



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Hey Joe - Can You Hear Us NOW?

King Coal was not happy. His line that there are only 12 whackos who oppose mountaintop removal was exposed as one of his *many* lies when, on July 30, more than 400 people crowded the West Virginia Statehouse steps to tell Governor Manchin: No More Mountaintop Removal!

Worse, none of the rally-goers would take King Coal's Dirty Money. If only the people were more like politicians, then they would take that Coal Cash and they would stop **Speaking Out**. But, no.

Despite the heat wave, people showed up from all over West Virginia and beyond to **Speak Out** at this rally organized by the Friends of the Mountains (a coalition which includes OVEC, Coal River Mountain Watch, West Virginia Highlands Conservancy, Coalfield Sustainability Project, the WV Chapter of Sierra Club and others), with help from Mountain Justice Summer.

"You guys are preaching the gospel of justice," Rev. Jim Lewis told the crowd in the rally's opening speech. "This greed will not buy us off," he said as he tore up some King Coal Cash (*see page 4*). "Greed will not deliver us into wholeness and healthiness and happiness, particularly for the children of our state. What they're doing is wrong."

With poignant speeches from affected coalfield residents, excellent original music (See the lyrics to Tonya



This photo says it all - mountaintop removal hurts our children, their children, their children's children ... Below, just a few of the huge crowd at the July 30 rally in Charleston.

photos by Jesse Mwaura and Vicky Mattson Adkin's song on page 10), Save Our Mountains cheers from

the Radical Cheerleaders and the Ms. Mountain Top Removal Beauty Pageant hosted by King Coal, the rally was a hit with the crowd.

Did the message hit Governor Joe Manchin? If it did, it had to come through layers of coal industry campaign contributions: OVEC's *continued on page 2*



Can You Hear Us NOW?

continued from page 1

Janet Keating* reported to the crowd the latest figures on how much campaign cash “our” politicians get from the coal industry. (See “The Real Friends of Coal” on page 5.)

With ever-increasing numbers of folks **Speaking Out**, the message to end mountaintop removal is definitely getting louder.

It’s getting harder and harder, despite the Coal Cash, for politicians to turn a deaf ear. Coal River Mountain Watch volunteer organizer Bo Webb expressed the thoughts of many assembled: “Why is the DEP

allowing our mountains to be destroyed for the short-term economic gain of a few? We hope we now have a governor in place that has a vision for the future of all West Virginia, one who has the courage to break the chains of the coal barons who continue to rape our mountains and destroy our communities.”

Speaker Maria Gunnoe, of Bob White in Boone County, has dodged flood waters seven times since a 1,183-acre mountaintop removal operation began five years ago above her ancestral property.

“Our once-peaceful community has become a war zone,” Maria told the crowd. “On Rt. 85 – everywhere you look, it’s active, abandoned, reclaimed, permitted



King Coal clings to his Dirty Money Coal Cash and his “I Obey King Coal” puppet in the likeness of DEP chief Stephanie Timmermeyer. These were the only things that comforted him at the July 30 rally, where hundreds of people told him how disgusted they are with his destruction and lies.

Photo by Dave Saville



The Radical Cheerleaders led the enthusiastic crowd in a number of cheers not calculated to endear them to King Coal and all of his money-grubbing cronies.

mine sites... With each permit approved, there will be more and more people fighting the destruction caused by the practice of mountaintop removal mining.”

All the people speechifying and singing and praying a n d **Speaking Out** and laughing in the face of

adversity made King Coal very uncomfortable. Keep up the good work! 🍓



Don Gaspar holding up his end - a banner at the July 30 rally at the state capitol.

photos by Than Hitt



Rev. Jim Lewis waves King Coal's cash before rendering it asunder, because greed enables some people to justify the destruction of our mountains, our heritage and our future.

* Janet Keating is the former Janet Fout.

The Coalfields, Where Water is Considered a Luxury

by Vivian Stockman

A lawsuit wending its way through Mingo County courts alleges that the Rawls Sales Processing Co., a Massey Energy subsidiary, injected slurry from a coal sludge impoundment underground for at least eight years *without a permit*.

Massey internal documents subpoenaed by the plaintiffs show that **Rawls was injecting as much as 28 million gallons a month of coal slurry into abandoned coal seams!**

Many residents of Rawl, Lick Creek and Sprigg, near Williamson, believe their well water – and subsequently their health – has been ruined by the injected slurry.

Person after person will tell you their well water used to be sweet and pure. They believe their water started turning bad after Massey began injecting the slurry underground. Person after person can recite a litany of health problems that they believe stem from using the water. Families have accrued massive medical bills. Children have been hospitalized and at least three recently died. Residents allege it was the water that poisoned them.

While some have been buying water for drinking,



Straight out of the tap and into your drinking glass, a daily dose of heavy metals, coal sludge and who knows what else.

even though the cost is a burden, others have not been able to afford the expense. One couple I met spends \$60 a week on drinking water. Almost all still use the water for bathing and washing because they have no other choice. Many report rashes, headaches and other problems after showering.

Adding insult to injury, some of the folks in this area suffered flooding on Memorial Day 2004, and again on August 19. Asked what made the floods so bad, some point the finger at all the

mountaintop removal in the area.

Plaintiffs' attorney Kevin Thompson has found a high level of kidney disease, gallstones and other diseases related to heavy metals in area residents.

Because of citizen outcry, Wheeling Jesuit University came to the area this summer and has just completed testing (independent of the lawsuit). One university scientist watched as a woman ran tap water. It went from clear to black within moments. The scientist installed water-testing instruments in her home and the batteries inside them were corroded by the fumes from the water. After finding heavy metals in the water, the university has decided to do follow-up testing.

One man I spoke with moved into an area trailer six years ago. The water tasted and looked bad, but he didn't realize it couldn't be used until one of his neighbors, OVEC member Billy Sammons, talked with him recently.

The 38-year-old's health problems started after he had been living in the trailer a while. He has gallstones, anxiety and breathing problems. His hair is falling out and his memory is failing. His pancreas is at 2 percent of its full function. I met him after he had showered – his eyes were very red and he had a rash, neither of which had been the case before his shower. He was embarrassed to have people visit because the smell from the water stinks up his home.

He worries most about his two young sons, who live with him part-time. "What have I done to them?" he asked, when all he has done is let them drink water.

The trial date is currently set for Oct. 12. As this is written, a motion is pending before Judge Thornsby which, if granted, would force Massey to supply residents with temporary drinking water.

See www.sludgesafety.org for more information. 🍷

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OVEC is a 501(c)(3) non-profit organization.

King Coal's Dirty Money did no talking at the July 30 rally.



Coal Cash designed by Bill R.



It's hard to argue with the Truth, but King Coal still tries!

Beauty Contest? Ummmmm ...



At the July 30 Ms. Mountaintop Removal Beauty Contest, King Coal really liked Ms. Mountaintop Removal contestant Donna Sinkingship, as well as Ms. Mountain Reaper. Ms. Coal Silo wasn't sure where she should be, but she wanted to be near children. Ms. Blind Greed is King Coal's all time favorite beauty queen. She lets him get away with all sorts of bad, bad things. She helps him justify whatever destruction he creates. Ms. Renewable Energy looked very ugly to King Coal. She takes away his subsidies, after all. Strange, but the crowd loved her and made her the pageant winner, even though Ms. Overweight Coal Truck, who was all modest when it came to telling us her weight, threw her weight around and tried to take Ms. RE's crown away.

Photo by Greg Wood

The *Real* Friends of Coal

by Janet Keating,

Data supplied by People's Election Reform Coalition

Have you ever wondered why the coal industry wields so much political power in West Virginia? Let's take a look at some recent campaign contribution data from the coal industry and its supporters.



PERC has found that from 1996-2004, coal and its supporters have contributed \$2,136,969 to our governors for their campaigns and inaugural parties. Governor Manchin's contributions also include what he received during his successful bid for Secretary of State (Table 1).

TABLE 1
Campaign contributions from the coal industry and its supporters to West Virginia governors from 1996-2004.

WV Governor	COAL	Total	% of Contributions
Cecil Underwood - 1996	\$264,454	\$2,181,802	12%
Underwood Inaugural - 1997	\$253,850	\$ 960,400	26%
Underwood Re-election - 2000	\$377,642	\$2,636,782	14%
Bob Wise - 2000	\$115,600	\$2,913,858	4%
Wise Inaugural - 2001	\$120,340	\$ 892,534	13%
Wise Re-election	\$187,400	\$1,248,490	15%
Joe Manchin - 2004	\$571,214	\$4,798,665	12%
Manchin Inaugural - 2005	\$175,500	\$1,374,992	13%

Manchin now holds the record for the most money received from the coal industry and its supporters – \$745,714 – for his campaigns and inaugural. Manchin also collected more money from all special interests for the inaugural party – \$1,374,992, despite the fact that prior to 1998 there was no limit to the amount of money a person could donate to the inaugural party. Total contributions from all special interests to the past three governors' campaigns and inaugurals are an astounding \$17,007,523! Just to keep

the dollars in perspective – the governor's salary is \$95,000 per year.

It's only fair to point out that the governor's office isn't the only one that coal and its supporters target for campaign donations. Others in the House of Delegates and state Senate, notably leadership, also receive hefty contributions for their political campaigns.

The salary for state legislators is \$15,000 per year. An example of these contributions is in Table 2.

TABLE 2
Campaign contributions from coal and its supporters from 1996-2004 to WV legislators.

House/Senate member	COAL contributions
House Speaker Bob Kiss	\$76,425
Senate President Earl Ray Tomblin	\$62,425
Senate Minority Leader Vic Sprouse	\$60,854
Delegate Steve Kominar	\$64,125

The general breakdown of contributions to the West Virginia legislature from coal and its supporters from 1996 to 2004 to West Virginia appears in Table 3.

Is it a big surprise to anyone that the legislature's solution to the problem of overweight coal trucks in recent years was to increase the weight limits for coal trucks instead of enforcing the law?

And that's only one example of how the coal industry receives a return on its

continued on page 6

We care, We Count, WE VOTE!

REAL Friends of Coal

continued from page 5

“investments” to legislative campaigns.

As Julie Archer, the research analyst for the Mountain State Education and Research Foundation (MSERF), so aptly put it: “Coal keeps the lights on for these elected officials.”

We can’t ignore the contributions of coal and its supporters to newly elected Supreme Court Justice Brent Benjamin. Brent Benjamin received \$248,200 from coal and its supporters, or 31 percent of his total contributions. Not surprisingly, the biggest portion of that money, \$44,400, came from Massey Energy executives, members of their board of directors and their spouses. If one includes money from the Addington Brothers, who sold Horizon Resources to Massey Energy, and “Buck” Harless, who until recently served on Massey Energy’s board of directors, that bumps the total to \$44,800.

This amount seems paltry compared to the amount of money that Massey Energy’s CEO, Don Blankenship, spent on the WV Supreme Court race. According to the *Charleston Daily Mail*: “Last fall he spent millions of his own dollars in a successful effort to see that incumbent Supreme Court Justice Warren McGraw was defeated.”

PERC calculates that Blankenship spent approximately \$2.5 million on the 527 group, And For the

Sake of the Kids, and another \$500,000 in an independent campaign.

Someone once said that “Elections that are for sale aren’t free.” We can’t help wondering how impartial Justice Brent Benjamin will be when issues regarding Massey Energy or other coal companies come before the Court.

The People’s Election Reform Coalition, who supplied this data, is a joint project of OVEC, WV CAG and their sister organization, MSERF. PERC has been tracking, analyzing and publicizing contributions from the coal industry to “our” politicians since the 1996 election cycle.

The data comes straight from the campaign finance reports that candidates are required to file with the West Virginia Secretary of State. 🍌

TABLE 3
Campaign contributions from COAL and its supporters to West Virginia legislators, by year.

1996	1998	2000	2002	2004	Total
\$195,350	\$251,806	\$184,238	\$223,576	\$291,012	\$1,145,981

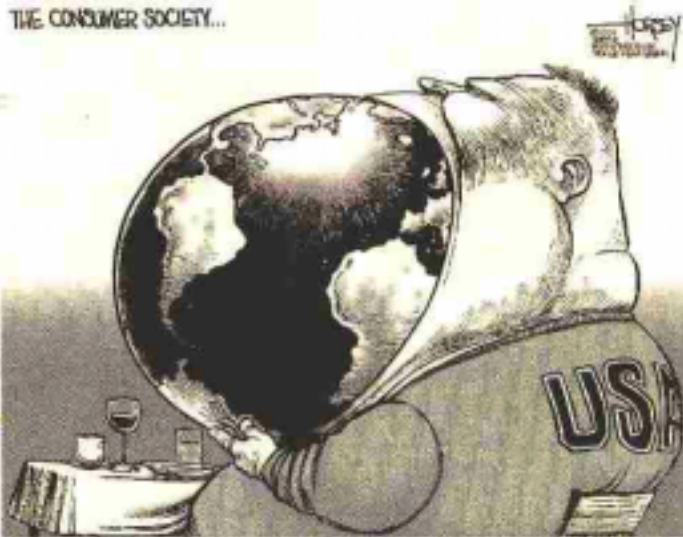
Protests Planned for Monongahela National Forest Management Plan

On August 12, the US Forest Service released its recommendations for management of the Monongahela National Forest over the next 10 -15 years. The Bush administration ignored the wishes of West Virginians and proposed a plan, called Alternative 2, which fails to protect the Mon’s special places and opens previously untouched areas to logging, road building and other destructive activity.

West Virginians are coming together under the banner of the WV Wilderness Coalition to urge the Forest Service to abandon Alternative 2 in favor of greater protection for wild lands in the Mon, many of which are contained within the plan known as Alternative 3.

The public comment period for the Draft Forest Plan runs through Nov. 14; to learn more and make your voice heard, see www.wvwild.org. 🍌

THE CONSUMER SOCIETY...



Recycle your ink jet printer cartridges and help OVEC raise \$\$\$\$. Call or e-mail Maryanne, (304) 522-0246, or mago@ezwv.com, to get your postage-paid bags.

Over the Top! OVEC and WV-CAG Reach \$\$\$ Goal

You did it! Thanks to all of you who sent a donation to OVEC or WV Citizen Action Group to help us meet and exceed a \$25,000 challenge grant from the Piper Fund by the July 30 deadline.

We extend deep gratitude to DL Hamilton, who took the time to make a personal plea to her friends and colleagues to help insure our success. In addition, in the waning days of our campaign, OVEC and WV CAG members Sam and Winkie Kusic took the pressure off by offering to get us to the top if needed. Big sigh of relief. This work is challenging enough, so their generous offer allowed all of us to relax as we continued our fund-raising efforts. Thanks, Sam and Winkie! Your phone call certainly made my day.

By meeting this challenge, the People's Election Reform Coalition (OVEC and WV CAG's joint campaign finance reform project) ensured we will receive an additional \$25,000 from the Piper Fund. Yup, that's on top of the over \$27,000 we raised from folks like you. We are bowled over by the outpouring of grassroots support. Most donations came to us in small checks that added up quickly – a sure sign that West Virginians support Fair and Clean Election

Clean Elections Video Available

The success of Maine and Arizona's Clean Election system is documented in a short video, "The Road to Clean Elections," narrated by journalist Bill Moyers. If you would like to receive a copy to share with your friends, neighbors, or others please contact us at ohvec@ohvec.org or call (304) 522-0246. 🍌

2004 Supreme Court Race Most Negative

Charleston Gazette, June 28, 2005

Last year's Supreme Court elections in West Virginia were the most negative in the country, according to a report issued Monday...

"The tone and content of the television advertising in this race ... were among the most negative and vitriolic seen anywhere," wrote the authors of the study, conducted by the Justice at Stake Campaign and its partners.

Incumbent Justice Warren McGraw defeated Greenbrier Circuit Judge Jim Rowe in the Democratic primary, before losing to Republican lawyer Brent Benjamin
continued on page 9

(FACE) campaign finance reform. Also, our efforts were bolstered by a few larger donations from anonymous donors.

This additional funding will help us continue educating more people statewide about this voluntary, alternative way to finance legislative campaigns known as Fair and Clean Elections – a "voter-owned" system that levels the playing field for candidates (see www.wvoter-owned.org for more info).

If West Virginia's legislature passed a Fair and Clean Elections bill, like they have in Maine and Arizona, candidates for the statehouse could spend more time talking about issues instead of fund-raising. They could run on the merit of their ideas. People without personal wealth, but who have a wealth of ideas and the energy to serve the public interest, would have access to funds to run a viable campaign. Incumbent legislators who opt to run under this "voter-owned" system would be free to vote their conscience – instead of feeling beholden to special interest contributors. This system can help us to change the FACE of politics in West Virginia!

Here's how Fair and Clean Elections works: A candidate pledges not to accept any campaign donations from special interests nor contribute any money personally to the campaign. Then he/she collects a set number of \$5 contributions from voters in his/her district. This \$5 "qualifying contribution" is set low for a reason. It insures greater participation in the democratic process of elections by the voters and has the added benefit of providing a grassroots, volunteer base for the candidate during the campaign.

Getting elected by using public funds under the Fair and Clean Elections system means that the winner owes his/her allegiance to the public – not special interests.

Under our current system, 99.5 percent of all campaign contributions in West Virginia comes from special interest donors. Let's face it. It's nearly impossible for any politician to get elected without taking special interest money. But a Fair and Clean Elections system would give politicians a choice.

Let your legislator hear from you today. Tell him/her that West Virginia needs a Fair and Clean Elections system that reduces the undue influence of Big Coal, Big Healthcare, Big Pharmaceuticals and other special interests. 🍌

We care, We Count, WE VOTE!

A BUSHEL OF T H A N K S !

Margaret Chapman, Sara Bird, Sandy Fischer, Chuck Wyrostok, Mary Wildfire, Don Alexander, and Carey Lea for being legal observers at recent coalfield protests and rallies.

Mary Ellen O'Farrell and Larry Gibson for getting arrested for trespassing at Goals Coal with coalfield residents and Mountain Justice Summer participants while trying to deliver demands.

Pat Barker for doing loads of research on behalf of Citizens or Clean Elections for Justice at Stake's report.

Scott Straight, Michael Morrison, Lora Varney, Chris Worth and Brandi Jacobs for their commitment to the OVEC Anti Racism Transformation Team.

Benji Burrell, Hannah Banana, Chris Dudeson, Ed Wiley, Constance Sisk, Jesse Mwaura and Hillary Hosta for working hard this summer at the Coalfield Sustainability Project; Dannielle, Chad, Ukiah and Matthew Noerpel for being super committed volunteers in the Coal River Valley and all the other good-hearted young Mountain Justice Summer people who have helped this summer and made MJS a success beyond our wildest dreams; Michael Morrison and Lora Varney for helping out with the Listening Project; Scott Straight for his time spent with us, and for all of his hard work on the Democracy Works project.

Allen Johnson and others for the Christians for the Mountains.

Sarah Stephenson for the kinds words of support that never fail to bring a smile.

Maria Gunnoe, Joan Linville, Walter and Carol Young, Leroy, Geneva and Charles Runyon, Billy Sammons and the Browns for their relentless work in Boone and Mingo counties. All the hardworking folks in the watershed group on Island Run in Logan County.

For the July 30 Rally: Christopher Runyon, George Hockley, Dan Kash, Julie Archer, and anyone we might be forgetting, who tabled for OVEC; Winnie Fox, Meagan Duffy, Joan Linville, Maria Gunnoe, Denver Mitchell, Billy Sammons, Carol & Walter Young for their help with outreach for the July 30th protest; the energetic and creative "radical" cheerleaders who led us in cheers; the "lovely" participants in the Ms. Mountaintop Removal contest; to Ron Sowell, T. Paige DalPorto, Tonya Adkins, Jen Osha, Maryanne Hitt, Danny Dolinger, and Benji Burrell for adding their musical talent; Greg Carroll for his ever-faithful technical assistance and awesome new PA; Michael Morrison for making a gazillion phone calls to OVEC members asking them to come to the rally; Michael Morrison, Adam Brown, Jesse Mwaura and others for helping us set up and take down at the rally; Mike Harman for capturing the sound; Maria Gunnoe, Walter Young, Leon Miller, Judy Bonds, Bill Price, Bo Webb, Ed Wiley, Joan Linville, Winnie Fox, Rev. Jim Lewis and Larry Gibson, who spoke about the impacts of mountaintop removal on their lives and others; Regina Hendrix for supplying a step ladder and pink slip; Kathryn Stone for supplying water, bananas and (most importantly) chocolate to the volunteers taking down rally flyers in Charleston and for constantly doing so, so much behind the scenes; and to the 400+ people who came out to the 30 July Stop Mountaintop Removal rally in Charleston! We're probably leaving someone out, so please forgive us! Your volunteerism is the lifeblood of our work!

Hillary Hosta for conducting the non-violence training at the Summit for the Mountains.

Steve Fesenmaier for leading the charge to have "Battle of Blair Mountain" declared an official Subject Heading by the Library of Congress.

RB for continuing and extensive support. Tom Jones for the great message of support.

Thanks to SouthWings for amazing educational efforts.

Lynda Anne Ewen for all her hard work on the *Mountain Defender*; Adam Brown for consultation on the newspaper, and all the committed volunteers who distributed all the copies of the paper.

Kathryn Stone, Jerry Knighten and Vicky Wolfe for volunteering as OVEC reps on the WV Public TV telethon. Forrest Hale for setting it up.

Congratulations

Congratulations to OVEC board member Elinore Taylor whose play, "Appalachian Spring Postponed," about a woman running for governor in West Virginia, showed in Huntington in July. Taylor told the *Herald-Dispatch* that while the account is fictional, it borrows from aspects of the recent campaigns of Charlotte Pritt and Denise Giardina, both of whom ran for governor in West Virginia.

"It is an imaginary story, but the thrust of the story is true today – that the two parties are pretty much beholden to certain powers in this state," Taylor told the newspaper.

Despite the humor in the play, Taylor hopes it sparks people to pay attention and take an active role in politics and issues such as mountaintop removal.

Congrats to Robert Salyer of Appalachia for finishing his documentary *Sludge*, about the Martin County, Ky., coal sludge disaster. Look for Jack Spadaro and OVEC and Coal River Mountain Watch folks in the film.

“Christians for the Mountains” Organizes in WV

by Allen Johnson

“The Earth is the Lord’s” was the theme of over 20 Christians gathering in Charleston to organize a strategy to protect and restore God’s creation in the Appalachian region. Deriving their stance from an array of scriptures including Psalm 24’s “The Earth is the Lord’s,” the group pledged their efforts to mobilize Christians and their churches to combat grievous ravages against God’s Earth such as mountaintop removal (MTR) coal extraction.

Several of those attending are well-established activists in secular environmental groups. Judy Bonds exclaimed, “My faith in God is what gives me motivation and strength to carry on in the fight to save the mountains and the communities.” Christians for the Mountains will build its own unique, faith-based identity in order to reach out to Christians and their churches.

One highlight of the gathering was a trip to Kayford Mountain, site of a massive MTR operation. Larry Gibson, who owns and protects a small piece of property as an island in the midst of the surrounding land carnage, gave an

Supreme Court Race Nasty

continued from page 7

in the general election....

And For The Sake of the Kids, an independent IRS 527 political group, raised more than \$3.6 million between August and November to attack McGraw with television ads, according to reports filed with the Internal Revenue Service.

Massey Energy President Donald L. Blankenship contributed nearly \$2.5 million, or nearly 69 percent of the group’s funding...

“The 2004 McGraw-Benjamin race drew national attention because it involved some of the nastiest mudslinging in the history of modern American court campaigns,” said Bert Brandenburg, executive director of Justice At Stake.

“Without reforms, West Virginia is doomed to become a perennial target of national special-interest groups who want courts that will rule in their interest, not the public interest,” he said.

“The time for warnings has come and gone,” the report concludes. “Every state that elects judges needs to act, quickly, before the new politics of judicial elections undermines the impartiality and independence of their courts.”

The complete report is available online at www.justiceatstake.org. 🍌



Watch your step! Fred Kruger and others examine the massive destruction at Kayford Mountain.

impassioned speech to the group. “I’m so glad you are here, but why did you [meaning Christians] take so long?” Impressed by the visual impact of a MTR site, the group agreed that inviting and urging church groups to visit Gibson’s property and for clergy to take airplane flyovers would be an effective strategy to teach and motivate them to action.

The group included Catholic and Protestant Christians. Initially the organization will consist of a temporary steering committee that will develop a constituency, expand a network for communication, build a web page, work on a visual media presentation specifically geared for church audiences, and participate in public events, including Mountain Justice Summer.

As the network develops, people will be encouraged and helped to contact their local churches, write letters to newspaper editors, set up talks at church conferences, and encourage and challenge people of every walk to reflect biblically, theologically, and within their church tradition on their responsibility toward God for creation. A mission statement is in the process of development.

Christians for the Mountains needs people who identify with Christian faith and concern for the environment to contact us. Mobilizing the many people in Appalachia who identify with Christian faith to personally take responsibility for God’s creation and to advocate for public policy that will restore and protect God’s creation will make an extraordinary positive effect.

For more information or to get involved with Christians for the Mountains go to www.christiansforthemountains.org or e-mail info@christiansforthemountains.org. 🍌

States Suing EPA Over Proposed Mercury Pollution Standards

Fifteen states are suing the so-called US Environmental Protection Agency because its new standards on mercury pollution are too weak.

Most mercury in the United States comes from coal-fired power plant smokestacks. Air emissions fall into waterways and end up in fish.

Almost all states (including West Virginia and Ohio) have warnings against consuming too much fish because of

the mercury, which is a neurotoxin that can damage the brain and nervous system. It is especially dangerous to children, even in small amounts.

Once again, the federal government is trying to weaken regulations for its fossil fuel friends – at the expense of our kids’ health. 🍌

First Issue of Mountain Defender Newspaper a Success!

As part of the outreach done by the Mountain Justice Summer campaign in West Virginia, about 20 volunteers combed the coalfields in Boone, Raleigh, Mingo, Logan, McDowell, and Wyoming counties in the week before July 30.

They distributed about 13,000 copies of the first issue of the *West Virginia Mountain Defender*. The idea was birthed at this year’s Summit for the Mountains as a tool for outreach and education.

The issue included information on various organizations working to end mountaintop removal, a list of sludge impoundment failures in West Virginia, and articles on the recent successes in the Marsh Fork Elementary School campaign. 🍌

Global Warming May Take Economic Toll

from Rueters, August 12, 2005

WASHINGTON - The White House’s refusal to consider government caps on greenhouse gas emissions may save the US economy short-term pain, but experts warn unchecked global heat could exact a heavy long-run toll.

“While there are costs associated with reducing emissions, there are certainly costs associated with not doing anything,” said Kevin Forbes, head of Catholic University’s economics department. “It would be, in my opinion, folly not to try to do something.”

...”I think it’s one of the great tragedies of our era that the administration hasn’t risen to the occasion on this. It’s committing future generations to extraordinary costs and problems,” said James Gustave Speth, dean of the Yale School of Forestry and Environmental Studies. 🍌



“... and in another failed attempt by King Coal to introduce non-native species to ‘reclaimed’ mountaintop removal sites, flamingos failed to flourish in WV ... just kidding!”

A Song for the Pain of Our West Virginia Mountains

Revelations 11:18

Music and lyrics A by Tonya Adkins

I used to go up on the mountainside
To ease my worried mind
But now that mountaintop is gone
It fell to that big dragline



Chorus:

Then I read my Good book in Revelations
In the eleventh chapter and the eighteenth verse
What will they say on the judgment morning
When God destroys those who’ve destroyed this earth

I’ve seen the rivers run black as coal
I’ve seen the timber stripped away
I’m told the love of money is the root of all evil
I see that more clearly every day

Chorus

Now if you come to West Virginia
There’s one thing I ask before you go
If you see three crosses on the mountainside
Remember those crucified below



Revelations 11:18 “The nations were angry, and your wrath came, as did the time for the dead to be judged, and to give your bondservants the prophets, their reward, as well as to the saints, and those who fear your name, to the small and the great; and to destroy those who destroy the earth.”

MOUNTAIN JUSTICE SUMMER

Coal River Residents Win Major Victory; Proposed Coal Silo Was Too Close to Elementary School

After months of increased agitation and pressure led by community-based volunteers from Coal River Mountain Watch, the WV Department of Environmental Protection has revoked a Massey Energy permit. The permit would have allowed the Goals Coal prep plant to build a second towering coal silo just 260 feet from the Marsh Fork Elementary School in Raleigh County.

Area residents claim the plant is a looming danger to the health and safety of school kids and teachers, because of the coal dust, the toxic chemicals used in coal-prepping, the leaking coal sludge impoundment and blasting at the mountaintop removal site above the school.

The 1977 mining laws prohibit surface mining activity within 300 feet of schools, but the DEP originally granted the silo permit, despite heated opposition from residents, saying that the coal plant was grandfathered out of the applicable law. Massey had even started building the silo before the permit was issued.

After some good old-fashioned investigative reporting by the *Charleston Gazette's* Ken Ward, DEP was forced to acknowledge that permit boundary maps Goals Coal submitted (as part of its permit request) somehow encompassed more area than earlier versions of

continued on page 12



On May 31, more than 150 people rallied outside Massey Energy's Goals Coal facility to protest the proposed expansion near an elementary school. Massey security asked the state police to arrest some protesters for trespassing after several tried to present a list of demands to Goals Coal.

photo by Viv Stockman

MOUNTAIN JUSTICE SUMMER

continued from page 11

the map. DEP had no choice but to revoke its recently-granted permit. Massey is appealing DEP's decision.

Congratulations to Coal River Mountain Watch, Coalfield Sustainability Project, Mountain Justice Summer participants and OVEC staff and volunteers who helped with this amazing, locally-led effort! Your efforts have exposed major problems within DEP. You've also made Governor Manchin highly aware of the situation - he has set up a committee to look into this particular case.

The attention on this specific facility has increased awareness about the toxic chemicals used at coal prep plants, the danger of coal sludge impoundments and the overall questionable legality of mountaintop removal. Excellent work!

Here's how it all unfolded:

May 24 – About 100 people rallied outside Massey Energy's Goals Coal facility. After Coal River Mountain Watch's Bo Webb and Judy Bonds tried to deliver a list of demands to the foreman, Massey security asked



Massey evidently feared some kind of trouble on May 24, hence the large State Police presence, but the protesters kept things peaceful, in line with Mountain Justice Summer guidelines.



At the request of Massey Energy officials, Mary Ellen O'Farrell, with Christians for the Mountains, and Larry Gibson, an OVEC board member, are cuffed and arrested for trespassing at Massey's coal processing plant by apologetic West Virginia State Police.

the state police to arrest them for trespassing. After the crowd dispersed, the pair were ticketed for trespassing and released, with an apology from the state police for having to arrest them.

May 26 – About 100 people attend a DEP hearing asking the agency to please not grant Massey Energy's request for another silo at its Goals Coal plant.

May 31 – Three grandmothers were the first of 16 people arrested out of a crowd of 150 assembled to once again try to deliver the list of demands to Massey. Parents, grandparents and concerned citizens worry that the toxic chemicals used at the plant are endangering the health of school children and teachers. Several men who worked at the plant are very ill from chemical poisoning and some have died. In addition to the chemicals, people are worried because they believe the coal sludge impoundment built above the school is shoddily constructed and leaking.

“For the past one and a half years we have appealed to the WV DEP, the Raleigh County School Board, the WV Dept. of Health and Human Resources, the Governors office, the county health department, many state politicians, and the federal Environmental Protection Agency,” said Bo

continued on page 13

MOUNTAIN JUSTICE SUMMER

continued from page 12

Webb of Naoma, WV. Until the citizen pressure greatly intensified this summer, no one was listening.

June 21 – Several people met with Governor Manchin to discuss concerns about the prep plant, the coal sludge impoundment and the mountaintop removal operation above Marsh Fork Elementary. The governor said he will contact the group in five to seven days. He did not.

June 30 – DEP approved Goals Coal second silo.

June 30 – A contingent of concerned parents and others traveled from West Virginia to Massey Energy headquarters in Richmond, Va. to try to deliver the list of demands about the Goals Coal prep plant. Two were arrested.

July 5 – Ed Wiley, a Rock Creek resident and grandfather of one of the 230 students at Marsh Fork Elementary, staged a sit-in on the State Capitol steps, refusing to leave until Governor Manchin came out to meet with him. The governor did come out and agreed to examine the situation at the school.

July 8 – More concerned residents, joined by coal sludge impoundment expert Jack Spadaro, met with the governor's aides. Spadaro said that Massey is adding to the impoundment by building on top of slurry that was previously dumped and has hardened. He said such a foundation is not stable and could cause the dam to collapse.

July 8 – Over 200 people converged on Massey headquarters in Richmond, Va. People again attempted to deliver the list of demands. Someone did snatch the list and scurried with it into the Massey building. No one came out to speak with the protesters.



At the May 31 protest at the Goals Coal preparation plant, it was the grandmothers who were arrested first. Altogether, 16 people were arrested by the state police during the peaceful event.

July 13 – The *Charleston Gazette* reported that DEP allowed Massey Energy to start building the new coal silo more than two months before permits for the project were approved.

July 15 – After *Charleston Gazette* investigative reporter Ken Ward pointed out errors on permit boundary maps that DEP used to grant Goals Coal its permit, DEP suspended the permit pending investigations.

July 19, 20 and 21 – Coal River Mountain Watch and Coalfield Sustainability Project led a series of “You Are Not Alone” marches near Marsh Fork Elementary. On the 19th, people marched barefoot through the school’s playground so they could see first hand how much dangerous coal dust settles there.

July 22 – Mountain Justice Summer and CRMW hosted the Living Community Fair on the grounds of Marsh Fork Elementary to explore and envision a sustainable, locally-based economy on Coal River.

continued on page 14

MOUNTAIN JUSTICE SUMMER

*continued from
page 13*

July 24 – The federal Office of Surface Mining announced it will investigate how West Virginia regulators review coal company proposals for mine permit revisions. (Don't hold your breath. Keep fighting, because the second you relax, OSM will forget all about this!)

July 26 – DEP rescinded the Goals Coal permit.

July 28 – Massey announced it will appeal DEP's ruling.

Right Now – We know what a difference the people united can make! Let's keep at it. Remember, sustained, positive social and environmental change only comes about through active community involvement.

And that's not all - we are getting lots of national attention in the news media, as this story shows:

Taking their cue from Southern civil rights movements of the '60s, a group of green-minded individuals have declared this season Mountain Justice Summer. In late May the group hosted a five-day camp, which netted about 100 people, aimed at gathering activists together and teaching them about non-violent strategies and skills to oppose the mining.

"We have a real solid core of people that are all interested in learning and doing whatever they can to work on this issue," said Sarah, one of the organizers of the Mountain Justice Summer.

Participants have already held several rallies at



You know that we are going to win in the end, because our signs are better! Here Betty Ross makes her feelings very plain about one coal company- MASSEY: MAKING APPALACHIA STEADILY SICKER EVERY YEAR.

Mountain Watch. "The facts just aren't on [the coal companies] side," she argued. "It just seems ridiculous to me that one of their biggest defenses is that we're just being emotional. I mean, how can you listen to some of these stories and not be horrified?"

- from "Bringing Down The Mountain Killers: Fighting King Coal in W.Va.," by Rahul Chadha, *New York City IndyMedia*, June 20, 2005. 🍌

permit hearings, and 16 activists were arrested on May 31 while attempting to deliver their demands for the cessation of strip mining to Massey Energy, a company that produced 41 million tons of coal in 2003, according to their own website.

Local press have picked up on the issue, providing supportive coverage to activists' efforts, said Sarah, who credits the resulting attention for the recent outreach by the West Virginia governor's office to Coal River



MOUNTAIN JUSTICE SUMMER

Success Brings Threats to Project Organizers

by Vivian Stockman

Almost as soon as the Coalfield Sustainability Project organizers, loosely associated with the Mountain Justice Summer (MJS) campaign, moved into a house in Naoma, WV, many of their new neighbors greeted them with gestures of solidarity and support, including gifts of cakes and a freezer-full of meat.

Some, however, were quick to label the mountaintop removal opponents as “outsiders.” Some drove by early in the morning, blaring horns and screaming profanity. At 4:30 a.m. on June 8, a vandal or vandals smashed in the rear window of a truck belonging to a resident of the organizers’ house.

Coal River Mountain Watch also has been the target of intimidation tactics, perhaps because the combined efforts of Friends of the Mountains groups and the MJS campaign have resulted in heightened publicity over Marsh Fork Elementary in particular and mountaintop removal in general.

Their office received some angry calls about the *Mountain Defender* newspaper. Far worse, Judy Bonds and Bo Webb received warnings that they would end up at the bottom of a mine crack if they kept up their work. Someone swerved her car at Bo during one of the marches in Coal River Valley.

OVEC board member Larry Gibson is no stranger to unkind and ignorant acts by bullies who want to cow him into not speaking out. Perhaps because he has hosted MJS folks on Kayford Mountain several times, Larry has endured several acts of vandalism this summer.

Someone smashed his solar panels, spray-painted his cabin and broke his motion-activated light and pulled out its wires. The light was in place to alert Larry if someone



A rock just “happened” to smash through the rear window of one organizer’s vehicle parked in front of the storefront office the Coalfield Sustainability Project is working out of in Naoma, WV. Luckily, no one was hurt. photo by Matthew Noerpel

was snooping around his cabin at night.

When Larry spoke at our July 30 Stop Mountaintop Removal Rally, he invited folks to his place to see mountaintop removal first hand and to camp over that evening on the mountain.

About 1 a.m. that next morning, someone fired shots near Larry’s cabin.

In the following days, a network of people began researching how they could install a better security system on Kayford Mountain. They are collecting donations for that system, which will include a new solar panel for power.

MJS was conceived and implemented as a non-violent campaign, in which there would be no property destruction. Even in the face of bullying, vandalism and death threats, there have been no acts of property

destruction or violence on our part.

Meanwhile, Walker Machinery profits by selling the huge machines that destroy our mountains and rob miners of jobs.

Walker’s marketing manager wrote an op-ed, “Be wary of radical protesters,” which has so far appeared in the *Charleston Gazette* and *Morgantown Dominion-Post*.

“State residents, especially Southern West Virginians, should be wary of strangers in their communities this summer,” Walker wrote. He accuses “ominous” MJS of being “willing to not only break the law but to use violence in an effort to move their agenda forward.”

This is strange coming from a man who profits from an industry that apparently feels free to operate outside the law; an industry that uses three million pounds of high explosives every working day on West Virginia’s life-filled mountains.

continued on page 16

Success Brings Threats

continued from page 15

Walker continues, “West Virginia-based environmental groups – the Ohio Valley Environmental Coalition, Coal River Mountain Watch and perhaps the Highlands Conservancy – appear to be involved in this effort, but to what extent? Will they be able to restrain the more volatile out-of-state contingent and more importantly, should they be held accountable if this effort devolves into property destruction and/or violence? ...I would encourage readers to be cognizant of this effort, and to keep an eye out for strangers.”

As Dave Cooper wrote in a letter to the editor about this op-ed, “West Virginians have nothing to fear from Mountain Justice Summer. I just wish I could say the same about Walker Machinery and the coal industry.”

Noama house resident, Ellen Osuna, also writing to the editor about this op-ed, noted, “As far as being outsiders – when we see an issue like MTR that is profoundly destructive, something that hurts the land, air and water that sustains life for all people, something that takes away jobs

“There is a moral obligation on the part of churches, communities, and the state to speak out against acts of violence and threats against those who are protesting mountaintop removal. We must do all that we can to protect them in their exercise of their First Amendment rights in order to protect not only people, but in a very deep sense, the integrity of the nation.”

Rev. Jeff Allen

and pretends to do the opposite, we try our best to help, especially when our help is requested by residents who have been displaced and sickened because of MTR. We do not reply ‘No, can’t help you, you’re not from our hometowns’.”

People are certainly allowed to have differing opinions. But vandalism and threats are plain wrong. As wrong as blowing up mountains, burying streams and destroying our mountain heritage, our kids’ futures. 🍌

Energy Bill: Billion\$ of Reasons to Support Real Campaign Finance Reform

Vice prez Dick Cheney’s secret energy task force (open only to fossil fuel honchos) and Congress’ pork fest gave us the 1,724 page energy law-monstrosity. It gives no

thought to our kids’ future and dangerously ignores the devastating news on global warming. The new law:

- 🍌 Contains new limits on public participation in energy-related decisions, alterations of clean water law and pre-emption of states’ rights when it comes to building electricity transmission lines and liquefied natural gas port facilities.
- 🍌 Does nothing to protect the environment against the depredation of drilling, mining and nuclear-waste disposal.
- 🍌 Does not mandate higher fuel efficiency for automobiles.
- 🍌 Hands a multibillion-dollar gift to the oil and coal industries, which were already making record profits, including a \$1.8 billion program to promote “clean” coal.
- 🍌 Gives the nuclear industry \$14.3 billion in subsidies and tax breaks, plus unlimited taxpayer-backed loan guarantees and insurance protection for new reactors.
- 🍌 Gives the lion’s share of funding for “renewable” energy to Big Corn for ethanol, which a recent study found takes more energy to create than it yields.

If all of the bill’s programs are funded, the law’s price tag will reach \$81 billion, and most of the windfall will go to the already profitable oil and coal industries. Now they can hire even more lobbyists to stuff the campaign coffers of “our” politicians. 🍌

GET ACTION ALERTS!

Stay Informed by E-mail: Join OVEC’s Action Alert! e-mail list by sending an e-mail with “join list” in the subject line to vivian@ohvec.org. This is not a discussion list, so you won’t be swamped with e-mails.

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

Stay Informed by WWW: Visit www.ohvec.org frequently for news and action updates. Check out our extensive background information in the Issues section. Look for your friends in the People in Action section.

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

Midwest Renewable Energy Fair - A Vision of the Future, Today

While mountaintop removal perpetrators would have us believe coal is the only energy source that keeps the lights on, huge numbers of folks are proving them wrong. They're creating sustainable jobs and leaving a better world for our kids.

Thousands of these green energy advocates and small-scale renewable energy manufacturers attended the 16th annual Renewable Energy and Sustainable Living Fair, held by the Midwest Renewable Energy Association (MREA) in Wisconsin. OVEC's founder and co-director, Dianne Bady, delivered a keynote address at the fair, the largest such event in the world.

MREA president Mick Sagrillo asked Dianne to speak after he learned about her in *On Wisconsin*, the University of Wisconsin's alumni magazine. In introducing Dianne, Mick said after reading the article he thought, "This is a dangerous woman! We've got to have her speak!"

Dianne was a little worried her speech about mountaintop removal would be a downer amidst so much positive action and hope (there were

hundreds of workshops and booths at the fair), but she spoke of our successes on other issues and talked about the power of organized people.



Dianne hugs "her" oak tree (shades of OVEC's logo!).

The audience was shocked to learn that, in southern West Virginia, mountaintop removers use 3 million pounds of explosives on working days. The audience appeared deeply moved by the stories Dianne told about the human and ecological toll of mountaintop removal. We bet her speech bolstered many in both their personal and political commitment to renewable energy.

MREA honored Dianne by planting a tree for her on their Avenue of the Advocates. Mick said they chose an oak for Dianne because it is such a strong tree!

OVEC staffer Vivian Stockman attended the fair with Dianne, and both say they learned a lot.

For instance, Germany has committed to getting 100 percent of its energy from renewable sources!

Everywhere people spoke up for the decentralization of our energy systems (as has OVEC).

Many called for a level playing field—either give renewables the same subsidies that fossil fuels in the United States receive or better yet, take away the subsidies for fossil fuels, and don't even give any to renewable energy. Let the free market be free, and let the people choose what power they want. Our bet is parents will choose the power sources that don't poison their kids.

Dianne and Viv came away from the Midwest Renewable Energy Fair buoyed by the incredible group of people working and living every day with sane, safe and reliable renewable energy.

These folks are determined to change the future for the better, no matter what the fossil fuel fools in DC and certain state governments do to try to stop them.

We have seen the future: It is people power and it is *us!* 🍁



There were dozens of exhibits and demonstrations at the Midwest Renewable Energy Fair. photos by Viv Stockman

WV Archives and History Commission Agrees: Blair Mountain Must Be Saved from Coal Mining, Belongs on National Register

by Regina Hendrix

The Friends of the Mountains' nomination for Blair Mountain to be listed on National Register of Historic Places was the first item on the agenda at the May 6 meeting of the Archives and History Commission, where a standing-room-only crowd had assembled.

Historian and FOM consultant Frank Unger made a compelling presentation, with maps and aerial photography of the nomination area, a 10-mile intact ridgeline containing 1,600 acres.

Bob McCluskey, a Jackson & Kelly attorney representing Friends of Coal, was next and, as expected, was NOT in favor of preserving this piece of history. He nitpicked at the nomination procedure and brought up the coal industry's tired old arguments about jobs and national security. You know, blow up the mountains for the good of America and use machines to replace miners.

While coal production has risen, coal employment has dropped nearly 75 percent in the last 20 years. If Blair Mountain is determined eligible for the National Register and the companies cannot blow up the ridge, they might have to recover the coal by conventional methods. This could become known as the Blair Jobs Bill.

After the presentations, state staff pointed out that the preservation of Blair Mountain would not restrict the use of the land. Next there were 20-some speakers who commented on the nomination, the first of which was our mystery guest—William C. Blizzard—in person, telling us of his recollection of his father's trial in Charles Town.

Following the Blizzard family introductions, there were supporting statements by WV author Denise Giardina and labor historian Fred Barkey. Of course, there were some that didn't support the nomination, such as the Dingess-Rum Landholding Co. and suppliers of heavy equipment used in mountaintop removal.

Another honored guest in attendance was OVEC member Kenneth King, a Logan resident who has been working for the past 10-plus years to save this piece of



Aerial view of the proposed historic area, showing the 10-mile long ridgeline that was a key location during the Battle of Blair Mountain. photo by Kenny King

history. Kenny is an amateur archaeologist and historian.

As the meeting drew to a close, the vote was taken and the commission members voted unanimously to forward the nomination to National Park Service. This nomination has been attempted several times during the past 25 years and for various reasons it was never presented to National Park Service.

Thanks to all (especially those in the State

Historic Preservation Office) who labored long hours to move the nomination forward in order to preserve labor history and to acknowledge that working people in West Virginia's coalfields contributed mightily to this country's labor history. The Commission's unanimous vote was an acknowledgment of the importance of this piece of history. It is a tremendous demonstration of respect for Appalachians and their culture and heritage.

Almost two months after its vote, the Commission had still NOT sent the nomination on to the Keeper of the Registry for the next steps in the process. Thanks to FOM friend, attorney Bill Depaulo, who made the commission aware of a rule that required them to forward the nomination if they had not made the nominators aware of any problems within 45 days. The Keeper now has our nomination. 🍌

On Daring to Speak Out:

“The sorts of strong-arm tactics the residents of mountainous Appalachia have had to endure are chilling, as if someone had taken the plot of a prohibition-era Mafia movie and re-set it in the rural hills of Southeast America. Much like the seams of coal that run dark veins through the mountains of Appalachia, the ties between the coal industry and the state and local governments charged with policing them run hard and deep, and well-hidden from the sunlight.”

- from “Bringing Down The Mountain Killers: Fighting King Coal in W.Va.,” by Rahul Chadha, *New York City IndyMedia*, June 20, 2005. 🍌

Summit for the Mountains V Generates New Ideas

This spring, 28 activists from seven different organizations – including Friends of the Mountains regulars – met at Camp Virgil Tate for our Fifth West Virginia Summit for the Mountains. We gathered to develop long and short-term strategies to help end mountaintop removal. We especially focused on planning and coordinating actions and activities to help make Mountain Justice Summer a big success.

Theresa Gardella, our top-notch facilitator, whom OVEC staff met through the Ford Foundation’s Leadership for a Changing World program, kept us on track and focused throughout the strategy portion of the weekend.

We came away with more ideas than fleas on a dog’s back. The *West Virginia Mountain Defender*, a newspaper all about mountaintop removal, was distributed throughout the coalfields before the July 30 rally at the State Capitol. This was just one of the many ideas that came out of the Summit.

Hillary Hosta (American Forest Alliance) was our enthusiastic and energetic trainer for the thought-provoking and highly participatory non-violence training. Have you ever thought about poverty as a form of violence? Words? Facial expressions? Hillary kept our minds and bodies active as we evaluated several different scenarios -deciding whether or not a particular action was violent or non-violent.

In an early-morning workshop, OVEC’s Vivian Stockman facilitated a discussion on how to frame our message. No Summit is complete without some time to have a little fun. Some folks blew off steam playing Frisbee, while others just relaxed.

Think Clean Water Isn’t Important?

Whereas 300,000 people were killed in armed conflicts in 2000, as many people die each and every *month* because of contaminated water or lack of adequate sanitation – this according to the *U.N. Wire*, July 23, 2004, as reported in the 2005 edition of *State of the World*, published by The Worldwatch Institute. 🍌



The Gang of 28, the Summit for the Mountains V participants.

On Saturday night Tonya Adkins, Scott Straight, Abe Mwaura and Danny Dolinger sang and played music while Viv ran a slide show highlighting many of our past actions.

We are blessed with some of the most dedicated volunteers and activists in the state. So at the closing circle, OVEC handed out some well-deserved awards:

- ★ To **Julian Martin** we gave the Master of Coal Industry Bullsh*t Patrol Award.
- ★ To **Kathryn Stone**, the Perpetual Hostess with the Mostest Award.
- ★ To **Larry Gibson**, the Stick To It Award.
- ★ To **Theresa Gardella**, the Bonafide Appalachian American Award.
- ★ To **Denver Mitchell**, The Stamp Out Mountaintop Removal Award.
- ★ To **Bo Webb**, Glad You Are on Our Side Award.
- ★ And, to **Michael Morrison**, the Outstanding Volunteer in Defense of Mother Earth Award.

All of us came away with greater energy to do the work, a deeper relationship to our coalition partners, and many new ideas to tackle together as Friends of the Mountains. Several people told us that this was the best Summit they had ever attended.

OVEC enthusiastically thanks the Environmental Support Center for their generous support in helping to fund this event! 🍌

Marathon Ashland Needlessly Putting Community at Risk

by Janet Keating*

The Marathon Ashland refinery uses and stores 160,000 pounds of hydrogen fluoride (HF), a highly toxic chemical used to boost the production of high-octane gasoline.

HF is one of the deadliest chemicals in use today. When released it forms a dense, ground-hugging cloud of lethal gas that can travel five miles before dissipating. HF, four times more toxic than cyanide, is the only chemical known to etch glass.

In 1987, Marathon's Texas City refinery released 30,000 pound of HF, the largest known release, sending over 1,000 people to the hospital.

Approximately 240,000 people live within the "vulnerability zone" of Marathon-Ashland's Cattlesburg, Ky., refinery. In the event of a worst-case scenario accident involving HF, thousands could succumb to the chemical's toxic effects, including slow-healing burns; damage to eyes including blindness; heart failure; severe bone damage (including liquefying); and death.

A report released by the U.S. Public Interest Research Group says that 50 oil refineries across the country – including a dozen in Texas – are putting millions of Americans at unnecessary risk by using highly toxic hydrofluoric acid.

Pink Slip Time for Besieged DEP Chief?

Is it time for DEP chief Stephanie Timmermeyer to get a pink slip? Let's check the timeline...

June 30 – Despite citizen outcry, DEP approves Goals Coal second silo. DEP had allowed Massey to begin construction on the new silo two months before it got the permit! (See related article on page 12).

July 16 – *Charleston Gazette* editorial "Mistrust: DEP and DuPont": *Anyone who wonders why people become exasperated with government – why they lose their tempers in public meetings, why they quit bothering to participate in running their state and communities – need only look to the state Department of Environmental Protection.*

DEP had been planning to issue a press release warning Wood County residents that it looked "increasingly likely" that the toxic chemical C8 from a DuPont plant there was spreading into their air, water and soil. But the agency let DuPont soften the DEP press release. Though she wasn't in charge of DEP then (she headed up the air division), lawyer Timmermeyer had (before taking her state job) represented

ACTION ALERT!

Contact Marathon Ashland's President, Gary R. Heminger, and urge him to eliminate the use of HF at the Marathon-Ashland refinery in Cattlesburg, Ky. Write to:

Gary R. Heminger, President,
Marathon Ashland Petroleum, LLC,
P. O. Box 1
Findlay, OH 45839

Safer alternatives exist NOW. In this age of terrorism threats, the best way to deal with HF is to eliminate its use. Marathon Ashland should change the alkylation process and use a safer alternative. In the very least, they should also use local skilled and trained workers to do routine maintenance on the HF alkylation unit.

While refinery officials claim their water mitigation systems would knock down a cloud of this toxic gas, what if that system malfunctions? Why not just use a fail-safe alternative? 🍌

* Janet Keating is the former Janet Fout.

DuPont on C8 issues. She recuses herself from dealings on this issue now. So who is in charge?

July 26 – Only because of citizen pressure and investigative reporting, DEP revoked the Goals Coal silo permit. By August 10, the legality of the revocation was questioned by Joe Lovett, lawyer for Marsh Fork residents. He says DEP should have cited the company for mining outside its permit boundary instead.

August 8 – In "DEP hasn't written required mining 'mitigation' reports," the *Charleston Gazette* reports: *For the last five years, state regulators have ignored a legislative mandate to produce an annual report on their mining*
continued on page 21



OVEC Board Member Winnie Fox waves a pink slip as she calls on Gov. Manchin to ax the DEP chief at the July 30 rally.

Photo by
Jesse Mwaura

Justification for Mountaintop Removal Mining Based on Lies

by David Orr

Coming up to the crest of Kayford Mountain, we were warned that a mother bear and her two cubs were in the area. In the distance we could hear the sounds of heavy equipment. As we walked down the county road, the trees thinned out enough that we could see the war zone beyond. They call it “mountaintop removal.”

Momma bear was moving her cubs to safer ground, but the way out was getting harder by the hour. Further down the road the Massey Coal Co. posted a “No Trespassing” sign and a heavy steel gate. They don’t want people like me poking around and seeing too much. We walked ahead nonetheless. Peering over the edge of the cut, desolation was all one could see to the edge of the horizon.

The unmined remnant of Kayford Mountain stands up like a pedestal a thousand or more feet above what is now desolate land below. On the other side, the ancient graveyard of the Gibson clan looks out across thousands of acres of permanently ruined land below.

The next day we flew over the same terrain in a single-engine aircraft. From the perspective of several thousand feet, the desolation is all around stretching over six West Virginia counties,

perhaps a million acres in all – and the pace of mining is picking up.

Mines, mine wastes, slurry ponds at a scale that defies my ability to describe. The people living below the devastation share in it. Water and gravity will bring death and destruction down on them in due time. When that happens, those working for Massey Coal, Arch Coal and the other operators will, no doubt, call this an “act of God,” but it will be no such thing. It will be an extenuation of the crime committed by people working for companies who have no care for people or for God. Their profits are their God and the devil take the hindmost is their morality.

In their wake is ruin at a scale we cannot adequately comprehend over a time scale that we cannot accurately measure.

Why is this happening? The companies and the politicians they buy say this is about jobs and economic survival. That is a lie. Removing mountaintops, forests, and polluting water with heavy metals and acid employs relatively few and destroys the basis for a better and sustainable economy, forever.

Vice President Cheney says it is part of a national energy strategy and therefore

continued on page 22

Pink Slip?

continued from page 20

“mitigation” deals with coal operators... “It was simply an oversight on our part,” DEP stated.

“Last month, the DEP announced an unusual mitigation deal that allowed a coal company to donate land to the state to offset wetlands that will be damaged by a new strip mine in Grant County...”

August 11 – The Gazette sums up: *But the DEP fumbled (the mitigation) deal too. The Army Corps of Engineers had not yet held its public comment period. The U.S. Fish and Wildlife Service questioned the permit, and the U.S. Environmental Protection Agency objected to it. All three federal agencies must approve such a deal.*

It’s high time we get a new DEP chief – someone who really works to protect the environment, not the polluters. 🍌

Respect This: Water Sustains Life!

(from www.peopleandplanet.net.)

Streams, rivers, groundwater, lakes, wetlands and other freshwater ecosystems provide a myriad of services that are essential to human well-being.

“Healthy watersheds are nature’s water factories, and it pays to protect them,” says Sandra Postel, director of the Global Water Policy Project, and author of the study, *Liquid Assets: The Critical Need to Safeguard Freshwater Ecosystems*.

The worldwide value of the “ecosystem services” provided by healthy watersheds amounts to trillions of dollars each year. The services provided include flood protection, drought protection, and pure-drinking water, essential to human health and basic to economic well-being. Mountaintop removal degrades and destroys ecosystem services. 🍌

CALENDAR

Sept. 1-4: Sternwheel Regatta. Volunteers needed to work the Friends of the Mountains table. Contact OVEC at ohvec@ohvec.org or call (304) 522-0246.

Sept. 3: 10 a.m. – 9 p.m. Tri-State Multicultural Festival, Ritter Park, Huntington, WV.

Sept. 14-15: Flatwoods “A Renewable Future - Exploring Energy Sources for West Virginia.” The 2005 Conference on the Environment presented by the WV Environmental Institute, with the WV Development Office. The goal is to lay some of the groundwork for the state to begin utilizing all aspects of its renewable energy potential.

Sept. 30 to Oct. 2: Environmental Conference – “Defending the Earth in Time of War.” Keynote speaker: Derrick Jensen. Conference has been designed to place the protection of natural areas in the context of our society’s current orientation

Justification

continued from page 21

necessary to provide cheap electricity. That, too, is a lie. Electricity made by burning coal is anything but cheap.

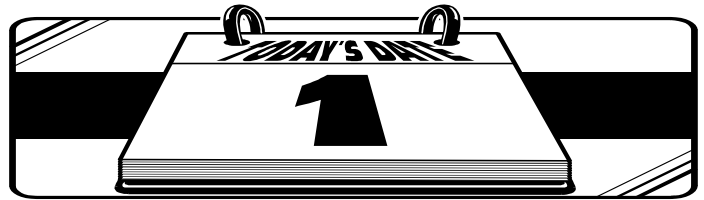
It is part of a foolish and destructive energy policy that kills 50,000 or more Americans each year from lung diseases caused by breathing polluted air, destroys forests and waters by acids, and is changing global climate faster than anyone thought possible even a few years ago. Efficiency, solar, and wind energy are hands down the heart of a better national energy strategy.

Last year, Senator Robert Byrd wrote a book titled “Losing America.” I like the book and have great admiration for Senator Byrd, one of the few true defenders of the Constitution in the U.S. Senate. But for anyone with eyes to see we are losing a large part of West Virginia – truckload by truckload, mountain by mountain. And the loss is forever.

Had terrorists ruined a million acres of America and the lives of its people and the prospects of its children we would be properly outraged and moved to defend the land and ourselves. But the desolation of the mountains and their people is hidden, kept secret, and excused by the worst logic of capitalism devoid of morality and good sense.

It is a crime for which our children will not forgive us.

David W. Orr, is the author of *The Last Refuge; The Nature of Design; Earth in Mind; and Ecological Literacy*. He is a professor and chair of the Environmental Studies Program at Oberlin University. 🌰



towards war. Lutheran Memorial Camp, 45 minutes north of Columbus, Ohio. Conference organized by Buckeye Forest Council, OVEC, and others. Register online at www.buckeyeforestcouncil.org or call (740) 594-6400 for more info.

Oct. 6: 5:30- 6:30 p.m. Stop the Hate Vigil. Davis Park, Charleston, WV.

Oct. 7-8: Commission on Religion in Appalachia’s Annual Assembly. Blue Ridge Assembly in Black Mountain, NC. Call the OVEC office at (304) 522-0246 for information.

Oct. 14-16: West Virginia Environmental Council’s Annual Fall Conference, Camp Frame, Hedgesville, WV (near Berkeley Springs). Check out www.wvecouncil.org for more information or contact the E-Council office at (304) 346-5905.

Nov. 4-5: 2005 Volunteer Monitoring Conference, “Volunteer Monitoring in the Mid-Atlantic: Citizen Scientists In our Watersheds.” Register on-line at www.wvca.us/workshops/vmc/. For questions: Tim Craddock, tcraaddock@wvdep.org or (304) 926-0499, x 1040.

2006

May 26-29: Joint Heartwood Forest Council / Summit for the Mountains. More details forthcoming. 🌰



Coal Barge Woes Rear Their Ugly Head in Huntington - Again

Members of the Westmoreland Neighborhood Association in Huntington, WV, are organizing to fight Huntington Marine Services' proposal to dock up to 200 barges along the Ohio River's banks.

Residents are worried about increased air pollution and related illnesses from coal dust, noise pollution, the safety of their children swimming and playing near the barges, damage to the river's banks and destruction of the viewshed and their property values.

Thankfully, Huntington City Council has shown opposition to the Army Corps of Engineers issuing the permit in the residential neighborhood.

Arguing for the facility, a Lawrence County, Ohio (across the river from Huntington) commissioner said, "You can't have business without someone sacrificing somewhere."

While most coal industry apologists usually aren't this blatant (or stupid), this is quite obviously the industry's modus operandi: Someone (usually of modest means) has

to suffer so the coal industry can have its way.

Frances Case of Huntington wrote in an August 9 letter to the *Huntington Herald-Dispatch*: "Excuse me. Is that what it has come to in this area in the pathetic attempt to attract any type of job, no matter how menial and no matter how much it hurts citizens? We have sold out so much of our heritage already to big coal companies and the timber industry... Come on, Mr. Commissioner – would you want this in your neighborhood?"

At a recent meeting, residents noted they are already getting some coal dust from Kanawha River Terminals. Putting a barge docking area in Westmoreland will make it like a coal camp, one woman said. Why not put in a company store while they're at it?, she asked.

Contact Joyce Clark, president of the Westmoreland Neighborhood Association. if you would like to get involved in this matter, at (304) 429-4032.

The Corps of Engineers is currently evaluating the dozens of requests it has received to hold a public hearing. 🍌

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