

Summer 2020



Winds of Change

Supporting Organized Voices and Empowered Communities Since 1987

Huntington, WV

OVEC

www.ohvec.org

WE GOTTA SUE, AGAIN

*DEP and Coal Bonds:
Broken From the Get Go*



OVEC, the WV Highlands Conservancy, and the Sierra Club have put the WV Department of Environmental Protection (WVDEP) on notice that we are going to sue the agency due to its mismanagement of the Special Reclamation Fund (SRF), and its related failure to comply with federal reporting requirements.

Our long-time legal allies from the Appalachian Mountain Advocates and Public Justice represent us in this matter. They filed our notice of intent to sue on May 11.

The Surface Mining Control and Reclamation Act

of 1977 (SMCRA) mandates that, in order to obtain a coal-mining permit, coal companies must post a reclamation bond. The bond is to ensure that the regulatory authority in charge of the permits will have sufficient funds to reclaim the site if a company fails to complete reclamation of its coal mine.

As WV Highlands Conservancy mining chair Cindy Rank points out, in the May 2020 issue of the Highlands Voice, it was back in the early 1980s that the state took over from the federal Office of Surface Mining the responsibility for regulating the mining

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Black Lives Matter



On May 30, hundreds of people, including OVEC members and staff, marched the streets of Huntington, WV to raise awareness about police brutality and systemic racism amid nationwide demonstrations in the wake of the murder of George Floyd by Minneapolis police officer Derek Chauvin. Above, a screen shot from a video of the march that OVEC's Sarah Carballo produced and posted on our YouTube Channel. (To subscribe to our channel, find us as "OVEC WV.")

“White Supremacy System Called America”

Charlemagne Tha God, appearing on Stephen Colbert's A Late Show, discussing the topic of hundreds of protests in towns and cities in all 50 states:

None of it surprises me. It's quite a few perfect storms going on at once. Right now, America is being exposed for the illusion it's always been. America advertises itself as an all-inclusive resort, but it's really a private club founded by old rich white men for rich white men. They make the rules, and we are all caught up in this web of white supremacy...

We have the power to force our elected officials to change the way the system is, and that's what these protests are doing.

Until America atones for its original sin—which is slavery—through legislation and reparations, no good is going to come to America. America is going to continue to reap what it sows. This is America's karma. You can't advertise liberty and justice for all, but only offer liberty and justice for white folks...

You have this perfect storm of people who are just disgusted with this white supremacy system called America. It doesn't surprise me at all. I think America has been past its breaking point, and I am actually shocked this hasn't happened before.

Search YouTube for “Charlamagne Tha God On Systemic Racism And How Reparations Can Lead To Economic Justice” to see the entire interview. 🍷

Racism: America's Original Sin

Below, an excerpt from “America's Original Sin,” an article by Jim Wallace that first ran in the November 1987 issue of Sojourners. In 2013, it was posted in the “Remembering Trayvon” section of the Sojourners website with a note that it “remains relevant today.” Read the entire article: bit.ly/30CmrSL

The United States of America was established as a white society, founded upon the genocide of another race and then the enslavement of yet another....

The historical record of how white Europeans conquered North America by destroying the native population and how they then built their new nation's economy on the backs of kidnapped Africans who had been turned into chattel are facts that can hardly be denied.

OVEC ONLINE

Digital organizing during COVID-19

by Sarah Carballo, OVEC

A global pandemic wasn't in our five-year plan—and we certainly weren't prepared to organize in lockdown. But, as they say, necessity is the mother of invention. And although we can't take credit for the digital revolution, we, like many other organizations, have quickly adapted our boots-on-the-ground strategy for virtual spaces that have allowed us to stay connected during this time of physical distancing.

On April 23, we celebrated the 50th anniversary of Earth Day with a virtual storytelling event that drew participants and viewers from across the country. We heard stories from Ohio River Valley residents of their connections to the Ohio River and of their concerns about petrochemical expansion across the region. Our online events continued in May, when we hosted our first livestream on Facebook to continue the conversation about the potential impacts of this fracked-gas development.

We're continuously looking for creative ways to help keep you informed about what's happening in our communities, and these virtual events are just a couple examples of many more to come.



Earthrise Photo from Apollo 8 (Public Domain via NASA)

Although there's no substitute for in-person organizing, there have been benefits to connecting over the airwaves, including the opportunity to build and strengthen relationships with organizations and individuals not just in our region, but also across the U.S.

Our community organizer Alex Cole offered his perspective during one of our recent online events, "All of us need to come together and realize, you know, we're standing on the same river," Alex says. "Just on different banks."

At OVEC, we know there's power in building alliances, and we understand the importance of standing in solidarity with affected communities everywhere, because that's how we'll win—by working together.

Most importantly, thanks to streams of data, we're still connected despite these difficult and uncertain times. We look forward to returning to the field as soon as possible, but for now, we'll see you in cyberspace. 🍌

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OVEC is a coalition member of the WV Environmental Council, the People Over Petro Coalition, and The Alliance for Appalachia. OVEC is a 501(c)(3) non-profit organization registered with the IRS and the West Virginia Secretary of State.

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!

What Could Go Wrong?

Liquid Frack Waste and the Ohio River

by Dr. Randi Pokladnik, OVEC volunteer (photo on opposite page)

The 981-mile Ohio River is notoriously one of the most polluted rivers in the nation, according to the Environmental Protection Agency (EPA), yet the river supplies drinking water to more than five million people. According to the Ohio River Sanitation Commission (ORSANCO), an interstate agency that sets water quality standards for the river, 23 million pounds of toxic discharges per year are dumped into the river from industries and manufacturing processes all along its shoreline.

Three companies have recently submitted applications to obtain permits from the U.S. Army Corps of Engineers to construct three barge terminals for liquid drilling wastes from the oil and gas industry. One terminal would be developed by 4K Industrial Frac Water Supply and Recycling Technologies in Martins Ferry, one by DeepRock Disposal Solutions about 61 miles downstream of Martins Ferry near Marietta, and one by Fountain Quail Energy Services about 38 miles downstream from Marietta in Meigs County, OH. The facility in Martins Ferry would recycle frack wastes from Utica and Marcellus Shales. The other two sites would inject wastes into disposal wells.

The projects must comply with U.S. Coast Guard rules, and, as of 2016, the Coast Guard considers individual requests for barging operations only on a case-by-case basis and does not provide for any public notification, public comments, or access to records. According to a recent article in Kallanish Energy, “It is unclear if anyone has moved shale drilling brine wastes by barge on the Ohio River.”

The short notice about these facilities gave citizens little time to express concerns. OVEC and several other groups and individuals asked the Corps of Engineers for a public hearing on the Martins Ferry

facility, but those requests were denied. OVEC is waiting to hear back about the Marietta facility.

In a recent article in the Marietta Times, Mike Chadsey, director of public relations for the Ohio Oil and Gas Association, makes claims that are misleading or outright incorrect, including saying that “the brine which will be offloaded is not radioactive according to the U.S. EPA.”

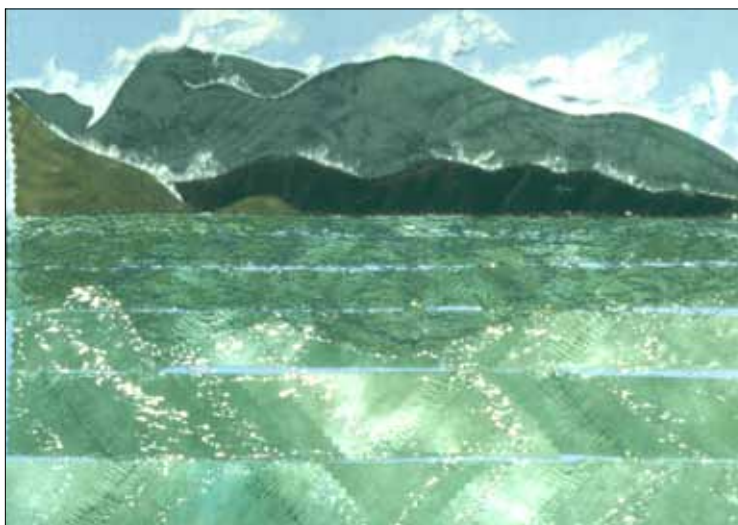
EPA’s own fact sheet acknowledges the presence of radionuclides in oil and gas waste. Gamma-ray logs indicate high radioactivity in Marcellus shale, according to a 2010 report published by the Radioactive Waste Management Associates. The

salty water in the rock formations can contain “extremely high levels of water-soluble radionuclides” including uranium, thorium, and radium, which are brought to the surface during oil and gas extraction.

The cozy relationship between lobbyists and politicians has resulted in fracking wastes from oil and gas operations being exempted from

EPA regulation. A report published by the Western Organization of Research Councils says, “In 1987, the EPA issued its final report, which stated that oil and gas wastes ‘contain a wide variety of hazardous constituents,’ and that almost 25 percent of the waste samples it studied were highly toxic. Despite these findings, the report concluded that the exemption should stand. Regulating oil and gas wastes, it explained, ‘would cause a severe economic impact on the industry,’ not to mention ‘severe short-term strains’ on disposal facilities and permitting agencies.”

Chadsey also told the Marietta Times that “hydraulic fracturing fluid used to frack a well is more than 99 percent water and sand plus some chemicals, which are disclosed.” The EPA and



River Goddess 1 – Mist © Winter Ross, 2002. Used with permission.

Department of Energy say that an average of seven million gallons of fluid are used for each well. If chemical additives make up one percent, that means that upwards of 70,000 gallons of chemicals including biocides, surfactants, and anti-corrosive agents are required for each well. A study by Yale Public Health found that of these hundreds of chemicals, more than 80 percent have never been reviewed by the International Agency for Research on Cancer (IARC). Of the 119 that have been reviewed by IARC, 55 were found to be carcinogenic. Among the chemicals most frequently used in fracking, 24 are known to block the hormone receptors in humans.

Many questions remain unanswered. Can spills be detected by the public water supply facilities?



POPCO Steering Committee Forms

When combating a major threat like a massive petrochemical build-up in the Ohio River Valley, there is strength in numbers.

One way to build that strength is by working in a coalition—which is why OVEC joined the People Over Petro Coalition.

Officially formed in October 2019, POPCO is composed of grassroots and national groups, as well as individuals, who are working to stop the proposed Appalachian Storage and Trading Hub. Our coalition supports a wide range of campaigns targeting petrochemical expansion. As part of this effort, we work to highlight the impacts of the pollution and plastic waste that would be created by this petrochemical complex, while also promoting healthy and safe economic alternatives and union jobs for communities in Appalachia. The coalition also stands in solidarity with other communities across the U.S., such as the Gulf South, which are affected by similar infrastructure.

The coalition is guided by the Theory of Change and Guiding Principles of PA Sierra Club Chapter, the Jemez Principles, and the Climate Justice Alliance's Just Transition Principles. According to these principles, POPCO's work will not perpetuate economic and racial inequalities, health and environmental burdens, disrespect of indigenous land rights, or disinvestment in marginalized communities.

Can these facilities test for radionuclides? Who is responsible if a spill occurs? Who will cover clean-up costs? These and many other concerns may remain unaddressed if the U.S. Army Corps of Engineers continues to ignore the public.



We are pursuing another course of action: OVEC staff member Robin Blakeman, myself, and others are working to alert the ORSANCO commissioners and staff to the pollutant and spill issues these facilities may present.

To learn more, contact info@ohvec.org. 🍌

Over the past year, we have been working hard to create effective community-led strategies and campaigns to resist the petrochemical infrastructure and to develop ideas for economic alternatives to the petrochemical industry.

The coalition has also been developing our leadership, and we are excited to announce that POPCO now has a steering committee made of two democratically elected residents from each of the three primary states currently represented by the coalition, including WV, PA, and OH, with opportunities to add additional representatives as the coalition continues to grow. OVEC would like to congratulate POPCO's first steering committee members:

Ohio

- Mary Aguilera — Ohio Poor People's Campaign
- Cheryl Johncox — Ohio Sierra Club

Pennsylvania

- Josh Eisenfeld — Fair Shake Environmental Legal Services
- Ashley Funk — Mountain Watershed Association

West Virginia

- BJ McManama — Indigenous Environmental Network
- Dustin White — OVEC

We hope you will join OVEC and our allies in our effort to create a better future for the Appalachian region. To learn more or join the coalition, visit peopleoverpetro.org. 🍌

Our Court, Our Vote: Informing Voters

Write That Down! And Send It Out

In early May, before the primary election, WV Citizens for Clean Elections (WVCCE) hosted an interactive webinar on how to write a letter to the editor (LTE) and how to get it published.

OVEC and WV Citizen Action Group are cofounders and leaders of WVCCE, a coalition of organizations working to increase transparency and accountability in West Virginia elections and to advance reforms to strengthen democracy and ensure fairness and impartiality in our courts.

We believe our pro-democracy/fair courts work is essential on numerous levels. For instance, the judiciary is one of the most important instruments protecting us from social, economic, and political blows to our environment. The more people trained to write LTEs on these kinds of issues, the better!

WVCCE is part of ReThink Media’s Democracy Collaborative, which includes state, local, regional, and national groups across the country that are working to advance a more representative democracy by promoting judicial and campaign finance reforms, increased transparency of political spending, fair and impartial courts, and voting rights.

ReThink’s Spencer Olson and Manuel Madrid conducted our LTE training, attended by 11 people. The training underscored the importance of LTEs in shaping the public conversation on important issues and offered tips on messaging best practices, as well as effective communications strategies for issues related to fair and impartial courts.

If you are feeling the need to write an LTE but don’t quite know how to go about it, contact Vivian Stockman at vivian@ohvec.org or 304-522-0246, and we’ll work on setting up another training. 🍌

It is imperative that the West Virginia Supreme Court is fair and impartial. We elect presidents, governors and legislators as advocates. But judges are supposed to be neutral arbiters of the law and constitution, not swayed or bullied by special interests or the other branches of government.

- Vivian Stockman and Julie Archer in “A Cautionary tale for West Virginia,” an April 23 Charleston Gazette-Mail op-ed.

Early this year, WV Citizens for Clean Elections (WVCCE) and the Consumer Protection Alliance (CPA) of West Virginia teamed up to build wvcourtelections.org.

We wanted to do our part to make certain that people knew the June 9 primary was also the general election for the courts. We would be voting to elect three out of five justices to the WV Supreme Court; there would be no chance to vote again for justices in the November general election.

We were worried that despite the importance of electing judges to the state’s highest court, in recent elections more than 15 percent of voters who cast votes for other offices chose to not vote in the Supreme Court races. Perhaps people didn’t feel like they knew enough about the candidates to vote.

To inform voters, the team invited all candidates for the WV Supreme Court to complete an online questionnaire. The wvcourtelections.org website hosts their unedited responses along with information about the Supreme Court and voter information.

As Julie Archer, WVCCE coordinator says, “Tens of thousands of West Virginia voters skipped the Supreme Court elections on the 2016 and 2018 ballots. It’s important that voters know how crucial these races are and know about the candidates. We made the new voter education website to inform state voters and to encourage all of them to participate in the judicial elections.”

“Most West Virginians won’t have direct experience with the Supreme Court, but the decisions that our highest court makes affect our citizens every day. The court has the final say on the constitutionality and interpretation of our state’s laws. Its decisions affect us as workers, consumers, parents, and citizens,” says Anthony Majestro, chairperson of the CPA of WV.

We hope the website helped you make informed votes. Now, on to the general election... 🍌

Mary, Mary, How Does Your Garden Grow?



OVEC volunteer Mary Wildfire has a gardening series on our website. Go to ohvec.org and search her name to find the series. You'll also find her series on false and real solutions to climate change. You are encouraged to read the series and leave comments.

Of her gardening series, Mary says:

I wanted to make a contribution while people are stuck at home; some people are sewing much-needed masks, but I sew about as well as I sing (insert laughter here). But, I was already looking for a venue to share my gardening knowledge before COVID-19 came along.

After 40 years or so of gardens, and a fine success rate, I want to share those skills. I also think the outcome of the virus and the resultant lockdown are uncertain but could include food shortages. The more people who are growing at least some of their own food, the better.

I'd also like to see more people around here gardening, like they used to. Like their mothers/aunts/grandparents did. Gardening, freezing, canning, drying, making bread and wine or beer, tapping maple trees, making sorghum syrup. Hunting.

I'd like to see our area move toward greater self-sufficiency. These times are giving us a reminder that we are resourceful, resilient people able to live in partnership with the land. 🍄

WV Interfaith Power and Light Update



West Virginia Interfaith Power and Light (WVIPL) is continuing to provide leadership on a couple of key issues.

In early May, WVIPL members took part in the national IPL conference virtually. More people than ever had a chance to attend that conference; more than 200 joined some of the plenary and legislative update sessions. Post-conference, we took part in the annual Lobby Days with virtual visits to congressional offices.

Participants focused on the RECLAIM Act as a key piece of legislation to address during the lobby visits. Thus, many federal legislators heard about the RECLAIM Act. WVIPL steering committee members arranged virtual meetings with the offices of Senators Capito and Manchin.

These meetings may be key in promoting the RECLAIM Act as a viable inclusion in upcoming stimulus/recovery packages.

Our allies at Creation Justice Ministries are also promoting this bill, for the just and sustainable ecological restoration and just economic transition it may bring.

The WVIPL steering committee also recently agreed to promote a sign-on letter that raises challenges to the development of the PTTG Cracker Plant in Belmont County, OH, which would be part of the proposed Appalachian Storage Hub/regional petrochemical build-out.

By the time this newsletter is out, this letter should be released and we will be in the midst of a campaign to involve more faith community leaders in the Ohio River Valley region. 🍄

Stay current on what we are up to:
Read our blog and subscribe to our
YouTube channel and action alerts at ohvec.org.
Join in! Contact one of our organizers
via info@ohvec.org or 304-522-0246.

FRACKING

A Bankrupt Industry from the Get-Go



A portrait of the petrochemical industry in the Ohio River Valley by Alex Cole.

by Alex Cole, OVEC

You might hear people portraying the novel coronavirus as a temporary setback for the fracking industry, but don't let them fool you. The pandemic is not solely to blame for the industry's misfortune. This bubble was bound to burst long before COVID-19 even existed, and the ongoing price war between Saudi Arabia and Russia is a much heavier blow to the industry's core.

It is well known that the fracking industry has never actually turned a profit. Politicians from both parties promoted it as a new technology, a path toward energy independence, touting patriotism. But their implicit goal was always taking power away from other places like Venezuela, Russia, and the oil-producing countries of the Middle East.

Fracking has been around for decades. It had always been too costly to implement and uneconomical as long as cheaper oil was available elsewhere. But in the late 2000s, after years of hearing about peak oil, high prices, and chaos in the Middle East, the gamblers on Wall Street took the bait. Believing in the myth of unlimited growth, the banks went all-in on the fracking industry.

Fracking is one of the most expensive ways to get

oil and gas out of the ground. Deeper horizontal wells mean more equipment, more mud, more trucks, and more man-hours. It is generally agreed that fracking needs oil prices to be above \$30 a barrel to even have a chance at turning a profit. In 2008, when the Marcellus/Utica fracking boom first started, oil prices averaged around \$100 a barrel. By 2015, they were half that. As of right now, they are hovering around \$18 a barrel, and oil prices even went negative for the first time in history on April 20, 2020, due to a sharp decrease in demand because of the coronavirus quarantine.

Industry leaders would like you to believe that the virus is the only source of their woes. It is not. During the time that the U.S. shale producers were increasing supply, driving prices down, OPEC (The Organization of Petroleum Exporting Countries) and Russia were operating under an informal agreement to limit their production, propping prices up. In early 2020, that agreement fell apart.

That was devastating news to the American shale drillers and the banking institutions that have been funding them. It is much cheaper to extract oil and gas from the ground in the oil fields of Saudi

Arabia and Russia. U.S. drillers already facing shaky economics will not be able to compete, and drillers in Saudi Arabia and Russia have little reason to feel sorry for them.

To give you an idea of how big this problem is, according to Rystad Energy, an analytics firm out of Oslo Norway, the fracking industry has about \$133 billion in debt that is coming due in the next 6 years. According to Reuters, JP Morgan Chase, Wells Fargo, Bank of America, and Citigroup are already setting up companies to seize assets. Essentially, these banks will have to foreclose on entire oil fields. Remember “too big to fail?” Well, now those same institutions will be banks and some of the world’s largest oil companies.

So what does all this mean? Well large companies like Royal Dutch Shell are already jumping ship. This January they sold all their fracking assets in Appalachia to National Fuel Gas Company. The deal included an estimated 350 wells, 450,000 leased acres, and 142 miles of gas gathering pipeline all for a cool \$451 million according to The Oil and Gas Journal. That may sound like a lot of money, but Shell paid 4.7 billion for the same assets in 2010 (Yahoo Finance). That means that, in the last decade, Royal Dutch Shell took 4.7 billion and turned it into 451 million in the Appalachian Basin. An embarrassment

and a costly mistake for a company of any size, but they’re one of the big boys; smaller companies do not have a chance.

Take note, too, that Shell intended to use this infrastructure to feed its \$6 billion ethane cracker still under construction in Beaver County PA. Shell does say that it is still committed to its petrochemical buildout in Appalachia, but it is clearly jettisoning the very thing that would potentially feed it. An interesting decision, the ramifications of which we should all keep our eyes on into the future.

But, for the environment the worries never end... I am reminded of the waning days of the coal industry and mountaintop removal, a period we haven’t escaped from even now. Only a fool would make predictions in times like these, but I can easily see a path toward more uncapped abandoned wells; old, leaky gas lines; leaching dumps poisoning groundwater; toxic blowouts; bailouts; bankruptcies; disappearing pensions, and governments rolling back every shred of regulation and enforcement out of pity for an industry on its deathbed. Just like the coal industry, no one will be left to foot the bill.

The simple fact remains that, as companies go bankrupt, the problems they created do not disappear. So we continue our work fighting for our rights to clean air, drinkable water, and a livable planet. 🍌

Mary, Mary, How Does the Climate Go?

Mary Wildfire describes one of her recent OVEC blog series as:

A long tour through the Wonderland of fake solutions to climate change, ideas designed to splash a coat of green paint on Business As Usual, so that certain private interests can keep getting richer... and so the rest of us need not be bothered with changing our habits or lifestyles.

This won’t do. The crisis we face, a crisis of which climate change is only the most prominent aspect, threatens to turn our world into a terribly impoverished place in which our grandchildren struggle for survival, a world marked by famines, endless conflict over resources, and periodic bouts of plague that our failing systems can no longer contain. And a world where a great deal of biodiversity, the fruit of millions of years of evolution, goes extinct, lost forever—along with many cultures, most of them wiser than the dominant one causing the crises.

It really doesn’t have to be this way... We could

supply all of Earth’s nearly eight billion humans with an adequate and varied diet, a shelter sufficient to provide comfort through the year, safe drinking water and sanitary arrangements, and basic healthcare. In other words, basic needs...

We could transition to a world where everyone has enough to live, one marked by international cooperation but much less international trade. Re-localizing our economies and dethroning corporations are necessary elements of this transition. Necessary to ensuring adequate resources for all is a reduction in the “standard of living” of the richest half or so of humanity, including virtually everyone reading this.

To find out what Mary thinks some of the solutions to climate change are, read her series online and please do comment with your ideas and opinions. Find the series by plugging “Mary Wildfire OVEC” into a search engine. If you are an OVEC member and would like us to consider publishing something on our blog, email us at info@ohvec.org. 🍌

Dear Members, Donors, and Foundations:

Thank You!

To fund our work, OVEC relies on membership dues, donations of all sizes, and foundations. We are profoundly grateful to all of you for your commitment to OVEC!

In this space we'd like to highlight some of the foundations whose generous support makes OVEC's work possible.

One of our newest supporters, the Community Foundation for the Alleghenies, is providing grant funding for our work to slow and stop fracking-related development and the proposed petrochemical

buildout in the region. Other foundations that support this work include: The Schmidt Family Foundation (11th Hour Project), the Rockefeller Family Fund, the Tides Foundation, the Appalachian Stewardship Foundation, the Appalachian Community Fund, and the Dunn Foundation.

The Center on Health and the Environment

recently provided funding for OVEC's staff, board, and members to develop an updated strategic plan around these issues. The Story of Stuff supports outreach and education around petrochemicals and plastics. Support for OVEC's work to promote fair

courts and clean elections is provided by the Piper Fund, a Proteus Fund initiative.

During this pandemic, most of our funders have reached out to make sure we are coping with the crisis, offering support and even providing additional financial assistance.

We are so fortunate to have funders

that truly care about the well-being of both our organization and the people of the region, and we can't thank them enough for making this challenging time easier.

Not only are we profoundly grateful for all the support from these foundations, but also for you—our members, volunteers, and donors. Thank you! 🍁



Like seemingly everyone else, OVEC has had to move staff meetings online. We snapped a screenshot of one of our recent staff calls; left to right, top row: Maryanne Graham, Sarah Carballo, Tonya Adkins; middle row: Dustin White, Alex Cole, Robin Blakeman; bottom row: Vivian Stockman, organizational consultant Anne Lieberman. Anne is working with us for six months, interviewing volunteers, board members, and staff, reading our ethnography, policies and other documents, and helping us to examine any organizational challenges to make certain we are in the best shape we can be in as we stride into OVEC's next decade of work. Anne's work with us is supported by the Funder Collaborative on Oil and Gas, which is housed at the Rockefeller Family Fund.

Join or Renew at No Cost to You

OVEC knows that many people are experiencing financial stress due to COVID-19-related layoffs. That's why we are offering to waive your annual membership dues. Although OVEC depends on membership dues to help support the work we do, we don't want to have dues standing in the way of your membership. If you need to, take advantage of the membership-dues waiver. Your membership is extremely valuable to us: We know there is power in numbers! Join or renew online at ohvec.org.

White People Facing Race in America

Our world is in a state of tumult as the COVID-19 pandemic rages on, alongside systemic racism. While what we are witnessing has been going on in various forms for centuries, videos recorded on cell phones have been helping to expose—to those of us who before have refused to see it—the daily assaults white supremacy culture perpetrates upon Black people, as well as Indigenous, Brown, Asian, and LGBTQ+ people.

Some of the most prominent recent manifestations of white supremacy include police in Louisville killing Breonna Taylor in her bed and police in Minneapolis murdering George Floyd in broad daylight, one police officer kneeling calmly on his neck for nearly nine minutes, while others assisted and watched as Mr. Floyd said repeatedly, “I can’t breathe.”

The callous, casual murder of George Floyd by police officers who likely felt the system would protect them from prosecution became a catalyst for protests (including here in Huntington) that only continue to build, thanks to the long-term ground work laid by the Black Lives Matter movement, Color of Change, the NAACP, and other Black-led groups.

For many White people there seems to be an awakening (well, yet another reminder!) that merely thinking we are not racists is not enough. Here’s an excellent compilation of anti-racism resources for White people: bit.ly/ANTIRACISMRESOURCES

OVEC has been attempting to carry out anti-racism work since our early days. We know that change requires self-examination, so reading and discussion on topics of white privilege and white supremacy, and taking and offering anti-racism workshops have been part of our work.

Early on, we learned that we just couldn’t invite people of color to work on “our” issues. We began to be intentional in reaching out to people of color communities—like our work with Reverend Louis Coleman’s group, the Louisville Justice Resource Center in Louisville, KY.

As a result of working that work to promote environmental justice, OVEC organizer Laura Forman and Patricia Davis, a Kenova resident and OVEC member, received a Martin Luther King, Jr. Award by the Louisville Justice Resource Center.

Laura was also central in helping to begin OVEC’s long-standing relationship with the Huntington-Cabell NAACP. One of our first events together, along with the Commission on Religion in Appalachia, was a one-day anti-racism training, required for all staff: “The Race is on to Dismantle Racism.” Current events remind us that race is far from finished.



Laura also attended the first ever “environmental justice” public meeting held by the federal government at Clark Atlantic University’s Environmental Justice Resource Center. The meeting addressed growing concerns that poor communities, especially communities of color, are more polluted than others. To this day, communities populated by people of color and low-

income folks are the communities at greatest risk from pollution. This is where polluting industries tend to locate themselves, this is where politicians and agencies grant permits and ignore permit violations: an example of structural racism in action.

One reason many politicians make it easy for polluting industries to locate in communities already facing structural disadvantages is that the politicians’ campaigns receive corporate donations.

That’s why OVEC helped form West Virginia Citizens for Clean Elections (WVCCE; see related stories on page 6), with our work focused on fair and impartial courts, more diversity on the bench, voting rights, and pro-democracy reforms, all work clearly important in trying to eliminate racist policies and institutions.

The nationwide protests in the streets right now are showing so many people and organizations, including OVEC, that we have to do much better. And the mass demonstrations are showing us yet again that we, the people, have the power to bring about the change we so desperately need. 🍌

DEP and Coal Bonds

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industry.

Cindy writes:

...Even then there were concerns about the adequacy of the proposed system for setting bonds for mining operations so that the state wouldn't be stuck with no money to reclaim sites if/when a company went bankrupt or just up and left an operation before completing the job...

Early predictions of inadequate bonding mechanisms were validated over and over again as the cost of land and water reclamation soared with every new mine.

We appealed to OSM, to state and local appeal boards, and to the courts. There were programmatic challenges to the state and appeals to the federal Office of Surface Mining, congressional hearings, and litigation against individual mines and mine operators—and always public actions to educate and involve individuals and communities and sympathetic legislators...

As many times as the claims by the Conservancy and others about the inadequacy of the bonding program have been verified and remedies ordered by the courts and required by law, the response has never strayed far from the minimum needed to quell the current uprising and neutralize the opposition—a penny here, a penny more there.

One tweak after another, one diversion after another. And always nothing left to do but to live to fight another day, and another...

One of those fights involved litigation that eventually caused WVDEP, in March, to admit in court filings, as Sierra Club attorney Peter Morgan writes in an April 17 blog, that “allowing a single mine operator to liquidate and abandon its mines could bankrupt one of the state’s primary surety bond providers and would exhaust the state’s emergency



‘Special Reclamation Fund’ (SRF) for mine cleanup. The state now considers the SRF to be dramatically underfunded and unable to carry out its purpose of covering the costs of coal mine reclamation.”

That admission showed that WVDEP was failing to comply with another

provision of SMCRA. That provision requires state regulators to notify the Director of the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) if any significant changes in funding or budgeting for the reclamation fund were to affect the implementation, administration, or enforcement of the state-approved programs.

In March, when WVDEP made that admission in court, it had not notified the feds of the precarious state of the SRF. Adding insult to injury, those court statements blatantly conflict with a report the department published in February, only a month earlier. The Special Reclamation Fund Advisory Council Report recommended no changes to the tax that financially supports the fund and stated multiple times that the SRF would be financially sound and solvent through the year 2039.

It appears that either the SRF Advisory Council was badly misinformed or it intentionally misinformed the public, perhaps to protect the coal industry. Either way, it is clear that the WVDEP is out of compliance with federal law and the SRF is inadequate to clean up the mess the coal industry leaves behind.

So, once again, we head to court to remind the WVDEP that the “Protection” part of its name does not apply to coal companies, but rather to the environment and the people whose health depends on environmental protection. 🍓

**RE: NOTICE OF INTENT TO SUE FOR FAILURE TO PERFORM
NONDISCRETIONARY DUTY PURSUANT TO SMCRA REGULATION 30
C.F.R. § 732.17(b)**

Dear Mr. Caperton |

The Ohio Valley Environmental Coalition, West Virginia Highlands Conservancy, and Sierra Club (“Citizen Groups”) hereby notify you that they intend to sue you, in your official capacity as Secretary of the West Virginia Department of Environmental Protection (“WVDEP”).



Judge Says Our Lawsuit Against Justice Family Coal Company Can Proceed

On June 3, we received good legal news. A federal judge denied Bluestone Coal Corporation's motion to dismiss our lawsuit over repeated selenium pollution at its Red Fox Surface Mine in McDowell County, a coal company owned by the family of WV Governor Jim Justice.



Bluestone sought to dismiss our lawsuit, because it said it was being monitored by federal regulators under this agreement.

But U.S. District Court Judge David Faber disagreed. He issued a 29-page ruling in which he noted that the company

“continues to be in consistent noncompliance with the terms of its selenium permits, despite facing these general penalties for violations and repeat violations.”

Now that our lawsuit can proceed, our attorneys calculate that the maximum civil penalty under the Clean Water Act for the company's violations could surpass \$160 million.

OVEC Executive Director Vivian Stockman was quoted in the Public Radio story: “The opinion underscores why it is so important to maintain fair and impartial courts as an independent branch of government. Not even our billionaire governor is above the law, and his businesses must be held accountable for polluting our waters.” 🍌

In August of 2019, OVEC, WV Highlands Conservancy, Appalachian Voices, and the Sierra Club sued Bluestone under the citizen lawsuit provision of the Clean Water Act. We are represented by attorneys with the Appalachian Mountain Advocates.

WV Public Radio reported on the decision, “Between 2009 and 2014, 27 Justice coal companies accumulated more than 23,000 water pollution violations at mines in West Virginia, Virginia, Tennessee, Kentucky, and Alabama. The companies reached a settlement deal with the Environmental Protection Agency that included a \$900,000 civil penalty and an agreement to implement an estimated \$5 million in pollution control measures.”

Study: MTR Harms Ecosystem Long After Mine Closure

Excerpt from an April 13 E&E News article by James Marshall. See bit.ly/3fkyF6R

Water pollution from long-closed Appalachian mountaintop-removal coal mines may endanger birds, fish, and salamanders, according to a new study.

Previous research has found that aquatic insects can transfer contaminants to land animals. But a new study by researchers at Duke University is the first to determine that the extent of mountaintop-removal coal mining correlates with selenium concentrations in spiders that prey on aquatic insects.

Adult aquatic insects in streams affected by mining in Lincoln County, WV, had selenium levels five times greater than those in unaffected streams. The concentrations in spiders were about three times greater. Both figures are among the highest ever recorded.

“What's important about the concentrations that we measured is that selenium concentrations in both insects and riparian spiders that eat them from mining-impacted sites exceeded dietary risk thresholds for birds,” says a co-author of the study.



Image of Hobet 21 complex by Vivian Stockman

The Duke researchers sampled 23 streams near the Mud River watershed and the Hobet 21 mine in southern West Virginia over a two-year period. (*Ed. note: OVEC originally connected Duke researchers with landowners in this area years ago.*) 🍌

Legal Victory!

Trump Admin Forced to Review Coal-Mining Threats to Endangered Species Nationwide

Since May of 2019, the attorneys with Appalachian Mountain Advocates have represented OVEC, WV Highlands Conservancy, and the Sierra Club, in cooperation with the Center for Biological Diversity, in a legal challenge against the Office of Surface Mining Reclamation and Enforcement (OSM).

OSM has a legal obligation to ensure that mining does not jeopardize endangered species. OSM had been using a biological opinion from 1996 to guide its decision making around this duty.

OSM disclaimed the 1996 opinion in the course of the Obama administration's adoption of the stream-protection rule, and committed to develop a new opinion. But when that rule was blocked by Congress, the old opinion was reinstated by the Trump administration. That led to our legal challenge.

Fast forward to May of 2020, when, in response to the lawsuit we filed, OSM agreed to a hard deadline of October 16 to conclude its consultation with the U.S. Fish and Wildlife Service, the process by which OSM is to review the impacts of coal mining across the country on endangered species in order to ensure their survival is not being jeopardized.



Thankfully, the red eft is not on the endangered species list. But, like endangered species—and you and me—this little critter would benefit from better enforcement of pollution regulations.

The agreement requires a new national biological opinion. The agencies also commit to adopt specific new guidance to prevent harm to the endangered Guyandotte River crayfish in West Virginia, which is on the brink of extinction due primarily to pollution from coal mining.

The agreement may help to secure new protections for species nationwide that are in peril. This is a win for all kinds of species, including humans. Greater protection from pollution to protect endangered species means better protection for the

rest of us who also drink water and breathe air.

Numerous scientific studies have linked coal mining to declines in birds (see a related story on page 13), fish, salamanders, crayfish, insects and freshwater mussels.

Mining also threatens nearby communities with air and water pollution and an increased risk of flooding.

More than two-dozen peer-reviewed scientific studies link mining pollution in Appalachia to health problems, including increased risk of cancer, cardiovascular disease, and birth defects. 🍷

Defend Our Water

OVEC's work with the ORSANCO Watershed Organizations Advisory Committee (WOAC) continues, thanks to volunteer Randi Pokladnik and staff member Robin Blakeman.

Working with WV Rivers Coalition's Angie Rosser, they created factsheets on the proposed Appalachian Storage Hub/petrochemical complex and micro-plastics pollution for ORSANCO's first meeting of 2020.

As this newsletter goes to press, the June ORSANCO meeting is underway virtually. Our team

is presenting information on three oil and gas waste barging facilities proposed for the Ohio River (see related story on page 4).

We also continue to lead the Tri-State Water Defense group. For now, meetings take place over the phone. Our next steps may include hosting a water-themed "shorts" film festival this fall.

If you are a resident of the KY-OH-WV tri-state area, we'd love to have you join the efforts. To get involved, contact Robin Blakeman at 304-522-0246 or robin@ohvec.org. 🍷

Ready, Set, Fundraise!

by Janet Keating, retired executive director of OVEC

What if there were an easy way to raise money for OVEC—one that allows you to ask while practicing “physical distancing” and is highly likely to be successful. Well, I’m here to tell you that such a way exists, and it’s easy and gratifying!

Facebook, like most social media, has its flaws, but one service that they provide is allowing people to set up a birthday fundraiser (and other fundraisers, too). It’s really simple: OVEC already has a Facebook account with a good nuts and bolts description of why people should support this great group.

The steps are simple. First, set a goal. My goal was to reach \$2,000 in a three-week period. Then, invite Facebook friends of your choice to donate online. I made the first donation, which only makes sense—“putting my money where my mouth is,” so to speak.

In general, when the appeal first pops up on a person’s Facebook newsfeed, they can either donate on the spot or go back later. A person can donate either through PayPal or a credit/debit card. Because not everyone is comfortable with online giving, I also let folks know that if they wanted to send a check directly to OVEC, that would be great!

Finally, thank your donors right away (easy via Facebook).

I found myself checking every day to see how much money had been raised and who had given.

After the first week of the birthday fundraiser, I updated the appeal to let my friends know how close we were to reaching the goal. When providing an update, you can choose to post a brief narrative, a video, or a photo. That function provides an opportunity to make another pitch.

As the date for ending the fundraiser approached, and I wanted to encourage more people to donate, I decided to match donations up to a limited amount, something that I could do on the spot. For example, when someone donated \$15, I would immediately donate another \$15. I was amazed at how quickly some folks responded, knowing their gift was doubled.

A few other friends shared my original post with their Facebook friends, which gave my appeal a



whole new audience. That, too, made a difference. People who were not my Facebook friends gave because someone they knew had shared my post. Pretty cool.

Did I reach my goal of \$2,000? Almost! With a few checks mailed to the office and all the online donations, the total raised for OVEC was \$1,940—just \$60 short.

Editor’s note: Thank you, Janet, for remembering OVEC on your birthday. Thanks to Connie Sayles, too, who also recently threw a birthday fundraiser for OVEC. If anyone else has done so recently, thank you, as well. Facebook doesn’t tell us who is doing the fundraising, so unless we hear from you or see it on your page, we don’t know who is helping us out this way. Let us know, so we can thank you! 🍪

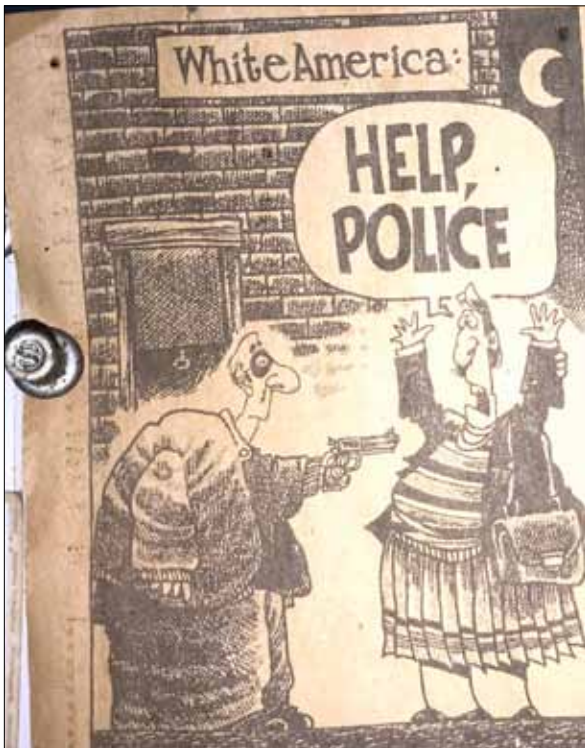
Have you thought about your legacy? Are you looking for a long-term way to make a meaningful difference in the movement to build a cleaner energy future?

Please consider making a planned gift to OVEC today. Planned giving options include:

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

Tax benefits apply to each of these options.

Please contact your attorney or a financial advisor for more info, or go to lalwv.org.



“The beauty of anti-racism is that you don’t have to pretend to be free of racism to be an anti-racist. Anti-racism is the commitment to fight racism wherever you find it, including in yourself. And it’s the only way forward.”

— Ijeoma Oluo

This editorial cartoon on an OVEC bulletin board is yellowed with age. We’ve been here so many times before, in one form or another for more than 400 years. This time, we seem poised to take another major step forward. We have different tools at hand, for instance, smart phones—as Will Smith says, “Racism is not getting worse, it’s getting filmed.”

This time, perhaps, many more white people are developing different attitudes, ready to do much better and understanding now what Angela Davis says: “In a racist society it is not enough to be non-racist, we must be anti-racist.”

