



# Winds of Change

Supporting Organized Voices and Empowered Communities Since 1987

Huntington, WV

OVEC

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## It's A Gas When We Get Together

In December, OVEC organized a one-day, statewide meeting called It's A Gas at Jackson's Mill 4-H Camp, which was attended by representatives of organizations across West Virginia working on various aspects of deep shale oil and gas "development." Attendees, many of whom have worked on oil and gas issues for years, have a wealth of knowledge about these issues, which include land-owner rights, direct community impacts, compressors stations, proposed pipelines, drilling waste transportation and disposal, public policy, effects on water resources, and impacts to human health from air, water, and noise pollution.

We are grateful to Katey Lauer for bringing her polished facilitator skills to our meeting that day to help us through a full agenda. She was instrumental in the planning process and in helping us to make the best use of our time.

The primary goals of this meeting were to: a) provide folks with an opportunity to meet others working on these issues; b) help decrease the sense of isolation; c) assess what has already been won, lost, and built; d) identify lessons learned; e) assess our collective power, and; f) explore where/when working together could be strategic. Forty-two individuals attended representing thirty-one groups from across the state (and one person from Virginia). Given our brief time together, we were pleased to reach most of our goals.



Meeting participants brainstorm ways we can work together on next steps.

One concrete outcome of this meeting was a group coalescing around interest in developing a questionnaire about "solastalgia," a term that refers to a psychological condition that people feel when they see the destruction of their homeplace and environment while still living there—and in West Virginia this would apply to people directly impacted by either mountaintop removal mining or deep shale oil

and gas extraction and production.

So, what's next? OVEC's stellar volunteer Katie Norman is compiling all the notes, organizational profiles, potential issues identified for collective action, and contact information for OVEC to distribute as a resource for all the attendees. Because many groups there, including OVEC, are working with groups outside West Virginia, some have expressed interest in a second meeting (date TBD) this year, in which regional allies could take part.

One meeting attendee noted, "The meeting was an energizing experience for me. I had been feeling a bit burned out lately, but now I feel like we may have a chance of beating this assault."

That's the benefit of meeting one another and working together. We *do* have the collective power to safeguard our communities.

Get involved with the group working on the solastalgia questionnaire, or any of our deep-shale related work. Contact OVEC at [info@ohvec.org](mailto:info@ohvec.org) or 304-522-0246. 🍌

### Inside This *Winds of Change*

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# Prayer for West Virginia and Her People

*When a coal industry lobbyist called for January 31 to be a day of prayer for West Virginia's challenged economy, the WV Interfaith Power and Light steering committee members agreed that prayers and supplications are indeed a good idea for this purpose, so they came up with a prayer of their own. Here's the prayer, as composed by OVEC staff member, Reverend Robin Blakeman, with Reverends Mel Hoover and Rose Edington, all of whom are on the Steering Committee of West Virginia Interfaith Power & Light, and Appalachian Catholic Worker Jeannie Kirkhope.*

Creator of us all, we know you took a little more time with this place. We can see it in the balance of brooks, streams, and rivers flowing, rushing, converging down our ancient mountains—waters rolling down like the justice promised from ancient prophets.

We can hear your creative presence in the cries of birds, in the rustle of wildlife in the leaves—a still small voice or a roar as loud as that of a black bear. Our prayers are that the humans who live in this place will recognize the beauty and potential of the natural world, the critical importance of preserving our remaining clean water supplies, and the humble place of humans as caretakers in this vast and diverse ecosystem.

We pray that people—especially those who are most in need—would be placed as a higher priority than profit. We pray for creative alternatives to the status quo. We pray for innovative and diverse economic solutions that honor both the integrity of this place and the heritage of all who have generational roots here, rather than exploiting both for profit and leaving ruins in the wake of bankrupt corporations.

We pray for less corporate executive profit and more common gain: more funding for our schools, our health care systems, and our publicly held lands—our common green and wild places, upon which all of us depend for solace, rest and recreation. We pray that you hear the prayers of those who are feeling anxious, angry, and impatient; bring a spirit of cooperation and reconciliation into our midst. These things we pray, today and always. 🍷



# We Put OSM on Notice for Failure to Protect WV Communities from Threat of Bankrupt Coal Mines

On February 22, we sent the federal Office of Surface Mining, Reclamation, and Enforcement (OSM) notice of our intent to sue the agency if it fails to take action forcing WV to secure funding to cover the full cost of cleaning up coal mines across the state. Appalachian Mountain Advocates filed the notice letter on behalf of OVEC, WV Highlands Conservancy, and Sierra Club.

The Surface Mining Control and Reclamation Act (SMCRA) was passed by Congress in 1977 to ensure that mine owners and operators—who have profited from mining—prevent environmental harm and pay the costs of cleanup necessitated by their mining activities. Without such protection, taxpayers would be on the hook to clean up pollution left behind when coal operators declare bankruptcy. Recent decisions by the WV DEP undermine those guarantees and will instead pass the costs of cleaning up old coal mines on to WV communities.

According to DEP’s own reports, companies holding more than 900 mining permits in WV filed for bankruptcy in 2015, and more companies have filed or are expected to file this year. Yet the agency refuses to fix its bonding program to ensure mine operators set aside sufficient funds to cover actual cleanup costs. For example, DEP refuses to take any steps to increase the size of its Special

Reclamation Fund, which covers the state’s share of any reclamation costs when mine operators go out of business. The fund contains only \$78 million, though bankrupt mine operators hold hundreds of millions of dollars

of unfunded and unsecured reclamation liabilities. Because of OSM’s failure to rein in DEP, the DEP continues to blatantly and illegally allow some coal operators to self-bond, even when they are in bankruptcy.

In our notice letter, we allege OSM has failed to carry out its nondiscretionary duty to ensure WV addresses those deficiencies on a programmatic basis.

“DEP’s and OSM’s failure here is one more obvious example of how ‘our’ government protects the profits of fossil industries. The right of people to have safe water is simply irrelevant,” says Dianne Bady, OVEC’s founder.

“This has gone on too long. We have begged, pleaded, and litigated since at least 1990 to make the state comply with the law. The state’s response has been to dance around the issue and make only incremental and inadequate improvements. OSM has known about the ever-expanding liabilities and issued warning letters, but has not followed through with the necessary enforcement measures to make the state fulfill its legal responsibility under the law,” says Cindy Rank of the WV Highlands Conservancy. “There is little consolation in knowing the predictions and warnings of the past years are coming to fruition in such devastating fashion and there is no excuse for allowing this to continue.”

“We are disappointed OSM has once again turned a blind eye as DEP thumbs its nose at laws enacted by congress and the legislature to protect our communities,” says Mike Becher, an attorney with Appalachian Mountain Advocates. “If coal companies do not pay the full cost of their business, taxpayers will be stuck with the bill to pay hundreds of millions of dollars in clean-up costs. The agencies’ failure to enforce the law is an unconscionable abdication of their responsibilities to assure that coal operators do not have their way with our state and then leave us to pay the bills after they have taken their profits out of state.” 🍌



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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](http://www.ohvec.org)

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

# How Bankrupt Coal Companies Use Your Money

by Peter Morgan, Sierra Club staff attorney

How can a bankrupt coal company hope to scrape together the funding necessary to emerge from their dire financial straits and gamble on future coal mining profits? Easy: They'll use your money. One of the most fundamental components of state and federal surface mining laws is the requirement that before coal removal can start, a mine operator must post a bond sufficient to cover the costs of reclaiming the site should it go out of business.

That reclamation cost can be in the tens of millions of dollars for a single site. So, what does a mine operator do if it doesn't have hundreds of millions of dollars to secure those bonds? It convinces state regulators to let it off the hook from these reclamation-bonding obligations by authorizing the use of "self-bonds," which are essentially unenforceable promises from the company to the regulator that the company will complete reclamation. That means that if the company liquidates or abandons a mine site before it completes reclamation there will be no money left to pay for the cleanup. Instead, taxpayers—you and me—will shoulder that cost.

This exact scenario is playing out right now. In August, Alpha Natural Resources—one of the largest coal producers in the country—filed for Chapter 11 bankruptcy protection. Despite the significant decline of the coal industry and Alpha's plummeting stock value, state regulators in Wyoming and West Virginia had allowed Alpha to keep operating its mines under self-bonds. In Wyoming, Alpha's self-bonded reclamation liability is \$411 million. In WV, the self-bonded liability is \$244 million. When the inevitable came to pass and Alpha filed for bankruptcy, state regulators opted to allow Alpha to keep operating under its now-worthless self-bonds rather than requiring the company or its funders to provide substitute bonds. This means the state regulators are choosing to place the risk on the backs of their own



*Here's an example of just one Alpha mine, the Edwight Source Mine. What a costly mess, a mess that will linger, perhaps into perpetuity. Thanks to Southwings for the flyover that enabled this shot.*

citizens rather than on the company or the big banks currently propping it up.

Alpha and the state regulators claim that continued self-bonding is necessary only during the bankruptcy process itself and that Alpha will substitute those reclamation bonds when it emerges from bankruptcy. Neither Alpha, the regulators, or anyone else has made any attempt to explain where the bankrupt company will come up with the more than \$650 million in funding that would be required to provide complete and secure reclamation bonds. Much more likely, and consistent with recent events, is that the regulators will allow Alpha to keep mining based on less-than-complete reclamation bonding.

In other words, Alpha will be mining (disturbing more land that will need to be reclaimed), while taxpayers bear the risk of paying for that reclamation. Because Alpha will be operating in the current market of low coal prices and high production costs, the chance of further defaults and a return to bankruptcy are quite high. And when that happens, the company will be forced to liquidate its assets and will cease to exist. But Alpha need not worry about that: Once it's time to pay for the reclamation, Alpha won't be around anymore. You and I will be the ones left holding the bill. 🍌

## Mountaintop Removal in the Courts: Legal Update

OVEC has been the lead plaintiff in litigation against several MTR companies for their illegal pollution into streams that results in high conductivity levels.

Expert biologists have testified on our behalf at trials, emphasizing that conductivity-related pollution from MTR mines is killing aquatic life in streams.

These lawsuits resulted in Federal Judge Robert C. Chambers ruling that these companies should bring their pollution to legal levels: Alpha subsidiaries Elk Run Coal in Boone County, Alex Energy in Nicholas County, and Consol's Fola Surface Mines No. 2, No. 4A, and No. 6 in Clay and Nicholas counties.

After an October trial over illegal conductivity at Fola's Stillhouse Branch MTR mine, Judge Chambers ruled that we are entitled to an injunction requiring this mine to reduce its conductivity pollution to legal levels.

Early this year, we filed a legal appeal of this decision. Our attorney Michael Becher with Appalachian Mountain Advocates pointed out that the judge essentially ignored the fact that the remedy he orders will continue to allow the cause or contribution of a violation of water quality standards in Twentymile Creek.

OVEC, WV Highlands Conservancy, and the Sierra Club brought this most recent case against Fola. 🍌

# They Are Morally Bankrupt, Too

by Dianne Bady

Major WV mountaintop removal companies have filed for bankruptcy—Patriot, Arch and Alpha (the former Massey, with CEO Don Blankenship). These are chapter 11 bankruptcies, whereby companies try to restructure themselves by getting out of their debts, hoping to emerge as profitable companies. In Patriot's case, after the company threatened to convert reorganization into liquidation, all of the company's mines were sold and Patriot itself no longer exists. Because the demand for some coal will continue, each of the companies hopes to be the last man standing.

OVEC and WV Highlands Conservancy have been working with bankruptcy lawyers for months, thanks to Sierra Club staff attorneys Peter Morgan and Aaron Isherwood. To bring some measure of justice, we have a challenging goal of trying to get the bankruptcy courts to require these companies to use as much

of their remaining money as possible to clean up their toxic messes here. (See related story on page 3, but note that the story there describes legal action against government agencies for failing to do their jobs, whereas the actions described here deal with bankrupt coal companies.)

So far, we have had limited success. Against multiple objections, the bankruptcy court approved Alpha's payment of \$11 million in bonuses to top executives but allowed the company to not pay \$3 million in retirement and health-care benefits for thousands of workers.

In Patriot's bankruptcy, we were successful in preserving environmental reclamation and pollution treatment obligations at the mines that the company sold. This was particularly important, because we had previously reached settlement agreements with Patriot obligating the company to install and operate expensive pollution treatment technology at several of its mines.

Our litigation against many mountaintop removal companies over the past 10 years or so has resulted in dozens of companies being forced to pay to install highly expensive pollution control equipment. Joe Lovett with Appalachian Mountain Advocates has become a master at channeling millions of dollars in pollution fines to worthy WV non-coal-activist groups like the WV Land Trust. Using millions of dollars that otherwise would have gone to the federal government to pay for pollution fines, the WVU School of Law was able to start a major new program, The Center for Energy and Sustainable

Development, whose legal staff is routinely quoted in state media on energy and utility issues.

Filing for bankruptcy puts an immediate stop to any lawsuits filed against a company. It also provides an opportunity for the company to try to convince the bankruptcy court to strip away environmental obligations,



*A massive mess that financially and morally bankrupt Patriot has left behind.*

including those previously ordered by a federal judge as a result of our successful litigation. If that were to happen, and if the company were also able to avoid satisfying its reclamation bonding obligations, then the state would be left with the responsibility of cleaning up massive pollution—something that might well not happen, given the current budget crisis.

It is difficult to predict at the moment exactly how these coal company bankruptcies will play out, including which mines will keep operating and which costs will be passed on to the states and the communities. What is clear is that the companies want to strip away as many of these costs as possible. The continuing involvement of OVEC and WV Highlands Conservancy in coal bankruptcy proceedings is in hopes of avoiding the worst of these outcomes—but there are no guarantees that our legal filings will be acted upon. 🍓

# We Are With You, Flint

For years, we've been working with the Civil Society Institute (CSI), based in Boston. CSI has helped network small environmental groups from across the nation whose work centers on issues of water and energy.

As news broke nationally about the Flint, MI, water crisis and as we continued conversations about the CSI report on WV American Water (see story page 8), an idea emerged. What if we drafted an open letter from groups in WV—groups that know what a water crisis can mean—to express solidarity with the people of Flint, MI?

OVEC Executive Director Janet Keating reached out to leaders of Advocates for a Safe Water System, WV Rivers Coalition's Executive Director Angie Rosser, OVEC's Board of Directors Chair Rose Edington, who is also a leader of WV Interfaith Power & Light, and a few others to see what folks thought about the idea. They liked it. In fact, WV IPL already had been discussing reaching out to Flint.

Janet and Advocates volunteer Katey Lauer bounced around some ideas. Katey wrote up the first draft of the letter, Janet provided some edits, and then the letter was circulated to the WV Water Roundtable Listserv, a listserv that grew out of the January 2014 water crisis here. Assorted folks weighed in editing the letter and groups began to sign on.

The letter (see page 7) was in the works at the same time the 2016 Legislative Session was underway. Legislators were busily trying to roll back assorted water-safety provisions codified after the 2014 water crisis. Yes, the WV Legislature continues to roll back protections for our water supplies. The Public Service Commission may abandon its duty to investigate what went wrong and what needs fixed. Our congressional members seek to block proposed federal water protections at every turn.

Angie and WV Citizen Action Group Executive Director Gary Zuckett knew we needed to get people



*At a multi-group press conference at the State Capitol, we released our letter to folks in Flint, MI and reminded legislators that we, the people, demand clean water.  
Photo by Chad Cordell, Kanawha Forest Coalition.*

out to remind the legislators that their constituents want and deserve safe water. They wondered whether we could put a hustle on finalizing the letter and release it during a press conference at the State Capitol. We closed edits on the letter and set about contacting groups statewide, asking for sign-ons. In just a couple of days, we went from about 7 signers to 38 by the time we held the press conference on February 9.

With the letter, which we circulated among activist contacts in Flint and Detroit and also ran as a ½-page ad in the *Flint Record*, and with the press conference, we highlighted the need for stepped-up state oversight and federal investment in water nationwide, especially in communities that are home to low-income families or people of color. We called upon our elected officials and regulators to live up to their responsibility to protect our basic right of access to safe water.

Speakers at the press conference included Angie and Gary, OVEC's Natalie Thompson, Charleston residents Crystal Good and Obi Henderson, Advocates for a Safe Water System volunteer Karan Ireland, and Coal River Mountain Watch's Junior Walk. Thanks to everyone who helped out! 🍌

Commenting on the parallels to the situation now unfolding in Flint and the need for more vigilance on the part of state and federal lawmakers, Charleston-area resident Crystal Good says:

*While the precise details are different, the overall stories of poisoned water here in West Virginia and in Flint are essentially similar. Although one is private water management and the other public, in both cases the government has failed to safeguard clean drinking water, especially in communities that are home predominantly to Black or low-income families. Access to safe water is a human right and its availability is ultimately the responsibility of government.*

Paula Swearingin, a resident of southern WV who volunteers with OVEC, WV Direct Action Welfare Group, and other groups, says:

*We had to fight tooth and nail to gain some drinking water protections after the chemical spill—and prior to it. Industry has been lobbying politicians to roll back the post-spill safeguards. We demand our state politicians serve the people's interest. MCHM and other chemicals are not strangers to the Appalachian water supply. The Federal government is finally rightly examining just what is going on in Flint; it should also look at the assorted water crises here in West Virginia and in other states. We need a commitment to upgrading water infrastructure, especially in communities facing public health emergencies by turning on their tap.*

## To the People of Flint, Michigan:

We are parents, teachers, faith-leaders, students, business owners and residents of West Virginia—and we stand with you. These last weeks, we have seen you in the paper and on the news: a mother with her children outside of a community center waiting to receive bottled water; preachers giving comfort in packed emergency rooms filled with scared neighbors; protesters gathering and calling on their government officials to take action.

Two years ago, we stood in those same lines, visited local emergency rooms, and demonstrated in the halls of power because our water, too, had been poisoned. A chemical tank failure contaminated the water of 300,000 people across nine counties surrounding our capital city of Charleston. In the few short months following the West Virginia Water Crisis, we learned that our water company, our Public Service Commission, our legislature, and state, local and federal regulators were failing us at all levels. What's more, no officials were willing to take responsibility for the crisis and each passed the buck to the next, pointing to one another's failings. The truth is, they all failed us.

Today, we stand alongside you as you grieve and rage. We know that no gesture on our part can erase the damage that untold amounts of lead poisoning has wrought on your children's bodies—their growth and development. We know that it's not only your bodies that were damaged, but also any trust you'd placed in your government officials. We remember what it's like to be told that our water was "safe" when our bodies told us it wasn't.

And we know that it was no mistake that this crisis happened in Flint, a predominantly Black community and one of the poorest in the nation. We recognize that communities of color and communities with high poverty rates, such as those counties affected by the West Virginia crisis, are at the greatest risk for water disasters across America. We live in a nation where environmental racism persists.

Working together across race and class in the aftermath of this disaster, we are making real change. We don't have all the answers, but we are gaining ground for safe, reliable water here in West Virginia, as you are in Flint, Michigan.

- The People of West Virginia



Signed, in alphabetical order: Advocates for a Safe Water System / American Friends Service Committee / Appalachian Catholic Worker / Catholic Committee of Appalachia (WV Chapter) / Charleston WV Branch NAACP / Christians For The Mountains / Coal River Mountain Watch / Concerned Citizens of Roane County / Covenant House of WV / Doddridge County Watershed Association / Friends of Water / Greenbrier River Watershed Association / Huntington-Cabell Branch of the NAACP / Kanawha Forest Coalition / Keeper of the Mountains / MelRose Ministries for Positive Transformative Change / Mountain Lakes Preservation Alliance / National Association of Social Workers, WV Chapter / Ohio Valley Environmental Coalition / People Concerned About Chemical Safety / Plateau Action Network / POWHR (Preserve Our Water, Heritage, Rights) / Preserve Greenbrier / Preserve Monroe / RAMPS (Radical Action for Mountains' and People's Survival) / Stories From South Central, WV / Southern Appalachian Labor School / South Central Educational Development, Inc. / Unitarian Universalist Congregation of Charleston, WV's Clean Water Task Force / WV Center on Budget and Policy / WV Chapter of NAACP / WV Chapter of Sierra Club / WV Citizen Action Group / WV Clean Water Hub / WV Direct Action Welfare Group / WV Environmental Council / WV Healthy Kids and Families Coalition / WV Interfaith Power and Light / WV FREE (WV Focus: Reproductive Education and Equality) / WV Rivers Coalition and these individuals: Crystal Good @cgoodwoman / Ellen Allen and Sue Julian / Helen Gibbins / Karan Ireland / Maya Nye / Paul Dalzell / Paula Swearengin / Shirley Rosenbaum 🍌



# Report: Public Better Off With Publicly Owned Water Utilities

Our partners at the Civil Society Institute (CSI) came to Charleston a couple of times last year to meet with OVEC staff and to meet some of our allies working on water-related issues in WV. The upshot of those meetings, subsequent e-mails and phone calls, and loads of research was a report CSI released on January 7, two days before the second anniversary of the chemical spill into the Elk River (see related story on page 9).

The report, titled “West Virginia American Water Company and the Case for Public Ownership and Operation,” shows that the privately owned West Virginia American Water (WVAW) has not taken the necessary steps to prepare for a future crisis, hold down rates, avoid major service disruptions, and invest in ailing infrastructure.

Given the ongoing shortcomings of WVAW, the report finds: “The best course of action for West Virginians is to assume public ownership and operation (municipalization) of the Charleston regional water system.”

According to the report:

*WVAW serves as an example of how things can go wrong when transparency and accountability suffer in a privatized water scheme ... As the infrastructure ages and deteriorates due to apparent neglect, the water system experiences high leak rates, plus frequent boil water notices when mains fail. Repairs and deferred investment require considerable infusions of cash, leading to frequent rate hike increases. While the rate cases and interrupted customer service shine light on WVAW's inability to control customer costs, the Freedom Industries chemical spill of January 9, 2014, shows how unprepared the company is to deal with disasters. Customer experience with West Virginia American Water is similar to the experience of other American Water Company customers around the country ... The U.S. is experiencing a similar backlash against privatized water utilities, including more than 50 cities and*

*towns nationwide.*

*West Virginia law provides avenues to municipalize private water systems or remunicipalize water systems formerly under public control, including the ability to finance such takeovers with bonding and to seek federal and other state support. State law also allows for the creation of regional water authorities. The legislature could also adopt legislation to allow for public ownership and operation of the Kanawha Valley water system.*

Grant Smith, CSI's senior energy analyst and lead report author, notes:

*Public control has a better chance of ensuring public accountability, establishing standards and goals for rebuilding the infrastructure that can be measured. The best return for West Virginians*

*on rate increases is to ensure that these funds stay local and actually improve the water delivery and water quality. The bottom line is that West Virginia's water systems are in dire need of investment to ensure reliability and quality.*

Key report findings include:

• WVAW was

unprepared for the January 2014 Freedom Industries spill that impacted 300,000 of its customers. The WV Public Service Commission staff found that WVAW violated numerous regulations in the wake of the disaster by failing to: notify the public on a timely basis, maintain their system, have adequate storage capacity, have water-pollution monitoring equipment, and have a source water protection plan.

- WVAW continues to be unprepared for a major spill today, two years after the 2014 accident.
- WVAW has been unable to control water bills through expansion of its system to include ever more ratepayers. The recent 28 percent rate hike push is a clear indication of this problem.
- Despite frequent rate cases that increase water rates, problems of high leak rates and boil water notices have been persistent for WVAW over the past 10 years.



*In 2014, at a rally organized by OVEC, WV Citizen Action Group, NAACP, the local faith community and others, angry community members gather outside WV American Water's building in Charleston, WV. More than two years after the Elk River/MCHM disaster, the privately-held company still isn't serving the public interest.*

- WVAW pays a higher percentage of its profits in dividend payments to its parent corporation, American Water Company, than its subsidiaries in other states on average, which sends precious financial resources out of West Virginia that could otherwise be invested in the water system.

- There are options for local officials and the public to look into municipalizing the Charleston regional water system: (1) generally, local government has the ability to raise funds and accept state and federal dollars for its purposes; (2) a takeover could be negotiated if WVAW were willing to sell, or local government could seek to use eminent domain; (3) although legal analysis is required, West Virginia law provides for the formation of regional water authorities and public service districts; and (4) new legislation could be passed for the public takeover of the Charleston system.

Advocates for a Safe Water System volunteer Cathy Kunkel helped edit the report. She states:

*In the last two years, we have learned that we have a serious infrastructure problem here. At the current rate of investment, it will take nearly 400 years for WV American Water to replace all of the water mains in our system. The water company is asking for a 28 percent rate increase, but it has said that, even if it gets that full rate increase, it is not going to invest any more money in replacing water mains. WV American Water is planning to double the dividend payments that get sent to its out-of-state parent company, American Water.*

OVEC board member Pam Nixon took part in a tele-press conference held to release the report. Pam, who is active with the Charleston, WV, Branch of the NAACP and a former environmental advocate for the WV DEP, says:

*I don't trust drinking or cooking with WV American water still today, and the feeling is the same for most in my family. We continue to buy bottled water two years later. It took six months for the water company to replace their carbon filters after the leak, and on the day the last filter was replaced—June 12, 2014—there was another spill into the Elk River from the former Freedom Industry site when the sump pump at the drainage trench malfunctioned. Cleanup of the site is now underway but it won't be complete until the fall of this year. Accidents happen at work sites, so I will continue to buy bottled water.*

Read the full report here: [bit.ly/1Qjhaphm](http://bit.ly/1Qjhaphm), and read Pam's full statement here: [ohvec.org/pam-nixon-on-water-report](http://ohvec.org/pam-nixon-on-water-report). 🍌



## Two Years Later

January 9 marked the second anniversary of the Freedom Industries chemical spill into the Elk River. MCHM, a chemical used to clean coal for market, and other chemicals leaked from a rusty aboveground storage tank into the river, about 1.5 miles upstream from WV American Water's intake pipe for about 300,000 residents in nine WV counties. The chemicals poisoned the water supply, prompting a "do not use" order for the tap water that lasted for more than a week in some areas. Hundreds of WVAW customers went to emergency rooms, with symptoms that were consistent with exposure to the chemicals.

The event was labeled the WV Water Crisis, but we couldn't help but point out that much of southern West Virginia has been in the midst of a water crisis for a long time, thanks to the chemicals used in and the practices of the coal industry. And, as the hydraulic fracturing of shale for gas has spread in West Virginia, more and more West Virginians are experiencing the dangers of contaminated drinking water.

To highlight the ongoing threats to clean water in our state two years after the chemical spill, OVEC, Sierra Club, WV Rivers Coalition, and Advocates for a Safe Water System hosted a press conference at the site of the Freedom Industries tank farm on January 9, at noon, the time the chemical spill was reported.

Later that day at the Culture Center on the State Capitol grounds, WV Rivers Coalition (WVRC) hosted a public forum on how citizens can get involved in drinking water protection. OVEC was one of 21 groups partnering with WVRC that day.

A focus of the day was how citizens can help shape "source-water protection plans" that water utilities are required to submit to the state. Be sure to check out WVRC's guidebook about this at [www.wvrivers.org/archive/SWPPToolkit.pdf](http://www.wvrivers.org/archive/SWPPToolkit.pdf). If you want to get involved in OVEC's work on source-water protection in the Huntington area, contact us at 304-522-0246 or [info@ohvec.org](mailto:info@ohvec.org). 🍌

# What the Frack is Going On in Putnam County?

On the night before the “Jonas” snowstorm of January 2016, a small but engaged crowd gathered at Eleanor Presbyterian Church in Putnam County. OVEC had organized the meeting so that community members could discuss impending issues arising in the face of Rogersville Shale development and the proposed Mountaineer Xpress Pipeline (MXP). Several attendees were concerned about loss of property values and interference with their property rights.

OVEC’s Dianne Bady gave an overview of Rogersville Shale development. WV Highlands Conservancy President Cindy Ellis spoke about the MXP, and OVEC staff member Natalie Thompson gave an overview of the forced pooling legislation introduced in the 2016 Legislative Session. Read the fact sheet we prepared for this meeting at [ohvec.org/fact-sheet-putnam](http://ohvec.org/fact-sheet-putnam).

Others who attended, including Doug Wood, provided disturbing insights into water and land pollution that may ensue from shale and pipeline “development.” See Doug’s comments below.

The attendees asked many questions and expressed a desire for more meetings in Putnam County. As one person put it, “we want to bring our friends and neighbors.” We will be planning another community meeting in Putnam County soon. If you would like to help plan the meeting, want more information about fracking or pipeline issues in Putnam County, or have information to share, please contact Robin Blakeman at [robin@ohvec.org](mailto:robin@ohvec.org) or 304-522-0246. We are learning together about this rapidly developing source of concern. 🍌

*I understand the need for energy in our country. Columbia Gas is doing an effective job of proposing the new Mountaineer Xpress Pipeline, a 165-mile-long, 36-inch line from Marshall County to Wayne County, at some points passing through older existing pipeline. Columbia promises jobs, more tax revenue, and a better economy for the counties it passes through.*

*Yes, it all sounds just peachy, unless you look deeper. Most of the jobs are temporary and Columbia is angling for tax breaks with individual counties. I live in Putnam County and this pipeline would run within 500 feet of my home. It will pass under a railroad and the Kanawha River next to my house. I, along with thousands of other property owners, will now live with the very real fear of an explosion, along with higher homeowner’s insurance—if obtainable at all—and of lowered property values. Doesn’t look so peachy to me! There has to be a better way than to place this line so near residential areas. — Barbara J*



*As a longtime resident of Putnam County, I’m concerned about the broad and long-term impacts to this area. The transported gas is not for use here, and the project raises many questions. What about dangers of placement under highways and railroads? Will county-wide contingency and evacuation plans be put into place? Will air quality and effects on water sources be monitored? Will property values suffer declines? — Cindy Ellis, president of the WV Highlands Conservancy (Above, Cindy’s the one standing to address the crowd during the Putnam meeting. Photo by Dustin White.)*

*The taking of legally held private property against the will of the property owner, for the sake of corporate profits that have no benefit to the property owner, is a disgusting practice that should not be allowed by a government of the people, by the people, and for the people. All energy resource transmission pipeline projects fail to uphold environmental and human health safeguards at many places during the long lives of the pipelines. During the construction phase, sediment catchments typically fail during heavy precipitation, choking streams (sources of drinking water for humans and livestock), degrading fish and mussel habitat, and decreasing flood-retention capability of stream channels, thus increasing flooding.*

*During the transmission phase, toxic leaks often destroy surrounding vegetation, contaminate soil, pollute surface and groundwater, poison the air, increase greenhouse gas emissions, sicken livestock and humans, decrease private property value, and cause deadly explosions. As the pipelines age, leaks and explosions increase, until it is not feasible to continue repairing lines or newer economies of scale spur the corporations to apply for the construction of newer, bigger pipelines. Typically, when the old, leaking pipelines are retired, they are left in the ground and the land does not revert to the original private landowner or heirs. Even though real private property value is decreased by the presence of pipelines, county tax assessors do not adjust the property value downward, so the property owner’s taxes remain the same as that of similar acreages not impacted by the pipeline.*

*Perhaps the biggest hurt is the knowledge that most of our elected officials have absolutely no interest in protecting our private property rights, because, unlike the energy extraction/transmission corporations, we the people do not have the monetary means to contribute tens of thousands or even millions of dollars to their election campaigns. We pay their salaries, their travel expenses, their office expenses, their medical expenses, and their retirement pensions, but most of them have absolutely zero interest in protecting our property rights against the corporations that fund their elections, re-elections, special dinners, and “fact-finding missions” to Branson, Vegas, and the Bahamas.*

*For my neighbors who are about to have their property taken from them, I suggest you join OVEC and become more involved with the effort to stop the pipeline. Get to know your local DEP inspectors really well and call them every time you see sediment control structures about to fail. Call every time you see sediment running from the construction zone into a stream. Their job is to protect the environment; your job is to be their eyes in the field. Clean water, fertile soil, and toxin-free air, we can’t live without them. So, get active! — Doug Wood, 33-year water resources protection veteran, now retired from WV DEP*

# Organize to Beat Back The Frack Attack!

The world is changing. Always before, when oil and gas prices went down, the natural assumption was that they would come up again. This is what the oil and gas companies are betting



on. The Rogersville Shale here in our own backyard is quite deep and expensive to drill, but the thickness of that shale deposit is many times the thickness of the hugely productive Marcellus Shale that is being fracked in northern West Virginia.

Nobel Prize winning economist Paul Krugman recently wrote, “We’re now achingly close to achieving a renewable energy revolution.” He noted:

The numbers are really stunning. According to a recent report by the investment firm Lazard, the cost of electricity generation using wind power fell 61 percent from 2009 to 2015, while the cost of solar power fell 82 percent. These numbers... put the cost of renewable energy into a range where it’s competitive with fossil fuels.

New developments in lithium-ion batteries now make it possible to store energy when the sun’s not shining and the wind’s not blowing.

OVEC has worked with residents in many areas of WV to make positive change happen over the past 27 years. Mountaintop removal has not been stopped, but our organizing and litigation has halted some permits and helped make MTR much more expensive and less economically viable. West Virginia’s public financing for Supreme Court elections started with our work, years before the law was passed, to organize other groups to demand public financing.

The EPA and the U.S. Dept. of Justice forced the old Ashland Oil refinery (now Marathon) in Kentucky, on the border of West Virginia, into many millions of dollars of pollution control improvements and then-record fines.

The plan for the biggest dioxin-producing pulp mill in North America, here in our area, was stopped after OVEC took the lead on organizing resistance to a company that refused to use the best available pollution technology. We had our beginnings with fighting a plan for BASF Chemical Corporation to ship all of its toxic wastes from 25 chemical plants to our area. All the local politicians were fighting to get this massive toxic waste incinerator and landfills (and a paint plant), but we went door to door in neighborhoods, educating the public on the health risks of burning toxic waste. We generated enough opposition that BASF decided to scrap its plans.

From the start, our successful work began with many meetings of small groups of people in which, together, people came up with action plans and carried them out. In December, OVEC organized a gathering to bring together

leaders of 37 WV groups who are working on fighting fracking and pipelines (see front page story). A larger movement is building.

We’re not where we need to be yet to successfully

stop major Rogersville development or push for better protections, but we are encouraged by the many people working together in other areas of the state to save our air, water, and rural peace.

Will our immediate area become the leader in ever-deeper drilling to get to the “hard to frack” fossil fuels? West Virginia has clearly been identified as “Almost Heaven” for frackers; after all, our politicians are *still* fighting to try to get *more* mountaintop removal here!

If or when prices go back up, we could be facing a literal invasion of heavy equipment, toxic chemicals, and all the other damages that come with major fracking. We could be the last region in the United States to be ripped apart for the greed of fossil-fuel guys who “need” to become even richer. Or, together with many others, we could build the citizen power needed to stop this insanity.

What can you do to help build the strong citizen movement that is so badly needed? OVEC will be hosting a number of small meetings in our new Huntington office space or wherever people want to gather. Come to learn more and to help make plans: If you’d like to participate, please contact us at [info@ohvec.org](mailto:info@ohvec.org) or call 304-522-0246. OVEC’s history has proven that even a little bit of effort from many, many people can make a big difference.

Write letters to the editor; speak out in other ways. If you live in Rogersville Shale areas, let us know about leasing or other activity in your neck of the woods. Join OVEC and/or contribute to our work—we need to increase our membership to build power. 🍷

## Stay Connected!

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

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

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

# WV Council of Churches Calls for an End to MTR

In 2007, the WV Council of Churches issued a Statement on Mountaintop Removal Mining, which expressed distress at the environmental damage caused by the practice. In 2011, the statement was amended in light of the public health studies of populations in MTR areas. The council judged:

*The present and future harm to our people—especially to the health and well-being of our children—and to our state’s air and water are unacceptable, and we urge the industry to immediately begin to seek and implement alternative models of production.*

Now, four years after this last version of the statement, further health studies have appeared that point to negative effects of MTR on cancer rates, rates of cardio-vascular and renal disease, and rates of birth defects. Studies also indicate higher rates of depression in regions affected by MTR.

Pope Francis has written in *Laudato Si* (sec. 183) that: *Environmental impact assessment should not come after the drawing up of a business proposition or the proposal of a particular policy, plan or programme . . . It should be linked to a*

*study of working conditions and possible effects on people’s physical and mental health, on the local economy, and on public safety.*

Further, the Rio Declaration of 1992 states that “Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a pretext for postponing cost-effective measures” that prevent environmental degradation (sec. 186).

The council recognizes the importance of mining to WV and to the livelihood of those employed by this industry. How then to reconcile the health impacts to those who live near MTR sites? In the end, a way eludes us, for no one and nothing is expendable. The local communities who are located near mountaintop removal sites are not expendable. The miners and their families are not expendable. The people of WV are not expendable. The land and water are not expendable.

Therefore, the WV Council of Churches agrees with the participants in the Rio Conference and with Pope Francis, and, in light of the scholarly findings regarding the impact of MTR on nature and on human health, calls for the cessation of mountaintop removal mining. 🍌

## The People’s Pastoral

In December, an Appalachian Catholic social justice organization issued a regional grassroots pastoral letter on the call to be a “church of the poor” and the transformative power of people’s stories in the work for justice.

The Catholic Committee of Appalachia (CCA), based in Spencer, WV, released this pastoral on the 40th anniversary of its groundbreaking 1975 pastoral letter, “This Land is Home to Me,” and on the 20th anniversary of its follow-up letter, “At Home in the Web of Life,” both of which were signed by the Roman Catholic bishops of the region.

“The Telling Takes Us Home: Taking Our Place in the Stories that Shape Us” is the result of four years of planning and listening sessions, interviews, and tours conducted throughout the region and across religious traditions.

For this third letter, called a “People’s Pastoral,” the planning team did not seek the signatures of the region’s bishops, but rather sought to lift up the authority of the people, their stories, and Earth itself as an expression of the Roman Catholic Church’s teaching of the “preferential option for the poor.”

OVEC is thrilled to have played a small role in this latest People’s Pastoral, thanks to the efforts of members who were interviewed for the letter, as well as to volunteer Carol Warren. OVEC’s Executive Director Janet Keating wrote the Interlude (see page 13) and OVEC staff member Vivian Stockman supplied some of the photographs used in the publication.

The People’s Pastoral is available for download at [ccappal.org](http://ccappal.org). OVEC has hard copies available for purchase, or you can order copies by email at [cca@ccappal.org](mailto:cca@ccappal.org) or by calling 304-927-5798.

A full website with discussion guides, resources, photographs, art, action plans, and more is forthcoming at [peoplespastoral.org](http://peoplespastoral.org). 🍌





## Interlude: A Cerulean Warbler Speaks

*Pope Frances has insisted that each creature “is good and admirable in itself” and that the members of the non-human world have “an intrinsic value independent of their usefulness” (Laudato Si’, no. 140). Although we are not able to hear their “voices” in the same way that we hear the voices of human stories, it is still essential for us to imagine ways to hear the “voices” of the non-human world. The following interlude is one example of the creative listening that is possible when we take seriously the intrinsic dignity of the smallest voices of creation.*

I am grateful for this place to rest my weary wings in the sheltering branches of this towering tree. I shiver as I wait for the dawn chorus and for the sun to rise across the mountains, warming my sky-blue feathers. The darkness surrounds me, but my avian instincts sense my breeding grounds nearby, a mountaintop resplendent with diverse trees and vegetation. For years, this is where I gleaned nesting materials—bark, spider silk, bits of hair and fur for a lining. High in the treetop, nesting deeply within the dense forest canopy, I have protected my young from predation. Below, I found plentiful, life-giving water and an abundance of caterpillars and other insects to sustain my brood, my mate and me.

Dozing just now, I’m jarred by a thunderous booming followed by incessant beeping and many more unnatural grating sounds. My tiny lungs strain through the acrid smoke, noxious fumes and dust-filled air. I’m thoroughly confused. Danger in this darkness lurks. Instantly, I’m in flight mode. Lifting off the branch, what I see belies my years of returning here. What is happening to these lush forests, my summer home in the mountains of Central Appalachia? Below, instead of the welcome greening mountains of an Appalachian Spring, as far as my eyes can see, the landscape is barren, flattened, brown, desolate, and devoid of life. The ebullient streams have disappeared beneath thick piles of rock, rubble and debris—the remains of former mountains. A few humans are busily dumping mounds of a black rock into mammoth trucks. I overhear one refer to it as coal. For this coal, they destroy entire ancient mountains?

My 3,000 mile journey from the Andes to these Sister Mountains leaves me despairing for my future and future generations of my kind. While flying across the perilous expanse of the Gulf of Mexico, little did I imagine my summer home could ever disappear, though I’ve heard similar whispered chirpings from my elders. I’m told that like this tortured mountainscape, our kind, too, has declined dramatically in the last several human decades—70 out of every 100 Cerulean Warblers gone, gone, gone, though at one time in human history, we were abundant.

I can’t help but wonder as I witness the death of this mountain and its abundant life, if somewhere my Creator weeps and the human spirit is also diminished. Thankfully I have faith in my steadfast allies at the Catholic Committee of Appalachia who care deeply and who are aware of my plight and the potential fate of these mountains. They are issuing the *People’s Pastoral*, a call to action which speaks for the marginalized and voiceless ones like me. For now, I cherish and hold dear this hope that the *People’s Pastoral* will soften the hearts and minds of those who despoil this land. May the message of the *People’s Pastoral* open their eyes to the wonder and the unique beauty of nature in Appalachia while there is still time.

Janet Keating, Executive Director  
Ohio Valley Environmental Coalition  
Huntington, West Virginia



# Treehuggers

After a five-year hiatus, OVEC's once-annual Treehuggers' Ball returned on December 4, 2015.

Held at the V-Club in Huntington, the ball served as a joyful beginning to the winter holiday season.

Thanks to the OVEC board of directors for making its return a priority and to the Treehuggers' Ball Committee for taking on all the details to make it a successful event. Dave Lavender chaired the committee, which included Diane Wellman, Lauren Kemp, Karen Scalf, and Rose Edington.

OVEC Board Chair Rose commented, "I attended my first Treehuggers' Ball in 1999, and I enjoyed it over the years. I am so proud of the board and committee for making it possible for the Treehuggers' Ball to happen again. The staff works so hard that we wanted the ball to be a board project and for the staff to enjoy themselves, without having to do the detail work. We also wanted to let OVEC funders know that the board supports and contributes to the organization. We were definitely successful!"

The ball raised \$2,472.

Thanks to Lauren for creating memes we used to promote the event online, and thanks to Jimbo Valentine, who creates fabulous posters for V-Club's concerts, including one for our ball. Thanks to Dave for securing the V-Club and coordinating the bands who rocked the ball: our own board member Karen Scalf, who doubles as teacher of English (fortunate students); the Shadow Shaker Band of Eve Marcum-Atkinson and Mike Lyzenga; Moonshine Crossing; Big Rock and the CandyAss Mountain Boys (with Dave on bass), and Of the Dell.



*Far left: Top: One of Lauren Kemp's memes to help promote the ball online; Middle: Mel Hoover and Mike Sullivan (with guitar) auction off a guitar; Bottom: Of the Dell rocks the ball. Left: Mike Sullivan and Patty Wilds. Mike rocks the Ugly Christmas Sweater. Photos here by Dave Lavender.*

# Had a Ball!

Thanks loads to Carla Seamonds, an OVEC volunteer, who rounded up many of the donations for the auction. The committee did some wrangling, too. Auctioneer Mel Hoover kept the non-silent items moving. Our thanks to the bidders for scooping up the bargains, and to the following generous contributors:

- Home Depot: three Norfolk pines
- Great Outdoors Marine: deluxe pontoon rental
- Sandra Linn: Pilgrim Glass party platter
- Class Act Art: art
- Wholi Moli: soaps and lotions
- Tropical Moon: gift card
- Anonymous: the Wild Ramp's breakfast basket
- Anonymous: reusable bags
- Toodie Ray: art
- Kenny Queen Hardware: bird house
- Greg Carroll: four tinted wine glasses
- Hatcher's Nursery: rosemary planters
- WTCR-FM (Heart Media): Bill Engvall tickets
- Marshall Artists Series: *Nightmare Before Christmas* tickets
- Dave Lavender: Pies and Pints gift basket and four Bob Dylan records
- Keller Williams: autographed merchandise from V-Club
- V-Club: PBR Guitar
- Stonecrest Animal Hospital: doggy basket
- Patagonia: three deluxe camping and computer bags

Two additional necessities for the ball were food and special-edition OVEC Treehuggers' Ball T-shirts. Thanks to Heirloom Mobile Kitchen for the delicious catering. Thanks to Rose for coordinating the T-shirts and to T-Graphics of Charleston for giving us a price break on them, to the anonymous person who covered the cost of the shirts so that all proceeds went to OVEC, and to Charleston artist Kelly Kaufman for the artwork.

A final thanks to OVEC Executive Director Janet Keating, who, at the committee's urging, provided the quote for the back of the T-shirts: "In spite of all the threats to life on earth, I live my life with hope. Hope sustains my work to preserve the wild and wonderful."



Above: Left to right Karen Scalf, Carla Seamonds, Natalie Thompson and Robin Blakeman, gathered at the V-Club's giant version of Jimbo Valentine's Treehuggers' Ball poster. Photo by Danny Cook.

Below: The poster.



Taking a break for the joy of being together, dancing, gabbing, having winning bids, savoring gourmet food—all boost our hope for the challenges we face. Here's hoping we'll have another successful ball in 2016—it will be Treehuggers' Ball No. 20! 🍷

# Blankenship, WV's "King of Coal," Is Guilty

excerpt from a December 3 article by Evan Osnos in *The New Yorker*. Read the full article at: [bit.ly/1LcipEq](http://bit.ly/1LcipEq)

After a six-week trial, jurors convicted Blankenship of one misdemeanor for conspiring to violate safety rules and acquitted him of felony charges of lying about it. It was a compromise verdict: The jurors had deliberated for 10 days and had twice told the judge that they could not agree, before being urged to continue until they'd reached a conclusion. For some observers, the verdict, which carries with it a maximum sentence of one year in prison, was disappointing, but it was a milestone; Blankenship became, as the (*New York Times*) put it, "the most prominent American coal executive ever to be convicted of a charge connected to the deaths of miners." It was justice, of a kind. Judy Jones Peterson, whose brother died in the mine, told reporters, "Even if Don Blankenship wasn't convicted of all of these crimes, he is guilty, my friends."

For those who wanted a reckoning for Blankenship and his practices, it is a brutal measure of our legal



priorities that he faced far heavier penalties for lying to investors and regulators than he did for conspiring to break (coal mine) safety rules. Bruce Stanley, a lawyer who battled Blankenship in a separate case, observed, in an interview with *Mother Jones*, that the prospect of a 30-year penalty had rested on a single charge: "That's the one that says he lied to Wall Street. When it comes to human lives, he gets maybe a year."

Stanley was right. But the trial will have a legacy. It delivered a verdict not only on Blankenship, but also on his punitive credo that, as brutal and unrewarding as the coal life can be, it is all that his people should hope for. There will be more fights around the coal industry ahead, over its environmental practices, its political influence, and the division of its spoils. Blankenship's words and deeds exposed the exploitation that miners face. His name will now serve as an indelible reminder that they, and (we) deserve better. 🍌

## Blankenship Conviction and Next Step for WV: Eliminate Secret Political Donations

by Julie Archer and Natalie Thompson; this op-ed appeared in the *Charleston Gazette-Mail* on January 7

With the unprecedented conviction of former Massey Energy CEO Don Blankenship, the public should take comfort that Blankenship has been served a small measure of justice for his actions.

Now we need to push for what still needs to be done, to—as Senator Manchin put it, "not allow the prioritization of production and profits over the safety of our workers."

This means greater enforcement of existing coal regulations and stiffer penalties for mine safety crimes to ensure this never happens again.

But we also must remember Blankenship's fuller legacy on the state and the effects his prioritization of profit had elsewhere—namely on our elections.

Although Blankenship's \$3 million investment in now-Justice Benjamin's Supreme Court race led to judicial public financing in West Virginia (and has since even made Benjamin a convert; he is planning to use public funds to run for re-election next year), the influence of money in our state elections is still too great.

Without more robust disclosure of third-party political spending, permanent funding for the public financing program already in place for judicial elections, and public financing for legislative races, our government will continue to be subject to the undue influence of the coal

industry and other special interests.

During the 2015 legislative session, the ironically named Coal Jobs and Safety Act passed, which rolled back mine safety. Another bill made it more difficult for miners to sue employers if they are injured by deliberate violations of safety regulations. In the 2014 election, sponsors of these bills benefited from more than \$70,000 in political advertising paid for by a Super PAC funded primarily by the coal industry and over \$40,000 in direct contributions from donors associated with the industry.

These figures do not include contributions that were not disclosed to the secretary of state. Unfortunately, the current disclosure laws in West Virginia allow contributors to hide their identity while influencing our elections. We cannot allow this lowly form of campaign cowardice to continue. West Virginians deserve to know who is trying to influence our votes and buy our public officials.

Public financing and transparency of political spending are important safeguards for a true democracy. The corporate elite, millionaires, and billionaires should not be able to use their wealth (covertly or otherwise) to bribe our elected officials, and they should not get away with dictating what happens to the future of our state and the future of our people. 🍌

# Central Appalachia Flatter Due to MTR

*Changes could mean more pollutants in the region's water*

Forty years of mountaintop coal mining have made parts of Central Appalachia 40 percent flatter than they were before excavation, says new research by Duke University.

The study, which compares pre- and post-mining topographic data in southern WV, is the first to examine the regional impact of mountaintop mines on landscape topography and how the changes might influence water quality.

“There hasn’t been a large-scale assessment of just the simple full topographic impact of mountaintop mining, which occupies more than 10 percent of the land in the region we studied,” said Matthew Ross, an ecology PhD student and lead author on the study.

“[We found] the impact is deep and extensive,” Ross said. “It is locally large and more wide-ranging than other forms of mining.” The study is published online in the journal *Environmental Science and Technology*.

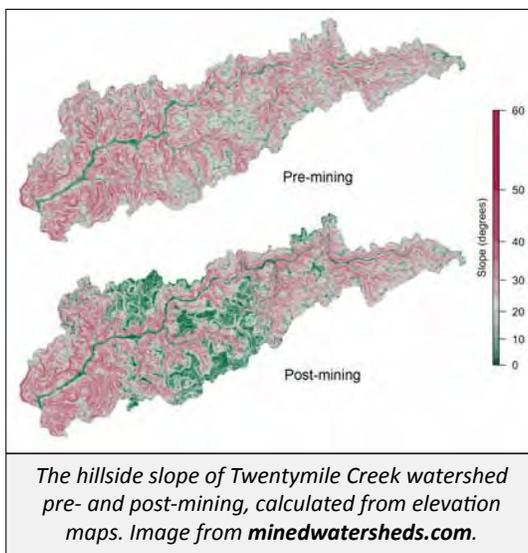
In mountaintop mining, bedrock is blasted away to uncover coal seams below the surface. Excess rock is deposited in nearby valleys, creating what are called valley fills.

By comparing digitized topographic maps from WV before mountaintop mining became extensive with elevation data collected by aircraft in 2010, the researchers found that the mines and valley fills could range anywhere from 10 to 200 meters (about 30 to 6,500 feet) deep. Across the region, the average slope of the land dropped by more than 10 degrees post-mining.

As part of the study, Ross collaborated with Duke University’s Data+ program to develop a web-based app that allows users to toggle between pre- and post-mining topographic maps in each watershed of the study. The app dramatically visualizes how the landscapes have been flattened by the transfer of rock from mountain peaks to mountain valleys.

“We tend to measure the impact of human activity based on the area it affects on a map, but mountaintop mining is penetrating much more deeply into the earth than other land use in the region like forestry, agriculture or urbanization,” says Emily Bernhardt, a professor of biology at Duke and co-author on the study. “The depth of these impacts is changing the way the geology, water, and vegetation interact in fundamental ways that are likely to persist far longer than other forms of land use.”

Of particular interest to the team is how the conversion



from solid bedrock to porous valley fills changes the way water moves through the area and whether this increases the likelihood that water will pick up alkaline mine pollutants.

“You go from having shallow soil that is between half a meter and two meters deep, to something that is like a soil that is a hundred meters deep. The way the water moves through those two different landscapes is really different,” Ross says. “There are valley fills that are the size of an Olympic swimming pool and then there are valley fills that are 10,000 Olympic swimming

pools, so there is a huge range in the capacity they have to hold water.”

Ross says the data from this study indicates a correlation between the total volume of displaced rock and the concentration of certain pollutants, like selenium, downstream.

“We have data that the water-quality impacts can last at least 30 years, but the geomorphology impacts might last thousands of years,” says Ross. “Once you have these flat plateaus, it sets up a whole new erosion machine and a whole new way that the landscape will be shaped into the future.”

Bernhardt said the findings should also inform planning in the region. “Even if we stopped mountaintop mining tomorrow, what kind of landscape is going to be left behind, and what are the constraints on what the landscape can be used for?”

Access the study, “Deep Impact: Effects of Mountaintop Mining on Surface Topography, Bedrock Structure, and Downstream Waters,” by Matthew R. V. Ross, Brian L. McGlynn, Emily S. Bernhardt, online at: [bit.ly/1R6PeSp](http://bit.ly/1R6PeSp). 🍷

## **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!**

# What Citizen Monitoring Can Do

## *An update from the Kanawha Forest Coalition*

The Kanawha Forest Coalition closed out 2015 by submitting a citizen's complaint to DEP on December 26, based on our site monitoring, which led to three new Notices of Violation (NOVs) being written up on the KD#2 mine site. This makes a total of 18 violations and three cessation orders on the mine in 2015, most of which can be directly attributed to our monitoring. This is the type of documentation and persistence that's critical for permanently stopping the KD#2 mine.

Two of the most recent NOVs were for illegal toxic discharges from the site (into our streams), and the third was for yet another failing sediment/drainage control structure, where faulty reclamation work led to a landslide that blocked one of the primary drainage outlets from the mine. Unaddressed, this could have led to a much larger blowout of the drainage control structure, sending even more sediment and toxic runoff into our streams.

We also submitted a citizen's complaint about continued toxic discharge into the headwaters of Davis Creek from the adjacent Rush Creek strip mine, which led to another NOV on that site.

The KD#2 and adjacent Rush Creek mines are both still under cessation orders, with only reclamation and maintenance work allowed. The coalition has been granted intervener status in the ongoing consent agreement process that could result in the permit being revoked or permanently suspended, protecting the three-quarters



A conductivity meter, for monitoring streams.

of the permit that has not yet been disturbed. However, as expected, this process has been tied up for months. Volunteers are still regularly inspecting the mine for violations to bolster the case for closing the mine.

We had what could be considered a partial win in court on January 8. Kanawha County Circuit Court did, unfortunately, dismiss our appeal of the KD#2 permit. Their reasoning was that it was not currently necessary because multiple cessation orders and show cause orders are already effectively stopping active mining on the site. This, despite the fact that our appeal challenges the *legality of the permit itself* and is not based in any way on cessation orders or other regulatory intervention taken by DEP in response to permit violations that occurred after the issuance of the permit.

The upside is that the judge dismissed the appeal *without prejudice*, meaning that if/when the temporary cessation orders are lifted and continued mining is imminent, we can bring the issue back to the court.

At this point, we will continue pushing for permanent suspension or revocation of the KD#2 permit through the Show-Cause process and appeal any future decision from DEP that vacates the current cessation orders.

To help protect the Kanawha State Forest from further encroachment by MTR operations, get involved with the Kanawha Forest Coalition. Contact Dustin White at [dustin@ohvec.org](mailto:dustin@ohvec.org) or 304-522-0246 or find KFC online. 🍌

## Holding MTR Landowners Responsible for Pollution

In late November, we initiated legal action to stop pollution from three valley fills at the site of the now "reclaimed" White Flame mountaintop removal mine. The case, filed by Appalachian Mountain Advocates attorneys Amy Vernon-Jones and Joe Lovett on behalf of OVEC, WV Highlands Conservancy and Sierra Club, argues that landowning companies are responsible

for ensuring that former mountaintop removal sites still meet Clean Water Act protections against mining pollution.

In the case of the Pocahontas Land Corporation's White Flame mine, water testing downstream from the site



A "reclaimed" valley fill at an MTR site, still a source of pollution entering local waterways.

has found that valley fills are responsible for high levels of selenium and ionic pollution, and therefore the corporation has failed to meet its legal responsibility to mitigate pollution entering local waterways.

Even after a mine is "reclaimed," valley fills continue to collect and channel water into local waterways.

Valley fills are engineered with ditches on their surface and drains underneath; these ditches and drains are integral to the permanent structural stability of the fills, and so are not removed when the mine is shut down. 🍌

## A First: Citizen Groups Advising ORSANCO



In February, the Ohio River Valley Water Sanitation Commission (ORSANCO) approved a proposal to form the Watershed Organizations Advisory Committee, which includes representatives from 17 citizen-based environmentally focused nonprofit groups within

the Ohio River Basin. OVEC and WV Rivers Coalition are among the charter member groups of this advisory committee.

OVEC volunteer Randi Pokladnik and staff member Robin Blakeman attended the February ORSANCO meeting in Pittsburgh. During that time, the newly formed advisory committee held its first meeting. Members voted to elect Judy Petersen, executive director of Kentucky Waterways Alliance, chair of the committee.

“On behalf of the Watershed Organizations Advisory Committee members,” Judy says, “I thank the commissioners for their cordial welcome. In the entire 68-year history of ORSANCO, there has never before been an official seat at the table for watershed and wildlife advocacy organizations. Moving forward, it will take us all to make the Ohio River the clean, healthy, vital river we want and need.”

Robin says, “OVEC is pleased to take part in the formation of this committee. We see it as an effort to bring to ORSANCO decision makers’ ears the voices of residents along the Ohio River, people who drink from, fish and recreate in, and live, work, or travel beside this great river.

“We are extremely concerned about the extra burden of pollution that gas fracking operations near the river will bring to a body of water that is already one of the most polluted on our continent.

“We are also aware that millions of people depend directly on the Ohio River for potable tap water and keenly aware of what can happen if that water supply is contaminated. We hope to advocate for improved regulatory oversight of this important source of water for those millions of humans as well as for an ecosystem that includes portions of nine states and supports multiple endangered species.”

ORSANCO Chairman Douglas Conroe notes, “I am delighted to see the interest that the 17 watershed organizations have offered in helping ORSANCO in its development of Ohio River studies and policies and welcome working with them at the table. We have several Ohio River-related stakeholder advisory committees, and the addition of the Watershed Organizations Advisory Committee will serve well to round-out the interaction that is involved in the deliberative process.” 🍌

## Kids: Gardening, Healthy Eating

by Tonya Adkins

With a mini-grant from Try This WV and great collaborations with the Huntington Boys and Girls Club, the WV State Extension Office, and the Huntington Kitchen, the Boys and Girls Club Gardening and Healthy Eating Project is well underway this year.

As OVEC’s coordinator for the project, I recently attended the Southern Sustainable Agriculture Working Group Conference (Southern SAWG) in Lexington, Kentucky, to garner ideas. One of the standout workshops focused on the Farm to School program in Kentucky: specifically, the winter gardening project at Pikeville Elementary School and the Farm to School program in Perry County, Kentucky.

If you suffer the heartbreak of tomato blight each summer like I do, you can imagine my interest in attending the workshop at the Southern SAWG conference focused on tomato diseases. Joe Kemble, from Auburn University, who led the session, stressed the importance of growing plants from your own seed, because most plants from big garden centers are already infected with the disease. We will purchase seed for the Boys and Girls Club garden this year. Using disease-resistant varieties will help with our goal of gardening organically and will be an opportunity to teach kids how to grow their own transplants.

The big takeaway from the conference for me was the inspiration to use low tunnels on our existing beds to extend the growing season, with a goal of four-season gardening at the Guyandotte Boys and Girls Club location.

In February, Jenny Totten (our partner from the WV State Extension Office) conducted a Junior Master Gardener class at the Guyandotte Boys and Girls Club. The kids in the gardening program traced their favorite foods back to the plants from which they come (e.g., pickles from cucumbers, pizza from tomatoes, basil, wheat). The kids also made a list of all the vegetables they wanted to grow in the beds this year. In addition to making sure we grow their requests, we will also plant some theme gardens, such as a pizza garden, salsa garden, etc., as educational tools to foster more interest in gardening. 🍌

*The Perry County (KY) Farm to School program’s Facebook page includes ideas to entice young kids to eat their vegetables, such as this veggie train.*





# West Virginia and the Frackers

The daily news is full of stories describing the current effects of low oil and gas prices, so much so one might begin to think fracking activity is tanking. But, a six-month OVEC look into the economics and politics of fracking in the United States makes it clear that, when and if the prices rebound, the fracking money will be headed to WV and KY.

## Fracking Expansion in Our Region

In fact, fracking companies here seem to still be making money, in sharp contrast to other regions in the nation. Fracking rigs have been shut down in four major Western U.S. shale fields, and the number of fracking rigs has plummeted by more than 60 percent nationwide since oil prices dropped last year. But companies here are working hard to drill more wells and develop new pipelines to get the oil and gas out, especially to export markets. In a February 8 *Natural Gas Intelligence's Shale Daily* article, Sunil Sibal, a senior infrastructure analyst at Seaport Global Securities, says production from the Marcellus and Utica shales actually grew from 2014 to 2015 and is expected to continue increasing over the next few years.

A visible example of this growth is a jam-packed, heavy-fracking equipment “staging area,” which cropped up in October last year next to Bill Hughes’ Wetzel County mailbox. (See photo above.)

We have another horrifying example of the growth of the frackers over in neighboring Greenup County, KY. Just a few months ago, folks looked out their rural windows to discover that their peaceful lives are now a thing of the past: Heavy equipment in operation and “man camps” sprouted up without warning, now that three fracking production wells are being developed in the Berea Sandstone, about 2,100 feet deep.

In just the first week of February, WV granted 10 new permits for horizontal drilling—which requires fracking—in Wetzel, Marshall, Ohio, Ritchie, Tyler, and Monongalia counties. These companies may be getting their ducks in a row in anticipation of higher oil and gas prices; *Shale Daily* writers point to an increasing number of wells that have been drilled and are ready to go as soon as the financial situation improves.

EQT, one of the biggest frackers in WV, recorded its sixth straight year of more than 25 percent production growth. According to a February 4 *Shale Daily* article, the company is in the process of completing the Big 190 Utica well in Wetzel County, WV, and plans to turn it online by early March.

The Utica is deeper than the Marcellus Shale, and some analysts project that it could be an even more productive oil and gas field than the Marcellus. Dry gas is already being drilled from dozens of Utica wells in neighboring Ohio, and companies are now migrating across the border to WV; industry sources say there is also oil in the Utica, perhaps deeper than the gas.

On January 12, in *Shale Daily*, we learned that plans are already underway for shallower fracking for oil in an “underdeveloped” portion of Kanawha County, at 2,150 feet deep, in the Weir Sandstone.

## Exports

Given low oil and gas prices, some people wonder whether fracking and pipeline companies are delusional in their plans to expand here. However, we must note that the industry is looking toward exports to drive up demand. The first Marcellus Shale ethane is expected to be shipped overseas in February, and as more liquids crackers (gas processors) come online on the Gulf Coast, it will drive the demand for ethane. (Ethane and butane are constituents of gas liquids.) Refineries are expected to use more butane for fuel-blending in order to meet tighter federal air emissions regulations. The industry also hopes that new federal legislation legalizing the *export of U.S. oil* will make it profitable to develop more fracked oil wells in this country. (This provision was slipped into the new federal budget bill.)

## Supply

One factor in the industry’s plans to expand here is simply the size of the deposits in our region. On December 4, the *Wheeling News-Register* reported, “The Marcellus, Utica, and Rogersville shales may just be the beginning of the prolific natural gas formations in the Appalachian Mountains, as West Virginia now boasts more proved reserves of the fuel than any other states except Texas, Pennsylvania, and Oklahoma.”

## WV Politicians Bend Over Backwards For Industry

We believe there's also another powerful factor at work: the fact that our politicians will make it as easy as possible for fracking companies to operate here and will do nothing to protect their constituents. Everywhere that major fracking has occurred, the impact on lives and livelihoods has been much worse than predicted. Our neighbors in north central West Virginia have experienced an assault on their land, air, water, health, and way of life with the rapid rise and expansion of fracking, waste disposal, and the associated infrastructure. As with mountaintop removal, we can expect that "our" politicians will work hard to help fracking companies and pay *no* attention to lives and livelihoods of their constituents.

In other fracking states, new and stricter regulations are in place or underway, and there are growing numbers of lawsuits from citizens. In Pennsylvania, the state itself is suing Chesapeake Energy, alleging that they cheated Pennsylvania landowners of millions of dollars in royalties. (Can you imagine WV's Attorney General suing an oil and gas company on behalf of its citizens? We can't, either.)

Texas is now the state with the most operating wind power, but in a show of solidarity with Big Fossil Fuels, WV's 2015 legislative session killed the states' Alternative Energy Standards.

As state officials kowtow to fracking companies, it will be much easier for them to profit here. For example, the state granted *three years of secrecy* to Cabot Oil and

## Pipelines vs. People Power

Did you forget to read Black & Veatch Insights Group's 2015 "Strategic Directions: U.S. Natural Gas Industry Report?" Not to worry, we'll catch you up.

The report is "a compilation of data and analysis from an industrywide survey. This year's survey... was completed by 404 participants who, through a series of screening questions, identified themselves as natural gas utility/service providers or natural gas industry providers."

The survey asked: "**Which TWO items are the most significant barriers of expansion associated with the construction of new pipeline capacity?**" The number one cause for delay, chosen by 73 percent of survey respondents, was "**Delays from Opposition Groups.**" The number two cause, chosen by 68 percent, was "**Regulatory Uncertainty.**"

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



### See What We Mean?

As hardworking West Virginians continue to mine the coal that powers our nation and drill for the natural gas that offers new opportunities for growth, we must guarantee these natural resources meet our needs here at home. As the ninth-largest producer of natural gas in the country, we must work with those operating here to create the processing and pipeline infrastructure necessary to ensure this industry's continued growth. The ongoing development of the Marcellus and Utica shale—and the Rogersville formation just being explored—is already bringing new revenues and new jobs for West Virginians. That's one reason I sent a letter to the Federal Energy Regulatory Commission in support of the Columbia Gas Mountaineer Xpress pipeline project. This \$2 billion investment will transport a significant amount of natural gas to new markets. Much like similar pipeline projects by EQT, Dominion and Momentum Mid-Stream, this investment has the potential to create thousands of good-paying construction jobs, while generating significant tax revenues for counties to fund local schools, roads and other worthy endeavors.

—Governor Earl Tomblin in his 2016 State of the State Address

Gas' now-operating Rogersville well in Putnam County (in the Amherst–Plymouth Wildlife Management Area). Cabot now controls at least a million acres of mineral rights in Southwest WV, but citizens have no right to know what Cabot found or what it is producing in its 14,000-foot-deep well. Granting this kind of secrecy is not normal, even here. But the state continues to find new ways of helping out oil and gas companies.

So, we'll have to keep perfecting the ways and means of organizing and resisting. 🍌

According to the report:

*Pipeline projects are receiving greater attention from environmental and safety activists as owners attempt to build infrastructure to meet the rising demand for gas power generation and liquefied natural gas (LNG) exports. Environmental activists have recently turned their attention to FERC's extensive pipeline siting process as an opportunity to slow or block projects. In particular, environmental groups opposed to increased supply from shale gas production have tried to disrupt FERC pipeline proposal meetings through mounting protests and social media campaigns. This creates additional hurdles for maintaining project timelines and has the potential to derail pipeline projects because of rising development costs and missing key milestones in contract obligations.*

The report did not state what we will: *Woo hoo!* People power works! 🍌

# Watching the Dead at My Funeral Home

by Ed Rabel; this op-ed appeared in the *Charleston Gazette-Mail* on December 30

My residence is a funeral home in West Virginia. I live among the dead.

Night and day, from my apartment atop the funeral home garage, I witness the arrival of dead West Virginians. I hear the sobs of loved ones who bid farewell in the chapel down below. Sad songs echo in my home place, Christian anthems once reserved mostly for natural deaths now performed often for the overdosed, the suicides, and those killed by coal.

For me, death by misused drugs is not theoretical. Suicides are no rumor. And coalfield departures are not left to my imagination. The unnaturally deceased arrive in mounting numbers at my doorstep, without fanfare, on stretchers for me to see, firsthand. Such blatancy is injurious to my soul. Not to mention my civility.

Many of my neighbors are in disbelief when I tell them that deaths from cancer, black lung, suicide, and drug addiction are outpacing natural causes for the first time in our written history. To them, such deaths are simply statistics to be denied. From my funereal vantage point, such deaths cannot be refuted.

How difficult must it be for someone not as profoundly acquainted with death as I to understand what it means when I say that in mountaintop removal mining counties in central Appalachia, an additional 60,000 cases of cancer are directly linked to federally sanctioned strip mining. Not until you see, personally, a withered body made so by deadly particulate blown by strip miners into our mountain air can you appreciate, fully, just how toxic and lethal our land has become.

I am dismayed by what I observe, constantly, in my house of horror. I stare at young faces frozen by death and wonder how it is that so many youngsters are being laid to rest. Once brimming with life and hope, they lie here motionless, without any expression. I want to grab them and shake them back to life. I want to erase the poisons

## Bi-Partisan RECLAIM Act Introduced

The Alliance for Appalachia member groups (OVEC is a member) recently celebrated the introduction of the RECLAIM Act to support economic development in areas impacted by coal's decline. The legislation sprang from strong grassroots efforts by Alliance members and allies.

RECLAIM stands for Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More. The bipartisan bill aims to accelerate the use of \$1 billion in funding in the Abandoned Mine Lands (AML) Fund to help revitalize coal communities hardest hit by the downturn of the coal industry.

The RECLAIM Act arrives on the heels of a similar AML Pilot Project included in the 2016 Omnibus



*Dust from blasting at MTR sites is dangerous for your health.*

that laid them low. I want their skin to be radiant, their eyes bright and sparkling and not dulled by the drugs that, finally, put out their lights. Then, I remember another statistic. Life expectancy for men in my sorry neck-of-the-woods is 18 years less than for men in affluent Northern Virginia.

I am saddened by how the perished here are blamed for their own demise. I rebel on behalf of the dead downstairs in the morgue when a coalfield politician proclaims that, save for President Obama and his so-called war on coal, these dead shall not have died. I know as surely as do the dead that Obama did not kill coal. Nor has he taken their jobs and, thus, in their despair, their lives. To say otherwise is a lie.

I hope Obama's recent visit here to help our state cope with its drug problem—number one in the nation—would mean, eventually, fewer bodies will be brought here to my place. But until we shift from the mono-economy that is killing us to sustainable economies that will save us, those dead of unnatural causes will be visiting me in numbers greater than ever before. 🍷

bill. The \$90 million pilot will be implemented in KY, PA, and WV, with grants to clean up abandoned mines, create new job opportunities, and stimulate the local economy.

The RECLAIM Act mirrors a section of the White House's POWER+ proposal.

To see an interactive map that illustrates, on a county basis, the projected costs of reclaiming the abandoned mines eligible for these funds, go to: [bit.ly/2123cb7](http://bit.ly/2123cb7).

To get involved with OVEC's work with the Alliance for Appalachia (trips to visit officials in Washington, D.C., are coming up), contact Dustin White at [dustin@ohvec.org](mailto:dustin@ohvec.org) or 304-522-0246. 🍷

# Fayette County Bans Oil and Gas Waste Disposal

On January 12, Fayette County became the first county in WV to enact a ban on oil and gas waste disposal.

The county's ban, passed unanimously, was the result of hard work by members of Headwaters Defense, Mountain Party members, and citizens of Fayette County. Collectively, the group obtained 5,000 petition signatures, pressured the county commission into action, and worked alongside the county prosecutor to draft a strong, enforceable ordinance against frack waste disposal.

Among those helping to obtain signatures on Bridge Day last year was OVEC board member Mike Sullivan.

Commission President Matt Wender says the majority of Fayette County residents who support the ordinance worry about "the unknown nature of the chemicals that are being injected into the ground, the uncertainty that they'll stay there, the uncertainty that they won't leach into the water system, and what are the harmful ill-effects they'll cause."

*The Beckley Register-Herald* opined:

*Fayette County commissioners are to be commended for taking a stand against fracking for the public health of its citizens... It is the first such measure in West Virginia. We're guessing it won't be the last.*

*[W]e weren't sure if the people of Fayette County could come together and agree on anything for the common good, let alone a public health issue that rebuffs the powerful energy sector, long an economic engine in this state.*

*What spurred the citizen revolt? ...As previously reported by the Register-Herald, water testing conducted by Duke University showed frack waste had infiltrated Wolf Creek, a tributary to the New River...*

*So, yes, the commissioners took it upon themselves, with the urging of the public, to take action against the powers that be. How cool is that?*

*Twelve-year-old Eden Gilkey added her two cents during the meeting as well, speaking directly to representatives of the gas and oil concerns. It was pure gold.*

*"This is our county, our land," she said. "Your wealth means nothing to me and we are tired of burying our grandparents, family, and friends for you to have private jets."*

The day after the ordinance passed, fracking company EQT filed a lawsuit against Fayette County. On January 20, U.S. District Judge John Copenhaver, Jr. issued a temporary restraining order preventing Fayette County from enforcing the ban.

On January 17, the *Register-Herald* ran an article with background on the ban:

*A decade ago, Brad Keenan called emergency services about a gas leak in Lochgelly.*

*Several homes in the community were evacuated before the source of the smell was determined to be an open pit of oil and gas waste at Danny Webb*

*Construction, whose property borders Keenan's.*

*At that time Keenan said he knew very little about the industry or oil and gas waste disposal practices, but it was just the beginning of efforts to protect the integrity of his land, which has a creek running through it downhill from Webb's operation.*

*Water samples that Keenan collected and tested himself from the creek showed oil and gas-based contamination, he said, preventing him from selling his property as a horse farm in 2007.*

*Danny Webb Construction and two injection control wells used to dispose of hydraulic fracturing waste have been at the center of Lochgelly residents' concern for years...*

*Attorneys representing EQT filed a suit on Jan. 13, claiming the countywide ban violates the state Oil and Gas Act as well as property rights outlined in the Fifth Amendment...*

*Fayette County Commission Attorney Larry Harrah says he doesn't know what the outcome will be of these legal challenges, but the ordinance was crafted with the health and safety of Fayette County citizens in mind...*

*Vivian Stockman, of the Ohio Valley Environmental Coalition, says that regardless of impending litigation, Fayette has been an inspiration to other communities.*

*'It has been inspiring to see people organized on a local level making change,' Stockman says. 'The folks involved have been tenacious and committed to their health and their kids' health.'*

*Bill Hughes says that [the Wetzel County] landfill takes hundreds of thousands of pounds of drilling mud, the solid waste product of hydraulic fracturing. Landfills in northern West Virginia accept this waste above and beyond their tonnage caps due to legislation passed in 2014.*

*Waste is piling up before regulations and laws can fully address it, and little is known about risk factors associated with the waste, Hughes says.*

There are campaigns similar to Fayette County's moving forward in the Marcellus and Utica Shale regions of Ohio.

In February, the Doddridge County Commission said it will not consider an injection well ordinance until a ruling is made in the lawsuit against Fayette County.

To see why people want this ban, go online to [bit.ly/1ox34NR](http://bit.ly/1ox34NR) to watch *Frack Waste Injection and Concerned Residents*, a short film by Keely Kernan. The film is part of a series about resource extraction throughout West Virginia called "In the Hills and Hollows," and is sponsored by the Civil Society Institute and OVEC. 🍓



# Do You Live In the Blast Zone?

You may remember the derailment of a CSX train in February 2015. Twenty-seven tankers full of 3,000,000 gallons of volatile Bakken crude oil exploded multiple times near Mount Carbon and Boomer, WV. Our state was in the middle of a brutal snowstorm when 2,500 residents living near the disaster were forced to abandon their homes, taking emergency shelter. One man narrowly escaped with his life, running out of his home just in time to avoid the crashing tankers and the fiery explosions that followed. This past summer, officials blamed a faulty rail for the disastrous derailment that burned for several days.

In recent years, Bakken oil, extracted largely in North Dakota, Montana, and two provinces of Canada, has become a significant source of oil in the United States. If you are interested in learning more about the explosive nature of Bakken oil and how it differs from other crude oil, you might want to check out this article: [bit.ly/1j3UHFE](http://bit.ly/1j3UHFE).

Even though oil production is declining for now, millions of gallons of crude oil, including highly flammable Bakken oil, are shipped by rail every day. Millions of people live near what one website calls the “oil train blast zone.” Do you? To find out visit the website [explosive-crude-by-rail.org](http://explosive-crude-by-rail.org).

On this website, you’ll see a map of the United States. The yellow lines on the map indicate railway lines that carry crude oil throughout the nation. Typing in a zip code will allow you to see whether or not your home, school, business, etc. would be affected by a derailment of oil tankers. Use the plus or minus button in the bottom right corner of that map to zoom in or out and to see streets and avenues that are in the evacuation area (red zone) or the potential impact area (yellow zone). It’s alarming to see the red evacuation zone extending clear across the



*These burned out CSX train tankers were full of Bakken crude oil. The train derailed and the tankers exploded not far from Charleston, WV in February, 2015. Photo: WV State Government.*

state, from Huntington, Charleston, Fayetteville, Hinton, and White Sulphur Springs continuing through Virginia (including Richmond) all the way to the coast (for shipment overseas).

Our state and federal governments need to consider stricter regulations for all mobile sources of transporting crude oil, whether by rail or truck. WV’s over-reliance on dirty, dangerous fossil fuels guarantees more disasters and more toxic pollution of our precious vital water resources, increases ongoing threats to public health and safety, and threatens the very future of planet Earth due to climate disruption. This is beyond common sense when clean, renewable solar and wind energy are off-the-shelf technology becoming increasingly more competitive with coal, gas, and oil. Renewables promise both thousands of new jobs along with greater safety for the public. Plus, whenever there’s a solar-power or wind-energy “spill,” it’s a great day to take your kids outdoors to fly a kite. 🪁



## LEEPing into Action for Energy Efficiency in WV



As this issue of *Winds of Change* goes to press, the 2016 WV Legislative Session is still ongoing. At the statehouse, one of the things OVEC staff member Natalie Thompson has been working on is the LEEP (Local Energy Efficiency Partnership) Act (SB 370).

As OVEC’s project coordinator with Energy Efficient West Virginia (EEWV), Natalie’s been meeting with legislators to discuss the bill. LEEP is a funding mechanism that empowers commercial building owners to make their buildings more efficient and pay for the upgrades on their tax ticket. The upgrades are funded by privately held bonds that are backed by the energy savings.

The LEEP Act can help broaden West Virginia’s economic base by making it easy for businesses to hire construction contractors to make cost-effective upgrades to their buildings. Creating Local Energy Efficiency Partnerships is completely voluntary for local governments to adopt under the act, so if it isn’t right for some communities, it will not be adopted. One goal of the act is to help businesses and jobs stay in the state, by improving companies’ bottom lines as they save money on utility bills.

Check [ohvec.org](http://ohvec.org) for updates on what happened with the LEEP Act. 🇺🇸

# What Do You Get with an OVEC Membership?

There's power in numbers, and a huge part of what makes OVEC effective is people power. When you become a member of OVEC, you help build our power. Plus, you join a winning team! We utilize organizing, media outreach, and legal challenges to bring positive change to West Virginia.

Plus, you get:

- Our Winds of Change newsletter—by email or in hard copy (your preference)
- Action Alerts (if you provide us a valid email address)
- Invitations to annual and semi-annual events like picnics, victory celebrations, receptions
- Knowledge that you are participating in our award-winning work
- Volunteer opportunities
- Invitations to participate in national and local actions
- The satisfaction of being part of a team working to make our little part of the world a better place

Basic Membership is \$20/yr; Sustainer Membership is a minimum of \$60/yr; and the Major Donor Membership level starts at \$250/yr. We also have a Sweat Equity Membership, wherein you commit to volunteering your time (writing letters to the editor, coming to hearings and protests, lending your skills to help out, etc.).

If you are not already a member, please join OVEC. If you are not sure about your membership status, please make certain your membership is current. Call us at 304-522-0246 or email us at [info@ohvec.org](mailto:info@ohvec.org).

We are a 501-(c)(3) organization, so donations to OVEC are tax deductible. Join, renew or donate online at [ohvec.org](http://ohvec.org), or mail your check to OVEC, PO Box 6753, Huntington, WV 25773-6753.

Support of OVEC's work from people like you provides the resources to pressure state and federal agencies to do their jobs. We know from experience that "endless pressure, endlessly applied" can have positive outcomes. Please join! 🍌



## ACF Brunch: Lifting Up One Another

On February 7, OVEC staff members Natalie Thompson and Vivian Stockman attended the Appalachian Community Fund's (ACF) Grantee Brunch. The STAY Project and Southern Appalachian Mountain Stewards (SAMS) hosted the event, which dozens of people from groups across the region attended.

The Stay Project is a diverse regional network of young people working together to create, advocate for, and participate in safe, sustainable, engaging and inclusive communities throughout Appalachia and beyond.

Based in Appalachia, VA, SAMS is an organization of concerned community members and their allies who are working to stop the destruction of our communities by surface coal mining, to improve the quality of life in our area, and to help rebuild sustainable communities.

Natalie and Vivian agree that it was great fun to see folks they hadn't seen in a while, meet new people, and hear inspiring stories about other community groups in our region. OVEC extends deep thanks to ACF, not just for supporting us, but for all of ACF's work to support "Change, Not Charity" in Appalachia. 🍌



*Appalachian Community Fund Executive Director Margo Miller's selfie gets photo bombed by some OVEC staff members.*

# Environmental Songwriting Contest

Attention singers, songwriters, and players of instruments: Got eco-lyrics? Get 'em out there! Take part in an environmental songwriting contest, which will officially begin this April/May, complete with cash prizes. OVEC is one of the groups contributing prize money.



Songs entered in the contest must be original and address an environmental issue such as fracking, water pollution, air pollution, pipelines, gas storage, tar sands, climate warming, mountaintop removal, tailings pond failures, coal mining, fly-ash disposal, etc. (Sadly, there's no lack of topics!)

The Connecticut Songwriter's Association will host the contest, judge songs that are submitted, and select the winners. Submission guidelines, process, and prizes are posted on the association's website: [ctsongs.com](http://ctsongs.com).

Now is the time to start work on your original song, and it can be of any genre (folk, country, western, hip hop, rock, blues, reggae, jazz, a cappella, etc.).

Ideally, your song will sing to those people *not* already in the choir, so to speak, and make them say, "That's not right! We need to do something!" If you start now, you'll have time to polish up your song by performing it for others at open mics or local gatherings before entering it in the contest. Perhaps you'll even submit a music video....

Please pass this information on to friends, musicians, and aspiring musicians.

Organizations and individuals who would like to contribute to the Environmental Song Contest prize money can send their donations directly to the Connecticut Songwriter's Association, which is a 501(c)(3) organization, so your donation is tax deductible.

Connecticut Songwriters Association  
PO Box 511  
Mystic, CT 06355 🍷

*I think we need more love in the world. We need more kindness, more compassion, more joy, more laughter. I definitely want to contribute to that.*

- Ellen DeGeneres

# 2015: Hottest Year on Record

The Climate Reality Project reports that the National Oceanic and Atmospheric Administration (NOAA) and National Aeronautics and Space Administration (NASA) have confirmed that 2015 was globally the hottest year ever recorded (temperature records date back to 1880).

The agencies note that the planet is warming because of manmade carbon pollution and other greenhouse gases emitted from human activities like burning fossil fuels. 🍷



## Farewell to David Schwartz

OVEC extends profound sympathy to the family of David Samuel Schwartz of Berkeley Springs, WV, who passed away on January 2. He was 94. Mr. Schwartz was a world-renowned economist and a passionate advocate for consumer protections. His work focused on regulatory issues related to the natural gas and electric power industries. His life work included nearly a decade of work with the Federal Power Commission (now the Federal Energy Regulatory Commission), where he ultimately served as assistant chief of the Office of Economics. He frequently testified before senate committees, never hesitating to go against political currents in the defense of his strongly held principles.

Contributions in his memory may be made to Wind Dance Farm & Earth Education Center, 649 Virginia Line Road, Berkeley Springs, WV 25411.

We are humbled by David's remembrance of OVEC in his will. 🍷

Have you thought about your legacy? Are you looking for a long-term way to make a meaningful difference in the movement to build a cleaner energy future? Consider making a planned gift to OVEC. Planned giving options include:

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

Tax benefits apply to each of these options. See an attorney or a financial advisor for more info, or go to [lalwv.org](http://lalwv.org).

# We've Got a Choice to Make

*Time To Choose*, the latest film by the Oscar-winning documentary director Charles Ferguson, was screened at two special events in Paris during the UN climate-change conference (aka COP21), held in December. The White House screened the film, too.

During the summer of 2014, Vivian Stockman, OVEC's media liaison, helped researchers extensively before the crew arrived to film for the mountaintop removal portion of the documentary. Once the crew was here, Vivian served as an on-the-ground and aerial guide. OVEC is thrilled to have played a small part in this big film!

The director writes:

*This film started with a phone call two years ago that piqued my curiosity about the climate problem and, even more importantly, how to solve it. As I learned more, I found myself drawn into what became, without question, the most fascinating, beautiful, scary, hopeful project I have ever undertaken, with each shocking horror scene—and there were many—balanced by the most profound beauty and inspiring optimism I have ever experienced. Yes, climate change is really scary, but it is also a totally solvable problem, and if we do it right, we will also make the world a far better, happier, safer, more prosperous place.*

*The same practices that are causing climate change are also responsible for far more immediate destruction. Coal mining in China has killed a million people through accidents and black lung; mountaintop removal mining has devastated Appalachia; oil and fighting over control of it has killed millions and financed awful regimes from Iran to ISIS; industrial agriculture has poisoned our food and water, endangering our health; and deforestation is killing off some of the most beautiful animals on our planet.*

*But my other big surprise was in the opposite direction. We don't need to keep living this way; we can solve these problems, right now. Renewable energy works: Both solar and wind energy are becoming fully competitive with fossil fuels, with almost none of their damaging side effects. We can design cities to be more walkable, livable, efficient—and fun. Electric cars are quiet, efficient, nonpolluting, and inexpensive to operate, and in fewer than 10 years, they will be better than gasoline cars in range, weight, and price. And—biggest surprise of all—if we eat less meat and processed industrial food, we will not only help save the planet but will also live longer, healthier lives. The film shows the beauty*



*While serving as an aerial guide for WV filming for Time to Choose, Vivian snapped this shot of AEP's John Amos power plant near Charleston, WV.*

*of everything that we've placed at risk, the new technologies that can save us, and the inspiring people leading the way.*

*The battle to stop climate change is entirely winnable. Only a very small number of people stand in the way. But they are very wealthy, powerful, corrupt people, and the hour is growing late. Do we let them win? It's #TimeToChoose.*

Search "Time to Choose Film" on Facebook for info on upcoming screenings and a possible theatrical run. 🍌

## Solar Power Breaking Records

CNBC reports that, according to data from GTM Research and the Solar Energy Industries Association (SEIA), the U.S. solar industry installed 7,286 megawatts of solar power in 2015.

The data shows that solar beat natural gas capacity additions for the first time ever, with 29.5 percent of all new electric-generating capacity met by solar power in 2015.

Rhone Resch, president and CEO of the SEIA, says 2015 was a "monumental year for the U.S. solar industry," and in the next few years "solar will continue to reach unprecedented heights as our nation makes a shift toward a carbon-free source of energy that also serves as an economic and job-creating engine."

The potential of solar power as a clean energy source is significant. In 2014, the International Energy Agency stated that the sun could be the planet's biggest source of electricity by 2050.

The Office of Energy Efficiency and Renewable Energy says that in states such as California, Hawaii, Texas, and Minnesota, solar electricity is now "economically competitive with conventional energy sources." 🍌

*Plans to protect air and water, wilderness and wildlife are in fact plans to protect man.*  
- Stewart Udall

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

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# Save the Dates and Come On Out!

**April 18:** 6–8 p.m. Meet the Candidates Cabell County Forum at the AD Lewis Center, 1450 AD Lewis Ave., Huntington, WV, 25701. Sponsored by the Cabell-Huntington Chapter of the NAACP and OVEC.

**April 20:** 10 a.m.–2 p.m. Earth Day at MU Student Center Plaza, hosted by MU's Sustainability Department. A wild variety of workshops, presenters, and participants will fill this event with green and sustainable learning opportunities. Visitors both young and old will be entertained and engaged. Come celebrate the splendor, beauty, and diversity of our planet, and help spread the environmental message of Earth Day. Be sure to stop by the OVEC table.

**April 21:** 10 a.m.–2 p.m. WVU Parkersburg Earth Day Expo, hosted by the Environmental Action Group. The event will be a celebration of the state's natural beauty and a recognition of some of the environmental threats facing the world. Yup, OVEC will have a table here, too.

**April 25:** WVSU Celebrates Earth Day: Climate and Sustainability, beginning at 9:30 a.m., Wilson Student Union, WVSU, Institute, WV. With tables from citizen groups—including OVEC—and information to help people understand climate and energy issues. Films and keynote speakers, too.

**April 30:** Holistic Health and Wellness Fair from 9 a.m. to 5 p.m. at the Unitarian Universalist Congregation, 520 Kanawha Blvd. W Charleston, WV. You got it; OVEC will be here, as well. Sponsored by the Tai Chi Exchange, in conjunction with the WV Martial Arts Association, the UUC Better Health and Wellness Ministry, and the WV Wellness Community.

**July 23:** OVEC's annual membership and supporters picnic, to be held at Coonskin Park in Charleston, WV.

Check OVEC's online calendar at [ohvec.org](http://ohvec.org) for updates and more details on all these events. We always need volunteers to help with events like this, so if you'd like to help out, email [info@ohvec.org](mailto:info@ohvec.org) or call us at 304-522-0246.

