

Winds of Change

Supporting Organized Voices and Empowered Communities Since 1987

Huntington, WV

OVEC

www.ohvec.org

OVEC Mourns Loss of Founder Dianne Bady



Dianne Bady was one of the principal founders of OVEC. Dianne, 67, succumbed to cancer on October 23, 2017 at Emogene Dolin Jones Hospice House in Huntington, WV. Her husband Rick, her son Aaron, her sister Monica McFarland, and OVEC staff were with her in her final hours.

Dianne died as we were celebrating OVEC's 30th anniversary. Several staff helped sort through some of Dianne's papers, and we came across a November 25, 2012 *Huntington Herald Dispatch* article about our 25th anniversary titled "Environmental group enjoying regional success." Dianne was quoted:

"My husband, Rick, and I were new here, and when we started OVEC, we didn't know it was supposed to be impossible."

Thanks to Dianne's decades of leadership, daunting, near-impossible tasks have never stopped OVEC from making a difference for our region. That article has another quote from Dianne: "The only way you can win on environmental issues is if the power of organized people is greater than the power of organized money."

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Inside This Winds of Change

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New Year's Thoughtfulness

Every New Year we dream of a better world for ourselves and for others, but we are also given permission to scrutinize who we are. We ask ourselves: What can I do to make this year better than the last? How can I be a better me? If I make a resolution, will I keep my promise to myself? What are others doing differently this New Year? What am I doing wrong? How long did I commit to last year's resolution? How can I make a significant difference?

Although some of these are good questions to ask, why don't we take this time of year as an opportunity to reflect on what we did achieve in 2017 and answer the questions: What makes us feel good about ourselves/what makes others in our lives feel good? I urge you to ask yourself: What can I continue to do in 2018 that will make a difference in someone else's life or in my life? How often can I commit to looking inward and give myself some credit for my hard work? What can I do to encourage others who are struggling to achieve their goals? How many times a day can I smile at a stranger?

In making New Year's resolutions, we can be so harsh on ourselves. We commit to losing 20 pounds and cutting back on sweets, bread, and alcohol. We promise we will go to the gym seven days a week, take diet products, or cut out an entire meal. We decide we will no longer eat at our favorite restaurants or sleep in on Saturdays. We decide to be hard on ourselves, instead of celebrating the beautiful and wonderful things about who we are and what we do that are good.

Give yourself a break. Make a resolution that is achievable, that will make you feel better, and that will inspire others. Make a resolution to be happy, to smile more often, to listen to music that gives you good memories, to frequent those local restaurants, and to support the community where you live and love. Make a resolution to remind yourself to breathe deeply and often, to take group photos when you gather with those you love. Make a resolution to send thank you notes to folks that care for you in the smallest of ways, to check on the elder that lives down the road, and to have *gratitude* for all the blessings in your world.

With thankfulness and gratitude to all of you,

Natalie Thompson OVEC Executive Director

Dianne Bady

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Dianne recognized that to be organized and powerful, people have to educate themselves on the issues. She spent the past few years educating herself, OVEC members, and the public about the human health and environmental impacts of fracking and its related activities and infrastructure. She was especially concerned that the gas-industry-touted concept of the "Appalachian Storage Hub" and the development of Rogersville Shale could lock our region into more pollution and more health problems, while locking out the potential for a cleaner, healthier, and more just energy economy. (Much of Dianne's research is on our website; see her blog series on the proposed hub, and our deep shale and pipeline pages.)

Under Dianne's leadership, OVEC's tenacious work to end mountaintop removal coal mining gained national and international recognition, with numerous awards being granted to the organization and staff, including the prestigious Ford Foundation Leadership for a Changing World Award.

In 1987, BASF Corporation planned to burn or bury all of the toxic waste it generated in North America in a low-income community

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Ohio Valley Environmental Coalition P.O. Box 6753, Huntington, WV 25773 304-522-0246

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



Dianne, center, in April, 2015, as OVEC staff, board members and supporters accept the second annual Jean and Leslie Douglas Pearl Award presented by the Cornell Douglas Foundation.

near Huntington. Dianne and a handful of people organized to oppose and successfully ward off that scheme. Their efforts launched OVEC.

Until then, polluting industries in the lower Ohio River Valley had not been seriously challenged by citizens to follow environmental laws and regulations. Dianne was adamant that the voices of ordinary people in affected communities be heard.

In the 30 years since then, OVEC has celebrated victories both large and small, and, of course, has also encountered setbacks. In one important victory, the group staved off construction of a mega dioxin-spewing pulp mill slated for Apple Grove, in Mason County, WV.

"Dianne carried a vision of a healthier environment, but beyond that, she had great compassion and love for people and an abhorrence for injustice. She was stricken to her core by the destruction wrought by fossil fuel corporations, and she sought healing and solace in her gardens and in the beauty of nature," says Janet Keating, who worked closely with Dianne for 24 years at OVEC.

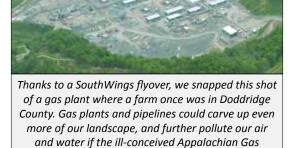
"OVEC is Dianne's legacy," says OVEC Executive Director Natalie Thompson. "Undoubtedly, polluters were hoping this little environmental group was just a flash in the pan. Here we are, 30 years later, a well-respected, fully staffed organization that continues to amplify the voices of citizens who envision a healthier environment, intact mountains, and clean, potable water. That is Dianne's legacy. May we celebrate her life and her love and her tireless commitment to our environment and our people."

Dianne was fond of Margaret Mead's famous quote:

"Never doubt that a small group of thoughtful,
committed citizens can change the world.
Indeed, it is the only thing that ever has."

Appalachian Gas Storage Hub: Stand Up, Fight Back!

Thanks to Dianne Bady's research, we ran an extensive section in the fall *Winds of Change* about the ill-conceived Appalachian Gas Storage Hub, which would consist of underground storage facilities for natural gas liquids extracted from the Marcellus, Utica, and Rogersville shales across West Virginia, Kentucky, Ohio, and Pennsylvania, and would include a vast network of new pipelines.



Storage Hub is built out.

Should the Appalachian Storage Hub come to pass, our region would become a major petrochemical region, another Cancer Alley like areas of southern Louisiana near the Mississippi River. We would sacrifice even more of Appalachia's land, air, and water to financially benefit fossil fuel corporations, to the detriment of our peoples' health.

Unfortunately, soon after Dianne's death, the WV Department of Commerce announced that Chinese-

owned energy companies had signed a Memorandum of Understanding to invest a whopping \$83.7 billion dollars in our state over 20 years, for projects including power generation, underground storage of liquid natural gas, and petrochemical manufacturing.

Knowing that most of WV's politicians will throw their wholehearted support to

more planet-killing fossil fuel development, people who want a clean, renewable energy future for their children and grandchildren need to become the first line of defense against the Appalachian Gas Storage Hub, along with the increased oil and gas fracking and the infrastructure development that would be needed.

OVEC welcomes increased citizen involvement on this next big threat. After all, it takes organized and committed people to win against "organized money."

People vs. Oil & Gas Summit

From November 17–20, multiple groups hosted the People vs. Oil & Gas Summit in Pittsburgh, PA. Three OVEC staffers and at least three OVEC members—Mary Wildfire, Bill Hughes, and DL Hamilton—joined people from across the U.S. in attending.

Summit organizers say: "With Trump in office, connecting our local and state fights is critical. The oil and gas industry is making plans to aggressively expand, putting more and more lives and livelihoods on the line. Folks fighting pipelines, oil trains, refineries, LNG, fracking, the tar sands, and other forms of fossil fuel extraction are all here in Pittsburgh. Let's build towards a just climate future together."

OVEC raised awareness about the projects proposed for our area, including the Appalachian Gas Storage Hub and pipelines in the western portion of WV. Mary received support for an idea she's been pushing: a campaign against FERC's policy of granting the pipelines and other projects the right to charge their customers for every penny of their costs in building the pipelines, with a 14 percent profit on top. That's guaranteed profits, even if the pipelines aren't used much, plus no risk for the funders. (Search for Mary's blog "FERC is a Sugar Daddy" at **ohvec.org**.)



Left to right, Dustin White, Robin Blakeman, and Mary Wildfire set up a table at the People vs. Oil & Gas Summit. Dustin presented on a panel at the event.

Just as people are justifiably angry about FERC policy allowing pipelines to use eminent domain for private gain, once they learn about this cost-plus arrangement for pipeline companies, they will be up in arms.

Mary says, "If we could get this policy knocked down, pipeline corporations would have considerably less motive to build the damn things, and divestment efforts would be much easier."

Both FERC policies have been challenged in court, but only in specific states or localities. FERC is nationwide, so the campaign to knock out FERC's cost-plus policy should be, too.

At the summit, many showed interest in Bill's photo display of the visible air pollution from shale gas operations. Bill had premiered that week at the League of Women Voters of Pennsylvania's fifth annual Shale & Public Health Conference, also held in Pittsburgh.

Defend Our Water: Get Local With It

On October 21, several representatives from groups in the Huntington Tri-State area gathered at the Cabell County Library for the Tri-State Water Defense Citizen Summit.

Co-sponsoring groups included Tri-State Indivisible, Citizens' Climate Lobby, Climate Reality/ Organizing for Action, Four Pole Creek Watershed Association, WV Highlands Conservancy, and OVEC.

OVEC had primary organizing responsibilities for this event, and we thus had two volunteers and four staff members present. Some members of our streamtesting teams were in attendance. (These teams monitor sites in five counties where the proposed large-diameter Mountaineer Xpress Pipeline could cross streams.)

The primary purpose of this event was to find a focus area of concern common to all of the attending groups. After a presentation on the various unconventional oil and gas infrastructure (that is to say, fracking related) projects coming to the area, lengthy discussion ensued.

Following discussion, the groups present voted; the issues surrounding the Mountaineer Xpress Pipeline project, with its associated projects such as compressor stations, rose to the top priority level for all concerned. Concerns over the proposed Appalachian Ethane Storage Hub came in a close second.

The summit attendees came away with short term goals, including:

- Organize a ground tour of some sites of concern in our area (which took place as this newsletter was in production);
- Inquire into the possibility of getting forwardlooking infrared (FLIR) camera footage (expensive FLIR cameras can record gases) to show methane emissions;
- Research successful models for pipeline resistance:
- Work with local videographers to produce You Tube videos outlining concerns people in this area have about the pipeline; and
- Obtain drone footage of the proposed pipeline route and Rogersville Shale well pads.

If you are interested in joining this effort in the Tri-State area, please contact us.



Above: OVEC board member Lyndsay Tarus, who is also with the Alliance for Appalachia, makes her votes during the Tri-State Water Defense Citizen Summit. Below: Bill Hughes and Heather Harr, with the League of Women Voters of Pennsylvania, with one of Bill's posters; below that, Bill's whole display. See bottom story on opposite page for details.



Trump Administration: What Americans Can't Know

In August, Trump's interior department ordered the National Academies of Sciences (NAS) to "pause" its study of the human health impact of mountaintop removal coal mining.

In October, Arizona Congressman Raúl Grijalva, top Democrat on the House Natural

Resources Committee, sent Interior Secretary Ryan Zinke a letter inquiring about the status of the study. (See pages 8-9 of our Fall Winds of Change for stories on the study and the congressman's visit to see MTR.)

The congressman wrote (excerpted):

If the true purpose of the cessation order to NAS was to address the budget situation at DOI, which seems doubtful, you should be able to provide information about the status of the remaining \$400,000. ... If that money was spent elsewhere, the American people and Congress deserve to know where that money went. If the money was not spent elsewhere, (we) deserve to know why (DOI) chose to waste the \$600,000 that had already been spent on this crucial public health study.

It appears that DOI ended the study because of fears that it would conclusively show that MTR coal mining is a serious health threat to the health of people living in Appalachia. Cutting off funding for a scientific study because it will likely produce uncomfortable results for powerful administration allies is unconscionable, especially when these political games are affecting public health.

DOI has not responded to the congressman. In mid-November, the Associated Press ran an article by reporter Michael Virtanen, printed in newspapers nationwide with varying headlines, including "Frustration sets in after coal mine health study suspended." If you missed the article when we linked to it online, see: abcn.ws/2hX5L4A.

The article has a Glen Daniel dateline and opens: "Chuck Nelson spent his life in this corner of Appalachia, working for years in the coal mines—a good job in the economically depressed area. But



he says the industry that helped him earn a living cost him his health, and his wife's, too."

Chuck is a longtime OVEC member who has served on our board of directors. The article also features OVEC member Joan Linville, who is likewise concerned that her health issues are due

to living near mountaintop removal operations.

After the article ran, several papers printed editorials with headlines like "Resume Health Study on Mining." That one was from the Wheeling *Intelligencer*, surprisingly, since the paper tends to opine in favor of fossil fuel corporations.

The *Huntington Herald Dispatch* editorial states: What's also troubling is that \$600,000 toward the mining study already had been spent. Was this money simply thrown down the drain without any results to show for it?

President Trump received strong support from West Virginia and Kentucky in last year's election, at least partly because he said he was an advocate for the coal industry. But did his advocacy only extend to the industry itself? What about the people, many of them who worked in coal mines, who live near the surface mining sites? Does their welfare not matter?

The Toledo Blade's editorial, "Less data cannot be good," says:

Here are some of the numbers Americans cannot know under Mr. Trump: health effects of mountaintop-removal mining, oil and gas company payments to foreign governments, employer records of workplace injuries, safety issues at chemical plants, and government contractor labor law violations. ...Whatever one's political beliefs, most Americans agree that policy decisions should be quided by the best available evidence. With little or no information, policy-makers fly blind.

As we went to print, nearly 40,000 people had signed a petition to bring back the DOI study on mountaintop removal and human health. Sign it here: bit.ly/2zrFOBE.



Thank Goodness We Still Have the Press!

Harvard, Yale publications take a look at MTR and more in WV

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Gazette-Mail, one of the

few remaining

independently owned

newspapers in the

country.

The Autumn 2017 issue of *Harvard Medicine* magazine is devoted to the environment and features an article by an alumnus of Harvard's medical school, Dr. Daniel Doyle. Doyle has long resided in Fayette County and is well known and deeply respected by his patients and members of many of the state's environmental groups.

Doyle chronicles many of the pollution issues that are making West Virginians sick, including PCB dumping in Minden, WV, coal slag dumps leaching

heavy metals, acid mine drainage, fracking waste, coal slurry injection, the MCHM water crisis, and mountaintop removal coal mining.

Doyle also gives props to the attorneys of Appalachian Mountain Advocates and citizen groups working to curb polluters and pollution, including OVEC, WV Highlands Conservancy, WV Environmental Council, and Headwaters Defense.

Doyle writes:

For most of the 20th century, coal was king in West Virginia.

It put food on the table, clothes on the kids, and heat in the stove for millions of families. After unionization and World War II, coal mining provided a path to excellent health care, new cars, and college educations, and coal-mining families became solidly middle class.

Although coal really did keep the lights on, the world is changing. Mining jobs are dwindling as automation and new processes cut the need for human workers and as natural gas production undercuts the demand for coal. But an even more important shift is our knowledge that climate change is real and is caused by the burning of fossil fuels. There is no more time to waste: We must embrace sustainable forms of energy and change our own behaviors to ensure greater energy conservation and efficiency.

In my own practice, I'm much more likely to consider occupational and environmental

exposures to toxic substances as causes of disease than I was in earlier years. I share this perspective with students and colleagues whenever I can. I'm concerned that current medical school curricula still put too little emphasis on occupational and environmental causes of disease. I hope I am wrong.

I believe strongly that health advocacy is part of our job as physicians. Usually, that means helping our patients get what they need by filling out forms

> or fighting with insurance companies for precertification for medicines and procedures.

> But sometimes it means standing up and speaking out against a threat to the health of our whole community, regardless of whether that community is our town, our state, or our planet.

Doyle also mentions the work of another well-respected gentleman around these parts, Dr. Michael Hendryx.

On November 21, Yale's *Environment 360* blog posted "A

Troubling Look at the Human Toll of Mountaintop Removal Mining," an extensive interview with Hendryx.

The article says we face "a public health disaster, with more than a thousand extra deaths each year in areas of Appalachia where mountaintop removal operations take place."

Hendryx disputes the coal industry—and far too many politicians'—mantra that mountaintop removal is beneficial for economic development in Appalachia.

"Blowing up mountains, deforesting large tracts of land, polluting streams, destroying roads from all the trucks going by, coating the landscape in dust, making people sick—what other employers are going to move into that area?"

Both of these are must-read articles; see **bit.ly/2AYN7hA** for Doyle's article and **bit.ly/2A1GJWo** for the interview with Hendryx.



Reporter: Looking for Environmental Justice Issues Us: Yeah, We Got Those in WV

Back in March, we received an e-mail from a producer with Fusion and Univision, based in Miami. They were starting up a web series that looks at environmental justice issues, "exploring a handful of communities across the United States that are situated near hazardous zones-industrial sites, waste landfills, military weapons testing, agricultural areas, nuclear storage facilities, mines, garbage dumps, etc., and the fights and negative health effects that arise."

We replied with a detailed e-mail about the myriad issues here. We had just posted this blog, so it was at the top of a long list of information we sent: WV's Fossil Fuel Industries' Wicked Water Ways Well Illustrated One Day After #WorldWaterDay (see: ohvec.org/worldwaterday-in-wv/).

The producer asked to call and talk more about the issues in our area. As you can well imagine, we had loads to talk about! Her head must have been spinning by the time her first call with OVEC was over, but she did pick a focus for her story. We provided contact information for Brandon Richardson with Headwaters Defense, as well as with OVEC board member Pam Nixon, who had worked on the issue before she retired from her position of environmental advocate at WV DEP.

In July, OVEC received an e-mail from the producer: "I wanted to send the video we just



A screen shot from the news video. Headwaters Defense member Susie Worley-Jenkins speaks about all the cancer in her community of Minden, WV.

published on Fayette County, WV. I owe you all a whole lot of thanks for putting me in touch with Brandon and letting me know about the situation in Minden and Fayetteville. Without your help, this would have never happened! Please share with your networks. It's doing quite well online, so let's hope it puts on the pressure!"

Robin Blakeman wrote back with an e-mail that sums things up: "This is a great video, and it shows very succinctly how WV has been a sacrifice zone for decades and continues to be. Pam Nixon's voice and wisdom is an amazing part of this video."

Watch the video: bit.ly/2jJ7jzP.



Keep Your Camera at Hand

The WV Department of Environmental Protection doesn't have enough inspectors to adequately assess whether companies are complying with the conditions of all the permits it issues. Although we'd love to see that corrected (for example: more inspectors, fewer permits), that's been the modus operandi for DEP for decades. So, until we can prompt the WV Legislature to bring about better funding and enforcement at DEP, there's something else we can do.

Citizen volunteers can give DEP a hand. You can alert DEP to troubles at sites near you and you can help keep companies in line by reminding them that we, the people, are watching what they do.

It was citizens in Doddridge and Tyler Counties who recognized bad corporate behavior during the construction of the Rover Pipeline. DEP knew there



was a problem, thanks to the e-mails, calls, and photo submissions (like the one above) of people living near the construction. DEP issued notices of violations and then temporarily halted work on the pipeline and made the company, Energy Transfer Partners LP, clean up its act.

If you have a camera or smart phone on hand or if you can take notes and contact DEP, you can help extend DEP's eyes and ears. If you aren't sure where to start, the first point of contact is with DEP's Office of Environmental Advocate at 304-926-0441, ext. 1328.

File Your Claim in the MCHM Water Crisis Settlement



Citizens swarmed the streets (above) and the State Capitol immediately after the January 9, 2014, MCHM water crisis. Eventually, lawsuits were filed, and now a settlement has been approved in the case of Good versus WVAW, the class action against WV American Water Company and Eastman Chemical Co. over the spill.

The settlement in the class-action lawsuit is \$151 million. Everyone who lived or worked in the affected area is due money. Impacted business and non-profit groups may also file claims.

The water crisis left about 300,000 residents in portions of nine central WV counties without access to potable water for more than a week.

Before the settlement is considered for final approval, class members will be given an opportunity to voice any objection at a final fairness hearing, which, as we went to print, was set for the fourth anniversary of the crisis, January 9, 2018.

The final deadline for filing claims is February 21, 2018. Distribution of the settlement funds will not begin until the settlement is finally approved by the court and after all claims are filed. Deadline and hearing dates may change.

Each household can claim \$550 for the first resident and \$180 for each additional resident. If you have proof of purchases, you may also make claims for bottled water, replacement of appliances, and other expenses.

Visit wwwaterlitigation.com or call the settlement administrator at 855-829-8121 for more information or to obtain a claim form.

Stay Active to Clean Up What Lies Upstream

What Lies Upstream, the documentary about the 2014 MCHM water crisis, had its WV premiere in November. OVEC helped make possible the water testing that is key to information shared in the film. To make the film, the directors interviewed more than 200 people, including some OVEC members.

Filmmaker Cullen Hoback told the *Huntington* Herald Dispatch, "What is happening in West Virginia is not unique; it is a microcosm. (It's) the case study for something greater happening... over and over again in this country. I think what is unique about West Virginia is how brazen the politicians are, and open about their willingness to work with corporate interests to undermine public health."

Hoback says: "I hope (the film) will restart this conversation about these issues, because there are so many shocking revelations about what politicians are doing to regulations behind the scenes. I hope the community will take this information and help shape policy and demand changes going forward."

The flick has screened at several prestigious indie documentary film festivals, and it won an award for investigative journalism at the 2017 Seattle International Film Festival.

If you missed the film when it screened in Charleston and Huntington, you can catch it around Earth Day 2018 when it airs on PBS' Independent Lens series.



At Our Annual Picnic: 2017 Award Winners

We hosted our annual OVEC picnic on Saturday, October 7, at the Barboursville Park. About 50 people attended, taking part in the picnic staples: good friends, good food, good music, and our annual awards. Thanks to all who attended!

Volunteer of the Year: Bill Hughes



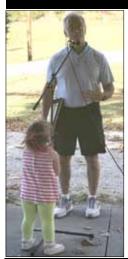
Bill (seen here accepting the award from OVEC E.D. Natalie Thompson) continues to educate people about the challenges of living near fracking oil and gas industrial projects. He has contributed a wealth of pictures, blogs, and knowledge to our work on pipelines and fracking operations.

Mountain Mama: DL Hamilton



OVEC is a woman-led organization so it is about time we awarded our firstever Mountain Mama award. DL has been as protective of progressive causes in our Mountain State as a black bear mama guarding her cubs. Along with her many projects, DL is now working with others to keep Friends of Water alive, after the passing of Chris Hale.

Outstanding Ally: Bob McCollister



Bob (seen here with one of the main reasons he does this work) represented both Organizing for Action and Climate Reality in partnering with us this year for the Peoples Climate March in Huntington and a showing of the documentary Chasing Coral. Bob retired from teaching and coaching at Rock Hill High School and is now investigating what it would take to bring a commercial-scale solar project to Lawrence County, OH.



The annual awards included a framed certificate and a glass bowl from the local company Blenko Glass, as well as our sincere gratitude and admiration!

Fracktivist of the Year: Headwaters Defense



Britt Huerta and Brandon Richardson (here with OVEC's Dustin White) accepted the award on behalf of this effective, spunky Fayette County group, which is currently working on assorted issues, including issues in Minden (see story on page 8), where folks have been poisoned for decades by chemicals from illegal dumping. Headwaters Defense is also raising awareness of and opposition to a compressor station that EQT wants to build in the county as part of the proposed Mountain Valley Pipeline infrastructure. As we went to press, the Fayette County Commission had voted to deny the rezoning permit EQT was seeking for the compressor station; EQT immediately filed a lawsuit against the commissioners.



...proposed Apple Grove pulp mill. 1997: At MU, OVEC hosts first-ever public forum on MTR. Larry Gibson speaks. (He was shy then!)

Water Warrior: MU Native American Student Organization



Genenahgehneh Lee (left) is a leader of MU NASO, which works to raise awareness about the need to honor. preserve, and restore the water resources we are blessed with here in the Ohio River Valley. MU NASO has partnered with us on the Peoples Climate March and last year's #NoDAPL solidarity event.

Outstanding Volunteer: Anna Belle Compton



Ninety-something Anna Belle (who received her award at home) volunteers as one of the proofreaders for this newsletter and has earned the nickname Eagle Eve. She served in the WAVES: Women Accepted for Volunteer Emergency Service with the Navy. This also prepped her for working on the newsletter because it often arrives to her in a state of emergency.

Outstanding Volunteer: Justin Raines



Justin (seen here revealing his true identity) is a college student who started an environmental group at Glenville State. He has helped to promote OVEC and other groups on his campus. Justin is now chair of the gas committee of Sierra Club West Virginia Chapter, and he is active in the Appalachian Gas Working Group.



Sometimes, at a picnic, your belly gets so full, you just have to let someone know.

Also a Hit with OVEC? All Our Members and Supporters!



OVEC launches its World Wide Web site. 2001: For OVEC, Dianne Bady, Janet Keating, and Laura Forman win one of the Ford...



Without Disclosure, We Don't Know What Conflicts of Interest Our Judges May Have

A sitting West Virginia judge, Beth Walker, overturned an important ruling to the benefit of companies in which her husband owned stock. Now, her conflict of interest is the center of a case that may be heard by the U.S. Supreme Court. While the Supreme Court decides whether this should have been grounds for her recusal, we should reflect on another issue—the larger and invisible web of potential conflicts of interest surrounding many West Virginia judges—millions of dollars in secret, independent campaign expenditures.

These big-money groups have names like Moving West Virginia Forward and West Virginians for Fair Courts that hide who the wealthy special interests are that fund them and what they want from the judges they support or oppose. Recently,

there has been an explosion of secret money in West Virginia and state judicial races across the country. A Brennan Center analysis found that 70 percent of the spending on TV ads in state judicial races ahead of the 2016 election was from dark-money sources. Last year, wealthy special interest groups pulled off another victory in a West Virginia Supreme Court race. Largely anonymous groups spent more than \$2 million supporting Beth Walker's candidacy, duplicating the feat Don Blankenship pulled off 12 years ago.

In the past, WV has been a leader in supporting a fair-minded, impartial judiciary. After a particularly egregious instance of secret money influencing the court, our state Legislature enacted a landmark judicial public financing system to ensure our judges rule on the constitution and law, not based on special interest influence. They also passed a groundbreaking bill limiting contributions to independent groups and requiring the groups to disclose the identity of their controlling entities and donors. However, in recent years, new U.S. Supreme Court rulings like Citizens United and the growth in new types of dark-money spending mean that these disclosure laws are not keeping up with the times. Our campaign finance disclosure laws must be revised.



excerpt from an October 9 State Journal *op-ed by Julie Archer*

In Justice Walker's case, whatever the outcome, all parties recognize that stock ownership is a legitimate conflict of interest concern for a judge to rule fairly on a case. With this in mind, West Virginia, every other state, and federal courts address this concern through common-sense financial disclosure forms. Judges have to be transparent about the companies they invest in so that everyone knows that all rulings are fair, impartial, and free from bias.

But why should this stop at investments? Millions of dollars are being spent to elect our judges in total secrecy from the people of West Virginia. West Virginia voters deserve to know who is trying to influence their votes and their judges. While some will claim these expenditures are independent and that there are laws against coordination,

this barrier is not always effective or respected. In February, for example, a Wisconsin Supreme Court justice uploaded stock footage of herself onto YouTube, which was then used in television ads by an outside group. Even if these groups are independent, as they claim, there is no compelling interest that these donations made in secret should not be exposed to the sunlight of transparency.

Without common-sense disclosure laws, anyone could end up across the courtroom from another party who has given hundreds of thousands of dollars to a dark-money group supporting the judge ruling on their case. And they wouldn't even have the information necessary to ask the judge to recuse himself or herself. The faith of West Virginians in their courts is rightfully tarnished by such secrecy, but the solution is simple. As dark money tries to find new and hidden ways into influencing our elections, it is critical that our state legislators protect the fairness, impartiality, and public trust in the judiciary through strong, up-to-date disclosure laws.

Julie Archer is project manager at WV Citizen Action Group and Co-Coordinator of WV Citizens for Clean Elections, a statewide coalition working to increase transparency and accountability in West Virginia elections. OVEC co-leads WVCCE.

WV and the Happiness Index by OVEC board member Rose Edington

I was in Seattle, Washington, when I read Phil Kabler's comments (via the Charleston Gazette-Mail online) about West Virginia being number 50—the most unhappy state—on the happiness scale. I looked up the State of Washington and learned I was in the 16th-happiest state.

Because I regard myself as a basically happy person, there's part of me that believes Abraham Lincoln's statement that we are about as happy as we choose to be. Yet, there's another part of me that believes there are important factors that make that choice easier.

Why, besides having a delightful granddaughter to visit, do I find it easier to be happy in Washington and not have to work as hard at choosing happiness as I do when I'm home in WV?

Here in WV, choosing happiness sometimes feels like an act of resistance in the face of our various crises and pollution issues (e.g., flooding, a major chemical spill in our water system,

the most recent state budget process, the abdication of water protection for the sake of pipelines by the WVDEP). It makes me wonder about the role of government in "life, liberty, and the pursuit of happiness" for "we the people."

What, I wonder, would happen to WV on the happiness scale if our state decided to legislate as if people really counted? This kind of legislation happens more often in the state of Washington than in WV, although being number 16 on the happiness scale means Washington is not heaven. But at number 50, except for some exceptional scenery and friendly folks, we honestly are a long way from being "almost heaven"

By "as if people counted," I mean legislation that contributes to our overall health and welfare being enacted. For instance, our recycling is deplorable. In Seattle people have separate bins for food and yard/ lawn/garden waste, items that are recyclable (all plastics, tins, aluminum foil), paper and cardboard waste, and general garbage that doesn't fit with any of the above, of which there is very little.

When I'm in Seattle, I feel I'm not contributing

to one-time plastic use of items that will never break down, that habits to replenish our earth are built into everyday life. This continues when shopping, when we either bring our own cloth bags or pay for paper ones supplied by the store. Seattle is doing what it can to keep plastics out of the ocean and the landfills. Having concern for waste in the ocean may seem a distant concern in WV, but any of us who eat seafood

> would prefer that our fish not ingest the minute particles into which plastic breaks down, because it never goes away. Everything is connected anyway, so a healthier ocean leads to a healthier food chain and healthier people.

I find our legislators' chosen blinders as to the effects of fossil fuel industries on our air, soil, water quality, and general healthiness to top the list of what brings the most sadness/least happiness to my life in West Virginia. It's a major reason our daughter and her family choose not to live here and rarely visit. Her asthma has disappeared

in Seattle, and she understandably does not want to expose our granddaughter to the irritating particulates in our air, nor does she trust our water quality, especially since the chemical spill of January, 2014.

On a recent Sunday in Seattle, I read the Pacific *NW*, the magazine supplement to *The Seattle Times*. The lead article in this issue (September 10, 2017) was about the built (architectural) and not-built (natural) environments and how they inter-relate and complement each other. The article highlighted the term "biophilia"—the belief that we humans inherently seek connections with nature. Seattle is growing, and the architects want to make sure nature doesn't get pushed out. They strive for buildings that reflect and sustain nature. An example is Seattle's new City Hall which is LEED gold-certified.

I believe in the concept of biophilia—that because we are part of nature we want to be connected to it. When we are not, many people experience what some are starting to call solastalgia—longing for nature, or the home that is lost or living in fear of such loss. Studies are looking at the connections between

continued on next page



WV and the Happiness Index

continued from page13

solastalgia and opioid abuse, as people self-medicate to mask the underlying threats they perceive to their being. When not enough of our elected officials respect biophilia, we lose out on the happiness scale, no matter how much natural beauty surrounds us.

If our government cared to legislate as if people counted, we the people would not have had to work so hard on legislation to protect us from future chemical spills into our water. Nor would we despair that the legislation created to protect us after the chemical spill has been chipped away by every legislative session since. If our government cared to legislate as if people counted, surface landowners' rights would be respected as much as those owning mineral rights. If our government cared to legislate as if people and our connection to the web of life counted, we could relax and enjoy our "almost heaven" scenic beauty without worrying that pipelines designed for flat land might slip and burst in our mountainous terrain. We've had warnings of the dangers from train cars carrying oil and an explosion that melted part of the interstate, but our government has chosen to ignore them and to place the personhood and profits of fossil fuels over the personhood of real people and our well-being.

So, I wonder—if other states can be happier, why not ours? Why can't new buildings in West Virginia

embrace both beauty and sustainability by being mandated to meet LEED standards?

Why can't our rivers be protected? If people counted, our government would not be putting our rivers at risk by allowing a foreign country (Brazil) to build a cracker plant on the Ohio River, or allowing pipelines under our rivers and farm lands. Choosing happiness is made more difficult when legislation leads to an undercurrent of fear. On some level the people I talk with perceive that our lives are threatened by many aspects of fossil fuel industries.

Why can't there be legislation that doesn't reduce or diminish our health, so that, for example, as long as there is mining, it is done in such a way that black lung stops making a comeback and that people living near mine sites are not harmed.

Why can't we adapt the three R's—reduce, reuse, recycle—in order to legislate as if people count? This means do not reduce the people—we are already losing too many to other states or to addiction and poor health. Rather, reduce the threats that reduce people. To legislate as if people counted, create laws that give opportunities where we the people can be reused by being recycled in new, sustainable endeavors that respect our life, liberty, and the pursuit of happiness.

OVEC will have a presence at the 2018 WV Legislative Session. Contact us at info@ohvec.org or 304-522-0246 if you want to help out.

Heard Rumors of Access Roads in Your Area?

It is important for anyone concerned about oiland gas-related road widening issues to contact the Department of Transportation to get information on the legally allowed limits on the road's right of way size.

As you can see in the photo by Bill Hughes (at right), there are reasons why industry may see the need to widen roads that are deemed access roads.

Beyond those boundaries, the oil and gas company would have to deal with the landowners. Landowners may refuse to deal with them and/or refuse access to their property for surveying, but they should notify the oil and gas company in writing (and keep a copy) when they do so.

It is also important to orient yourself to the meaning behind any surveyors' markings that you



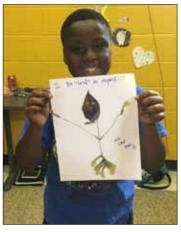
find: see ohvec.org/surveyor-signs-and-symbols/.

Getting a good lawyer is also advised if you see an impending negotiation or dispute related to these issues in your future. Contact us for info.

...WV Citizen Action Group. 2004: The Appalachian Ctr. for the Economy and the Environment represents OVEC and others in a case where a

Project Plant Workshops

OVEC's Project Plant is more than just teaching the kids at the Boys and Girls Club of Huntington to grow organic vegetables and prepare and eat healthy food; we also do biweekly gardening and nature educational workshops.



We started these

workshops in early summer with projects that included take-home mini succulent gardens, making and using a composting barrel, nature hikes, and meeting wolves at Ritter Park. We stopped the workshops for a couple weeks once school started to give the kids a chance to adjust to their new schedules.



We recently started our workshops up again and have been having great success with each one. We do them at both locations every other week, Tuesdays at Guyandotte and Thursdays at the 14th Street West location. Since our time back, we have done a number of

projects, including making leaf/stick people, making a terrarium, painting rocks, getting a fish tank in the class, and making a scarecrow out of corn stalks we grew in the garden.

Any BGCH members get to enjoy these free, fun, hands-on workshops. If you're not yet a member, join!

Environmental Racism Underscores Urgency of Clean Energy Future

Writing in the June 2 issue of Essence, Symone D. Sanders says, "Communities of color face some of the worst environmental devastation in the country." She notes there are well-known examples of the effects of climate change hitting low-income and urban communities of color hard. such as Hurricane Katrina.



Nonetheless, Trump withdrew the U.S. from the Paris Climate Accord.

Sanders writes:

During the campaign, Trump infamously asked Black people in America, "What do you have to lose?" Today, the answer is the collective health and economic growth of our communities. When the Tweeter-in-Chief abdicates the United States' global leadership on climate change, he is affirming that the environmental racism in which local governments, state governments and companies traffic daily is acceptable and will not be challenged. He is abdicating America's ability to lead in job creation, clean energy, technology development and

implementation and domestic manufacturing. He is telling the people of Flint their lives do not matter and that brown water is the new normal.

In mid-November, the NAACP and the Clean Air Task Force released a study— "Fumes Across the Fence-Line: The Health Impacts of Air Pollution from Oil and

Gas Facilities on African American Communities" —that found that black Americans are 38 percent more likely to be exposed to polluted air than white Americans.

"Fence-line" communities, where oil and natural gas refineries are placed near the property lines of African American and low-income people, are the focus of the study. Activists have been fighting environmental racism for decades.

The largest black populations living in areas with cancer risk above EPA's level of concern are found in Texas and Louisiana (an area known as Cancer Alley), with close to 900,000 individuals at risk. See naacp.org/climate-justice-resources to learn more.



Let's Get OFF Fossil Fuels

The Off Fossil Fuels for a Better Future Act (OFF, HR 3671) has been introduced in Congress. More than 360 U.S.-based citizen groups, OVEC included, have endorsed the act in a letter sent to Congress. The groups represent millions of Americans!

The OFF Act will:

- Provide for a just transition with a focus on environmental and economic justice communities.
- Require 100 percent of electricity sold in the United States to come from clean energy by 2035, with an interim benchmark of 80 percent by 2027. (The term "clean energy" is defined as energy efficiency, energy conservation, demand response, energy storage, and energy derived from solar, onshore wind, offshore wind, geothermal, and ocean tidal sources.)
- Require 100 percent of car sales from manufacturers be zero-emission vehicles by 2035;
- End federal fossil fuel subsidies and put a moratorium on new major fossil fuel projects; and
- Place a tax on offshore corporate income to help fund the renewable energy revolution.

Although there's little-to-no chance the legislation will pass in this Congress, the act is a great organizing opportunity, a chance to underscore how dire the need is for climate solutions, and a chance to show that there are real options for a renewable energy future. Building support for the act helps to build the political will we need to turn this bill into law in the years to come.

Wenonah Hauter, executive director of Food & Water Watch, says:

While mandating a rapid transition to clean, renewable energy, the OFF Act would propel a bold agenda for addressing the crisis—one that will protect vulnerable communities while creating scores of well-paying jobs in emerging sectors like wind and solar power, infrastructure resiliency and energy efficiency. Along the way, the OFF Act would ban fracking, and it would place a moratorium on the foolish, profit-driven export of fossil fuels that pushes more and more hazardous fracking and pipeline construction here at home.



Disaster after climate-induced disaster is proving that we can't fail to address our rampant burning of fossil fuels—too much is at stake. A national grassroots network of activists, elected officials, community leaders, and everyday volunteers is building to promote the OFF Act and, in the meantime, enact similarly aggressive rules and regulations at the local level: town by town, city by city, and state by state.

Ultimately, moving off fossil fuels quickly and justly, while also ensuring economic prosperity for our country, can and must be achieved. It will require big ideas and big investments, not unlike our national mobilization during World War II. We've done it before, and we must do it again, now, before it's too late. We must move off fossil fuels!

Comment on the Clean Power Plan

As we go to press, a hearing on the proposed rollback of the Clean Power Plan is about to take place in Charleston, WV.

EPA head Scott Pruitt says the CPP is not consistent with the Clean Air Act, but EPA has the authority and duty to regulate carbon emissions.

The United States is now the only nation not in the Paris Climate Accord, but, almost daily, we hear more dire news about climate change. Almost daily, too, we hear about the rise of renewable energy, with jobs in solar and wind growing *twice as fast* as in any other occupation.

Coal and fracked gas corporations lie to us and try to divide us, telling us it is either jobs *or* our health, telling us we can't have both. As one of the consistently poorest states in the nation, maybe we should stop believing the lies and try a new direction. The greenhouse gases these industries emit make the issue not only about us: It's about the wellbeing of people worldwide.

One thing we can do is keep the Clean Power Plan. The comment period is open until January 16, 2018. See **ohvec.org** for details.

2006:

The Corps suspends four Massey MTR permits that OVEC challenged in federal court, including one impacting historic Blair Mtn.

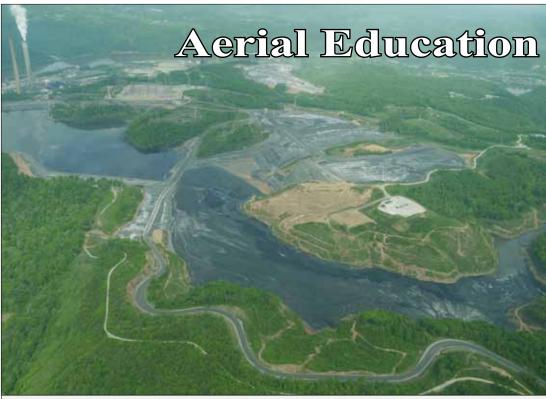
Thanks to the fine folks at SouthWings, for more than two decades. OVEC has been able to take journalists, educators, lawmakers and others for aerial tours of mountaintop removal operations. The scale and devastation of MTR is much easier to grasp with the bird's eye view—an eye popping view that has been crucial in building widespread opposition to this insane form of coal mining.

In spring of 2017, SouthWings took an OVEC staffer on her first flyover of Doddridge, Wetzel and Marshall Counties to see some of

the impacts of deep shale hydraulic fracturing and related activities. Bill Hughes was on board and had mapped out our route. Bill has been monitoring the impacts of fracking-related activities in and around his home county of Wetzel since the fracking invasion started in 2007.

Soon after we were in the air, we started seeing signs of fracking-related activity and the associated pipeline build-out. It was obvious that all the fracking activity is clearly fragmenting the forest. We saw smoke rising from burning trees that had been razed for a pipeline right-of-way. We saw heavy equipment, used in assorted phases of the fracking-related processes, belching exhaust. We saw massive compressor and processing stations, where once had been rural West Virginia.

Since spring, SouthWings has helped OVEC get several journalists and others on at least five mountaintop removal flyovers, but we hadn't been able to get people's schedules and the weather to cooperate for another fracking-area flyover. However, we are trying to join a flight before year's end, this one planned by Ted Auch, with FracTracker Alliance. We want to take a look at Rover Pipeline construction, the massive Antero "Clearwater" water



In one SouthWings-enabled shot, a host of fossil fuel goings-on in Marshall County, WV:

Upper left, coal-fired power plant; center, a lake of power plant waste;

and in the lighter blob just a bit right of center, a fracking well pad.

treatment plant and landfill, and more.

For mountaintop removal flyovers, we have an "OVEC route." We want to develop the same for the fracking flyovers—a route we can share with journalists, lawmakers, and others to help people clearly understand why we must stop the fossil fuel industry's assault on our land, our water, and our people.

We are so thankful for our long-term partnership with SouthWings! Conservation through aviation!



OVEC WORKS!

Thanks to everyone near and far for taking action to end environmental injustice, with an extra special thanks to all the folks fighting extreme fossil fuel extraction. We know it takes courage to speak up! We hope you know how much we appreciate you. OVEC works because of you!

THANKS!

2007: Our Sludge Safety Project efforts result in the WV Legislature requiring DEP to study the effects of toxic coal sludge injection on...

OVEC's \$30 for 30 Campaign to Mark Our 30th Year

Imagine what our area would look like if OVEC weren't around.

Janet Keating, who was OVEC executive director until her retirement in 2016, writes:



Many of us take for granted the air we breathe, the land on which we reside, and the water that sustains us. Naively, we assume that environmental agencies do their jobs, unhindered by politics, along with all the necessary resources to protect us. In an ideal world, that would be true. Unfortunately, after three decades of experience, I know that without the engagement of persistent, sincere citizens, polluting industries are seldom held accountable and frequently are granted a "free pass" by state and federal regulators.

For the past 30 years, in our Tri-State region, the air, water, and forests—and the people who depend on a healthy environment—have benefited because of citizen engagement. Our region is healthier because of OVEC.

To mark our 30 years of making our region a better place, OVEC has a goal of raising \$30,000. We set this goal because OVEC's financial times are tough, but we figured we could ask for your help.

If you have already taken part, thank you!

If you haven't done so already this year, please renew your membership. If you have never paid membership dues, please do so now. Ask friends to join. Send an extra gift of \$30 or more. Give an OVEC gift membership. You can donate online at **ohvec.org/join/** or you can use the enclosed envelope to send in your donation. Be sure to include a note that your donation is for our 30 for 30 campaign.

If you are not yet convinced you should take part in our \$30 for 30 campaign, read our blog series "Highlights of 30 Years of Standing Our Ground." We hope that look back will spur you to contribute. And, here's to the next 30 years!

OVEC extends our deepest condolences to Liz Sampson and her family on the passing of her husband Fred. Fred and Liz have been longtime champions of a better WV.



by david b; photo above courtesy RAMPS

Every fall for the past decade or so, the southern-WV based Radical Action for Mountains' and People's Survival (or one of its earlier incarnations) has hosted the Fall Summit, a weekend of workshops on social justice/environmental issues with an Appalachian focus.

For the past few years, we've been glad to host it at Stanley Heirs Park on Kayford Mountain, which means so much because of the heroic efforts of Larry Gibson, his allies, and other Stanley heirs to protect this land from being destroyed by coal companies. We appreciate our sponsors OVEC and Keepers of the Mountains for once again making it possible to stage this event.

This year's summit included workshops on scholar activism, direct action strategy, herbal first aid, indigenous solidarity, and fracked gas/antipipeline resistance. There was a presentation of the Beehive Collective's "True Cost of Coal," a tour of the strip mine site adjacent to the park, and a drone demonstration.

I was especially impressed by the community defense workshop led by Sean from Pittsburgh Redneck Revolt, and the workshop led by the Race Matters in WV moderator Katonya. Saturday night featured a panel of regional antifascist activists discussing their work to combat the looming threat racist/nationalist/fascist organizations pose to our region, followed by a performance by the Appalachian Rock Star Globsters. Sunday featured a workshop on the anti-Confederate flag performance art piece by the radical artist John Sims, an introductory medic training, and a plant walk.

Thanks to the Stanley Heirs members and all the attendees, panelists, rock stars, presenters, kitchen crew, set up/break down crew, and our friends at OVEC and Keepers of the Mountains for making this year's Fall Summit possible.

Condolences on the Loss of Dianne Bady

Here are just a few of the messages OVEC has received in memory of Dianne:

Allen Johnson, Christians for the Mountains: Dianne was an inspiration for me especially in my early years working on environmental advocacy in the 90s. She was an intelligent, dedicated worker, a kind friend, and a perceptive leader. She joins the pantheon of so many of our heroes. May their memory keep us pushing forward

S. Diane Wellman, OVEC board member: All my love and condolences to Dianne's family and friends. She will remain one of the heroes of my life. The way she lived her life was a model for me and a great contribution to the community she loved. In my heart I'm seeing her in heaven with Laura Forman, Winnie Fox, Larry Gibson, Judy Bonds, and all those who fought the good fight with her. They're having a party and their reunion is divine.

Helen Gibbins, Huntington **Chapter League of Women Voters:** What a wonderful legacy Dianne left the Tri-State area and beyond! We were all fortunate that she lived in our community and spent her time

and talents working for a safer environment for all of us. Thank you, Dianne.

Pam Nixon, Charleston NAACP, People Concerned About Chemical Safety, and OVEC board member: Dianne fought for social and environmental justice in her community, the Ohio Valley and all of Appalachia. Her work amplified the voices of those who industries tried to ignore. And she did this with dignity, compassion, and passion. You are sorely missed.

April Keating, Mountain Lakes Preservation Alliance and OVEC member: West Virginia has experienced a great loss. Dianne was a warrior and a



In 2005, Dianne Bady delivered a keynote speech at the 16th annual Renewable Energy and Sustainable Living Fair at the Renew the Earth Institute in Custer, in her home state of Wisconsin. Event organizers recognized and honored Dianne's many years of great work by the planting of a young oak tree. She proudly posed beside the tree in her "I heart Mountains" T-shirt.

"I am so grateful for this opportunity to connect the dots between the need for an energy policy that goes all out for renewable energy, our nation's ravenous electricity consumption, and the annihilation of huge swaths of southern West Virginia," Dianne told the crowd.

role model. She worked tirelessly all her life to help others. She reached out to me when I got my cancer diagnosis and sent me letters of support and information that might help me. She was an angel of mercy in so many ways. May we all take her example and run with it.

Wilma and Terry Steele, proud **UMWA family, WV Mine Wars** Museum, and longtime OVEC members: Dianne was one of the few people we know that cared enough to make the trips to Mingo County to support our group of OVEC members and our efforts to stop MTR. She was supportive in community development. Dianne was one of the first to be in Mingo. She was one of the first to visit us at our new house, she was there when you needed her. It is heart breaking to know she is gone. It is heartwarming to know Dianne's influence will live on and on through OVEC, and in her friends who have grown courageous, outspoken, and strong.

Chuck Nelson, retired deep miner, longtime OVEC member: Dianne touched many lives along her life's journey. She and OVEC gave a platform for individuals to

speak out about the injustices happening in their communities. She taught us how, and the importance of organizing in our communities. She gave us the will to continue fighting against abuses from powerful corporations. It was because of Dianne's dedication that I was given the opportunity to meet so many great people, and travel much of the U.S., and deliver her message of making all America, a better place for all. At the end of the day, you could see that Dianne gave all she had, each and every day of her life. And while in the presence of Dianne, you knew you were in the midst of a unique and amazing individual.

All we've done together is impressive! Thank you! What's Next?:

Together, we can shape our future! ||

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

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Our support of one another helped us through 2017. Let us continue to buoy one another in 2018, with reminders and actions that show how love equals resistance, and that there are limitless reasons to hope.

I think we're seeing so much movement that there's really nothing that the polluting interests can do to stop the (renewable energy) transition that's underway.

- Dr. Michael E. Mann, world-renowned climatologist and geophysicist