



Huntington, WV

Winds of Change

Supporting Organized Voices and Empowered Communities Since 1987

OVEC

www.ohvec.org

A Letter From Our Retiring Executive Director

Dear OVEC:

Nearly 24 years ago, when Dianne Bady hired me as a project coordinator for OVEC, this work became not only my calling, but also set me on a solid yet winding path of personal growth and self-awareness.

Working for OVEC has never been a “job.” As a young person, like many, I pondered the meaning of life; as an adult, I realized that it was up to me to choose a meaningful path—and so it has been. I am so grateful for all the enriching life experiences afforded me through OVEC—from organizing my first-ever humble protest of the proposed pulp and paper mill at Apple Grove (together we beat it!) to attending the United Nations gathering (Rio+20) in Brazil in 2012. What a remarkable life I’ve been privileged to live because of OVEC’s members, volunteers, staff, board, donors, and supporters!

I’ve watched OVEC grow from essentially a handful of folks who mostly were not taken seriously to a well-respected environmental organization that has made many concrete, positive differences in our region and in the lives of those with whom we work and serve. When I took over the leadership of OVEC in 2007, my primary goal was to provide the group with the infrastructure it needed to become a strong, accountable, and sustainable organization. Thanks to your support, both our staff and budget have dramatically grown. And now, OVEC’s staff, board, volunteers, and members have a “home” to call their own in Huntington’s up-and-coming Old Central City community.

When I began my activist career in 1992, my focus was pretty much on protecting the environment, the air, the water, and the land. But as OVEC’s work expanded, so has my personal knowledge of politics, economics, and social/environmental justice in West Virginia. One of my greatest lessons has been: It’s all connected and we are all connected, whether the issue is poverty, energy, climate change, healthcare, housing, drug use, women’s health,



Janet Keating, holding sign, during a 2014 MCHM water crisis rally.

homelessness, LGBTQ rights, or racism. It’s all connected. I am grateful that my time with OVEC led me to view the issues that our state and world are facing through an ever-widening lens.

A special gift of this work is the incredible people that I’ve met and grown to love. Many of you feel as close as family. I’ve had the good fortune to stand shoulder to shoulder with extraordinary folks who have a depth of commitment to making West Virginia and the world a better place for all and who persevere in spite of the odds. You are generous, courageous, bold, imaginative, and daring truth-tellers. I believe that, although we may not always win on a day-to-day basis, we have already won in the grand scheme, because you stand on the high ground. Your good hearts are in the right place.

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Inside This *Winds of Change*

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Court Directs DOI to Reconsider Removing Protections from Blair Mountain Battlefield



In early April, the United States District Court for the District of Columbia announced that the U.S. Interior Department failed to justify its 2009 decision to remove the site of the 1921 Battle of Blair Mountain labor conflict from the National Register of Historic Places.

The lawsuit challenging the delisting was brought by a coalition of environmental and historic preservation groups, including Sierra Club, OVEC, Friends of Blair Mountain, WV Highlands Conservancy, the West Virginia Labor History Association, and the National Trust

for Historic Preservation.

The Battle of Blair Mountain is a central event in labor history in the United States and one of the best known of the many labor struggles in West Virginia. The battlefield was, in 1921, the site of the largest armed insurrection in the United States since the Civil War, as 10,000 coal miners clashed with mining company financed forces over the right to unionize. After many nominations and revisions, the site was finally listed on the National Register of Historic Places in 2009, only to be de-listed nine months later in a move that the coalition believes was unlawful. Since federal coal mining laws provide stronger protection for sites actually listed on the national register, removing Blair Mountain from the register put the future of this important place at risk. In August 2014, the U.S. Court of Appeals for the D.C. Circuit allowed the lawsuit to move forward, after it determined that the proposed mining presented an actual threat to the historic site.

“This is a major victory over the relentless efforts of coal companies who want to sacrifice our history for profits by conducting mountaintop removal coal mining on a site that is a proud part of West Virginia’s heritage,” says Bill Price, a WV-based organizer for the Sierra Club. “Blair Mountain is an asset to Appalachia and must be protected for future generations to visit and explore.” 🍌

“My great-grandfather Milton White fought at Blair Mountain. This decision is a huge step forward and I applaud the efforts of everyone who worked so diligently to protect this important piece of our history,” says OVEC organizer Dustin White. “This isn’t just a victory for labor, health, history, and future generations of the state. It is also a victory for the miners who were denied it nearly a century ago. In their honor, we must keep fighting until the battlefield has full protection under the national register and we can once and for all declare victory on Blair Mountain.”

The Value of Our Volunteers

According to independentsector.org, the estimated value of volunteer time in WV in 2015 was \$20.47 per hour, but at OVEC we consider our volunteers invaluable. So, we are in the midst of hiring a half-time volunteer coordinator who will enhance our outreach by checking in with you (our members and volunteers). The aim is to allow folks with busy schedules to plan ahead for volunteering opportunities.

The coordinator will spruce up our volunteer database, find out your areas of interest and expertise and alert you to upcoming tasks and events where we are in need of volunteer help. Volunteers can opt in or out, knowing that if they cannot help this time, another opportunity will be around the bend. The coordinator will also keep track of new potential volunteers, and follow up with them with a personal touch. Our aim is to make volunteering for OVEC easy, organized, informative, and fun!

We know that you care deeply about the work of OVEC, and that most, if not all, of you have experienced the effects of some of the issues we're involved in. You want to do something to improve the quality of life in your communities. We want



Above: Volunteers recruiting possible new volunteers at MU's 2016 Earth Day. Below, on the streets of New York City for a climate march: You never know where volunteering with OVEC will take you.



to recognize you, involve you, and give you opportunities to be a part of our team. We know our members, friends, and allies have untapped skills that can be utilized by volunteering with us.

By getting to know you better, we can offer you specific jobs that are more likely to appeal to you. As in the past, we'll offer trainings to those who want or need experience in our program work, organizing in your communities, and more. Or, maybe volunteering is just fun for you, you enjoy the social aspects, and you value meeting and talking to other like-minded folks? Whatever your interest in volunteering may be, we will provide oversight and communication in an effort to make the good things we do better and the tough things we do easier. Power in numbers, people... Power. In. Numbers.

If you aren't already a dues-paying member of OVEC, you may be glad to know that your volunteer time can earn you a year's membership in OVEC through our "Sweat Equity" program. Contact an OVEC staff person at info@ohvec.org or 304-522-0246 for details.

When you join OVEC, besides the satisfaction of being part of a team working for a better WV, you also get invitations to events like member picnics, victory celebrations, receptions, and much more. Volunteer. Join. It's an invaluable experience! 🍌

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

Public Financing System Gives Voters Ability to Choose Truly Independent Judiciary

by Julie Archer and Natalie Thompson, WV Citizens for Clean Elections

A version of this op-ed appeared in the April 16 edition of the Beckley Register-Herald

May 10 was Election Day for one of our state Supreme Court seats and with the events leading up to the passage of West Virginia's Public Financing Program for Judicial Elections, our hope is that participation in the program this year will lead to a courtroom without corruption.

Because of the \$3 million Don Blankenship spent in support of then-candidate now-Justice Brent Benjamin and the subsequent ruling that let Massey Energy off the hook for a \$50 million jury verdict, the Mountain State decided to limit big donors' potential power in the courtroom.

Our legislature voted to provide an alternative option to the way we finance judicial elections, recognizing that we needed to restore confidence in our Supreme Court. They passed a public financing law that would allow candidates running for a seat on the court to qualify for public funding by meeting criteria that engage a wide array of constituents in the process, moving away from wealthy donors and special interest groups.

They recognized that our court system is too important to be subjected to the wills of moneyed interests. Although our other branches have somewhat-unavoidable levels of partisanship and bias, our courts are supposed to remain impartial. If anyone has to appear in court, they shouldn't wonder whether or not the judge presiding over their case is going to give them a fair shake. It should be without a shadow of a doubt that our courts are fair to all.

Our state's judicial public financing system has given voters the ability to choose a judiciary that is truly independent, because publicly financed candidates don't have to rely on support from lawyers and special interest contributors who frequently have cases before the court.

This year, two of the candidates are using public financing to run for the open Supreme Court seat, including Justice Benjamin.

When the opinions of a few wealthy individuals and corporations matter more to public officials than the welfare of everyday voters, West Virginians pay the price with a state government that fails to take into account the needs of all its citizens. That is a cost we



can't afford to keep paying.

It is time to keep West Virginia moving forward. First, to press our employers to take workplace safety laws and regulations more seriously and our current elected officials to stiffen the penalties for those who ignore and violate them.

Second, with this year's likely expensive gubernatorial race, we should be encouraging our public officials to expand public financing to other elected offices. Providing full public financing to qualified candidates who agree to limit their spending and reject private sources would reduce candidate reliance on special interest money and enable those who lack personal wealth or access to wealthy contributors to run a competitive campaign—allowing ordinary citizens to have a greater voice in the political process, both as candidates and as contributors.

No single person serving in our government should have to concern themselves with the opinions of wealthy special interest groups or billionaire donors over the voices of everyday West Virginians. The amount of money in your bank account or how much you can spend on campaign ads isn't a reflection of the intellect and experiences necessary to serve our citizens best.

Public financing allows the voices of average citizens to come first by giving candidates the ability to run solely with the backing from voters in their district instead of relying on contributions from special interests and wealthy donors. It also reduces the amount of time candidates and officeholders spend fundraising. Once a candidate qualifies for public financing, she/he can focus on substantive issues and serving the public interest rather than soliciting campaign contributions. Expanding public financing is a worthy investment in our elections to ensure voters stay the primary constituency of our public officials.

No matter whom you vote for, you deserve to know that they will do their best for the state of West Virginia and for each of us, not just their campaign contributors.

(Ed. note: Benjamin did not win the election.)

Julie works for WV Citizen Action Group and Natalie works for OVEC; both groups are leaders of WV Citizens for Clean Elections. 🍷



Special Interests Win Supreme Court Seat; Next Steps Toward Clean Elections Include Disclosure

Wealthy special interest groups pulled off a victory in the WV Supreme Court race. After spending more than \$2 million in support of Beth Walker's candidacy, these anonymous groups have duplicated the feat that Don Blankenship pulled off 12 years ago as Massey Energy CEO.

Blankenship spent more than \$3 million to help Brent Benjamin win a seat on the court. Justice Benjamin then refused to recuse himself from *Caperton v. Massey*, a case involving the coal baron. Benjamin was the deciding vote in the case, which overturned a \$50-million judgment against Blankenship. The U.S. Supreme Court found that Benjamin should have recused himself, because the \$3 million contribution posed a risk of bias in the case.

This time around, without public knowledge of which donors and companies were behind some of these outside efforts to elevate Beth Walker onto the court, West Virginians will never know if Walker is deciding a case on its merits or returning the favor of her campaign supporters.

There is a reason that WV has twice passed legislation to make our courts less partisan and less susceptible to outside influence: to prevent bias from skewing justice. First, WV established the judicial public financing system (see story on opposite page). Then, last year, our legislature took the step to remove party IDs from all judicial elections and make them nonpartisan instead.

"Our courts should never be at risk of being anything but fair and impartial. Our judges should be

selected on their merits, not on attacks ads or the money spent by wealthy special interests," says WV Citizens for Clean Elections co-coordinator and OVEC staff member Natalie Thompson.

Walker's victory puts WV's Supreme Court elections at risk of returning to a time before the public financing system was established. If court seats are only available to those who have the backing of secret money groups, then a number of good candidates are locked out of running for court vacancies.

To address the money spent by special interest groups, the WV legislature must make election transparency a top issue. A majority of the money spent by third parties in the Supreme Court race came from undisclosed sources. A bill that would require any entity that spends more than \$1,000 in a calendar year to disclose its donors to the Secretary of State's office was introduced during the 2016 legislative session.

"Full disclosure of campaign cash is an important step to ensuring our state remains in the power of the people. All West Virginians have a right to know exactly where the money is coming from," Natalie says.

Disclosure is a key area in campaign finance law allowed post-*Citizens United*. U.S. Supreme Court Justice Antonin Scalia, a staunch opponent of most campaign laws with the exception of disclosure, says in the *Citizens United* decision "requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed."

To join OVEC's Clean Elections work, contact Natalie at natalie@ohvec.org or 304-522-0246. 🍌

Outside Spending in West Virginia Supreme Court Race Nears \$3 million

As of 1 p.m. May 6, total spending in the WV Supreme Court race was \$4,847,081, according to the Brennan Center for Justice. Five outside groups had spent more than \$2.9 million in the race.

"This flood of money into West Virginia's supreme court election is deeply troubling," says Alicia Bannon, senior counsel with the Brennan Center. "It is vital that judges decide cases based on their understanding of the law, and not out of worries about where they will get their next donation, or what the next attack ad will say. West Virginia, it's worth noting, is one of two states that has taken important steps to mitigate that risk by introducing a public financing system. Public financing gives candidates the opportunity to run competitive campaigns without needing to rely on special interest dollars."

WV Politicians Slow to Act on RECLAIM, Economic Support for Coal Communities

by Dustin White

In February, Congressman Hal Rogers (R-KY) introduced the bipartisan RECLAIM Act, which fast-tracks \$1 billion of Abandoned Mine Land Fund (AML) money over five years to areas across the nation where coal has been mined. The money will be allocated to clean up pre-Surface Mine Control and Reclamation Act (SMCRA) mine sites for economic development. The bill stems from one of the four tiers promoted by the POWER+ (Plus) Plan—not to be confused with the Clean Power Plan—that was initially proposed as part of the 2016 Federal Budget to help aid areas hard hit by the decline of the coal industry.

The AML fund was created under SMCRA by levying a fee on coal production per ton. The fees collect interest and are periodically disbursed for cleanup of mine lands abandoned before the passage of SMCRA in 1977. The money RECLAIM would help allocate would not be used only for site cleanup, but for economic development on AML sites, as well.

Although the RECLAIM Act itself doesn't promise funds to any one specific state or region, it could greatly

benefit the Appalachian communities where the coal industry has taken a severe downturn, mostly due to “market forces” (a nose-dive in the demand for coal) and the decreasing availability of mineable coal in the region. RECLAIM could help provide an important springboard for economic diversification and transition in communities suffering from the coal industry's upheaval. It could be especially beneficial in West Virginia, where the money could help provide jobs for cleanup of some of the hundreds of AML sites in the state, with the additional bonus of stimulating economic projects that will create more employment opportunities.

RECLAIM came shortly after Wyoming's congressional delegation passed a bill in December of 2015 that qualifies the state for \$242 million immediately and another \$350 million in the years to come from the AML program. Wyoming's AML case is a bit unusual. In 1984, Wyoming voluntarily certified that it had taken care of all of its severe abandoned mine cases. But as coal production increased there, so did Wyoming's contribution to the AML fund, and, in turn, their cut of the funds increased. Although the funds did go toward their intended purpose, Wyoming quickly found itself with more AML money than sites to clean up. Then, using a loophole created by an amendment to SMCRA in 1990, the state started putting its AML money to a variety of other uses besides mines, including basketball arena renovations at the University of Wyoming and infrastructure projects.

A 2011 report from the Office of Surface Mining Reclamation and Enforcement stated that Wyoming had only used 10% of its AML money on mine cleanup. In 2012, as a sort of stop-gap, Congress reduced Wyoming's cut by hundreds of millions of dollars by passing legislation that limited each state's share of AML to \$15 million annually. But, according to Senator Mike Enzi (R-WY), the allocation of the money in Wyoming's 2015 bill was justified because the bill was only “returning money that rightfully belongs to the people of Wyoming.” It's obvious that Wyoming's politicians are looking to use AML money to benefit their state.

Not so in West Virginia, where most politicians haven't exactly been responsive to RECLAIM, which could benefit their constituents. Congressman Evan Jenkins from West Virginia's 3rd congressional district was one of the first co-sponsors of the bill when Rogers introduced it and is currently the only one from the state on the bill. Although Jenkins' support of the bill has been laced with “War on Coal” rhetoric from the beginning, he acknowledges the need for jobs in the state and sees

What is the POWER+ Plan?

The POWER+ (Plus) Plan is a \$10 billion initiative to assist communities struggling with the decline of the coal industry in growing and diversifying their economies.

The Plan, which reflects a number of policy ideas that originated in coal country, was proposed by the White House and currently sits before Congress.

The POWER (Partnerships for Opportunities in Workforce and Economic Revitalization) Plus Plan consists of four pillars:

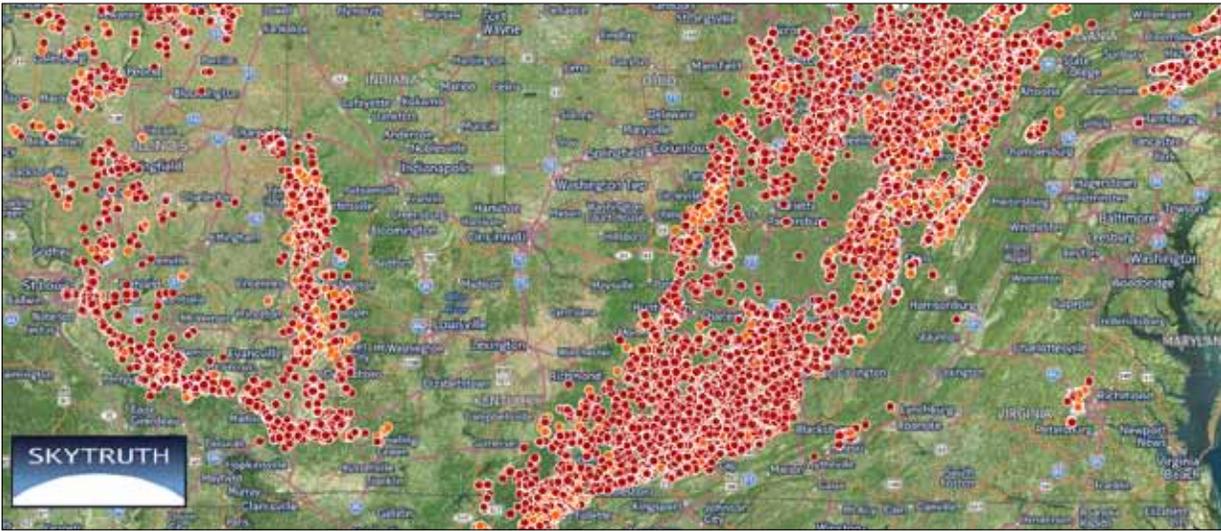
1. Creating new jobs and development opportunities by reclaiming abandoned coal mines. This pillar would disburse \$1 billion to create long-term economic opportunities in agriculture, energy, recreational tourism, and more on reclaimed coal mines.

2. Ensuring the health and retirement of coal miners and their families. This pillar would shore up struggling healthcare and pension plans that support more than 100,000 retired United Mine Workers of America (UMWA) miners and their families.

3. Supporting economic diversification and job creation. This pillar would put at least \$55 million towards workforce development and retraining programs for desolated workers. This funding would be distributed to programs through a variety of federal agencies.

4. Deploying carbon capture and sequestration technologies. This pillar would provide \$2 billion in tax credits for power generators to adopt carbon capture and sequestration technologies.

Source: powerplusplan.org.



Map: SkyTruth:
US Abandoned
Coal Mines
(eAMLIS
Database).
Learn more:
bit.ly/1ZTkveP

RECLAIM as a vehicle for that. But the names of West Virginia’s other two congressional reps, David McKinley (WV-1) and Alex Mooney (WV-2), are still absent from the bill. (Update: As we go to press, word comes that McKinley is now a co-sponsor of the bill.)

In March, a small group of West Virginians, including OVEC organizer Dustin White and OVEC board member Lyndsay Tarus, traveled to Washington, D.C., as representatives from The Alliance for Appalachia’s Economic Transition Team. They met with a staffer from Rep. Mooney’s office. Mooney is important to the RECLAIM Act: RECLAIM is currently in the Energy and Mineral Resources subcommittee of the National Resources Committee and Mooney is the only representative from Central Appalachia on both the committee and subcommittee. Mooney’s staffer explained that Mooney was cautious on RECLAIM because he is the only representative of an Eastern mining state on the committee.

Mooney may be reluctant to ruffle Western feathers, but he has a duty to the people of WV to take action on RECLAIM, because this bill could help economic projects in areas hardest hit by the coal industry’s waning.

Mooney, like most WV politicians, seems to still be more focused on bashing Federal regulatory agencies than on supporting any potential economic stimuli for struggling coal-dependent communities. Our politicians perpetuate the myth that regulations, not market conditions, are what are hurting the industry. An April 25 online article in *The Hill* stated that McKinley said he would prefer to focus on ways to beat back federal regulations than overhaul local economies.

As for senators Capito and Manchin, they, too, have not said much in support of plans to help with economic projects that RECLAIM could produce. There has been some work to try to introduce a companion bill to RECLAIM in the Senate, on which one or both of them could take the reins. Neither currently has shown any indication that they would be willing to take any action.

What about the state’s other politicians? Governor Tomblin, who is nearing the end of his term, has been mostly mute on support of either the Power+ or RECLAIM and hasn’t strongly promoted any economic relief for the state other than another fossil fuel industry (deep shale gas fracking), which, given climate change and water issues, is a false economic solution.

The majority of the legislators at the State Capitol hasn’t shown any real support of low-carbon/transition economic plans, nor has there been much mention of such in this year’s gubernatorial race. Only one candidate has been vocal on addressing the issue of modernizing West Virginia’s local economies.

Although RECLAIM and Power+ won’t immediately fix the economic issues that the coal industry is leaving as it continues to decline, they are important first steps to getting much-needed support to the communities. We urge you to contact your elected officials and find out their positions on RECLAIM and Power+. Let them know that you want them to be more vocal on the issue. Ask your county commission to pass a resolution in support. You can also submit letters to the editor (LTE) or op eds. Elected officials need to make more of an action plan, instead of just sitting and hoping the market will rebound or that more coal will magically appear in the ground. You have to let them know you are holding them accountable. Contact Dustin White at dustin@ohvec.org or 304-522-0246 if you need help taking any of these actions.

We especially need folks in Mooney’s district to call his offices and let him know you want him to cosponsor the RECLAIM Act. The number for Mooney’s D.C. office is 202-225-2711. It’s 304-925-5964 for the Charleston office, and 304-264-8810 for Martinsburg. You can also call the Washington, D.C., Capitol Switchboard at 202-224-3121 and ask to be connected to any office. Call, call often, and encourage your friends and family to call also.

More info on the Power+ Plan: powerplusplan.org 



USGS Study Shows Fracking Waste Contaminating Fayette Co. Streams

Evidence indicating the presence of wastewaters from unconventional oil and gas production was found in surface waters and sediments near an underground injection well near Fayetteville, WV, according to two recent studies by the U.S. Geological Survey, University of Missouri, and Duke University.

These are the first published studies to demonstrate water-quality effects in a surface stream due to activities at an unconventional oil and gas wastewater deep well injection disposal site. The site has been in the news. It is operated by Danny Webb Construction in Lochgelly, near the town of Oak Hill.

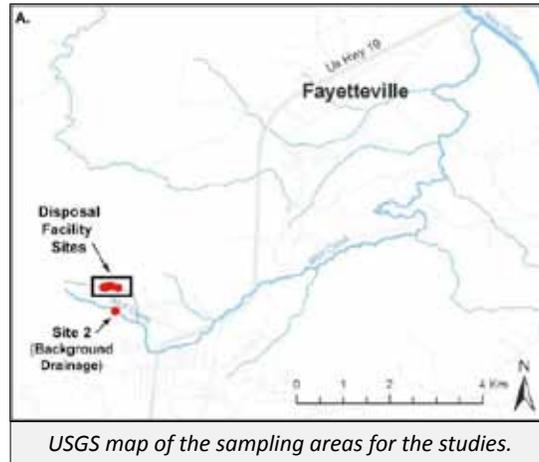
Oak Hill resident Brandon Richardson, co-founder of Headwaters Defense, told the *Beckley Register-Herald*, “Despite relentless outcry from the local community about contamination at the site, there has never been a violation or fine issued by the West Virginia Department of Environmental Protection. Now, the federal government is confirming significant damage has been done to Wolf Creek. When will they shut him down?”

Larry Harrah, prosecuting attorney for Fayette County, told the newspaper, “Is this in our drinking water? We still need to know that. That is the ultimate issue here. If this stuff is in our drinking water, and it’s because of the actions of this particular business, then somebody is going to pay.”

The USGS studies did not assess how the wastewaters were able to migrate from the disposal site to the surface stream. The unconventional oil and gas wastewater that was injected in the site came from coalbed methane and shale gas wells.

“Deep well injection is widely used by industry for the disposal of wastewaters produced during unconventional oil and gas extraction,” says USGS scientist Denise Akob, lead author of the study. “Our results demonstrate that activities at disposal facilities can potentially impact the quality of adjacent surface waters.”

The scientists collected water and sediment samples upstream and downstream from the disposal site. These



samples were analyzed for a series of chemical markers that are known to be associated with unconventional oil and gas wastewater. In addition, in a just-published collaborative study, tests known as bioassays were done to determine the potential for the affected surface waters to cause endocrine disruption.

Waters and sediments collected downstream from the disposal facility were elevated in constituents that are known markers of UOG wastewater, including sodium, chloride, strontium, lithium, and radium, providing indications of wastewater-associated impacts in the stream.

“We found endocrine-disrupting activity in surface water at levels that previous studies have shown are high enough to block some hormone receptors and potentially lead to adverse health effects in aquatic organisms,” says Susan C. Nagel, director of the EDC study and associate professor of Obstetrics, Gynecology, and Women’s Health at University of Missouri.

Endocrine disruptors are chemicals that interfere with normal functioning of organisms’ hormones.

Scientists analyzed the microbial communities in sediments downstream. These microbes play an important role in ecosystems’ food webs.

“These initial findings will help us design further research at this and similar sites to determine whether changes in microbial communities and water quality may adversely impact biota and important ecological processes,” says Akob.

Production of unconventional oil and gas resources yields large volumes of wastewater, which are commonly disposed of using underground injection. In fact, more than 36,000 of these disposal wells are currently in operation across the United States, according to EPA, and the volume of unconventional oil and gas wastewater requiring disposal has continued to grow despite a slowing in drilling and production.

The studies were published in *Environmental Science and Technology* and *Science of the Total Environment*. 🍌

Residents Concerned About Water Quality



Above: Paula Swearengin in the field, checking out an acid mine drainage site. Photo by Dustin White.

On April 21, the Beckley Register-Herald's Sarah Plummer reported:

With passion and frustration, area residents spoke in opposition Wednesday to the WV DEP's reissuing a permit for an underground injection disposal well for a facility in Trap Hill operated by Base Petroleum.

The injection well has been in operation since the late 1990s and is located along Claypool Branch near Daniels Creek, a tributary of Marsh Fork Creek and ultimately of Coal River.

"I'm sick and tired of spending the last eight years of my life begging for clean water," says Paula Swearengin, Glen Daniel resident and volunteer for the Ohio Valley Environmental Coalition. "Clean up your mess, make the state clean up its mess, and put public health and safety first because we deserve a healthy economic future and just a plain healthy future. Hasn't the area suffered enough?" she asked. She explained that Fayette County has recently passed an ordinance to ban the disposal of fracking waste, and she doesn't believe Raleigh wants to take the waste either.

Many of the speakers who live along Coal River Road said they have directly experienced the burden of extractive industry pollution and don't trust the DEP to adequately monitor permit sites.

Junior Walk (with Coal River Mountain Watch) said he grew up in Eunice, near Whitesville. Coal slurry was injected into an old mine above his parent's house and it leaked into the community's wells.

"People got sick. People are still sick. What do you

think is going to happen here? The exact same thing," he said.

OVEC member (and former board member) Chuck Nelson, a native of Sylvester, said he is a fourth-generation coal miner and worked in the industry for 30 years.

He began advocating for health and safety in coal and natural gas producing communities after seeing community members in isolated areas fall ill.

"I'm tired of seeing people dying because of these injection sites," he said. "They say they can monitor this stuff, but once it goes deep into the ground there is no way you can trace where it is going to."

He stressed that many people in the area still rely on well water, which is vulnerable to contamination.

Read the full article: <http://bit.ly/24FuCat>. Thanks to all the volunteers and groups who are ever vigilant in defending our water! 🍌

Right:
Chuck
Nelson
in the field,
checking
out
an MTR
site.



The Struggle for Clean Water in Wyoming County

by Dustin White

In 2007, the residents along Cedar Creek Road began to notice a difference in their water. There is no public water access for the community, so the people who live there rely on groundwater for their homes. They first started noticing an odor that would come and go. The water got worse over time, becoming discolored, smelling more, and causing iron stains and corrosion around toilet and sink fixtures.

Paulette Blankenship and her husband were among the first to realize something was seriously wrong. The family had lived in the community for years and had never had any issues with their water. Worried, the family discussed their situation with neighbors, and they came to realize the issue wasn't isolated to their well.

The community of a few dozen homes is tucked away in Wyoming County near the foot of Coal Mountain. The mountain has a history of being mined, and, in 1997, Dynamic Energy, a subsidiary of Bluestone Coal Corporation, a Jim Justice company, was granted a mountaintop removal permit. In February 2009, Justice sold the mine, along with much of his coal holdings, to the Russian firm Mechel, and Bluestone Coal became Bluestone Mechel Inc. In late 2012, Mechel idled the mine due to a lack of demand for coal. But in 2015, Justice bought this mine and his coal holdings back, and he quickly reopened the site.

It was about a decade from the time the MTR mine opened when residents first began to notice the changes in their water. As the water grew worse, Paulette became frustrated with dealing with odors, stains, and ruined laundry, but she wasn't sure where to turn. Then her son, who was a student at Marshall University at the time, came across an OVEC flyer on campus offering water testing. The Blankenships contacted OVEC for help. I went to visit the community, along with other folks. We talked to residents about their concerns. Over a couple of years, we collected multiple water samples from different homes. To get an accurate, cumulative analysis of the water, we needed multiple samples taken over time to account for weather and other seasonal conditions.

The water testing showed high levels of arsenic, aluminum, lead, iron, and other pollutants. The well at the Blankenship's home tested at 8.69 parts per million for strontium, well above the 4.0 limit for drinking-water standards. Paulette told a reporter from *The Register Herald*, "We all worry about what this has done to our health. Even though we drink bottled water, we still have to shower and have it around us. The stress and the worry about what could happen to us is the worst."

After getting the test results, OVEC put the residents in contact with the Thompson and Barney law firm in



Foul well water is not uncommon in the coal-bearing regions of WV. This ICK! shot of a commode in Prenter, WV is courtesy Sludge Safety Project.

Charleston, which has handled water cases like this across the state. In May 2014, the attorneys filed a suit with the Circuit Court in Wyoming County, with 26 community members as plaintiffs. According to federal and state law, if a coal company damages a community's water supply during mining, the mine operators are required to replace water resources. The law sets up a mandate for emergency water supplies, and then temporary supplies, prior to a requirement for long-term replacement. While awaiting trial, the plaintiffs filed a motion in October 2014 for the company to replace their water. Last December, Judge Warren McGraw granted the motion based on the residents' need for clean water to "meet their basic needs for survival." But residents had to go back to court to get their replacement water when the company failed to supply it after Jim Justice repurchased the mine.

This April, the case finally went to trial before a jury of three men and three women. The attorney representing the company called the lawsuit "frivolous" and stated that it would only hurt employees of the mine. In a statement from the company, Bluestone said it was challenging the lawsuit because it didn't want to risk losing 150 union coal mining jobs. Dozens of miners appeared in the court room on a daily basis because the company had told them the outcome of the trial could cost them their jobs.

The company lawyer told the jury that OVEC had carried out broader testing than anyone had ever done at those sites before. The lawyer said the contaminants may have been present all along, and he accused OVEC of "getting the plaintiffs whipped up into a frenzy." He even attacked the witnesses for the plaintiffs' case claiming they were paid experts and calling them "little more than anti-mining activists who come up with evidence Thompson can use at trial."

An official from the WV Department of Environmental Protection (DEP) testified on behalf of the coal company, saying that he did not believe the mine had contaminated the water. The attorney for the company argued that

if things were being mishandled on the site in a way that would cause water contamination, then the DEP would have cited the company. We know that DEP has a long history of a failure to enforce laws and there's also a history of criminal misconduct by at least one company that samples water for mines (see story at right). Nonetheless, DEP's testimony at the trial apparently swayed the jury to side with the company.

In an email, Chief Operating Officer for Justice Management Services with Bluestone Industries, Inc., Tom Lusk touted their win by saying, "I want to thank the jury, our attorneys, and the people from Wyoming County for seeing through this attempt by plaintiff's attorneys to extort money from an already struggling industry. Fortunately, the facts meant more to this jury of Wyoming County residents than distortions and absurd attempts to allege that mining harmed these water wells. Thankfully, this frivolous lawsuit did not end in more harm to our good West Virginia coal miners and their families."

Attorneys for the residents who brought the lawsuit are appealing the verdict. In the meantime, those living on Cedar Creek Road are still without clean water. Residents had asked for the settlement to be set up like a trust, if they had won, allowing families to have specialized water treatment units for arsenic and lead at each home. The trust would then provide replacement filters and maintenance. How that would have affected anyone's job on that mine or would have extorted money from the coal industry is beyond comprehension. And the big question remains: If it is not the mine, then what is contaminating the residents' water?

Although the defense attorneys tried to tarnish OVEC and the plaintiffs' attorneys for daring to hold the company accountable for contaminating the wells of Cedar Creek families, Paulette sees things differently. She says, "The Cedar Creek and Coal Mountain families that are suing Mechel Bluestone are so grateful to OVEC. They provided aid at our darkest hour when we believed something (or someone) had polluted our wells. We needed help and didn't know where to turn. We called OVEC and they tested our wells at no cost to us and confirmed our worst fears—our wells had been contaminated with lead, arsenic, strontium, and other mining-related heavy metals. We could never have afforded those tests. Thanks to our excellent attorneys (Thompson and Barney), those tests led to court-ordered replacement water until our lawsuit is concluded. God bless the angels of OVEC!" 🍌



Another Lab Employee Charged in Water Testing Scheme

excerpt from a May 10 Charleston Gazette-Mail article by Ken Ward, Jr. Read the full article: bit.ly/23V5U3C

In early May, another employee of a Raleigh County laboratory was charged with taking part in a scheme to falsify water pollution testing at coal-mining operations across southern West Virginia.

John Brewer, 62, was charged in a federal grand jury indictment accusing him of conspiracy to violate the Clean Water Act, mail fraud, and making false statements as part of his work as a manager at Appalachian Laboratories, Inc. in Beckley.

A former lab employee, John W. Shelton, is currently in federal prison serving a 21-month sentence after he reached a plea agreement with prosecutors in which he admitted faking coal company water quality reports.

The indictment charging Brewer alleges that Brewer, Shelton, and "other employees of Appalachian Labs whose names are known to the grand jury" conspired from 2008 through 2013 to tamper with, cause to be tampered with, falsify, and render inaccurate water samples required to be taken as part of coal industry water pollution permits issued by the state Department of Environmental Protection.

The indictment alleges water samples were diluted, that clean samples were substituted for actual field samples, that certain mining discharges were systematically not sampled, and that samples were not properly processed.

Under the Clean Water Act, companies with water pollution permits are required to take periodic samples and submit reports to the DEP on whether those samples indicate their operations are in compliance with allowed pollution discharge limits. State and federal agencies take some samples themselves, but the majority of sampling is done by companies—often by a lab contracted for that purpose — with results filed with the government for its review.

When Shelton's guilty plea was publicized in October 2014, it caused a brief controversy in which DEP suspended the laboratory's state-issued certification to conduct water sampling and analysis, a move that prompted a legal battle before the state Environmental Quality Board and the Kanawha Circuit Court.

The case also revealed weaknesses in the way the DEP polices water quality labs in West Virginia, including the lack of surprise inspections that could have caught Shelton's actions earlier.

In August, Appalachian Labs got its DEP license back, after agency officials said that the company had made a number of changes, including new ethics training for its employees and improved "data recording practices" to better monitor water quality samples.



Shale Shocked Ground Tour

by Janet Keating

OVEC extends its gratitude to Bill Hughes (Wetzel County Action Group and FracTracker) and Mirijana Beram (Doddridge County Watershed Association), who recently provided a presentation and ground tour, respectively, to members of the Appalachian Stewardship Foundation’s board and staff.

With a temporary lull in new oil and gas drilling in Doddridge County (and elsewhere in the nation due to current economic factors), we knew that Bill’s presentation could provide graphic details of what communities go through when the oil and gas guys move into a community—the endless traffic and blocked roads, the massive size of the drill pads compared with conventional vertical wells, the air pollution and potential of water pollution (both ground and surface water), etc. Bill has thousands of photos documenting the many problems that arise regarding deep shale oil and gas development.

After Bill’s presentation and with Mirijana as our leader, we visited a massive drilling pad that appropriated 80 acres of former forestland from the landowners because of conventional oil and gas leases from the early 1900s. Seriously? That’s what I call a land grab. Mirijana also made sure that we made a stop at the wastewater “recycling” site that was illegally constructed without a permit (in the floodplain) as we made our way to Central Station, a low-income community now dominated by a massive, noisy compressor station.

With so much concern not only in our state but also across the nation and globe about water quality and quantity, Mirijana made sure that we saw a DEP-permitted water withdrawal site. That’s our state’s water they’re taking. Trucks pull up to a stream and suck out what they need for fracking (several millions of gallons per frack). In the past, I’ve photographed tankers that had the word “residual” on one end of the vehicle and “water” stamped on the other. I have to wonder whether at times the trucks might conveniently dispose of “residual,” i.e., wastewater, by dumping it into our streams. Who’s to know?

A “must see” on the tour is the air-polluting MarkWest

gas processing facility (also built in a floodplain) adjacent to the Rail-Trail in West Union just off Route 50— industrial development come to rural West Virginia. The last stop of the day was at 635 acres acquired by Antero Resources to accommodate a wastewater treatment and landfill facility for treating solid and liquid waste from the fracking process.

You can read more about the details of this facility from the Clarksburg *Exponent Telegram* here [bit.ly/1qek5Dy](#). The article reports: “Flowback and produced water are two common names industry professionals apply to the mixture of water, salt and radioactive particles left after the fracking process.” I nearly fell out of my chair when I read at this link that some of the salt (separated out from the flowback water when a site is drilled, could be food grade!). To read what citizens concerned about this facility had to say back in September 2015, check out: [bit.ly/1rGD9vA](#). Our tour ended across the highway from Antero’s facilities —a low-income rural community.

We really appreciate Bill and Mirijana’s thoroughness and thoughtfulness in making sure the folks at the Appalachian Stewardship Foundation left with a broad understanding of the effects of deep shale oil and gas production. Mirijana said to me more than once that she wants as many people as possible to see what is happening to their communities, if it can stop this industrialization and environmental harm from happening elsewhere. 🍷



Above: Bill Hughes speaks with a driver at a DEP-permitted water withdrawal site in Doddridge County. Left: Mirijana Beram discusses fracking with Marianne Hughes.

Coast Guard: We Don't Need to Update No Stinkin' Barge Waste Rules

A proposal considered by the Coast Guard would have required new rules and guidelines to transport highly flammable, explosive hazardous waste on the Ohio and Mississippi rivers to currently undisclosed locations.

On February 22, frontline community groups throughout the Ohio River Valley received notification that the U.S. Coast Guard didn't like that proposal. The Coast Guard determined that no new rules are needed to barge shipments of toxic radioactive hydraulic fracturing waste; it will allow shipment of waste fluids from hydraulic fracturing to be determined on a case-by-case basis. This means the Coast Guard is proceeding with business as usual, using 40-year-old regulations that fail to address unconventional oil field waste from hydraulic fracturing.

Fracking wastes contain such toxic chemicals as benzene and are laced with radioactive materials like water-soluble radium-226, which is linked to leukemia and bone cancers.

Members of frontline organizations living along the Ohio River in Pennsylvania, Ohio, West Virginia, Kentucky, Indiana, and Illinois have been voicing opposition concerns for several years about the Coast Guard allowing barges carrying five million gallons of liquid fracking wastes *each* to ply the river's waters without updated procedures in place to address the hazards.

"We cannot allow the shipment of toxic radioactive fracking waste fluid on our nation's drinking water sources. The risk to public health and safety is too high," says Teresa Mills of the Buckeye Forest Council, based in Athens, OH. "It is not safe even on a case-by-case basis as is now being proposed by the Coast Guard. This is not the waste stream from your 60-year-old mom and pop wells. The industry will not tell us what is in this waste, and that

is just plain wrong."

Organizer Leatra Harper from Fresh Water Accountability Project of Grand Rapids, OH, expresses "dismay and disbelief that the Coast Guard would enable the unnecessary risk of floating toxic and radioactive frack waste on the Ohio River. This is purely to enhance corporate profits and is another way the fracking industry has found to cut costs at public risk."

"As a resident of the lower Ohio River Valley, and as an OVEC staff member, I am appalled that the Coast Guard would disregard nearly 70,000 comments from citizens and experts who opposed the plan to bring potential catastrophe associated with the barging of toxic and radioactive frack waste on our river," says Robin Blakeman. "The city of Huntington, of which I am a resident, is entirely dependent for its tap water on the Ohio River. Our water company is not prepared for such pollutants as may come from frack waste barges. There are numerous water systems along the river's course that are similarly at risk if major leaks, explosions, or spills occur in the process of loading, unloading, and shipping these barges. This is definitely not the same kind of waste that has been shipped for four decades from more conventional gas drilling operations. It seems the Coast Guard has abdicated their responsibility for regulation and oversight of highly toxic substances with this decision."

These and other groups, many of them working together in ORCA, the Ohio River Citizens Alliance, urge citizens to contact their state and federal elected representatives to demand that our rivers and drinking water are protected from being exposed to hazardous and toxic waste from hydraulic fracturing. If you need help taking this action, contact Robin at robin@ohvec.org or 304-522-0246. 🍎



Coal barges along the Kanawha (as above) and Ohio rivers have long been a common sight. Will we see barges with fracking waste tanks increasingly plying these waters?

OVEC Out and About

Earth Day: From Plastic Oceans to Guerrilla Theater



It's a cliché, but it's true: Every day is Earth Day for OVEC types. Nonetheless, each year, as Earth Day rolls around, we are out in force. We offer up big thanks to the volunteers and staff who helped with outreach at our tables at Earth Day events this year: on April 20 at Marshall University, on April 21 at WVU Parkersburg, and on April 25 at WV State University. We also took part in the Holistic Health and Wellness Fair on April 30 at the Unitarian Universalist Congregation in Charleston.

"I first participated in the Earth Day Expo in 2009, along with Julian Martin of the West Virginia Highlands Conservancy, and people—young people in particular—seem to be so much more aware of environmental issues now. Events such as this, which are informative and highly entertaining, play a large part in fostering this new awareness," says Deb Griffith, who made sure OVEC had a table at the WVUP event.

"This year's Expo featured numerous activities for children, including Our Plastic Oceans, an interactive tabletop demonstration of the various kinds of plastics now found in the oceans. Throughout the day, WVUP theater students performed sudden 'guerrilla theater' pieces on climate change, and musicians and poets entertained the crowd," she adds.

Thanks, too, to the folks who either joined OVEC or signed up for our action alerts at these events. We enjoyed meeting you and look forward to working together. 🍓



Above: All shots are from the Earth Day event at MU with volunteers Marilyn Howells, Mike Sullivan and Lyndsay Tarus, and, we hope, new members signing up for our action alerts.

Right: Deb Griffith at the WVUP Earth Day event.

Opposite page, top: The NAACP and OVEC candidates forum held in Huntington on April 18.

Opposite page, far right: Xavier students before and after their dash to collect the illegal trash collection in action.

in WV Communities

Civics and Citizen Engagement



On April 18, at the A.D. Lewis Community Center in Huntington, OVEC and the Cabell-Huntington NAACP branch co-hosted a meet-the-candidates forum. We invited candidates running for Cabell County Board of Education, commissioner, county clerk, Family Court judge, and other judicial offices. The forum moderator asked predetermined questions on current issues, which each candidate had the opportunity to answer. The audience also could write questions on cards that were collected for the moderator. This was a well thought out and engaging experience for those in attendance.

Together, we hosted a second forum on April 28, also at the A.D. Lewis Community Center, and invited candidates running for the state senate, the house of delegates, state treasurer, Board of Public Works, the GHRPD Park Board, state attorney general, state auditor, governor, and WV Supreme Court. The agenda for the forum was the same as the first, offering an in-person, on-the-spot, deliberate question-answer session.

Huntington resident Eric Phillips says, “This was a great event for the public. I appreciated that representatives from OVEC were there to meet and greet the people as they came inside the forum. I was very pleased to hear different strategies about our future from the candidates. I do regret that more people didn’t attend the event. We need more voices to be heard, so we can hold our elected officials to their word. I hope OVEC will hold more public events in the future and get the word out about how important it is to vote.” 🍌



Stash the Trash

In May, a group of Xavier University students attended the Appalachian Catholic Worker alternative spring break program. The students trekked to West Virginia to help out with some projects and to learn about coal history, mountaintop removal, and other issues in our state. One morning, they teamed up with OVEC to clean up an illegal roadside dump in Roane County.

The DEP made this cleanup possible, through REAP, the Rehabilitation Environmental Action Plan. DEP provided work gloves and trash bags, and then hauled off all the trash we collected to a licensed landfill.

Thanks to everyone involved! 🍌



Mountain Madness in Coal Country

Intimidation Today Part of Long History of Abuses

by Dustin White

Imagine for a moment that you're in your dream home. A home you and your family worked hard for over 20 years to build. You've picked a spot that's peaceful, tucked away in the mountains and streams that define West Virginia. It's not just a random area; your family has had ties to it for generations, and you want to continue that legacy. You have enough land for a garden that you work hard in and a few animals including ducks and chickens. It's a country paradise.

Then one day, you get notice that a coal mine is moving in next door. Not just any mine, but a mountaintop removal site. **Your little slice of heaven has become hell on earth.**

The mountains near your home are being blown up, and you're aware of the legacy of toxic water and harmful dust that can come with these mines. The blasting damages your house. You can no longer enjoy a relaxing fire in your fireplace because it's been cracked. You begin to educate yourself on your citizen's rights and try to speak out. You turn to state regulatory agencies, but your pleas are ignored. The mines have told your neighbors to shun you because you want to hurt jobs, and you constantly fear being harassed when you're out in public. Some of your pets are shot or poisoned. And the next thing you know, you are being sued by the company for trying to hold them accountable.

It's no secret that the coal industry in Appalachia has a long history of using intimidation to keep people under its thumb. From the early days of coal camps and company stores, the industry took whatever steps it deemed necessary to try to control people. Any threat companies saw to their business and profits had to be dealt with. In the early 1900s, the coal companies began actively seeking out anyone pro-union. They planted spies in camps. They built specially designed company stores that allowed them to easily overhear conversations. They hired men from the Pinkerton and Baldwin-Felts agencies or anyone else willing to act as armed enforcers. People found to be

pro-union were forcibly and violently removed from their homes. If organizers from the UMWA were caught in coal camps, they were threatened. The industry made it clear early on that it would not tolerate any resistance to its rule.

As decades passed, unionized mines became more common, but intimidation was still a tactic the industry liked to turn to when it felt its workers were out of line. If miners went on strike, companies would use it as an opportunity. Non-union workers, or "scabs," were brought in to taunt the strikers and help instigate violence. The 1976 documentary *Harlan County, USA* paints a vivid



If a mountaintop removal mine heads towards your community, for the sake of your family and neighbors, you are going to want to say something, do something, despite the almost certain intimidation and harassment that will be hurled your way when you dare to speak out.

picture of how the industry would sow fear and intimidation during a strike. Many companies even actively worked to break the union so that workers would lose their collective bargaining power. By the early 1990s, the coal companies were becoming quite successful at stifling the union. Companies like Massey Energy, with CEO Don Blankenship at the helm, developed a new status quo that gave little regard to people's

rights.

Companies didn't only use intimidation against their own employees. By the 1970s, people were becoming more environmentally aware, and the advent of new mining techniques like strip mining were seen as a threat. But for the companies, stripping was a cheaper and more profitable way to mine while employing fewer men. To people who lived near strip mining, it wasn't just about the environment, but also about a way of life this kind of mining was threatening. Communities began to organize and started speaking out against mining. And the industry, true to form, would not stand for people speaking out against it. They had new targets: people they deemed "hippies" and "treehuggers."

More time passed, and traditional strip mining was pushed aside for the even more damaging mountaintop removal mining (MTR). By the mid-1990s and into the new millennium, MTR was common practice for most of

the industry, but the evidence was mounting that these sites were not just damaging the environment, but also human health, communities, and mountain culture. Residents began to come together to try to stop the destruction. The companies immediately reacted. Their propaganda machines went into overdrive. Anyone who spoke out against MTR or any type of egregious mining practice was branded the enemy.

People who had lived in the area for generations were now considered “outsiders.” Employees were told that anyone speaking out was trying to take away jobs. And in areas that are already economically depressed, this was fear mongering at its best (or worst). Miners began acting out against the people in their community who were painted as the bad guys by the industry. The companies no longer had to hire anyone like the Baldwin-Felts agents, because the employees became the enforcers. People seen as leaders in the anti-MTR movement became prime targets. People like Larry Gibson, Judy Bonds, and others were constantly harassed, but they never stopped speaking up for themselves and their communities. Cussing and threats of violence toward them would come from miners at protests. Vehicles would be damaged, homes were shot at. A video on YouTube titled *Mountain Madness: Invasion of the Coal Thugs* (screen shot at right) shows an example of the threats many have had to live with for just standing up against the industry.

Although companies and pro-coal groups said they never condoned acts of violence and vandalism, they never seemed to do anything to try to stop it, either. In fact, their constant “War on Coal” rhetoric seemed to just fan the flames, and even industry higher-ups would participate in the name calling. Massey CEO Don Blankenship liked to use the word “greeniac” to describe anyone who thinks mining is harmful. Pro-coal politicians did everything they could to undermine people’s rights to take action against companies for damages and strip regulations. The industry never wants the fear to go away—as long as communities are divided, the industry benefits.

But times are changing for the industry. Market value for coal has plummeted. Companies are going bankrupt, and, while mining isn’t stopping, it has slowed. The world is looking for solutions to transitioning away from fossil fuels, as climate change becomes a greater threat. But companies want to hold on to their power. They still tell people that regulations and environmentalists are at fault for industry’s woes. And the intimidation from the industry is still very real.

Believe it or not, the scenario that opened this segment is a true story. It is exactly what is happening

currently to one family in southern West Virginia. They are being sued by a company for simply exercising their citizens’ rights and filing complaints against the mine near their home. They have suffered very real damages, and in return they were slapped with a lawsuit. They are forced to pay out of pocket for lawyers to defend themselves, and the attorneys for the other side have done everything they can to make their lives difficult. They reached out to OVEC to tell their story, but their names and exact location have been omitted for their protection against any further retaliation against them.

But their story needed to be told in the context that the industry has a history of going to any lengths to try to get people to shut up. Other community members have said that they, too, have recently been threatened with lawsuits for reporting possible violations at other mine sites. One was even told that they couldn’t report activity at a mine because they didn’t live near it. But as a U.S. citizen, you have the right to report anything from any mine anywhere. Even during a recent court case for a community who had

their water contaminated, groups of miners would show up in court “in support” of the mine. One cannot help to think that this would sway a jury’s decision.

The coal industry in Appalachia helped write the book on intimidation and how other industries can use it to get what they want. We have seen similar techniques from the oil and gas companies. Across the nation, people tell similar stories of how they have been bullied into submission.

Through it all, though, most people who have taken a stand against the industry never crumbled under the weight of intimidation. Even when it seemed hopeless, they kept battling through, whether it was the labor struggle or the environmental movement. People don’t live where the companies mine; the companies mine where people live. People know what they are doing is right and they are doing it for their heritage, their loved ones, and future generations. They are fighting for their basic human rights to live safely without fear and retaliation. And as long as people keep taking a stand, groups like us at OVEC will be by their side. Even in the darkest moments of adversity and strongest fear, the power of people coming together for justice will always win.

Albert Einstein said, “In matters of truth and justice, there is no difference between large and small problems, for issues concerning the treatment of people are all the same.” To all of those out there facing injustice: *You are not alone.* 🍓

*The arc of the moral universe is long,
but it bends towards justice.
— Martin Luther King, Jr.*



Marathon Petroleum Plans to Spend \$1 Billion on Rogersville Shale Infrastructure

Although news media widely report a slowdown of fracking operations nationwide, much evidence points to the central Appalachian area as the prime place for future fracking development. Both new, deep Rogersville wells and shallower sandstone fracking wells are now in progress in WV and nearby eastern KY. (We have photos and other info that we'd be happy to share; email info@ohvec.org for details.)

How would fracking for deep petroleum and gas influence area efforts to work toward sustainable economic development plans? (To learn about some of the great ideas for economic transition in our area, see HIP—Huntington Innovation Project Revitalization Plan at bit.ly/24XN4LC.)

OVEC has a long history with the sprawling oil refinery that sits on the border of Kentucky and West Virginia several miles west of Huntington. An early issue our group took on was the then-massive and illegal pollution from that Catlettsburg, KY, refinery when Ashland Oil owned it.

In 1998, major citizen activism over a 10-year period finally stimulated the EPA and the U.S. Department of Justice to issue the then-largest pollution fines ever at the Ashland refinery. Not long after, Ashland sold the refinery to Marathon.

A Marathon official has recently stated that they are not currently drilling in the Rogersville.

But late last year, Marathon Petroleum issued a report to its staff, and this January the company reported to its investors on future plans. These documents make it look like the company is seriously thinking about future oil and gas exports from their Catlettsburg refinery.

Given the current low oil prices, it may seem like a pipe dream (no pun intended) to plan for such deep and expensive oil and gas drilling in our region. But in April, petroleum was sent overseas from the Bakken Shale in North Dakota. And new oil fracking is being planned in Utah. As of April, oil prices were beginning to rise. Marathon Petroleum's president recently was quoted as saying that he expects oil prices to continue rising.

In late 2015, Marathon Petroleum bought MarkWest, which does up to 70 percent of the midstream work in the Marcellus Shale and has a gas processing plant just across the Big Sandy River from Marathon's Catlettsburg refinery. (Midstream refers to pipelines and other transport of raw gas or oil, compressor stations, storage and processing plants.)

Shortly after Marathon acquired MarkWest in 2015, a company report to their investors listed nine joint projects, one of which is to *spend \$1 billion on Rogersville Shale infrastructure*.



Major fracking = major disturbance and pollution, as in this photo snapped in northern WV by Bill Hughes.

The Marcellus Shale here in WV is typically drilled around 5,000 to 7,000 feet deep. The Rogersville Shale, which underlies Wayne County, WV, has already been drilled to 14,000 feet deep in Eastern Kentucky (adjacent to Wayne County) and in Putnam County, WV. This extreme depth means that all the negative effects of fracking would be even greater, as compared

with drilling in the Marcellus Shale. Where has fracking this deep been done before?

And already, in north central West Virginia's Marcellus drilling areas, hundreds of citizens in at least eight counties are suing fracking companies for pollution impacts and other serious disruption of their lives, as well as decreases in their property values.

Marathon Petroleum's reports have pages that explain why the U.S. is particularly well poised to export petroleum products now that the 1970s-era oil export ban has been lifted (this was inserted to an unrelated federal law that passed in late 2015), and how Marathon already has pipelines connected to the Gulf Coast.

Rogersville Shale would be quite expensive to drill (it is so deep), Marathon executives say, but it is right here *underneath our own refinery* and in our neighborhood.

We will keep watching and researching, trying to answer all the questions. What are Marathon's fracking plans for our immediate areas? When does Marathon intend to begin working on Rogersville Shale infrastructure? Shouldn't citizens have the right to know what is being planned? Is major fracking, and all the disturbance and pollution that comes with it, a good idea for the future for our region?

Do people here want crowded "man camps" for out-of-state workers while local unemployment is a big problem? (In North Dakota's Bakken Shale oil drilling area, Williston, the central community, recently set a deadline for all man camps to be gone, due to serious social problems.)

How could Marathon drill and frack that deep without creating more WV / KY "sacrifice zones?" We know about all the environmental and economic messes associated with mountaintop removal coal mining. Could anyone expect that fracking here would be regulated better than the coal industry?

Will state and local taxpayers have to pay for services that benefit only the oil and gas companies? For instance, who would pay to fix road damages and to build larger roads to handle a huge influx of large trucks?

If you have questions about the Rogersville Shale, too, consider helping with our research and organizing. Contact OVEC at 304-522-0246 or info@ohvec.org. 🍌

(Un)Natural Gas Only Deepens WV's Energy Rut

by S. Thomas Bond, Mountain Lakes Preservation Alliance
*A version of this op-ed ran in the April 5 edition of the
Charleston Gazette-Mail.*

It seems WV politicians can't get out of the rut formed by the extraction industries. We've gotten deeper and deeper into it since the state was formed in the Civil War. Look where we are with outflow of the able and our age distribution. Not to mention our location on most scales of well-being.

Politicians won't say it, but the honest truth is that the easy stuff is gone from the United States' two percent of the earth's solid surface. The easy oil was exported for decades around World War II, producing affluence as long as it lasted. By 1970, we were importing, and imports passed national production in the early 1990s.

Gas was abundant and cheap until after World War II. It was used freely to make glass and steel with little thought of waste. Recently, supply had dwindled so plants were being built to receive liquefied gas on our coasts.

It was known that vast amounts of gas and oil remained in shale rocks. In the "easy stuff," it had been trapped in cracks and interconnected pores. In shale, it was locked in tiny packets, barely visible to the naked eye, down to microscopic in size. Patient research at the Morgantown Energy Research facility developed a new method, commonly called fracking, and George P. Mitchell, with government assistance, tried it. The results appeared fantastic.

The early yields were very good, and in short time, making it attractive to investors, who assumed the production would extend 30 or 40 years, like conventional wells. Everybody and his brother in the oil and gas world jumped into it. Everybody wanted to try his own recipe for it, too. Old ways die hard.

Everywhere it was tried, opposition quickly developed. It left the countryside a shambles. Water contaminated, toxic chemicals in the air, mini brownfields, huge areas rocked over, people sickened, and animals killed. Roads were torn up, royalties withheld, light and noise close to houses and livestock 24/7. West Virginia alone presently has over 200 nuisance lawsuits.

Arrogant young men in big pickups came from all over the country to do the labor. They were overworked, with a high rate of injury and close contact with dangerous chemicals in all kinds of weather.

At first, complaints were put off by industry and officials alike, but the phenomenon is worldwide and science is slowly establishing the validity of the community claims. Opposition continues to grow.

The economics are awful. The yields go down to half in a couple of years and the wells are economic no more in six or seven. The recovery is 6 percent or 7 percent of the gas or oil in place, leaving the rest with no secondary recovery. The return on investment in terms of steel, energy, and chemical

input, is far lower than conventional drilling. Similar complaints are made for the hundreds of miles of pipeline required to get the oil or gas from production to use. The overproduction has resulted in vast loss of investment and is now compared to the 2008 subprime housing scandal.

Very few workers are required to get the gas—far less than competing ways to get the energy—conservation, solar, and wind. Fracking is strictly high investment, low labor. The few workers are well paid, but few women choose the work, and you are out of it long before retirement age, even if you aren't injured or poisoned.

The biggest reason for our huge military is the need to secure control of oil and gas. We spend \$58 million an hour, more than the next 10 countries combined.

WV politicians, get real. Fracking is the hard way to get energy. It will last only a few decades, will do more damage than coal has, and contributes to pollution of the atmosphere. Coal didn't make West Virginians rich; it just ruined a lot of our surface and broke many of our people. Fracking is doing the same. We need to get on to the 21st century. 🍌

Don't Want to Roger This!

In Putnam County, Cabot Oil and Gas is now permitted to operate a 14,000-foot-deep Rogersville Shale well in the Amherst-Plymouth state Wildlife Management Area (WMA). Records indicate that natural gas has already been produced at this very deep well. (For depth comparison, the Marcellus Shale in north central WV is drilled to depths of 5,000 and sometimes up to 7,000 feet.)

Recently, a group of interested people hiked almost two miles in hilly terrain to view this site. (Gates restrict vehicle access.) The well pad covers approximately the area of two city blocks.

The well pad is full of tanks and big equipment, and looks like fracking wells we've seen in WV's Marcellus Shale drilling areas, where horizontal wells snake out in several directions. As far as we can tell from DEP records, gas production so far has only been from a vertical well. Fracking would come into play if the well is drilled horizontally. From the size of the well pad and the equipment there, we believe that fracking and horizontal drilling are likely part of Cabot's plans for this well.

One of the hikers is an area resident who has observed periodic traffic warning signs and the passage of water tank trucks in and out of the WMA entrance. She pointed out that conventional gas drilling has been taking place there for some time, and that the creek still runs red from past coal mining there.

We've seen natural gas industry quotes stating that in the Utica Shale of WV and southern Ohio, producers are now talking about increasing the length of horizontal wells to over 6,000 feet. This is one of their efforts to cut costs. The Cabot Rogersville well is not far from populated areas.

A new Rogersville Shale test well, by a different company, has been permitted in Putnam County, south of Winfield, on Blue Lick Road. This well is also permitted to 14,000 feet deep.

EPA Disapproves WV's List of Impaired Streams

In mid-May, the EPA announced that the agency has partially disapproved WV's proposed list of impaired streams in the state. EPA proposes to add 61 streams to the list; most of these additional streams are primarily located in areas heavily impacted by coal mining pollution.

EPA's action follows a Notice of Intent to Sue (NOI) letter sent by Sierra Club, WV Highlands Conservancy (WVHC), WV Rivers Coalition, and OVEC to the agency regarding its failure to take action on WV's deficient list of streams.

As required by the Clean Water Act, in April 2015, WV submitted to EPA its proposed list of streams in the state that are impaired by pollution and therefore don't meet the state's water quality standards.

In March 2016, the groups—represented by attorneys with Appalachian Mountain Advocates—sent their NOI to EPA, demanding that the agency respond to WV's submission and pointing out numerous flaws in the state's list. In particular, the groups noted that WV was improperly relying on a state senate bill as a pretext for failing to evaluate whether streams—particularly those affected by coal mining pollution—violate the state's narrative water quality standards for biological impairment.

In listing the 61 additional streams, EPA used the "Genus Level Index of Most Probable Stream Status" (GLIMPSS) to evaluate existing data collected by WV to



Above: An obviously impaired stream near Kayford Mountain, WV.

identify those streams that have suffered biological harm from pollutants.

"It's very reassuring to see EPA using a stream assessment method that actually reflects the biological health of the stream," says WVHC's Cindy Rank. "We hope that West Virginia will adopt the GLIMPSS as its assessment tool and believe that our state must do so."

"For far too long, our political leaders have supported loopholes and stalling tactics that

fail the health of our waters and communities," says Rivers Coalition Executive Director Angie Rosser. "EPA's action provides hope that streams damaged by coal mining will finally get on the road to recovery."

EPA's action comes at the same time that federal courts are pushing coal companies to treat mining pollution that impairs streams in WV. The U.S. District Court for the Southern District of WV recently issued an order compelling Fola Coal Company to immediately begin monitoring and design work for a treatment system on two tributaries of Leatherwood Creek. The court's decision is the most recent development in litigation brought by Appalachian Mountain Advocates on behalf of the groups.

"The court's ruling makes clear that coal companies will no longer be able to avoid taking real action to clean up the polluted water they produce," says OVEC's Dianne Bady. "With so many West Virginia streams impaired by coal mining pollution, we expect to see many more similar decisions in the future." 🍌

Spruce Mine Legal Case Continues

On April 11, the U.S. Court of Appeals for the D.C. Circuit heard oral arguments in a pivotal case on MTR and the devastation it causes to waterways and communities. The Spruce No. 1 mine is one of the largest and most harmful MTR mines ever proposed at about 2,000 acres. The valley fills would destroy more than six miles of mountain streams. The whole mess would unleash harmful pollutants into downstream waters.

After more than a decade of controversy over whether the coal company should be allowed to dump mining waste into vital mountain streams and permanently bury and contaminate local waterways, in January 2011, the EPA determined that the Spruce mine would cause unacceptable environmental harm in an area of WV that could simply not afford more destruction.

The coal company sued and lost the first round of its case in the D.C. Circuit in 2013. The Supreme Court denied the company's first appeal in March 2014. The case was remanded to the district court to address remaining industry claims, and on September 30, 2014, the U.S. District Court for the District of Columbia upheld the EPA's veto, finding no merit in the coal industry's case and determining that EPA's decision to veto the Clean Water Act permit for this mine based on unacceptable harm was reasonable and fully supported by the scientific record. The coal company appealed, and that brings us to the oral arguments held April 11.

Earthjustice and Appalachian Mountain Advocates, acting as counsel for OVEC, WV Highlands Conservancy, Coal River Mountain Watch, and Sierra Club, filed an Amici Curiae (friends of the court) brief in the case, in support of the EPA.

Earthjustice Joins Our Bankruptcy Legal Team

by Dianne Bady

Our extensive pollution litigation against MTR operations has resulted in dozens of companies being forced to install highly expensive pollution control equipment. However, with major MTR companies currently in bankruptcy—Arch and Alpha Natural Resources—the funding for some of this pollution control is in question. Bankruptcy law is stacked against us; paying bankruptcy lawyers and other company obligations are higher priorities than meeting cleanup requirements.

OVEC and WV Highlands Conservancy continue working with Sierra Club and Appalachian Mountain Advocates staff attorneys, as well as with experienced bankruptcy attorneys, to try to get the courts to require these companies to use as much of their remaining money as possible to clean up their toxic messes here and bring some measure of justice. Our intervention in Patriot's bankruptcy did make the final bankruptcy better than it would have been otherwise. We were successful in preserving some of the environmental reclamation and pollution treatment obligations at the mines.

In May, Alpha filed a motion in its bankruptcy proceedings seeking approval to sell many of its remaining coal mines. Our attorneys then filed a "reservation of rights" regarding our pollution consent decrees which require the installation and operation of pollution treatment technology at several of Alpha's mines. We've also filed documents demanding more information on the size of Alpha's environmental liabilities, and on the plan for addressing those liabilities. We want to make sure any buyers are on notice about Alpha's pollution treatment obligations under our consent decrees, and we want to try to prevent Alpha from stripping away those protections or the mines' reclamation obligations.

We're happy that the national organization Earthjustice is now also working with us—their participation is much appreciated and will allow more work with mainstream bankruptcy attorneys. 🍌



MTR Legal Update

by Dianne Bady

Although the coal industry is declining in WV, the illegal pollution from mines continues. Without legal action, these illegal discharges into state streams will continue. We appreciate the continuing excellent work of Appalachian Mountain Advocates. Several of their attorneys sent recent legal notices on our behalf. Here are some of them:

- In April, OVEC, the Sierra Club, and WV Highlands Conservancy filed a 60-day Notice of Intent to Sue Blackhawk Land and Resources, which leased land for surface mining in Logan County. After the mining was completed, illegal levels of pollutants continue.

- In May, the Sierra Club, OVEC, and WV Highlands Conservancy filed a 60-day Notice of Intent to Sue Ohley Land Company for violations of effluent limitations. The unpermitted discharges are coming from two pipes on a hillside and running into Cane Fork of Cabin Creek of the Kanawha River in Kanawha County.

- OVEC recently joined a Notice of Intent to Sue with the Sierra Club, WV Highlands Conservancy, and WV Rivers Coalition. We put the WV DEP on notice that the Clean Water Act is being violated at seven coal and fuels bond-forfeiture sites in Preston, Barbour, and Nicholas counties. DEP's Office of Special Reclamation controls and operates facilities at these seven bond-forfeiture sites.

In all three of these cases, we're seeking civil penalties and orders to clean up the illegal discharges. 🍌

Study Links Mountaintop Removal to Lung Cancer

excerpt from a May 2 article by Ken Ward, Jr.

A recent study (published in February)—another in a long line of them—about mountaintop removal's public health impacts is making the rounds on social media. The study is called, "Lung and Bronchus Cancer Deaths in Boone County, WV, Before and After Mountaintop Removal Mining."

The study found: "Lung and bronchus cancer (LBC) death rates have increased significantly since the introduction of MTR in Boone County (all genders, ages, corrected for age). All site cancer death rates have likewise increased significantly over time. There were significantly more deaths from LBC in MTR counties than in non-MTR counties of WV. The Boone County deaths could not be completely accounted for by smoking cigarettes ... Occupation had no effect on deaths from LBC for males, however, for females; homemakers had a significantly elevated risk of death than their working counterparts."



Kids Learn: Grow It, Cook It, Eat It: Yum!

by Tonya Adkins

Spring is the busy time for gardeners, as the kids in the Huntington Boys and Girls Club's Gardening and Healthy Eating Project are learning. In March, at the Guyandotte location, young people assembled eight new raised beds that were donated by the West Virginia State Extension Office. Muscles then got a workout as the youth shoveled two truckloads of compost to fill the beds.

In honor of Earth Day, the kids began planting the beds with some cold-hardy seeds such as peas and lettuce. The two beds from last year, located at the front of the building, were filled with flower seeds and will provide an eye-pleasing welcome to the facility. The kids were especially pleased by the addition of a bird feeder to the garden, and they eagerly watch for feathered visitors.

As part of the focus on healthy eating, in March, 15 youths participated in the third cooking class at Huntington Kitchen. The spaghetti sauce they made was some of the best I've ever tasted. The salad with homemade dressing was also a hit with the kids, as were the chocolate brownies. The fourth class takes place in June.

In the meantime, the kids are awaiting the last-frost date so they can plant tomatoes, which, besides strawberries, have been the most requested crop. It's been such a pleasure working with Jessica Lucas (Boys and Girls Club) and Jenny Totten (WV State Extension Service) on this project. Of course, the kids are also a joy. Each time I visit the Boys and Girls Club, their excitement as they lead me out to see what's going on in the garden is the best payback of all.

This collaborative project between OVEC and the groups mentioned above is funded in part from a Try This WV mini-grant. 🌰



Top: The whole Huntington Boys and Girls Club assembled for their cooking class. Left: Building the raised beds to grow the food that will eventually be eaten. Photos courtesy of the Gardening and Healthy Eating Project.

Rural Women Stir Things Up

In early March, Donetta Blankenship, of Mingo County, was one of three women taking part in a Rural Women in Activism panel. The Marshall University Women's Center organized the panel to kick off Women's History Month. (Note: Donetta is *not* kin with that *other* Blankenship.)

Donetta was highly active on our Sludge Safety Project, and she is one of the women featured in Shannon Bell's book, *Our Roots Run Deep as Ironweed: Appalachian Women and the Fight for Environmental Justice*. Donetta's story is also told in David Novack's documentary, *Burning the Future*.

Lydia Waybright, with the student newspaper *The Parthenon*, reported on the panel:

Blankenship said she became passionate about rural activism in 2005 when she became ill with liver disease because of water that had been polluted from coal. Blankenship said her doctor told her she was on her deathbed.

"I'm really thankful I'm able to come to speak, and I'm well now," Blankenship said.

Blankenship said she is (one of the few people) in her community who speaks actively against the negative effects of coal on the environment and people's health.

"There needs to be more of this (outreach) going on and it's sad that nobody else wants to talk," Blankenship said.

Blankenship said she is still happy to speak against it because she has met great people on



Above: Donetta Blankenship, photographed by Mark Schmerling for Earthjustice's Mountain Heroes campaign. Read her story at earthjustice.org/mountain-heroes/donetta-blankenship#

her journey and feels like she is doing something good.

"I don't want to see a lot of people get sick just because of the water situation because of the mines," Blankenship said.

Deb Pekny and Barbara Hagan also spoke. Deb and her husband got active as they learned about the proposed Bluegrass Pipeline project. Grassroots activism defeated that project. Barbara told the crowd that you never know what small act of activism will strike someone's attention and go viral.

Moral of the story? Speak up; get active! 🍌

How Do Coal Barons Get Away With Murder?

by Jim Hightower. Subscribe to the hightowerlowdown.org.

Coal mining is a filthy business. Literally.

Miners not only get covered in the soot of their trade, but also suffer the suffocating death called "black lung." The industry explodes mountaintops, contaminates mountain streams and drinking water, and causes both acid rain and climate change. Then there are the murders.

Oh, they're not called murders, but, intentionally sending workers 1,000 feet underground into poorly-ventilated tunnels filled with explosive methane gas and coal dust, without providing proven safety equipment, amounts to signing a murder contract with the Lord of the Underground.

That's what Don Blankenship did as CEO of Massey Energy. Recklessly pushing profits over safety, he oversaw the corporate murder of 29 West Virginia miners in the predictable horror of an enormously violent detonation deep inside Massey's Upper Big Branch mine in 2010.

Now, at long last, Boss Blankenship has been convicted and sentenced in federal court. Not for murder, though. Under our nations' feeble Mine Safety Act, killing 29 workers is a misdemeanor, and the "punishment" handed down to this multimillionaire corporate crime boss was merely one year in jail (in a minimum security prison) and a \$250,000 fine!

Such soft-on-crime leniency is not the fault of the jury or judge. They did the most with what the law allows for punishing industrial criminals. In fact, Blankenship is the first mining CEO ever convicted of conspiring to violate safety protections for miners. Rather, our corrupt, corporate-serving congress critters are to blame. Key lawmakers have taken millions of dollars in campaign donations from barons like Blankenship in exchange for reducing corporate murder to a misdemeanor.

The filthiest thing about Big Coal is its immoral use of filthy political money to let its bosses literally get away with murder.



Dear OVEC:

continued from page 1

Over the years, I have been inspired by staff, board members, other supporters, and activists who helped to keep me steady and strong in the face of difficulties. Seeking guidance and advice from others, I have found reserves of strength that I never knew existed. It's much easier to believe in yourself when you know so many others have your back. No words can adequately express the depth of my gratitude for the personal support I've received from many individuals, especially from the stellar OVEC staff. Whether dealing with the death of a close family member or struggling with an important organizational decision, I could count on wisdom from others to lead me to the right course of action. From the outset, OVEC's successes have always been collective endeavors—all the successes, honors, and recognition are the result of a compassionate, caring group that pulls together to relentlessly pursue environmental and social justice.

My time with OVEC has molded me in countless ways. As with much of life, my greatest teachers were often those who gave me the most heartache. OVEC taught me to stretch myself, to conquer my fears, to say and sometimes do the hardest things. I've learned to trust in the unseen and believe that what I and OVEC needed at the right time would arrive. Our current board chair, Reverend Jeff Allen, has this saying: "Just enough, just in time," also known as faith.

Over the course of my employment, OVEC has provided me much opportunity to explore "inner" space. I have been afforded sabbaticals and retreats that allowed me to remember who I am beyond the OVEC-defined role: the poet, the bird watcher, the playful artist, the novice contemplative, and the lover of the natural world. This special time in self-care kept me from burning out too soon. Where else could I have been afforded time for an authentic vision quest that turned my life on its head, but

by the same token, led me to the realization that I have always been supported in my life's journey? Always.

It is with tears and a little trepidation that I will begin to forge a new path this fall, as I retire from OVEC. Change isn't easy for most of us, myself included. You won't see me sitting still though, unless I'm reading one of the many books that have gathered dust for the past quarter-century. I don't even own a rocking chair. However, I would like to take some time to carefully consider some new life possibilities. It's like having a blank canvas in front of me, but not quite. After all, my time with OVEC has filled me with real-world seat-of-the-pants experiences, both good and not so good, which I can share with others.

OVEC has been developing a leadership transition plan for quite some time. We can claim success at achieving at least one goal set during 2010 strategic planning sessions: I had planned to stay on at least five more years. *Check.* During those sessions, the board and staff came up with a five-year organizational plan, which we have updated to carry us through the hiring and settling in of a new executive director.

Not only is this a time of transition for OVEC and me, but also for Central Appalachia. Although we haven't entirely ended mountaintop removal mining, we've saved some mountains and communities from destruction, and now the coal industry teeters on the brink of collapse. The deep shale oil and gas industry has its sights on becoming the new king, but grassroots forces are gathering to crush its influence as world-wide awareness of the seriousness of climate change increases. Additionally, like other groups in Appalachia, OVEC continues to promote a cleaner, healthier economic transition away from extreme extraction of fossil fuels.

Finally, I have to say that in my wildest dreams I never saw myself doing the kind of work that I have loved doing in my own hometown of Huntington, WV, and just a few short blocks from where I grew up. I jokingly have called myself the "reluctant" ED; it wasn't what I signed up for initially, but because of incredible support, it has been a personal wildly successful and gratifying time. I would be remiss not to extend a special heartfelt thanks to Dianne Bady, OVEC's founding director and a dear, dear friend, who saw something in me and took the risk of hiring me.

Please be assured that OVEC, and its many fantastic people, will forever hold a very special place in my life and heart. I wish OVEC, its new leadership, and all those associated with this fine, feisty organization a glorious, successful, and enduring future.

With deepest love and gratitude,
Janet Keating 🍷

Above: In 2000, Janet stirs up the masses at a rally about Massey Energy's messes.

Wildfire, Wilsons at BXE's #RubberStampRebellion



Above: Uncle Sam has no say in the face of the ISDS Grim Reaper (with hair that looks a lot like Mary Wildfire's) and Big Oil.
Photo: Eleanor Goldfield of Art Killing Apathy

Want clean water? Clean air? Healthy communities and a livable world for future generations? If so, no doubt you know it is way past time to move beyond extreme extraction of fossil fuels (for example, mountaintop removal coal mining and deep-shale fracking) and way past time to stop investing in infrastructure that ties us to more extreme extraction (for example, massive gas-transport pipelines).

OVEC works to move beyond extreme extraction in all sorts of ways, and in mid-May that included working with Beyond Extreme Extraction (BXE). Volunteers Mary Wildfire and Brenda and Robin Wilson headed to D.C. to take part in BXE's Rubber Stamp Rebellion. They went to tell the Federal Energy Regulatory Commission (FERC):

Stop rubber-stamping gas industry permit applications and change the way you operate. Prioritize the emergence of wind, solar, and other renewables above fossil fuels. We say: No New Permits!

On the second full day of their participation, Brenda sent this note:

"Busy day. We gave out lots of pamphlets in front of FERC Chairman Norman Bay's house in the morning and in front of FERC Commissioner Cheryl LeFleur's house in the evening."

The pamphlets BXE handed out read:

For too long, this invisible federal agency has caused community destruction and climate devastation with every permit it issues.

For too long, FERC has rubber-stamped fracked-gas pipelines, compressor stations and export facilities.

For too long, FERC has guided the fracked-gas industry through the permit process and offered advice on handling community opposition.

For too long, FERC has insisted that it can't take into consideration climate change caused by fracking and other fracked-gas infrastructure.

For too long, FERC has insulated itself from community dissent, sending aides to local hearings while forbidding comment at its monthly public meetings in Washington, DC. Those who speak out are hauled from the room and barred from ever returning.

BXE is calling for an end to the Fracked-gas Expansion Rubber-stamp Commission, an end to the FERC that promotes fracking and fossil fuel infrastructure that makes wealthy corporations more powerful while sacrificing communities, our health and our Earth. BXE calls for a swift, just transition to a renewable-energy economy.

Brenda added, "Yesterday's skit in front of the U.S. International Trade Commission (ITC) was terrific. You can see pictures at www.artkillingapathy.com. Mary Wildfire wrote the script and performed as the ISDS trade tribunal, dressed as the Grim Reaper." (ISDS = investor-state dispute settlement, an instrument trade agreements grant to investors (corporations), allowing them to use private tribunals against foreign governments, instead of accountable courts—not good for sovereign democracy.)

Mary had suggested the skit, to tie together fossil fuel depredation with TPP, as the ITC was about to release its Economic Impact Report on the TPP. TPP is really a corporate power-grabbing agreement. Its implementation would worsen the climate crisis and give more "rights" to companies taking part in the extreme extraction of fossil fuels.

To learn more about the Rubber Stamp Rebellion, FERC and the TPP, check out our blog at ohvec.org. To join our work on these issues, e-mail info@ohvec.org.



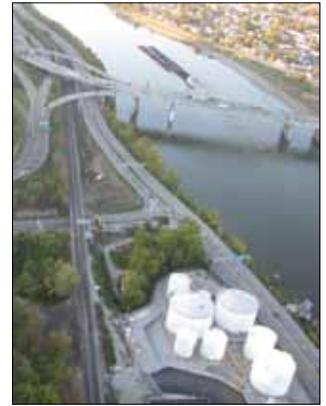
Right:
Robin Wilson,
Mary Wildfire,
Brenda Wilson
at the
Rubber Stamp
Rebellion
in D.C.
Photo
courtesy BXE.

Comment on Source Water Protection Plans

As you will recall, in January 2014, a Freedom Industries chemical spill into the Elk River poisoned the drinking water of some 300,000 West Virginians. Under intense public pressure, legislators passed some new laws to protect human health (and in following years, the legislators have been rolling back those protections, but that's another story).

One of the laws still standing requires public water systems to, with public input, develop source water protection plans (SWPPs).

OVEC has submitted comments for the Huntington-area source water protection plan (SWPP). Please find them online at ohvec.org/comment-on-water-swpp and use them to craft your own comments to public water systems in your neck of the woods. Before you prepare your comments, you may want to check out WV Rivers' Coalition's webinar on drinking water protection. You can find a link to the webinar at the above link. 🍷



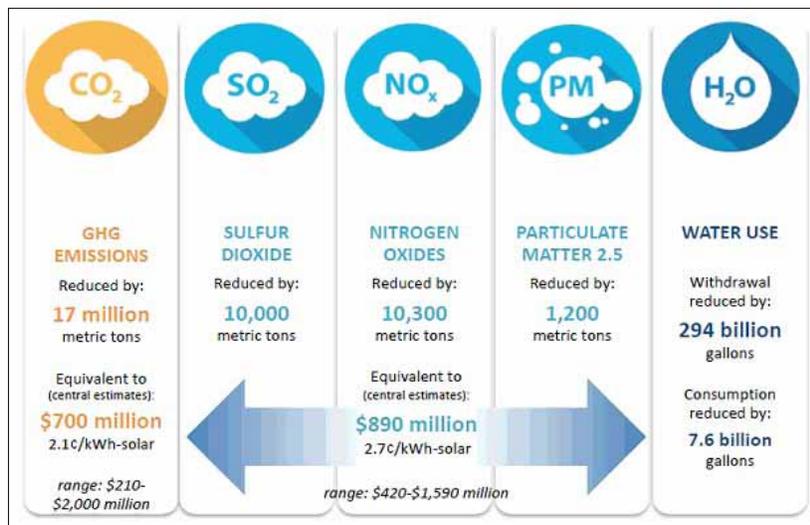
New Study Tallies Environmental and Public Health Benefits of Solar Power

Solar power could deliver \$400 billion in environmental and public health benefits throughout the United States by 2050, according to a study from the U.S. Department of Energy (DOE)'s Lawrence Berkeley National Laboratory (Berkeley Lab) and National Renewable Energy Laboratory (NREL).

“We find that a U.S. electric system in which solar plays a major role—supplying 14% of demand in 2030, and 27% in 2050—would result in enduring environmental and health benefits. Moreover, we find that the existing fleet of solar plants is already offering a down-payment towards those benefits, and that there are sizable regional differences in the benefits,” says Ryan Wiser of Berkeley Lab.

The total monetary value of the greenhouse-gas and air pollution benefits of the high-penetration solar scenario exceeds \$400 billion in present-value terms under central assumptions. Focusing on the existing end-of-2014 fleet of solar power projects, recent annual benefits equal more than \$1.5 billion.

The report, *The Environmental and Public Health Benefits of Achieving High Penetrations of Solar Energy in the United States*, may be downloaded at 1.usa.gov/1ThQ1o2. It evaluates the greenhouse-gas (GHG)



These are annual environmental and health benefits of the 20 GW of solar power installed by the end of 2014. Source: Berkeley Lab

emissions reductions, air-pollution health and environmental impacts, and water-use reductions from large amounts of solar.

The study finds that the 20 gigawatts (GW) of solar installed as of the end of 2014 is already lowering annual GHGs by 17 million metric tons, worth about \$700 million per year if valued

with a central estimate of the “social cost of carbon”—the government’s estimate of the long-term damage done by one ton of carbon emissions.

Solar is also reducing conventional air pollutants from power plants —sulfur, nitrogen, and particulates—and the corresponding health benefits are greatest in the eastern U.S. Overall, the health and environmental benefits of this pollution reduction are worth an estimated \$890 million from avoiding premature death and other negative health outcomes.

Looking further ahead, with solar growing to 14% of demand by 2030 and 27% by 2050, the study finds GHG reductions of 13% in 2030 and 18% in 2050, compared to a scenario of no new solar. These emission reductions are worth about \$259 billion in reduced global climate damages based on central estimates, or 2.2 cents per kWh of solar.

Solar also reduces water use by power plants. 🍷

Rising Renewables Race Rising Temperatures: *Let's Build the Future We Want*

In early April, the White House released a report saying that climate change is a major threat to human health, with extreme heat likely to kill 27,000 Americans annually by 2100. Physicians for Social Responsibility notes that climate change could drastically disrupt life on Earth, creating climate refugees due to serious impacts on food and agriculture, water sources, and health, including lethal heat waves, worsening air quality, extreme storms, and the spread of insect-borne diseases to previously unaffected regions.

In mid-May, NOAA's global State of the Climate report said April 2016 was the warmest April on record for Earth, making it the 12th consecutive month that Earth has recorded its warmest respective month on record. Good thing OVEC's working to end fossil fuel extraction madness.

Meanwhile, pretty much daily, we make fantastic gains in renewable energy. The U.S. Department of Energy reports that wind turbines and solar panels accounted for more than two-thirds of all new electric generation capacity added to the nation's grid in 2015—the second straight year that U.S. investment in renewable energy projects has outpaced investment in fossil fuels.

The Associated Press reports, "Closures mean America's coal mines now employ only about 56,700 people, down from a peak of more than 10 times that. By contrast, the fast-growing solar industry now employs more than 210,000 workers. Wind energy accounts for another 77,000 by federal estimates." Good thing OVEC's working on just economic transition.

AP also notes, "Political giving by the big coal companies and their executives has declined, but the industry still spends heavily to protect its interests in Washington. Pro-coal interests spent at least \$11 million to influence the 2014 Congressional midterm elections, according to the nonpartisan Center for Responsive Politics." Good thing OVEC continues our work on Clean Elections.

Writer Jonathon Porritt says:

Optimism regarding the state of the planet in



the face of climate change is in understandably short supply these days. Most of those who know the science (really know the science) see optimism as an illusionist's bolt-hole. And most of those who've followed things at more of a distance feel very jaundiced at the failure of today's political establishment and the increasingly offensive greed of today's business élites.

But without hope (which I prefer to optimism), it's next to impossible to persuade people

to stir themselves into action rather than sitting on the sidelines rehearsing all the different ways there are of saying, "I told you so."

Instead of portraying the future Earth as a polluted, overpopulated hellhole, we must show it as a place where we would all love to live: exciting, aspirational, high-tech, fair and hopeful.

The point of my book The World We Made is that we pretty much have all the technological firepower we need to move from being inherently and hopelessly unsustainable today, to a more or less sustainable world by 2050. When I try and persuade skeptics that this is not just a pipe dream, my favorite analogy is that of Pearl Harbor. Until Japan attacked the United States, most of the manufacturing base in the U.S. was focused on consumer goods. Within nine months, much of this productive capability was converted to making the weapons of war. For instance, not one private car was produced between 1942 and 1945.

Without this kind of positive vision, we become more and more disempowered. Yet most environmental problems (apart from species extinction) are theoretically reversible if and when we get our act together. People often cite our relative success in restoring the ozone layer over the last 25 years or so as a measure of what we can do when we put our minds to it.

The enemy of hope is not despair, but indifference.

Good thing OVEC members and supporters show one another reasons to hope! 🍷

Ohio Valley Environmental Coalition
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Together, We Did It!

You did it! Together, we did it! Thank you for the outpouring of generosity to help OVEC meet its \$20,000 challenge-grant goal from the Mary Reynolds Babcock Foundation. A week before the deadline, we were down \$6,000. But thanks to all of you who responded to our emails, phone calls, and letter with an online donation or mailed a check or made a pledge, we not only met our \$20,000 goal, but pushed the “mercury” over the top to a whopping \$31,200! Your contributions more than doubled in one short week. WOW!

Now, that’s what we call dedication and commitment to the important work of OVEC. We are so grateful to individuals like you who support our ongoing efforts to protect our people and our precious natural resources (our water, our forests, our flora and fauna)—the places that we love—from extreme fossil fuel extraction of coal and natural gas. You give your time and money. Give yourself a big hug from OVEC to you!

Save the Date: It’s Picnic Time

Circle July 23 on your calendar and plan to join us for OVEC’s annual member and invited-guest picnic.

Our location will again be at Coonskin Park in Charleston, WV, but, if you are a member, do watch for a mailer with final details.

Please plan to join us and bring a friend, neighbor, or family member along for a fun evening of socializing. We’ll also be giving out our annual awards.

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

If you miss the mailer, e-mail info@ohvec.org or call us at 304-522-0246 for details. We do hope to see you there!



Each day, humble people of every background and belief come together to fulfill the timeless responsibility we have as Americans: to accept certain obligations to one another. People of all ages can volunteer, and anyone can, through the smallest of acts, do their part to improve the lives of others.

– President Barack Obama