyer layouts, data processing, and answering the phone. Working with OVEC has been an amazing chance to learn more about activism and environmentalism in our state, and I'm so grateful to have this opportunity to support such a worthy organization. 🍷

Source Water: If You Like It, Then You Better Have a Protection Plan for It

Remember last year's SB 373, the "tank bill" that passed in response to the coal-cleaning-chemical-in-our-drinking water crisis? One provision of that bill that remained intact following this year's WV legislative debacle (see related story on opposite page) is the requirement for all source-water providers to come up with source-water protection plans. There are guidelines on how this should be done and dates when the plans should be filed and/or available for public comment.

OVEC urges all of our members and friends in all areas of the state to be aware of the guidelines for source-water protection plan formation and to be involved in the process of completing these plans to the fullest extent possible. To those ends, check out WV DHHR's online information about what should be in a source-water protection plan: bit.ly/1F6lBy7. DHHR also offers more information on source-water assessment programs and wellhead protection: bit.ly/1QnN6VO.



Also see the legislative rules about deadlines for source-water protection plan completion: bit.ly/1KMEJQA. See paragraph 14.3, which states: "On or before July 1, 2016, each existing public water utility which draws and treats water from a surface water supply source or a surface water influenced groundwater supply source shall submit to the commissioner an updated or completed source water protection plan for each

of its public water system plants to protect its public water supplies from contamination. The schedule for submission of the source water protection plans is set forth in section 16 of this rule."

Loads of good information is also available from our friends at ourwaterwv.org.

Advocates for a Safe Water System is an excellent source of information and active engagement for people in areas that were directly affected by the MCHM contamination of the Elk River just above the WV American Water intake last year. 🍌

ACHE Act Update

Since the Appalachian Community Health Emergency (ACHE) Act, a bill to address public health and help end mountaintop removal coal mining, was drafted, it has been introduced in the 112th, 113th and 114th congresses.

The act and the buzz around it have helped change the public and political debate and conversation on mountaintop removal, shifting the focus onto public health.

The ACHE team helped spur the first cancer research using human subjects who live near MTR. That research led to the U.S. Geological Survey's scientific work that has identified toxic air particulates in communities near MTR sites and has proven that these particulates are generated on MTR sites.

That in turn led to recent research from the Mary Babb Randolph Cancer Center that shows the air people are breathing in communities near MTR

promotes the growth of lung tumors. (See bit.ly/1wFcsYi).

ACHE team members, which include Coal River Mountain Watch volunteer Bo Webb and OVEC's

Maria Gunnoe, organized The People's Foot rally in Charleston, WV (see story page 14), which forced Governor Tomblin to acknowledge health science research on MTR and public health and to commit to a review of the research.

On April 11, the team launched a national petition drive to pass the ACHE Act and end MTR. Within five days, the petition garnered more than 90,000 signatures. You can sign it here: bit.ly/1P0JnjM.

Help the ACHE team pass the ACHE Act! Contact Maria Gunnoe at maria@ohvec.org. 🍌



Witness to the impacts of mining

On May 20, OVEC organizer Dustin White testified on Capitol Hill at a U.S. House of Representatives Oversight Hearing on “State Perspectives on the Status of Cooperating Agencies for the Office of Surface Mining’s Stream Protection Rule.”

The witnesses, besides White, were Randall Johnson, director of the AL Surface Mining Commission; Gregory Baker manager of the Reclamation Program at the VA Dept. of Mines, Minerals & Energy and Russell M. Hunter, with the WV DEP’s Division of Mining and Reclamation.

Below is White’s statement:

Thank you for the opportunity to testify today. My name is Dustin White, and I am a community organizer for the Ohio Valley Environmental Coalition (OVEC). For the record, I am neither an engineer nor a scientist, so I will hold the technical jargon to a minimum.

As an organizer, lifelong resident of West Virginia, and native of one of the top coal-producing counties in the state, I have been witness to the impacts of mining that include entire communities depopulated and bulldozed and increased flash flooding in areas surrounding mountaintop removal, and I have even seen streams and rivers run a wide variety of colors ranging from orange, red, turquoise, black and even white due to mine-related incidents. In some cases, streams disappear altogether when they are buried by valley fills. Known toxins leach off mining sites and contaminate the streams and groundwater for communities.

In addition, high rates of health issues such as cancers, gastrointestinal illnesses, kidney problems and gallbladder issues, just to name a few, can also be found in these communities. And residents throughout Appalachia will attest that these illnesses are not just isolated incidents, but are rather all too common in areas with heavy mining. Many published peer-reviewed scientific studies show even more directly the link between mountaintop removal and these health issues.

Most of the Appalachian states practicing mountaintop removal have their own regulatory agencies that are supposed to be the first line of defense for communities when coal companies violate the law. These agencies exist in KY, VA and WV, where we know it as the DEP, or Department of Environmental Protection. But many in WV say DEP stands for something else: Don’t Expect Protection, because citizens often find themselves doing the job of the DEP to monitor the impacts of mining. We have found that the state regulatory agencies often issue mining permits against the objections of citizens and sometimes without the proper environmental surveys required by law. They often allow coal companies that are habitual violators of the law to operate with little to no interruption. The fines issued for violations are little more than pocket change for coal companies. In at least WV and KY, the regulatory agencies and state legislatures passed lower water quality standards that go against federal guidances, allowing companies to discharge higher levels



Mountaintop removal / valley fill coal mining obliterates streams and forests. It makes people in nearby communities sick. The WV DEP continues to issue permits for this insane form of coal extraction.

of toxic selenium and aluminum into streams. Agencies like the DEP seem to be working against the best interests of the people, and because of this, citizens often turn to legal action to reign in coal companies. We have even filed a 733 petition under SMCRA (Surface Mining Control and Reclamation Act) in WV, asking OSMRE (the federal Office of Surface Mining Reclamation and Enforcement) to intervene in DEP’s mining division for failing to do their job.

Due to state regulatory failure, a regional coalition known as The Alliance for Appalachia was created to circumvent the state authority and go straight to the federal agencies such as OSMRE and the EPA. We demand they take action to reign in coal companies that blatantly break the law where agencies like DEP allow it. In 2009, the alliance worked with the Council on Environmental Quality to establish a Memorandum of Understanding with the federal regulatory agencies, outlining steps we would like to see taken to lessen the impacts of mountaintop removal, including a strong stream protection rule. We will continue to go to the federal agencies as long as state agencies ignore us and our lives and homes are threatened by mountaintop removal.

In closing, how can state regulatory agencies honestly expect to be part of a federal rule-making process when they have proven time and time again that they cannot perform their jobs to protect citizens from mining pollution? People living in mountain communities are experts on their own lives and know that practices like mountaintop removal are harmful and want action taken. Water is one of the most important resources for life. We all live downstream and are vulnerable to pollution. Stringent action to protect the waterways of these United States, no matter the size of the stream, should be taken by regulatory agencies and not obstructed. Access to clean, safe water is a human right.

Thank you. 🍌

Congressman Jenkins Avoids Climate Reality

In March, WV Citizens Climate Lobby (WVCCL) set up a meeting with Congressman Evan Jenkins.

After the meeting, Jim Probst, state coordinator for WVCCL, wrote:

Well, I don't really know what I was expecting, but the meeting with Congressman Jenkins went very poorly.

I found him to be extremely myopic. He believes that he received an overwhelming mandate in support of his fight against the "war on coal."

His message was clear: Not only would he not consider supporting anything that we were proposing, but he also would actively oppose any effort that would result in a decline of coal jobs. He would have us believe that he is doing what he was elected to do and that he is looking out for the best interests of the people of southern WV.

To my thinking, he is really doing a poor job of representing the best interests of his constituents in falsely leading them to believe that coal can have resurgence if we can just get government off its back. Coal is in decline, and by all estimates will continue to decline.

Though it may seem like a waste of time, I still think he needs to hear from his constituents that we are looking for leadership that will work to help in transitioning WV from a coal economy to a more sustainable future, and if he is not up to the task we will look to support someone that is.

Thanks to Paul Epstein, Kathy Probst, and Janet Keating [OVEC's executive director] for taking time out of their day to attend this meeting with me.



Keating reflected on the meeting:

I couldn't help but notice the lump of coal on Jenkins' desk, emblazoned with the Friends of Coal. Jenkins kept justifying his position against a carbon tax by saying more than once that he was elected by the 7,000 coal-mining families in West Virginia.

I reminded him that with only 30% of eligible voters voting in 2014, his election wasn't exactly a mandate. He also said that an elected official either takes the lead from his/her constituency or does what he believes is best. What a disappointment that Jenkins is not looking at the bigger picture and only narrowly focused on serving only the mining interests.

Congressman Jenkins' Huntington phone number is 304-522-2201. E-mail him from this web page: evanjenkins.house.gov/contact. 🍷

Imperative to Abandon Fossil Fuels: An Opportunity Too Good to Be Missed

Calling 2015 a "critical year for humanity," with UN climate talks set for Paris in December, an international group of scientists and economists have released an "Earth Statement" that says a commitment to "leaving at least three-quarters of all known fossil fuel reserves in the ground" must be met in order to save the world from the most devastating impacts of climate change.

We can carry on with business as usual, with devastating outcomes for humanity, or we can transform the world economy to a fossil fuel-free one, with better health and security for all.

Ahead of us, the statement says, is "a journey of innovation, which can create a new generation of jobs and industries, while enhancing the resilience of communities and people around the world."

Under current global emission rates, the statement warns, the world is currently on a path "which would create unmanageable environmental challenges."

Demanding an end to fossil fuel subsidies and placing a price on carbon will unleash "a wave of climate innovation for the global good." Phasing out greenhouse gas emissions completely by 2050 is essential. This is as an opportunity, not a burden. "This trajectory is not one of economic pain, but of economic opportunity, progress and inclusiveness. It is a chance too good to be missed." Read and endorse the statement at: earthstatement.org. 🍷

Gubernatorial Candidate Plans MTR Mine Near Head Start Preschool

by Dustin White

Jim Justice has announced he is running for WV governor in the 2016 election. For the record, OVEC, a tax-exempt organization, never advocates for or against any political candidate. We do believe, however, that we play a positive role by providing citizens with information about candidates so that they can make informed decisions before voting.

Jim Justice, best known as the owner of the Greenbrier Resort and for pulling it out of bankruptcy, is estimated to have \$1.69 billion in assets, according to *Forbes*. Justice made the majority of his wealth from the coal mines he

owns, and he was hailed by Senator Joe Manchin (then governor) as being “a great humanitarian” who “wants to help everyone.” He is portrayed as a charitable and friendly person who often does community work and as the savior of the Greenbrier. But some others see him in a different light.

It seems that Justice has a rather large sum of unpaid fines and bills for services. Several business owners throughout the Appalachian region have filed at least nine lawsuits, some for more than \$1 million, for unpaid work at Justice-owned mines;

several others plan to file lawsuits for what Justice owes them. Although he acknowledges the debts, Justice blames the recent severe downturn in the market for coal for his inability to pay. Four of the nine lawsuits have been settled for undisclosed amounts.

Justice owns several deep-mine and mountaintop-removal sites in operation throughout the region and has a history of delayed payment of violations and fees, discharging toxic pollutants into streams and cutting corners in his operations. For example, our allies Statewide Organizing for Community Empowerment (SOCM) and Sierra Club are bringing several lawsuits forward against operations owned by Justice for Clean Water Act violations in Tennessee. One Justice mine, S&H Mining’s Deep Mine 11, was found to be discharging iron, manganese and suspended solids into nearby Tennessee waterways in

amounts that exceed permit limits.

Justice mines have been cited for more than 250 environmental violations in five states, with unpaid penalties worth about \$2 million. Violation notices — including many cessation orders — from the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) and state regulators have been issued for Justice mines in AL, KY, TN, VA and WV. Federal records say Justice has control of nearly 120 coal mines, most of them in central Appalachia, though only 21 are listed as actively mining coal. Another 18 are temporarily idled. His

company ranks among the top 10 companies in the nation with outstanding fines. An NPR/Mine Safety and Health News analysis of federal records shows that the delinquent Justice mines committed nearly 4,000 violations, 1,300 of which were classified by federal inspectors as reasonably likely to cause injury or illness if uncorrected. More than 500 were the kinds of violations that were common in mine disasters, accidents and deaths.

Justice has recently purchased back the Bluestone Coal Corporation in WV, which he previously

sold to the Russian steel firm Mechel for a reported \$436 million and another \$240 million in Mechel shares. But he purchased it back for only \$5 million — 99% less than what he sold it for. One Bluestone mine (with OVEC’s organizing assistance to community members and the aid of lawyers) was ordered by a judge — just before Justice bought it back — to supply the residents of Cedar Creek Road in Wyoming County with emergency water because of contamination to personal water wells from mining. They are still currently in litigation for further penalties for contaminating the water in Cedar Creek. Additionally, the poor operations at some of his mountaintop removal mines in southwest Virginia prompted a recent campaign among OVEC allies within the central Appalachian region: the “Justice to Justice Campaign.” See justicetojustice.com.

Justice also has a new proposed permit in McDowell

Call on coal baron Jim Justice to clean up his act!



Sign the petition!
Southern Appalachian Mountain Stewards

Sign the petition at www.bit.ly/signjtoj.

County, which has some folks upset. Why, you ask? The Justice Low Seam Mining Big Creek Surface Mine (Permit # S400511) would not only be one of the latest mining operations to wreak havoc on the already statistically unhealthy and economically depressed population of McDowell County, but also the 468.3-acre surface mine would be located within a half-mile of the Endwell Head Start preschool. Children attending preschool while heavy machinery and explosives dismantle a mountain near them, causing them to breathe in toxic dust, is exactly what will happen if the DEP allows mining near the preschool. Things might not end well for Endwell, as the permit for the mine has been granted, but DEP still needs to issue (or not issue, for once!) the National Pollutant Discharge Elimination System (NPDES) permit.

On March 26, about a dozen McDowell County residents met at Big Creek People in Action in Caretta in McDowell County, along with supporters from Coal River Mountain Watch, OVEC and Appalachian Voices, to voice their opposition to this permit at an informal conference by the DEP. They were greeted by what appeared to be very annoyed and bored officials from the agency.

Annette Brichford, former director of Catholic Charities in McDowell County, testified on her experience with another Justice operation: “Our daycare staff had to wipe coal dust from the kids’ eyes after they played outdoors. When they blew their noses, it came out black. We had to hose down the dust from the playground equipment every day... I fear the same thing for the children of Endwell Head Start if another Jim Justice mountaintop removal site is permitted.”

McDowell County resident Al Justice (no relation to Jim Justice) added, “You’re robbing our future economic development. Where’s the economic development that was supposed to come with the existing permits? You know it’s criminal. You know it’s wrong.”

So, while Justice considers a run for governor of West Virginia, the DEP is considering giving him a permit to mine within a half-mile of a preschool, knowing that correlations have been found in peer-reviewed scientific health studies linking the proximity of MTR to a higher risk of health impacts. This is especially true for children, whose growing, developing bodies are particularly vulnerable to pollution of all kinds. 🍌



Congratulations to OVEC member Daile Boulis on receiving the West Virginia Environmental Council’s 2015 Linda Schnautz Environmental Courage award.

And congratulations to WV Host Farms’ Diane Pitcock, who received E-Council’s 2015 Laura Forman Grassroots Activist of the Year award.



by Janet Keating (Photo: US Coast Guard)

Oh the irony! In February, a train derailed with tankers full of volatile Bakken crude oil that exploded multiple times — near Mount Carbon and Boomer, WV. Flames shot hundreds of feet into the air and tankers were strewn perilously close to the Kanawha River. In West Virginia, the truth is often stranger than fiction, and if this sort of disaster weren’t so dangerous and scary for those living near the inferno, it would almost be funny. Sometimes I have to wonder if our state has some strange magnetic force that attracts tragedy, death and destruction. But then, I realize many of the horrific disasters are neither fated nor accidents. Although some may be classified as accidents, in my lifetime the lion’s share have happened due to negligence and lack of oversight on the part of politicians, regulators and others who are supposed to be watching out for the general well-being of the citizens of this state.

The calamitous CSX derailment that destroyed one home, forced the evacuation of hundreds of families in the midst of a dangerous winter storm and shut off tap water for at least 2,000 citizens, may have been an accident. However, the contents of those tankers — that was no accident. That’s commerce — business as usual — dirty fossil fuels crisscrossing the country to feed our national energy addiction.

Just a week earlier, a MarkWest tanker truck filled with propane overturned on Interstate 64 between Charleston and Huntington, shutting down the highway on both sides for 12 hours. About a week before that, the town of Lewisburg was without water for several days because of an overturned tanker truck that spilled diesel fuel into the river.

West Virginia’s over-reliance on dirty, dangerous fossil fuels guarantees more disasters, more toxic pollution of our precious, vital water resources and increases in ongoing threats to public health and safety, and it threatens the very future of planet Earth due to climate disruption. This is beyond common sense, when clean, renewable solar and wind energy are becoming more competitive with coal, gas and oil — with the added benefits of thousands of new jobs and safety.

After all, when there’s a solar or wind energy “spill,” it’s a great day to take your kids outdoors to fly a kite. 🍌

Hughes Creek Evacuation: What We Know

by Dustin White

On March 13, residents living along Hughes Creek in southeastern Kanawha County evacuated to an emergency shelter at Riverside High School, when high volumes of water began pouring out of a hillside where an old deep mine exists. There was great concern that a devastating mine blowout that would endanger lives was imminent. Residents returned to their homes on the 15th, after water had stopped gushing from the hillside, diminishing the flooding on their property. The DEP initially cited heavy rain as the cause of the mine filling with water.

The history of the situation in Hughes Creek, as we know it, is as follows: Between 1950 and 1970, coal was mined from the #2 Gas Singleton mine and pumps were installed to keep the mine free of water. In the 1980s, the mine was used for coal slurry injection. Then, in 1994, the company then responsible for the mine removed the pumps that drew water from the mine when it was in operation, thus allowing the mine to fill with water and nearly causing a blowout. This prompted the federal Office of Surface Mining Reclamation and Enforcement (OSM) and a newly formed state DEP to construct a drainage system that runs under the property of residents and serves to discharge the water into Hughes Creek. This project was funded via the federal Abandoned Mine Lands (AML) program, because, at the time, the mine did fall under OSM's AML's jurisdiction.

Although the drainage system helped with the water situation, it also allowed extremely odorous and potentially toxic hydrogen sulfide gas to escape from the drain, which residents have lived with ever since.

In January 2014, as part of their selenium treatment process required by law, Alpha Natural Resources, which had inherited the #2 Gas Singleton mine from Massey Energy, began pumping water into the #2 Gas coal seam. The DEP had to issue a permit for Alpha to discharge water into the mine. In doing so, this changed the status of the old mine to "active," so it is no longer under the jurisdiction of the OSM's AML division.

Then came the events of March 13, prompting the evacuation. The DEP ordered Alpha to stop pumping and the water levels receded within hours. On March 23, DEP gave Alpha the okay to begin pumping again. Since then, the pumps have gone to full capacity and the water levels

have increased again, even during periods without rainfall.

The Kanawha County Commission has taken a proactive step in monitoring the situation in Hughes Creek and has had it as an agenda item at several meetings. Representatives of Alpha or DEP have not been present at those meetings. At a recent meeting, County Commission President Kent Carper stated that no one wants to take responsibility for the mine: Alpha doesn't want to worry about the problem, DEP now says there isn't an imminent threat of flooding and DEP's Office of Abandoned Mine Lands and Reclamation never properly mitigated the problem. Carper sent letters to senators Joe Manchin and Shelley Moore Capito and Representative Alex Mooney, asking they hold a congressional field hearing to talk about the problem and possible solutions.

"The dangers posed by the abandoned #2 Singleton mine have been known for some time," Carper wrote the senators and congressman. "Frankly, we cannot sit idly by and allow a disaster on the scale of Buffalo Creek to occur."

So far, neither the senators nor the congressman have responded publicly. County Homeland Security Director Dale Petry said the DEP and county emergency officials are checking water levels and monitoring the Hughes Creek mine. Officials are prepared to notify residents immediately so they can get out if it looks like the mine is going to blowout. Commissioner Carper noted,

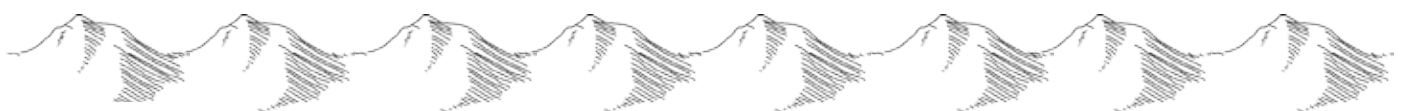
"We need to put the heat on DEP, we need to put the heat on AML and the coal company, before we have Buffalo Creek II at Hughes Creek."

We urge citizens, especially those living in Kanawha County, to contact the County Commission to thank them for taking the issue in Hughes Creek seriously. Encourage them to keep the heat on for the safety of the people in that community.

Kanawha County Commission members:

President Kent Carper, kentcarper@kanawha.us or 304-357-0109; Commissioner Dave Hardy, davehardy@kanawha.us or 304-357-0109; Commissioner Henry Shores, henryshores@kanawha.us or 304-357-0139. Mailing address: PO Box 3227, Charleston, WV, 25336.

For more information, contact Dustin White, at dustin@ohvec.org or 304-541-3144. 🍷



Fast-Track Trade Policy: Big Mistake

This op-ed by OVEC volunteer Mary Wildfire appeared in the Charleston Gazette on April 2

Fast Track is a way to get around the fact that the Constitution gives Congress the authority to negotiate treaties, but imagine a complex agreement like these trade deals being subject to arguments in Congress! Obviously, it's more efficient to allow a single agency to negotiate the deal. With Fast Track, Congress cedes its authority, agreeing in advance that it will only vote yes or no to the whole thing, with no amendments allowed, and the time for debate limited.

But this time, there are some additional restrictions which ought to cause members of Congress to vote no, and enough of them think so that the vote keeps getting postponed. Fast Track is sought in order to pass two pacts that have been in negotiation for years — the Trans Pacific Partnership (TPP) and Transatlantic Trade and Investment Partnership (TTIP). One includes a dozen Pacific Rim countries, and the other is between the United States and the European Union. Not only has Congress had no role in these negotiations, they have not been allowed to see them until now, and then only in limited circumstances.

Yet 600 corporate representatives have been in on the negotiation from the beginning. This gives you a hint of what these agreements are for, and why there is so much secrecy and so much opposition — even in the current Congress, which is not exactly known for resisting corporate demands. Congress is asked to cede their authority before seeing the full text — or having to read it while standing in a room with no staffers, no copying of pages, no opportunity to consult experts — and these things run to hundreds of pages.

Recently there was a meeting about one of the most controversial elements, the Investor-State Dispute Settlement (ISDS) tribunals which are empowered to adjudicate between a corporation in any signatory country and the government of any other signatory country. If a corporation claims that any law of a foreign government (local, state or national) might reduce its profits, it is entitled to sue, but it need not use the courts of the country in question. The ISDS tribunals are held in secret, and the judges are corporate lawyers; there are no conflict-of-interest provisions, no Friend of the Court briefs allowed, and no appeals. If these corporate lawyers rule in favor of the corporations (and they almost

always do) then the country must either rescind the law the corporation didn't like, or pay millions in fines. This provision gives foreign corporations more rights than domestic ones, and can be used to challenge any law that might impede "expected profits."

These tribunals have been used to overturn laws designed to protect public health, like tobacco labeling rules; laws to protect the environment, like bans on gasoline additives believed to cause brain damage, or the refusal of a town in Mexico to host a toxic waste dump; and labor protections. They could be used to force the United States to accept the Keystone pipeline, or to take down net neutrality, or to keep the price of drugs high by blocking generics.

So the administration held a briefing for members of Congress on ISDS, but each member was allowed to bring only one aide, who had to have clearance. Said Representative Alan Grayson, "Why do we classify information? It's to keep sensitive information out of the hands of foreign governments. In this case, foreign governments already have this information. They're the people the administration is negotiating with. The only purpose of classifying this information is to keep it from the American people."

As Senator Elizabeth Warren wrote, "If transparency would lead to widespread public opposition to a trade agreement, then that trade agreement should not be the policy of the United States."

Proponents claim these "free trade agreements" will somehow cause the economy to grow and thus add jobs here; but that's what they claimed when pushing prior agreements, and the results are always lost jobs.

So if these agreements threaten jobs, the environment, labor rights, the Internet, our access to affordable drugs, food safety, family farmers, laws regulating banks and Wall Street, what's to like? Nothing, for us humans, but since these agreements amount to a Bill of Rights for corporations — rights they could use at our expense — corporate lobbyists are happy to negotiate them, and eager to push them on Congress. Any member who cares about West Virginia's human people — and not just the corporate "persons" — should vote No on Fast Track, and No on the sweetheart deals it's meant to facilitate. 🍌



Global Celebration of the Creativity, Dignity and Strength of People Living in Mining and Drilling Communities

The Ground Beneath Our Hearts, a global spectacle to honor the creativity, dignity and resilience of people living in communities affected by mining and oil and gas development, launched on May 22, with the release of a video describing the scope of the event, the people involved and the special places they love.

See the video on the website of the event's primary sponsor, Radical Joy for Hard Times (www.RadicalJoyForHardTimes.org), a U.S.-based non-profit organization devoted to finding and making beauty in the earth's wounded places.

Radical Joy for Hard Times, headquartered in Thompson, PA, was founded by author Trebbe Johnson. It is composed of a global network of people devoted to finding and making beauty in the earth's damaged places.

"People in communities affected by industrial-scale mineral extraction face many of the same challenges, no matter where in the world they live," says Johnson. "We want to spread the message that the real treasure in these communities is not the natural resources buried deep in the earth, it's the people who live there and the love they continue to feel for their home place, the ground beneath their hearts."

This summer, The Ground Beneath Our Hearts partner communities around the world will collaborate to plan a global day of art and action, scheduled for September 12. That day people in places like New South Wales, Australia; Johannesburg, South Africa; the Front Range of Colorado; Alberta, Canada; and Appalachia, United States of America, will gather to celebrate the human spirit and love of place by creating a unique work of art. Each work will incorporate the circle, a symbol of wholeness.

Each community will also sing the original song, "The Ground Beneath Our Hearts," composed especially for the September 12 event by award-winning American composer John Kusiak and his son, musician Jackson Kusiak.

OVEC is one of the groups collaborating with The Ground Beneath Our Hearts. Executive Director Janet

Keating says, "West Virginia seems to be the prequel for all disasters when it comes to fossil-fuel extraction. They happen here first. OVEC's art-action will focus on mountaintop removal.

"We see that people are truly mourning their losses," Keating adds. "Communities are obliterated. Gone. To be devalued to this extent, where places you used to play in as a kid are just gone, and what's left is like a desolate war zone, the people feel devalued and marginalized. The only thing of value is the coal itself. The final insult is taking away the mountains and destroying the water. We need to acknowledge the losses and celebrate what remains."

The Ground Beneath Our Hearts is also sponsored by the renowned Australian environmental philosopher Dr. Glenn Albrecht, who, in 2003, coined the term "solastalgia" to describe the sense of homesickness evoked in people when their homeland is negatively impacted while they are directly connected to it. People residing in places affected by intense resource extraction often experience solastalgia, the lived experience of negative environmental change.

"A shared experience of earth pain is a foundation for a shared experience of earth joy," says Albrecht. "The aim of The Ground Beneath Our Hearts is to create joy in places where desolation and destruction can no longer be tolerated or hidden from view. The opposite of solastalgia for the land and place is a love of life and its creations. Such love comes from the heart and this project invites artists and creative people of all varieties to counter the negative with an outpouring of the positive."

The Ground Beneath Our Hearts invites communities around the world to participate in the global day of art and action on September 12. Partner communities will meet others who know the difficulties they face to share stories, support and ideas and show the world that the real treasure in a place is its people. OVEC volunteers Carol Warren and Paula Swearingin are coordinating OVEC's art action. To help out, contact them through info@ohvec.org or 304-522-0246. 🍎

Farewell to a Great Solar Advocate

OVEC extends our deepest condolences to the immediate family of Bill Howley, as well as to his larger family of solar energy advocates, land and water lovers and the like.

Noting that Bill was on his way to a meeting of WV SUN (wvsun.org), his family posted this note on *The Power Line*, Bill's blog about energy and politics:

He died surrounded by the verdant spring hills of central West Virginia, working hard for the future of his state. He took immense pride and joy in his work with fellow West Virginia energy activists.

We're confident Bill would have been happy about the news on this page.



West Virginians Look Toward Sun, Say No To Coal, Fracking

by Mikala Reasbeck, *Mint Press News*, February 19. Read entire article here: bit.ly/17Aj0gb.

At just 9.70 cents per kilowatt hour, West Virginians pay the third-lowest electricity rates in the nation. Yet, they don't enjoy the nation's lowest electricity bills and they're not likely to in the future, either.

Indeed, from 2007 to 2011, electricity rates jumped an average of 50 percent across the state. And on February 3, the state's Public Service Commission approved another rate increase for Mon Power and Potomac Edison, subsidiaries operating under the Ohio-based FirstEnergy Corp.

Joey James is a staff scientist with the Energy Program of Downstream Strategies, a Morgantown, WV-based environmental consulting firm. "There's a community of young West Virginians who all have the same vision: What's happened historically isn't working. And we're all looking ahead to something new," James told *MintPress News*.

That "something new" is slowly but surely coming in the form of solar power. Over the past couple of years, community solar co-ops have been popping up on the hills and in the hollers of West Virginia, and more are in the works.

Despite a lack of state incentives and the high up-front costs, communities and individuals are pulling together to

Solar co-ops sprouting up across WV

by Caitlin Cook, *Charleston Gazette*, May 18. Read entire article here: bit.ly/1Gj4IVw.

Last summer, Tom Worlledge installed six solar panels to his South Hills home. Worlledge is planning to add six more panels soon, hopefully with the help of a new Charleston solar co-op.

Ben Delman, communications manager for Community Power Network, the umbrella organization WV Sun operates under, said purchasing the solar units as a larger group will be a better deal for consumers. Customers typically save around 20 percent on the systems, which can cost around \$15,000 to install.

Emily Stiever from WV Sun will lead the first meeting about the co-op process. Delman said the entire process

take back their energy independence and free themselves from the monopolies held by energy companies.

The solar industry is creating jobs 20 times faster than the overall economy. **There are more solar installation sector jobs than coal mining jobs, and it created 50 percent more jobs than the oil and gas pipeline construction industries combined.** West Virginia, in particular, has favorable solar resources that, according to a 2013 policy white paper from Downstream Strategies and the Mountain Institute, surpass those of Germany, "the largest and most successful solar market in the world."

After graduating from college in 2007, Dan Conant left West Virginia so he could work in the "solar energy industry, renewable energy, energy efficiency — anything I really wanted to do." He spent the next few years launching a series of solar projects everywhere from Virginia to Vermont.

Conant founded Solar Holler, which uses a crowd-sourcing and financing program to help community groups and nonprofits go solar.

"We're keeping West Virginia an energy state — it's always been an energy state," Conant said. Noting that renewables are the future, he added, "Solar is the next step in that."

takes time. After the meeting, people can decide if they want to join the co-op before roof reviews for members are complete.

WV Sun has helped form solar co-ops in Fayette and Monroe counties. Co-ops in Wheeling and Morgantown are also in their infancies.

"We've been blown away by the number of people that are interested in solar," Delman said. "People want to go solar and are really motivated to help organize solar co-ops in their community."

Since 2007, Community Power Network has launched more than 30 solar co-ops in WV, DC, VA and MD. 🌞

Ohio Valley Environmental Coalition
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Huntington WV 25773-6753

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Save the Date: *It's Picnic Time*

Circle **July 31** on your calendar and plan to join us for OVEC's annual member and invited-guest picnic.



We are once again gathering at **5 p.m.** in **Coonskin Park** in Charleston, WV, for a lovely evening of socializing, information sharing and award presentations. We'll have loads of door prizes. Please plan to join us and bring a friend, neighbor or family member along for the fun!



OVEC will provide the main-course vittles; you can feel free to bring a side dish if you like. We also encourage you to bring your own reusable place settings and cups.

E-mail info@ohvec.org or call 304-522-0246 for details, or, if you are an OVEC member, watch for our mailing.