



"E"-NOTES

the newsletter of the
Ohio Valley Environmental Coalition
Huntington, WV www.ohvec.org

Backstreet Boy Spotlights Mountain Massacre

by Dave Cooper

By train, by plane, by bus and by car, coalfield residents and activists made the long journey to Washington, DC, twice recently to focus national attention on coal companies' massacre of our mountains - and our message went around the world.

For our first trip, May 14-15, OVEC chartered a bus from Charleston, WV, to DC. We spent a day meeting with congressional staffers to discuss the negative impacts of the Bush administration's re-write of the definition of "fill," a rule within the Clean Water Act.

Over 45 folks, members of OVEC and other groups, joined forces with national environmental groups (see list below). We visited 31 Senators and Representatives to explain how mountaintop removal/valley fill strip mining is devastating Appalachian communities.

We asked for support of a bill introduced by Reps. Frank Pallone (D-NJ) and Chris Shays, (R-CT). Their bipartisan bill, HR 4863, the Pallone-Shays "Clean



The press mobbed Backstreet Boy Kevin Richardson after his testimony. From Alaska to Australia, news of mountaintop removal went around the world on June 7.



A large group of citizens is briefed by OVEC's Dave Cooper before heading out to lobby Congress.

Water Protection Act," re-instates the rule that Bush gutted from the Act, the one that restricts mountaintop removal mining waste from being dumped in streams.

Our final goal that day was to ask for the Senate Environment and Public Works Committee to hold a public hearing on the Bush "fill" rule definition.

We split into five groups of 10, rushing from appointment to appointment in the maze of DC congressional offices. Most of the staff and members of Congress we met were sympathetic to our concerns and promised to sign

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Male Suspect Seen Entering OVEC Office ... Or is That Suspect Male Seen Entering OVEC Office?

by Viv Stockwench

Our full-time staffers have all been women, causing some to speculate that OVEC stood for the Ohio Valley Estrogen Coalition. Though, of course, many excellent men (no doubt all in touch with their feminine side) have been involved with OVEC from our nascent moments.

Call us what you will, the “E” in OVEC can no longer stand for Estrogen. We done hired a man as OVEC’s new full-time organizer. Yup, gone are the days when, deep in contemplation, we could fling open the office bathroom door and scream out, “Hey, I’ve got a great idea!”

But we are not kvetching over that one little lost liberty (anyway, what’s that compared to the PATRIOT Act?), instead we are rejoicing in our new organizer, Dave Cooper. Dave fills the vacancy left by Laura Forman’s heartbreaking death.

I don’t envy Dave, stepping into the job held by a much beloved and effective organizer, whose death at a stop-mountaintop-removal protest, some say, makes her a martyr.

Filling her position takes courage. But apparently Dave doesn’t see it that way. He says this is the job he’s been working towards all his life.

The first day of his new OVEC life began before 9 a.m. on May 1, when Dave learned that his debut task would be to organize a bus trip to Washington, DC (see related article). Your basic baptism by fire, especially when you consider I left town for a week (without phone or e-mail!) and Janet and Dianne both were already super busy on other tasks.

Dave pulled it off like he’d been organizing all his life. Indeed, like all the OVEC staff, Dave was an

unpaid activist for years before finally getting a paid position (or should I say before accepting a massive pay cut by leaving behind his other job). He’s a long-time member of OVEC, as I learned when I cleaned out some of Laura’s files before Dave moved into her former office. In her files, I found notes from Dave to OVEC dating back to at least 1994 – he’d jot down an excellent suggestion or send a sweet “you-go-girls.”



Dave Cooper, OVEC's new organizer extraordinaire, in a rare moment of inactivity. *photo by Janet Fout*

Dave hails most recently from Lexington, Ky., where he was a mechanical engineer at 3M and a member of the Sierra Club and Kentuckians For The Commonwealth. He often traveled to OVEC protests and he filed several reports from the scene of the coal sludge disaster in Martin County, Ky. He served as president of a neighborhood association, working to rebuild a park, create community gardens and generally spruce up his neighborhood.

Dave’s outspoken activism was perfect training for his future OVEC job. He regularly attended Lexington City Council meetings, fighting a boondoggle \$100 million water supply pipeline project proposed by the privately owned waterworks. He founded and was elected president of a citizen group, NOPE (Neighbors

Opposing Pipeline Extravagance), fighting the pipeline. NOPE stopped the pipeline!

OVEC is so lucky to have landed Dave with all his activism experience. We’ve got to admit that his engineering capabilities will come in handy, too. We do so need some shelves in the office. Plus, you just never know when you’ll need an engineer. At a recent meeting, I was writing people’s suggestions on one of those easel-sized notepads – one coincidentally made by 3M. I struggled to get a filled-up sheet flipped over so I could

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"On the Road to Clean Elections" Debuts in West Virginia

by Janet Fout

On June 9, a key West Virginia legislative subcommittee heard testimony from Citizens for Clean Elections, a new coalition of groups that support the West Virginia Clean Elections Act. Afterwards everyone watched "On the Road to Clean Elections," a video narrated by journalist Bill Moyers, highlighting the success of Clean Elections in Maine and Arizona.

West Virginia's Clean Elections bill, introduced into both houses of the legislature in 2002, allows a candidate for the legislature or governor's race to choose voluntary, public financing for his/her campaign. Speaking on behalf

of the WV Clean Elections Act was Si Galperin, a board member of Common Cause West Virginia; Bob McDonald, current president of Common Cause WV; Carol Warren, a representative of the Wheeling Catholic Diocese; and Janet Fout, current coordinator of Citizens for Clean Elections.



The West Virginia Clean Elections Act is modeled after bills enacted in Maine, Arizona, Massachusetts and Vermont. Aimed at trying to stem the tide of special interest contributions to lawmakers and to reduce overall the amount of money it takes to run a political campaign, a person who opts to run as a Clean Elections candidate agrees to spending limits and pledges to take no contributions from outside sources, including personal financing.

Here's how it works. Instead of collecting a few large contributions from big special interests, a candidate must collect within a designated time period numerous \$5 contributions from voters living in his/her district in order to

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What's in a Name? Momentary Fame for You, if You're the Winner

"E-Notes" was a great name when E stood for Environment. Now E seems to mean Electronic. Hence, a contest to change our newsletter's name. Please send your suggestions to vivian@ohvec.org by the end of July. If we choose your entry for our new name, you'll win an OVEC 2002 Treehuggers' Ball T-shirt. The T-shirt features artwork by Joe Lung and a quote from Laura Forman. If we have multiple entries for the same winning newsletter name, the first person to submit that name will be the winner. So start getting creative, and good luck!

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New Organizer

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write on a fresh page. The paper kept sticking at the top of the pad. I whispered something to Dave about lousy 3M products and he whispered back that it was a giant sticky note – I was supposed to tear the sheet off and stick it on the wall. Oh, right, of course, I knew that. We later found out he helped design that particular easel and pad system.

Janet too has been impressed with Dave's skills. Apparently his organizing ability goes beyond people to office files, piles, drawers and cabinets. She came into the office one morning, opened up the cabinet where we keep coffee and tea and other stuff. She looked inside, stepped back and took a deep breath, shocked. You could actually see the entire selection of tea available and could find the coffee filters without digging. Now we will really be caffeine achievers.

Dave's looking forward to meeting OVEC members. He's already thinking about what our next campaigns will be, once we stop mountaintop removal and establish a clean elections system in the state. Welcome aboard Dave!

Washington Trips

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on to the bill. Several were deeply moved by the coalfield residents' tales of flooding and other mountaintop removal-related destruction in southern West Virginia and eastern Kentucky, and promised to do all they could to help.

Others were less helpful. As usual, Sens. Byrd (D-WV), McConnell (R-KY) and Bunning (R-KY) were indifferent to the plight and concerns of coalfield citizens. Stories and images of flooding and destruction fell on deaf ears.

At the end of the day, a huge group jammed into the office of Rep. Nick Joe Rahall (D-WV) to hear him stonewall and daydream about the economic development that can come with the flat, barren wastelands left by mountaintop removal. Much of the time he let aide Jim Zoia, Democratic chief of staff of the Resources Committee, do the talking. The meeting was a letdown to an otherwise optimistic and productive day. Rahall did give us a copy of a strongly-worded "enough is enough" letter addressed to the OSM and MSHA, complaining about



Robert Kennedy Jr. opens our June 6 DC press conference on mountaintop removal and valley fills. Kennedy repeatedly emphasizes that many aspects of mountaintop removal are illegal.

slurry spills in the Big Sandy River, but his statement on valley fills completely ignored environmental impacts of mountaintop removal and showed little long-range vision.

"What is the future of southern West Virginia? What is Welch going to look like 20 years from now?" OVEC members asked. We got no answer. It gave us all something to think about as the bus rolled into Charleston that night at about 2:30 a.m.

About a week after we got back from the bus trip we got the good news: Sens. Jim Jeffords (I-VT), the ex-Republican who single-handedly gave the Democrats control of the Senate when he defected last year, and Joe Lieberman (D-CT), had called hearings for June 6 on the legality of valley fills, and would invite expert testimony on the subject. Happily, Waterkeeper Alliance President Robert Kennedy Jr. and musician Kevin Richardson of the Backstreet Boys agreed to appear at a press conference following the hearings, virtually ensuring a large media turnout!

At the June 6 standing-room-only congressional hearing, Sens. Jeffords, Lieberman, Tom Carper (D-DE), John Corzine (D-NJ), and Hillary Clinton (D-NY) listened intently to expert testimony from University of Georgia entomologist J. Bruce Wallace, who explained how the organic matter found in headwater streams is vital to river ecology, and Joan Mulhern of Earthjustice, who detailed

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Be Sure to Send a Note of "Thanks!" to Judge Haden

Please take a moment to thank Judge Charles Haden for his courage in upholding the Clean Water Act by blocking the U.S. Army Corps of Engineers from permitting most valley fills at mountaintop removal operations.

If you need background information to help write your letter, see Ken Ward's article "Judge blocks new valley fills" at www.wvgazette.com/news/News/2002050838/.

You can e-mail Judge Haden at Judge_Haden@wvsd.uscourts.gov, or send a note to:

**Chief U.S. District Judge
Charles H. Haden II
Southern District of West Virginia
300 Virginia St.
Charleston, WV 25301**

Washington Trips

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the enormous, nationwide environmental devastation that will result from the Bush administration's gutting of the Clean Water Act.

Last to speak was Kevin Richardson of the Backstreet Boys. Sen. Lieberman had invited Richardson to testify, but a controversy had been brewing over Richardson's qualifications to testify at the hearing.

As many people know, in 2000 Richardson, a native of Estill County, Ky., formed the Just Within Reach Foundation to aid environmental causes in Appalachia. Flyovers of eastern Kentucky and West Virginia coalfields have further committed him to the cause. On his most recent flyover with Kennedy following the christening of the Kentucky Riverkeeper office, the Big Sandy River just happened to be running black (again) from a coal waste impoundment failure in Gary, WV.

But apparently Sen. George Voinovich (R-OH) wasn't impressed. "It's just a joke to think that this witness can provide members of the United States Senate on important geological and water quality issues," he said before the hearings. So instead of attending and listening to all the expert scientific and legal testimony, Voinovich and other Republicans on the Committee chose to boycott the hearing, a gaffe which brought far more media coverage – from Alaska to Australia – of the hearings than if they had just sat quietly through it. (To see just some of the coverage visit the OVEC web site, www.ohvec.org, and go to the news archive section. To watch the entire hearing, check out our People In Action web page for June 6.)

Earth to Sen. Voinovich: Is dissing a celebrity with 10 million fans really a good public relations move? Is walking out of a scientific hearing the best way to learn more about a subject? Do any of your constituents drink water



The crowd at the press conference listens as Kevin Richardson of the pop rock group Backstreet Boys vows to help us end mountaintop removal/valley fill strip mining.

from the Ohio River that was contaminated by mountaintop removal slurry spills?

Richardson wowed the audience with the depth of his knowledge on the issue and the conviction of his testimony. Sen. Lieberman stated that Richardson had vindicated him. Meanwhile, Voinovich was flayed by Backstreet Boys' fans and grilled by the media for his

head-in-the-sand routine.

At a press conference following the hearings, coalfield residents and Coal River Mountain Watch members Julia Bonds, Pauline Canterbury and Freda Williams spoke, along with OVEC's Larry Gibson, plus Kentuckians For The Commonwealth's Teri Blanton and Lucious Thompson, and Nina and Mickey McCoy of Inez, *continued on page 6*



Senator Hillary Clinton (D-NY, in the background) promised to accompany Kevin Richardson on a flyover of mountaintop removal operations.

Washington Trips

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Ky., site of the 300-million-gallon sludge spill from Kentucky's largest mountaintop removal mine.

Thompson, a retired coal miner, brought pictures of his house's cracked foundation and a valley fill that looms over his community. "They're destroying our land and homes," he said, as filmmaker Bob Gate's videotape of valley fills rolled next to the podium.

Pauline Canterberry explained how mountaintop removal had caused a 90 percent devaluation of her home

Looks Like We Made An Impression!

Editors Note: Below is a copy of a note on our May DC visit from Earthjustice senior lawyer Joan Mulhern to OVEC co-director Dianne Bady:

I have already heard from several of the Congressional offices you visited that they want to do anything they can to help. Two staff people told me they cried after their meetings, after hearing about the devastation to the communities and the environment that the groups told them about. You all had a huge effect on the Hill.

Please know that this trip made a HUGE impression on the people that you met with and created a buzz on the Hill. I concur with you that the trip was a success. It also came at a critical time. This puts these issues in so much of a better position if an effort is made in Congress to weaken the laws for the coal companies. This is very important. I hope you let everyone who made the trip know that their efforts had a big effect in DC. Many, many people on the Hill knew that you were here, not just those (many) that you met with. That is a huge help for our efforts in DC to save the laws that are supposed to protect you.

Personally, it was such a pleasure for me to see some of the people I have met before and to meet many people I had not met before but heard so much about. Every person's involvement in the effort to enforce environmental laws is so important, it was inspiring.



in Sylvester. "I've got two inches of coal dust in my attic," she said. "It's a fire hazard – it's a human health hazard!"

All in all, June 6 was a fabulous day, with mountaintop removal receiving international scrutiny! OVEC staff and volunteers worked extra hard to make this day a success, as did KFTC and Earthjustice, Friends of the Earth and Natural Resources Defense Council. A huge thank you to these groups!

Other groups that sponsored the press conference included the Appalachian Center on the Economy and the Environment, Citizens Coal Council, Coal River Mountain Watch, Kentucky Riverkeeper, Wets Virginia Highlands Conservancy, Waterkeeper Alliance and West Virginia Rivers Coalition.

Our May 14-15 visit to DC really solidified this local-national coalition of organizations.

Our June 6 DC visit has super-charged the movement to stop the illegal devastation of the Appalachian coalfields.

Together, we *will* end mountaintop removal.

THANKS to Our Many, Many Treehugger's Ball Supporters!

Thanks to all the following folks and businesses that donated raffle items for OVEC's Treehugger's Ball at the Calamity Cafe in Huntington. We raised over \$2,000! Please show your appreciation by patronizing these businesses or thanking the individuals:

Calamity Cafe

Stonecrest Animal Center

Scent From Heaven

Old Village Roaster

Wolf Creek Printery

Lavalette Nursery

Capitol Promotions

Central City Café

Denise Poole

Charlie Hamilton

Clarice Kumlien

Bob Henry Baber

Mary Ellen O'Farrell

Sheila Henning

Vivian Stockman

Paul Justice

Joe Lung



Clean Elections

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qualify for public funding. These “qualifying contributions,” as they are called, indicate a good base of grassroots support for the candidate’s race.

Once a person qualifies as a Clean Elections candidate, he/she is allotted a set amount of money to run the campaign. If a Clean Elections candidate is outspent by a non-participating candidate, the Clean Elections candidate can receive up to 200 percent of the original funding to help level the playing field.

Maine and Arizona became the first two states to implement this system in the 2000 election. The system won the praise of incumbents and challengers, Democrats and Republicans. Over 170 candidates opted into this system and it was a clear success in its first year of operation. Clean Election reform has:

- W Increased electoral competition and voter choice;
- X Freed candidates from fundraising and allowed them to run more issue oriented campaigns;
- X Achieved greater financial equality among candidates;
- X Helped reduce the influence of special interests in government decision-making.

Let’s face it. We’re getting less democracy for more money. The skyrocketing cost of campaigns pushes candidates into a money chase. During the 2000 election in West Virginia, most contributions came from less than one-half of 1 percent of the population. Voters are turned off and many qualified candidates are excluded by lack of funds. Candidates spend too much time raising money and not enough time with voters.

We all know that there is no such thing as a “free lunch” or in this case, a free campaign. So, one question that always arises is, How much will public financing cost?

The cost of running the Clean Elections system in states that have passed similar campaign reform is less than \$1 per state resident. Remember, the current system of campaign financing is not “free” to state taxpayers. For example, virtually every legislative session, lawmakers pass new tax breaks for Coal. Citizen taxpayers then must foot the bill for these lost tax dollars. Many people believe these tax breaks for Coal are a payback for Coal’s generous campaign contributions.

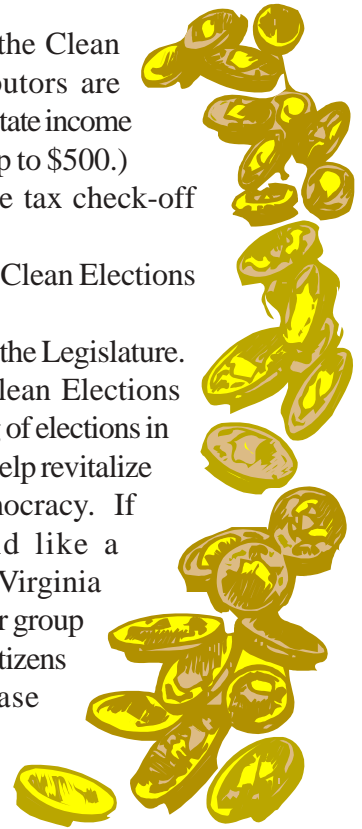
The West Virginia Clean Elections Act, as currently written suggests the following ways to help finance Clean Elections campaigns:

- ♣ All \$5 qualifying contributions.
- ⊕ Fines levied for violation of election laws.

- ☺ Voluntary donations to the Clean Elections Fund. (Contributors are eligible for a dollar per dollar state income tax credit for donations of up to \$500.)
- ♣ Revenue from a \$3 state tax check-off program.
- ♣ Interest generated by the Clean Elections Fund.
- ☺ Other sources decided by the Legislature.

The Citizens for Clean Elections believes that public financing of elections in West Virginia is one way to help revitalize and restore faith in our democracy. If your organization would like a presentation on the West Virginia Clean Elections Act or if your group would like to belong to the Citizens for Clean Elections, please contact:

Citizens for Clean Elections,
P.O. Box 6753, Huntington,
WV 25773-6753 or call
304-522-0246 for more information.



Think Pollution Isn't Costing You? Bzzzzzzzzzzzzzztttt - Wrong!

Childhood diseases of environmental origin cost Americans \$54.9 billion annually, according to a new study by scientists at Mount Sinai School of Medicine in New York, released today in *Environmental Health Perspectives* (www.ehponline.org), the journal of the National Institute of Environmental Health Sciences.

The total, 2.8 percent of all U.S. healthcare costs, is more than Americans spend on military research, veterans' benefits and health care costs of stroke.

The Mount Sinai study, the first to assess the costs of pediatric disease of toxic environmental origin, measured the contribution of environmental pollutants to the incidence, prevalence, mortality and costs of pediatric disease in American children.

"The findings confirm our view that disease of environmental origin cause not only great misery but pose large costs on American children and their families," said Dr. Philip Landrigan, a leading researcher in children's health and head of the Center for Children's Health and the Environment at the Mount Sinai School of Medicine.

OVEC in ACTION - A Few of the

It makes us dizzy to recall everything we've done since our last newsletter came out in February. Below, in words and pictures, we'll try to bring you up to date on just some of the actions taken by OVEC volunteers and staffers. You can also visit the People in Action Photo Gallery and the Action Alert pages of the OVEC website (www.ohvec.org) for more detailed information.

Feb. 14 - Stop Overweight Coal Trucks Rally on the Capitol steps



During the 2002 legislative session, overweight coal trucks were a hot topic. Coal companies and coal haulers have been flagrantly running overweight coal trucks for years, causing all-too-common fatal accidents and pummeling our infrastructure.

On Valentine's Day, hundreds of coalfield residents, union members, environmentalists, law enforcement officers, and lawmakers gathered on the steps of the Capitol to rally in support of upholding current laws.

Another rally followed on March 1

Despite the pressure, lawmakers failed to do anything to stop illegally overloaded coal trucks from crushing people and pavement. The Governor did call for a task force and nine public meetings, which coalfield residents attended, despite rumblings that the outcome may be rigged. The legislature is expected to deal with the issue during a special session in July.

Feb. 18 - OVEC's new website goes live

We've received lots of praise on our new website and have heard from many of you who have made the site

your home page so you can check the environmental news we post daily. Many thanks to Don Alexander of Spectrum Web Design, aka the OVEC Web Lackey, for designing the site, with some help from OVEC staffers.

Feb. 22 - E-Day!

The West Virginia Environmental Council's celebration of the Environment at the state capitol saw Laura Forman posthumously receive the WV Environmental Council's highest award, the Mother Jones Award. Janet Fout presented the award and Mike, Laura's husband accepted it on her behalf, while urging everyone present to carry on the cause in her memory.



Mike Forman

Feb. 26 - 30th Anniversary of Buffalo Creek

OVEC, SAFE (Student Activism for the Environment), MAPS (Marshall Action for Peaceful Solutions) and the Oral History of Appalachia department presented two Appalshop films "*The Buffalo Creek Flood: An Act of Man*" and "*Buffalo Creek Revisited*."

Survivors of the disaster came to the emotional event. One woman who was 11 when the coal dam broke, drowning 125 people, said "I put down my toys that day. I haven't played since. I was robbed of my childhood."

March 15 - Kick-Off Rally for Black Lung Widow's March



Linda Chapman dons her shoes

OVEC was a co-sponsor of Black Lung widow Linda Chapman's long walk from Charleston to Washington, DC. Widows of miners who die from Black Lung face all sorts of obstacles in getting the benefits due them.

Chapman walked to DC to raise awareness of their plight and demand change.

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Things We've Been Up To Lately

March 20 - National Call-In Day on Valley Fills

We joined with many other state and national groups in asking our members to call both the US Environmental Protection Agency and the Whitehouse's Council on Environmental Quality to tell them not to gut the Clean Water Act by changing the definition of "fill." The Bush administration planned to change the definition and thereby legalize illegal valley fills. The call-in day was a huge success - even though the EPA shunted our calls around.

Because the EPA did try to dodge some of our calls, we decided to have a second call-in day on April 3. An EPA official told a national environmental group that the agency received hundreds of calls both days. They got our message, but it would seem coal industry campaign contributors are more important to the Bush administration than the health and well-being of coalfield residents.

March 22 - 13th Annual Treehuggers Ball

All work and no play makes for dull tree huggers, so each year we hold our Treehuggers Ball as a fun(d)raiser. Folks look forward to the great music, which this year included Dave Peyton's band 1937 Flood and, as always the mostly-husbands-of-OVEC band, with their latest unprintable name. This years T-shirts were hot sellers, featuring our new logo as designed by ceramic artist Joe Lung (another almost-husband-of-OVEC) and a quote by Laura Forman, "West Virginia is truly ALMOST HEAVEN. She has given so much to my life. How could I not try to help save her?"

March 28 - College kids learn True Costs of Coal

Representing OVEC, hydrogeologist Rick Eades spoke to visiting MIT and Northwestern college students about the hidden socioeconomic costs of coal.

April 1 - Protesting Valley Fills at the Army Corps of Engineers

What a bittersweet day. We returned to the scene of our December 10 protest – the one we never completed because Laura Forman collapsed and died minutes after she gave a speech protesting the Army Corps of Engineers' policy of illegally permitting valley fills at mountaintop removal operations. The April 1 turnout was



heavy, as were our hearts. Mike Forman implored us to carry on in his wife's name. Fittingly, Mike introduced Dave Cooper, who would, in one month's time, take the position left open by Laura's death. We told the Corps: Only Fools Bury Streams!

April 8 - Boone, Logan, What's The Difference? Why A Mountaintop Removal Permit Hearing Is Postponed

The Army Corps of Engineers postponed a public hearing on the Draft Environmental Impact Statement (DEIS) for the proposed 3,100-acre (Hobet) Spruce No. 1 Surface Mine, at Pigeon Roost Hollow, near (what's left of) Blair, Logan County.

Here's why: Nathan Fetty of the WV Rivers Coalition called OVEC asking if we had noticed that chapter four of the DEIS, "Affected Environment and Environmental Consequences," (a chapter which oddly enough starts out by talking about how much the county relies on coal mining) was about BOONE County. But this proposed massive MTR site is entirely within LOGAN County. Oops! We contacted the Corps, and after some public embarrassment, the Corps postponed the hearing. No word yet on the new hearing date.

April 15 - Local Environmentalists Meet With Office of Surface Mining

Leaders from OVEC, Coal River Mountain Watch, WV Highlands Conservancy, WV Rivers Coalition, WV-Citizen Action Group and Citizens Coal Council met with Jeffrey Jarrett, the new Director of the federal Office of Surface Mining. Jarrett requested the meeting with West

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People In Action

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Virginia environmentalists, perhaps because he knows OSM has been absurdly lackadaisical in getting the WV Department of Environmental Protection to enforce coal-mining laws.

April 16 - Protest at Massey Energy's Annual Stockholder Meeting

Coalfield residents, citizen activists and union miners traveled from West Virginia to Richmond, Virginia to protest outside Massey Energy's Annual Stockholder meeting.

Whitesville resident Freda Williams got to read a statement inside the meeting, letting Massey know West Virginians are sick of Massey's Bad Corporate Behavior.



The crowd gathers before heading to Massey

Massey shareholders got the message that mountain massacre and failed coal sludge impoundments are the eco-

Politics and the Environmental Impact Statement on MTR - It's Not Pretty

Remember Mike Castle? He was one of three former coal industry executives appointed to head the WV Department of Environmental Protection under Governor Underwood (himself a former coal industry exec). Castle is now "special assistant" to the U.S. Environmental Protection Agency's administrator for our region.

If you have been following Ken Ward's articles in the *Charleston Gazette*, you know that the Bush and Co. are playing politics with the long-delayed Environmental Impact Statement (EIS) on mountaintop removal. They'd rather scrap the science (which is coming to the conclusion we all already know - mountaintop removal is an

environmental and social disaster) and instead make the EIS into a vehicle for a streamlined permitting process for mountaintop removal operators. Word has it Mike Castle's got his fingerprints all over this latest dirty dealing from King Coal and his regulator-minions.

April 16-17 - Refinery Reform Campaign visits DC

OVEC well knows the pollution/health problems associated with petrochemical refineries from our ten years of work demanding



OVEC's Vivian Stockman, center, with members of the Refinery Reform Campaign from across the nation.

that the Catlettsburg, Ky., Ashland Oil refinery clean up its emissions.

The tools we used in our successful efforts to clean up the air around that plant are at risk. That's why, even though refineries are not a focus of OVEC's current work, we were invited to join the Refinery Reform Campaign's visit to Washington, DC.

We came to talk with congressional staffers about the Bush proposals to gut the Clean Air Act. In West Virginia alone, over 200 industrial plants (coal-fired power plants, chemical plants and others) could increase their toxic emissions if Bush grants polluters their complete wish-list.

As we go to press, newspapers are reporting that Bush will OK Cheney's corrupt Energy Task Force recommendations, and "roll to black" the New Source Review provisions of the Clean Air Act.

Be sure to check out the *Charleston Gazette's* special section on the EIS, especially the EPA slide show. Ken Ward obtained the EIS via use of the Freedom of Information Act, a great example of democracy in action. The Bush administration, citing national security, wants to make it harder for citizens to use the Freedom of Information Act.

When you're finished with this newsletter, please pass it on!

People In Action

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April 19 - Granny D delivers Earth Day Speech on MTR and Laura Forman

Two OVECians had the grand privilege of hearing Doris “Granny D” Haddock deliver the speech “Be like Laura: Keep your eye on the ball” to students at American University (Washington, DC) for Earth Day (delivered on April 19). Granny D, the campaign finance reform crusader who walked across America at age 90, loves OVEC!

She said, “...I am here to remind you to keep your eye on the ball - the beautiful blue-green ball that runs around the Sun in the company of Venus and Mars. This ball we live upon. This ball our children and grandchildren may or may not live upon... And so, to the extent that any person can make a dedication, I dedicate Earth Day 2002 to Laura Forman and to Mike and Donald and to their friends in West Virginia who are fighting the bad guys, the greedy, the corrupt, the powerful. God bless Laura Forman, for people like Laura provide the real homeland defense for all of us. They are not distracted. They have their eye on the blue-green ball... Go to West Virginia and help them save the mountains and pass a clean elections law there, as they are now working on. If you can't send your body, send your money... Don't hide in self-effacing modesty - be a hero of this great planet. Be like Laura, full of love and energy. Follow great people, and lead great people and always, always keep your eye on the blue-green ball. Be like Laura, always letting your loving heart be your strength and your guide. Be like Laura, always remembering that we cannot do for the world what we cannot first do for our friends, our family and the sweet loves of our lives.”

JOIN the Action Alert! List

If you want to stay up-to-the-moment on OVEC events and actions, please join our Action Alert! e-mail list.

Action Alerts! go out about 4 to 8 times per month. The Action Alert! list is NOT a dialogue list, so tons of e-mail won't land in your Inbox. To join, send an e-mail to vivian@ohvec.org.

May 17 - Eades v. Raney

For the fourth year in a row, the Hugh O'Bryan Youth Leadership conference invited hydrogeologist Rick Eades to speak on the “Future of Coal” panel opposite West Virginia Coal Association president Bill Raney. Rick spoke as a representative of OVEC to an audience of about 140 high school sophomores, one from each high school in West Virginia. Rick wowed the kids and trounced Raney.

June 2 - Thunder in the Hills

OVEC staffer Fout joined the southern regional conference of the National Lawyers' Guild, held May 31-June 2, 2002, in Charleston. The National Lawyers Guild



Activist lawyers, including our own Jason Huber (second from left) enjoy the breathtaking view. Unfortunately for workers who constructed the tunnel, it was indeed "breath taking" in all senses of the word.

is made up of attorneys and others across the country “who work to maintain and protect our civil rights and liberties in the face of persistent attacks upon them; and who look upon the law as an instrument for the protection of the people, rather than for their repression.”

The Charleston meeting included a labor history tour organized by Jim Kirby, a Charleston attorney. Participants met Professor Paul Rakes (a history teacher at WVU-Montgomery) at Hawks Nest State Park. He discussed the worst labor disaster in national history – the deaths of many workers from the construction of the tunnel at Hawk's Nest. Unsuspecting workers were exposed and died from inhaling deadly particles of silica (glass). The group also toured Kayford Mountain, where folks talked with relatives of Larry Gibson and then viewed mountain massacre for themselves.

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People in Action

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June 9 - Citizens for Clean Elections

OVEC believes mountaintop removal/valley fill mining wouldn't be so out of control if Big Coal didn't contribute so heavily to politicians' campaigns. That's why we are part of the diverse coalition called Citizens for Clean Elections. CCE members appeared before a legislature subcommittee to discuss the West Virginia Clean Elections Act. The meeting provided an opportunity for us to make a clear case for the need for alternative, public financing of elections in West Virginia.

June 11 - Brother Sun, Sister Air

OVEC staffers joined with many of our friends from the WV Interfaith Global Climate Change Campaign at the "Blessing of Brother Sun, Sister Air Energy Project" on Potato Knob in Webster County. The service honored the wind generator and solar panel project at the home of Todd



Keith McIntire (with level) of Savage Solar, explains the solar and wind system that powers the Warren-Garland household.

Garland and Carol Warren, two of an ever-growing number of folks who are making the switch to truly clean energy. It's obvious we can't wait on the government to lead us into the new energy future. Folks like Carol and Todd are leading the way for us.

As we go to press, upcoming activities include a Stop MTR strategy meeting, the Coal Summit and OVEC's attendance at the Outdoor Writers of America Association annual meeting, held this year in Charleston.

Please join OVEC in our actions – we guarantee you we have more fun than the greedhead polluters!

Valley fills, sludge spills, flood chills and judge thrills

by Vivian Stockman

There we were, going about our business, pointing out to as many people as possible that several aspects of mountaintop removal coal mining are illegal, as well as utterly devastating to our forested mountains, streams, mountain culture and our futures.

As usual, for a couple of decades, and up until early May, most valley fills at mountaintop removal operations were illegal, but the U.S. Army Corps of Engineers continued to permit them anyway.

Yup, everything was just like usual. Late Thursday, May 2, another round of deadly floods hit southern West Virginia, leaving nine dead, hundreds homeless, schools battered, and roads and bridges pummeled – so far, an estimated \$70 million in damage.

Several towns in McDowell County were wiped off the map. Again, many residents said they believe the floods were worsened because mountaintop removal and essentially unregulated timbering denude huge swaths of forests. These folks didn't need to wait on the latest study to know that a devegetated, mountain-scalped, valley-filled landscape doesn't absorb rain runoff the way a lush temperate forest does.

Weren't the national forests here established in the mid-1900s after people connected the dots between heavy flooding and heavy deforestation? (By mid-June, the WV Department of Environmental Protection was under fire for blacking-out key information in a study of last July's floods, where the final damage bill was over \$190 million. The study says, in part, that mining and timbering can increase runoff by up to 21 percent.)

Yup, it was same old, same old. Early Friday, May 3, the heavy rains sent 5,000 gallons a minute of sludge (including water, coal fines and the chemicals used in treating coal for market) spewing out of a coal waste impoundment near Gary, McDowell Co., WV, into the Tug River (the third major sludge spill in as many years for the battered river). All told, the DEP estimates "tens of millions" of gallons escaped. DEP warned downstream residents that the entire dam could collapse with "catastrophic" results.

Since 1999, the DEP issued at least 26 environmental violations for this impoundment, but the companies operating the impoundment took no remedial action.

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Tiny Life Forms Play Critical Role

MTR Smothering Vital Headwater Stream Systems

by Janet Fout

Dr. Ben Stout, an aquatic ecologist from Wheeling Jesuit University, spoke to members of OVEC and the Huntington Tri-State Audubon Society on April 25. Ben's research focuses on the impacts of mountaintop removal/valley fill strip mining of coal on aquatic creatures in headwater streams.

His graphs show that most populations of shredders, the very tiny critters that shred leaves and other organic material, providing food for downstream life, are buried when a valley fill is 250 acres or greater.

Shredders, he said, are the "engine that drives the life in a stream." Highly significant life forms, despite coal company claims to the contrary.

His studies also show that many of the topographical maps that delineate streams do NOT show where headwater streams actually begin. In other words, it's likely that the amount of headwater streams already lost forever to mountaintop removal/valley fills has been underestimated. Ben says that the only real way to know



Ben Stout, studier of all creatures that are tiny or wet.

where a stream begins is to go into the field and get your boots wet; looking at a USGS (United States Geologic Survey) map is not good enough.

Here's a visionary quote from Ben: "I can tell you with a straight face, that if you put 200 feet of fill on top of a headwater stream, you are going to destroy it... If you take headwater streams away from the matrix of streams that feed into our large river systems, we are going to end up with highly polluted major water systems. This is a very significant ecosystem. These stream ecosystems are not to be thrown away."

Ben had the privilege of touring Pigeon Roost Hollow (the proposed gigantic 3,100-acre Dal-Tex site in Blair, WV) with federal Judge Charles Haden prior to his first, landmark ruling that declared the burying of perennial and intermittent streams under tons of coal mining waste as illegal.

Ben appeared in "Appalachian Apocalypse," a segment of Earth Rescue on cable television's Outdoor Life Network, which has aired many times.

Fills, Chills and Thrills

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DEP could have, and obviously should have, shut down the impoundment after just two violations in one year. (Newsflash: On June 11, a line leading to an Arch Coal impoundment, at their "showcase" Hobet 21 mountaintop removal site leaked 25,000 gallons of slurry into a tributary of the Little Coal River.)

Then, at 4:30 p.m. on Friday, May 3, Bush, Inc. illegally changed a rule within the Clean Water Act, thus legalizing valley fills. Bush made this change, despite hundreds of calls and letters from members of OVEC, and other local and national groups, asking his Environmental Protection Agency appointees not to make the change. He ignored a bipartisan letter from 57 U.S. Representatives asking him not to make the change. He ignored the Senate Environment and Public Works Committee request that he not act until after a Congressional hearing on the change.

He ignored everybody but his friends and funders, the Power-Polluters. Not only does his rule change give a big fat green light to coal companies wanting to bury even

more streams with even more rubble from our former mountains, but this rule change also says, "Just Dump It In The Waters!" to polluters nationwide.

Folks who care about the future of life on earth were worried sick about the implications for one of our most precious resources – water. We were also worried about another precious resource that seems to be slipping away – democracy. We have hope that a legal challenge to Bush's rule change could be filed and would most likely prevail. So far, there hasn't been an immediate need for that challenge, thanks to U.S. District Court Judge Charles H. Haden II, the bravest man alive.

On May 8, Haden publicly spanked Bush by reiterating his 1999 ruling (overturned on a jurisdictional question) that most valley fills at mountaintop removal are indeed illegal, and that, ahem, Mr. Bush, only Congress can rewrite the laws.

All this news focused the national spotlight on West Virginia and Kentucky. Newspaper editorials railed against

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A Letter for Almost Level WV

Bush to Appalachia: “Gee, I Wish I Had the Time to Care”

by Dave Cooper

During the May bus trip to Washington, many on the bus found themselves frustrated and disturbed by the Bush administration’s efforts to over-ride the Clean Water Act and permit illegal valley fills.

For an administration that prides itself on “family values” and “compassionate conservatism,” it sure seems to show very little regard or compassion for the families of Appalachian communities that have been flooded by runoff from mountaintop removal sites looming over them, or who have had their drinking water poisoned by coal sludge contamination.

So the idea was formed: Why not invite the President to see flood damage, cracked foundations and ruined communities first hand? Why not invite him to southern West Virginia?

After all, on his last trip to West Virginia he visited Walker Machinery in Belle, to see the economic benefits of the manufacture of coal mining equipment used for mountaintop removal – surely in the interest of fairness he will want to hear both sides of the issue!

OK, you can stop laughing now.

So a letter was drafted and signed by representatives of eight environmental groups: Appalachian Citizens Law Center, Big Sandy Environmental Coalition, Citizens Coal Council, Coal River Mountain Watch, Kentuckians For The Commonwealth, Ohio Valley Environmental Coalition, West Virginia Environmental Council, West Virginia Highlands Conservancy and West Virginia Rivers Coalition, inviting the President to visit the coalfields of West Virginia and Kentucky. The letter read, in part:

“Dear President Bush: As residents of the Kentucky and West Virginia coalfields who are greatly harmed by mountaintop removal coal mining and illegal valley fills, and as representatives of organizations working in these areas, we challenge you to visit our area. We implore you to see first-hand the devastation from mountaintop removal — including the recent catastrophic floods in West Virginia and the aftermath of the massive coal slurry impoundment spill in Kentucky in 2000.

Our area has experienced two record “100-year floods,” deadly floods in the past 10 months. This month, nine southern West Virginia residents have died in these floods.”

The letter described the consequences of the Martin County slurry spill and chided the President for the annihilation of mountain streams: *“It is starkly apparent that the decision-makers in your administration do not have a full sense of the consequences of their actions.”*

The letter was signed by Jeremy Muller, executive director of the West Virginia Rivers Coalition.

To no one’s great surprise, we received a letter about two weeks later, signed by Bradley A. Blakeman, Deputy Assistant to the President and Director of Appointments and Scheduling.

“Dear Mr. Muller,” it read. *“I have been asked to respond to your letter to the President inviting him to visit your coalfields.*

“While the President would appreciate the opportunity, we are unable to add it to his calendar at this time. I know you will understand that with the tremendous demands on his time and the large volume of similar requests, events such as these are extremely difficult to schedule even though each one is important. However, your suggestion is a good one, and we will keep it in mind should an opportunity present itself in the future.

“I know that the President would want me to thank you for your interest and to send his very best wishes.

Sincerely,

Bradley A. Blakeman, Deputy Assistant to the President and Director of Appointments and Scheduling.”

Fills, Chills and Thrills

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Bush's incredulous act and its potential impact on the entire country. In the midst of all this, we also learned from a Freedom of Information Act request by *Charleston Gazette* reporter Ken Ward, Jr., that Bush, Inc., is attempting to hijack the long overdue environmental impact statement (EIS) on mountaintop removal. Instead of bringing to light the detailed information in the as-yet-unpublished EIS, such as the fact that future mountaintop removal and timbering could obliterate about 1 million acres of our lush, biologically diverse forests, Bush wants to use the EIS as a vehicle to provide a more streamlined MTR permitting process! (Be sure to check out the special EIS section on-line at <http://wvgazette.com/static/series/mining/eis.html> . So far, you can't read the EIS anywhere

else. Help keep independent newspapers alive – subscribe to this paper!)

In 1999, after the first time Haden said most valley fills are clearly illegal under the Clean Water Act, the coal industry and its government friends did everything they could to overturn the ruling. They did not succeed. This time, Bush tried to anticipate the judge and changed the law himself.

Years of organizing and awareness-raising by groups like OVEC are paying off. We have more friends than ever in Congress (though we still can't put the West Virginia and Kentucky delegations entirely into the category of "friends," to put it nicely) who are apparently appalled at what is happening here and want to do all they can to stop the insanity. And, we have an ever-growing coalition of local and national groups committed to ending mountain massacre.

Make a DIFFERENCE! Join a WINNING TEAM! Get ACTIVE with OVEC!

- ☐ OVEC stopped plans for a toxic waste incinerator that would have imported hazardous waste from across the nation.
- ☐ OVEC organizing forced an end to chronic pollution violations at the Ashland Oil refinery in Catlettsburg, KY.
- ☐ OVEC led the broad effort to stop plans for the nation's largest pulp mill, which would have used outdated, heavily polluting technologies.
- ☐ An OVEC lawsuit compelled state government to enforce important provisions of the federal Clean Water Act.
- ☐ OVEC worked with other groups to stimulate passage of significant, first-step campaign finance reform measures in West Virginia.
- ☐ OVEC is changing the face of "politics as usual" in West Virginia through our Clean Elections work.
- ☐ OVEC is committed to bringing an end to mountaintop removal/valley fill strip mining.

Cut this coupon out and mail **today** to: OVEC, P.O. Box 6753, Huntington, WV 25773-6753

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For more info call (304) 522-0246 or go to www.ohvec.org

Remember – All donations to OVEC are tax deductible!

Oh, those pesky coalfield residents! The nerve!



WV Coal Association President Bill Raney wasn't thrilled to be found in a WV House of Delegates cubicle when coalfield residents, upset with Raney's call to raise the weight limits on already deadly coal trucks, cornered him and spoke their mind.

photo by Vivian Stockman

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