



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org

Army Corps of Engineers' Apparent Policy: No Headwater Streams Shall Be Left Unburied

by Dianne Bady

Over a year ago, OVEC, the WV Highlands Conservancy and Coal River Mountain Watch challenged valley fill permits at four large strip mines, arguing that the permits were issued in violation of the law and would cause significant and devastating environmental damage.

In June, just before the scheduled trial, the US Army Corps of Engineers suspended the permits. This

SLUDGE: Legislators Get an Earful From People Who Live With It Every Day in WV

It was standing room only for a presentation at the State Capitol on Oct. 16. Mingo County residents turned out in strength to hear two of their own, Donetta Blankenship and Debbie Sammons, address state senators and delegates. They were joined by members of the Sludge Safety Project from Logan, Boone, Raleigh and other counties. DEP staff and coal industry lobbyists and lawyers also crowded into the room.

Both affected residents and scientists addressed the legislature's Interim Judiciary Subcommittee B about grave concerns over the underground injection of coal slurry and groundwater contamination.

Mine safety expert Davitt McAteer, who heads up the federal Coal Slurry Impoundment Location and Warning

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unprecedented, voluntary move was an attempt to make the permits more bullet proof before the judge heard the case. The Corps' move delayed the trial, but it was finally heard before Judge Robert C. Chambers in federal court in Huntington over six days in October. Final arguments in the complex case were heard November 29th.

We're very ably represented by the Appalachian Center for the Economy and the Environment and by attorneys with Earthjustice in Washington, DC.

In opening arguments, our attorney Joe Lovett told Judge Chambers that, "The Corps of Engineers is permitting the destruction of southern West Virginia with little more than a wink and a nod."

Many media reports stated that the outcome of this case could set broad new policy that would affect all future mining operations in southern West Virginia.

Watching the behavior of coal industry lawyers and technical people as they sat together with state and federal regulators, it was obvious to me that this is the correct

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Donetta Blankenship answers a reporter's questions after the sludge hearing, her black water and clogged water filter samples in front of her.

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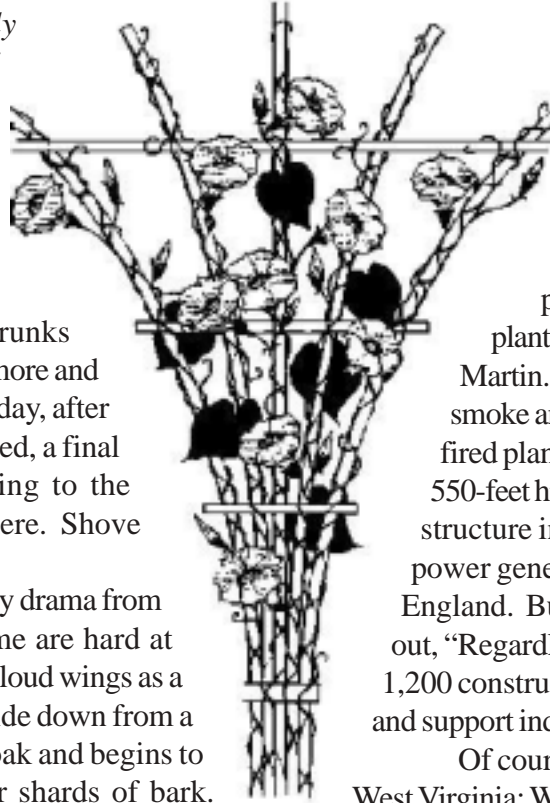
Morning Glories

by Katie Fallon, who recently attended the Writers' Tour of WV Mountaintop Removal

The wild morning glories have finally spilled the top two stones from the wall along my driveway. I'd been watching them all spring, the slow, deliberate way their woody trunks thickened. They pushed a little more and a little harder until one summer day, after their purple blossoms unpuddered, a final nudge sent the stones clattering to the pavement. As if to say, I root here. Shove off.

I watch the morning glory drama from my porch. The birds around me are hard at work, too. I hear the whirring of loud wings as a nuthatch swoops in to hang upside down from a feeder, then flits away to a red oak and begins to hunt for insects wedged under shards of bark. Somewhere a fox squirrel crashes across a branch. Goldfinches argue in the forsythia; I wish I spoke better bird. A mourning dove trills the end of a coo and another answers. Cardinals claim each other while a downy woodpecker hammers a trunk. Field sparrows in the orchard flute down the scale and tufted titmice scold me from the chestnut tree. It's loud out here, so loud that the backdrop almost goes unnoticed – a few ridges over, the smokestacks of Allegheny Energy's plant at Fort Martin puff poison clouds skyward, darkening the blue like dirty cumuli.

Seven coal-fired power plants operate within 30 miles of this porch, these morning glories, the busy birds. According to the WV Department of Environmental Protection, the Fort Martin plant sends arsenic, formaldehyde, mercury and other chemicals into the air we breathe 24-hours a day, seven days a week. Mercury



balls itself up in livers and kidneys, seeps out in saliva and sweat, causes arms and legs to tremble like twigs in a wind storm. What would it do to a chickadee?

An energy company from Massachusetts is seeking permission to build another power plant 1 mile from the existing plant at Fort Martin. From my porch I will be able to see smoke and steam from not one, but two coal-fired plants. The new plant's stack will stand 550-feet high, and will be the tallest man-made structure in West Virginia. Rumor has it, the power generated will be sent up north to New England. But as the company's website points out, "Regardless of where the power goes, some 1,200 construction jobs, 50 to 60 operations jobs and support industries jobs stay in the region."

Of course they will. This is what we do in West Virginia: We labor. We mine, we construct and we operate dangerous machinery. We give out-of-state companies tax breaks to flush chemicals into our rivers, belch poison into our skies and toss us miserable jobs. We have one of the highest childhood asthma rates in the nation. Our economy ranks dead last. And at the end of the day, we thank the coal industry for "making West Virginia great."


I take my lesson from the wild morning glories and write a letter protesting the proposed plant to the West Virginia Public Service Commission. I compose it here, on my porch, in the shadow of a white pine and a smoke stack. A gang of blue jays cheers me on from the oak trees, chanting, Thief! Thief! I end the letter, "Thank you for your time," but what I mean is, I root here. Shove off.

Originally published in the Spring 2005 issue of Appalachian Heritage.

Give (OVEC) Gifts That Give Twice

If you are looking for holiday gifts, please check with the OVEC office. We have OVEC T-shirts, as well as books, musical CDs and more. Call us early in December, (304) 522-0246, as the office is closed toward the middle of the month. Also, check out the new online OVEC store: WWW.CAFEPRESS.COM/OHVEC.



If you live in Charleston, Frog Creek Books in the Capitol Market and Taylor Books on Capitol Street are two independent book stores that carry recent books and other media documenting the resistance to mountaintop removal. 



Permit Hearing

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assessment. The crowded Coal-and-regulators side of the courtroom seemed calm whenever their experts testified.

But often, when Joe Lovett was questioning witnesses, there was an intense flurry of activity as coal lawyers and experts, and government regulators, hurriedly flipped through pages of thick documents and whispered to each other.

We argued that the Corps did not adequately study the impacts before approving permits at these four Massey mountaintop removal mines: Republic No. 2 Mine in Fayette County, Camp Branch Mine in Logan County, and Black Castle and Laxare East, both in Boone County.

These mines could produce 40 million tons of coal – about one-fourth of the coal produced in West Virginia.

We're asking the court to force the Corps to conduct detailed Environmental Impact Statements on each of these mines before they attempt to reissue the permits.

Corps officials stuck to their argument that Environmental Impact Statements are not necessary at these mines because they would cause only minimal environmental impacts.

At times the trial seemed surreal. Cynthia Morris, a Corps attorney, claimed that mountaintop removal and reclamation will actually make some parts of Southern West Virginia **better** than they are now, by improving the water quality. She argued that environmentalists are spreading a

myth that mountaintop removal is damaging to streams and forests. (Remember, this is “your” government in action! Your tax dollars pay the salaries of these regulators who seem to twist the law and ignore reality in order to approve more mountaintop removal permits.)

Our expert witness, Dr. Bruce Wallace of the University of Georgia, pointed out that when streams are buried by valley fills, “the streams that are lost are perpetually lost. There’s no correcting for that.”

The Corps used their modeling data to argue that strip mines would reduce water runoff during rainstorms.

But one of our experts, Keith Eshleman, a professor at the University of Maryland, gave evidence for the obvious – that mountaintop removal mines, where large forested areas are forever clearcut, play a huge role in **increasing** the severity and frequency of coalfield flooding.

He said that the Corps ignored four separate studies that monitor water runoff; studies that showed that runoff increases as a result of mining and reclamation, putting those who live near these mines at a greater risk of flooding.

“It was irrational for the Corps to not give consideration to these studies,” Dr. Eshleman said. “The studies were done in similar areas and are relevant to the decisions made in this case.”

Most mornings as I was coming into the courtroom, I watched as a former top West Virginia water regulator wheeled a dolly holding a stack of documents several feet high into the court.

I wondered how much her income has increased now that she works for the WV Coal Association, which intervened in our case. I wondered how she could sleep at night.

Toward the end of the trial, as one federal regulator argued against our positions, she labeled her arguments as those of “the United States.”

Geez, I thought, OVEC vs. the United States?

I didn't like the sound of that until I realized that it was really OVEC vs. the Bush administration.

Listening to the tortured science of the coal industry and the government regulators, and hearing our attorneys and experts' responses, it hit me as never before how many and varied are the ways that Coal is allowed to apparently ignore the law in their pursuit of profits.

It seems like it will take a political revolution to change this appalling state of affairs. Did that revolution begin on Election Day in November?

Let's keep working together to bring that revolution here to the coalfields! 🍌

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OVEC is a founding member of Community Shares of West Virginia
OVEC is a 501(c)(3) non-profit organization

SSP - Elaine Speaking Out on Slurry's Evils



In October, the West Virginia Council of Churches met to consider what topics it will focus on during the 2007 Legislative Session. Elaine Roberts was one of the community members who traveled to Charleston to speak with Council representatives.

Elaine lives in Merrimac, Mingo County. These are her thoughts:

By going to Charleston I thought: Was I going to impress anyone with my words?

After getting there, sitting down and listening, it was my turn to talk. Standing before the Council of Churches, I explained about the illnesses and the medical attention needed for the people of Lick Creek, Rawl, Merrimac and Sprigg. As they passed a glass of water that I had brought from my well, they couldn't believe the smell.

I explained how my granddaughter had almost died from this. This water causes skin rashes, kidney stones, liver disease, cancer and other disorders. I explained about the contents of my water, the sulfur, chemicals, bacteria, sodium, and how all this was on our skin, on our clothes and in our house. How no amount of deodorant perfumes would cover up the smell on our skin. Nothing would freshen the carpets or our clothes. Nothing works. This water has destroyed our heat pump, hot water tanks, water pipes, water

SSP - Boone County Success!

Sylvester Dustbusters Mary Miller and Pauline Canterbury, and OVEC organizer Maria Gunnoe, recently paid another visit to the Boone County Commission.

They built upon the success of Walter and Carol Young in Mingo County, who were unrelenting in insisting that the Mingo County Commission set up a system to warn people in case a coal sludge dam was about to fail.

After many visits from the Youngs, the county adopted a reverse 911 system called WARN.

The Boone County Commission and Office of Emergency Services have agreed to implement WARN. In the event of a dangerous situation arising from any of the area's sludge dams, WARN will automatically ring the phones of Boone County citizens in the potential path of danger.

Thanks to the Boone County officials for recognizing the need for this system, and thanks to active citizens like the Dustbusters and the Youngs who work diligently to improve their communities! 🍌



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softeners...all this has cost more money than we have.

All these contaminants are in our water. This all comes down to the dumping of coal slurry, sludge and chemicals back into old mines. It runs into our well water, rivers, and streams. I ask them to take this before the legislature and have investigations – not one but many.

After hearing the people before me talk and then what I had said I thought everyone had the same cause in mind. We were all fighting for the same thing! Good clean water, something we had before the injections destroyed it. We could not have got this far without the help of friends like OVEC. 🍌

ACTION ALERT!

Write to Support Slurry Study

Please use this letter as an example for writing your own letter:

To the Senators and Delegates of the Joint Judiciary Subcommittee B:

I want to thank you for taking the time to listen and meet with us who care and are concerned about sludge injections and what it does to our state and people.

I am only one of many that live near a coal processing plant with a huge coal waste impoundment and worked out mines nearby.

I really hope you will support an independent study of slurry injections and the impact they have on our health and our water. Thank you again.

***Sincerely,
Walter Young, Delbarton,
Mingo County***

Please contact Tricia, Abe or Vivian via the main OVEC office, (304) 522-0246, for a list of legislators to call or write. Or e-mail vivian@ohvec.org.

Sludge Hearing

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System, opened the hearing. While meeting with the public about sludge dam safety, McAteer's staff were surprised to learn that folks were not only worried about coal dams possibly failing one day, but also worried right now that coal slurry injected underground is making its way into their wells. At a meeting in Delbarton about coal sludge dams, 20 of the 21 citizen questions were about water quality. So McAteer sent Dr. Ben Stout, a biologist at Wheeling Jesuit University, to sample well water in several Mingo County communities.

Stout told the committee that high levels of assorted contaminants were found in many of the wells. Stout and his



Left to right, Debbie Sammons, Jack Spadaro, David McAteer, Dr. Ben Stout, Dawn Seeburger and Dr. Scott Siminton listen intently as Donetta Blankenship (off camera) addresses the legislative committee about coal slurry, groundwater contamination and her family's health.

research assistants witnessed black and sometimes orange water streaming out of people's taps. Stout noted that we don't know what exactly is in coal slurry. There are no definitive studies of groundwater around injection sites, but there is sufficient evidence to suggest possible contamination.

Stout reminded everyone that a 2002 National Academy of Sciences study recommended that research be conducted to identify the chemicals in coal slurry and the hydrogeologic conditions around coal sludge dams.

Stout and other scientists have some funding already available for sampling coal slurry, but they do not have access

to injection points on coal company property.

Mine safety expert Jack Spadaro spoke next, noting that over the years, one coal prep plant near Williamson injected 1.4 billion gallons of slurry underground. However, this area may not be the only one at risk, as there are currently more than 400 injection wells in both northern and southern coal bearing counties.

Spadaro said dry filter press systems for processing coal were refined in the 1970s after the Buffalo Creek disaster, where a coal waste dam failure killed 125 people. Spadaro advocated that the industry return to using this method. While it's slightly more costly, it is still economical

and can be used at any prep plant, eliminating the need to store liquid waste behind dams or underground.

Dr. Scott Simonton, Assistant Professor of Environmental Science at Marshall University, has sampled drinking water in some Mingo communities. He told the committee, "Quite frankly, it is the worst I have ever seen." Not only do residents have to contend with bad water, but also sulfide gas, produced when naturally-occurring bacteria feed upon the contaminated water. He measured a running shower giving off double the levels considered safe by federal workplace standards. Long-term exposure to that gas cannot be healthy, he said.

"There's really no better way to move a contaminant from a solid than to grind it up and mix it with water" – which is exactly what coal prep plants do. "We are injecting that into old mine workings, which are not sealed tubes." The mountains have been dug and blasted for coal. "Cracks and holes allow migration of now-contaminated water into the surrounding hydrogeologic system, which is connected to water wells and surface water supplies," Simonton said.

"I truly believe that the water quality problems in the drinking water wells in this area – the Rawl, Merrimac, Lick Creek area – are from 30 years...of injection of slurry. Certainly further study needs to be done," he added.

After passing around jars of black tap water from the Mingo communities, Dawn Seeburger, a toxicologist, told the committee, "This water is causing health effects.

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Sludge Hearing

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Slurry is impacting the groundwater.” She recited a litany of health troubles in the area – gall and kidney stones, thyroid failure, neurological and developmental problems, and more. She noted that although most people no longer drink the area’s water, they still use it for cooking and bathing.

Rawl resident Donetta Blankenship spoke next, on behalf on her family and community. The audience listened intently – even a representative of Massey CEO Don Blankenship (who was videotaping the event, you guess why), coal industry lobbyist Chris Hamilton and DEP chief Stephanie Timmermeyer.

Donetta’s neighbor, Lick Creek resident Debbie Sammons, was the final speaker. She detailed her family’s health problems, which she believes have been caused by slurry-contaminated water.

Her entire family has had kidney stones, including her then 6-year-old son. She spoke of a high rate of miscarriage in her area. She quietly announced she too had miscarried. When she first found out she was pregnant, her doctor told her to drink lots of water.

“It was the water God had provided for me,” she

CoNgratuLaTIonS!

👉 To OVEC board member **Elinore Taylor**, her sister **Nancy** and **Clarice Kumlien**, both OVEC members. All were featured in the new *MetroValley* magazine in “10 Beautiful Women,” an article about women who are “some of the most exceptional women of our time.”

👉 To **Elisa Young** of Racine, Ohio, for wining a 2006 Women of Peace Award, for her work in exposing the toll from the full cycle of coal.

👉 To **Dave Cooper** of Lexington, Ky., for a 2006 Sierra Club Special Service Award.

👉 To **Bill Blizzard**, the late leader of the Battle of Blair Mountain in 1921, and **Ken Hechler**, a former congressman and WV secretary of state, for their induction into the WV Labor History Association’s Hall of Fame.

👉 To Concord University Professor **Delilah O’Haynes**, whose collection of poetry and photography, *The Character of Mountains*, has been nominated for the Appalachian Book of the Year award, given by the Appalachian Writers Association. Ms. O’Haynes attended the writers’ tour of mountaintop removal sites, and is also dedicating a portion of proceeds from the sale of her book to OVEC. Congratulations and thank you! 🍌



told the committee. “I thought it was safe. I was wrong. I probably killed my baby! Again, I am just one of many.”

One legislator called the two hour hearing “compelling.” On Nov. 15 at 9 a.m., as we go to press, the subcommittee is to hear from the coal industry and government regulators on this issue. Check the OVEC website’s daily news section for news arising from this meeting, WWW.OHVEC.ORG/OVEC_NEWS.HTML.

Many thanks to the West Virginia Environmental Council and the West Virginia Council of Churches for their help in making certain the legislature begins to address this threat to human health.

Check the OVEC website’s “People in Action” galleries for Oct. 16, for a transcript of the slurry injection hearing. 🍌

ACTION ALERT!

What the Sludge Safety Project wants the legislators to do - approve a study that will tell us:

- ✓ **How much ground water in WV has been contaminated by underground injection of coal slurry;**
- ✓ **How underground injections have impacted human health and safety;**
- ✓ **What specific chemicals are in coal slurry.**

MTR Threatens Historic Paint Creek Trail

In pre-colonial days, the Paint Creek Trail, traversing parts of Kanawha, Fayette and Raleigh counties, was a heavily used overland trail which bypassed the rugged New River Gorge. Indians utilized the salt, game and outcroppings of black flint found along the trail. When taken captive, Mary Ingles traveled this trail. The New River Gorge National Park website notes that Ingles escaped home along the New River. Today, the West Virginia Turnpike provides passageway through the Paint Creek watershed.

Historical sites deserving protection abound along the Paint Creek Trail. Portions of the trail are now under the threat of impending mountaintop removal. If you want to learn more and get involved to save the Paint Creek Trail, contact Dwight Siemiaczko at (304) 595-3325. 🍌

SSP - Slurry Study Before Legislative Subcommittee

by Carol Young, Delbarton, Mingo County, WV

The message is clear, but our water isn't; it's been tainted with coal waste and has poisoned our community.



- ☒ **The time for truth of what is in coal sludge waste is *now*.**
- ☒ **The time for the mining industry to take responsibility is *Now*.**
- ☒ **The time for our lawmakers to act and pass laws to prevent such environmental wrong is *NOW*.**
- ☒ **We ask all southern West Virginians to beware of the groundwater you assume is clean and usable, for it may not be.**

The people of Rawl, Sprigg, Lick Creek and Merrimac have consumed sludge-tainted water – without knowing its harmful effect – that has affected their health for years.

Now they are speaking out and saying, “Don’t do to other communities as you have done to ours.”

This was emphasized Monday, Oct. 16, in Charleston at the legislative subcommittee hearing on sludge safety.

One would have to think they now know for sure not to consume their well water. So their only motive is to warn others who may be next.

I, for one, am very grateful to the good, outspoken people of Rawl, Sprigg, Lick Creek and Merrimac for their efforts to correct this problem for all West Virginians. 🍌

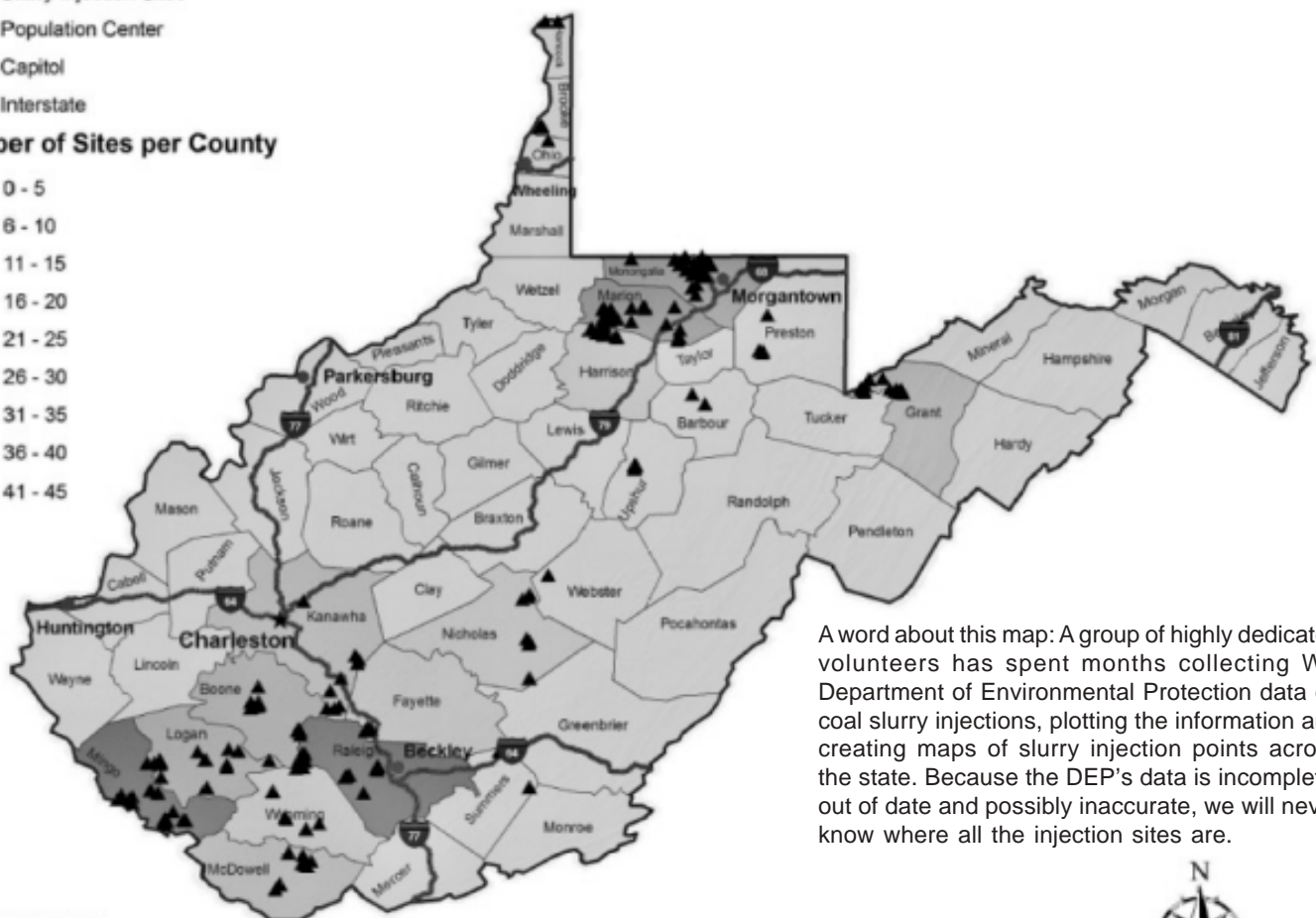
Legend

- ▲ Slurry Injection Sites
- Population Center
- ★ Capitol
- Interstate

Number of Sites per County

- 0 - 5
- 6 - 10
- 11 - 15
- 16 - 20
- 21 - 25
- 26 - 30
- 31 - 35
- 36 - 40
- 41 - 45

Slurry Injection Sites in West Virginia



A word about this map: A group of highly dedicated volunteers has spent months collecting WV Department of Environmental Protection data on coal slurry injections, plotting the information and creating maps of slurry injection points across the state. Because the DEP's data is incomplete, out of date and possibly inaccurate, we will never know where all the injection sites are.

Source: West Virginia D.E.P.
Projection: WGS 1984

0 12.5 25 50 75 100 Miles

1 inch equals 35 miles



OVEC Members Featured in *Moyers on America*



In October, Public TV aired *Moyers on America*, with legendary journalist Bill Moyers. Part 2 of the series – “Is God Green?” – featured Mingo County OVEC members Carmelita and Ernie Brown, Pastor Larry Brown, and B.I. Sammons speaking about the apparent contamination of their well water by coal slurry. What powerful, eloquent speakers – whose voices are being heard nationally!

Christians for the Mountains co-founder Allen Johnson and Coal River Mountain Watch’s Judy Bonds spoke about mountaintop removal. Others called for action on global warming. The show underlines the growing environmental consciousness of conservative evangelical Christians.

Moyers told *Grist* magazine, “I was not surprised to discover that the people in the hollows of West Virginia

are decent, God-fearing, caring individuals. They’re being betrayed by their political leaders... I find it encouraging that they want to do hands-on, practical work in protecting the environment where they live.”

“I first want to apologize as a Christian for the unfaithfulness of the churches and Christians who have oftentimes – too often – been complicit in the destruction that we see upon the land,” Johnson said on the show. “In the Book of Revelation, there’s a scripture that says that God will destroy those who destroy the Earth. We’re breaking a covenant with God.”

If you missed the show, catch it online: WWW.PBS.ORG/MOYERS/MOYERSONAMERICA/GREEN/INDEX.HTML. 🍌

Don Blankenship One of The 13 Worst People In America? No Way!

Just in time for Halloween, *Old Trout Magazine* ran “The Thirteen Worst People in America.” Here’s one bad actor *Winds of Change* readers know all too well:

Scariest Polluter: Don Blankenship by David Roberts

America’s most brutal environmental despoiler may be West Virginia’s Don Blankenship, CEO of Massey Energy Co., the nation’s most aggressive practitioner of mountaintop removal mining. Massey uses explosives to blow off ridgetops in the southern Appalachians to strip the coal from within the decapitated peak. Then Massey dumps the “overburden” (everything that isn’t coal) into the valleys and hollows below. Some blast sites are “recovered” – that is, hastily filled with a layer of fast-growing grass – but the destruction is so profound that no forest will again take root.

In areas where mountaintop removal is concentrated, the destruction to water, air quality and property values is so extensive it all but precludes the development of other industry. Coal has locked rural West Virginia into a death spiral. Over 100 billion gallons of slurry – a toxic black sludge that results from coal being washed with corrosive chemicals – are stored often less than a mile

from houses and schools. The slurry seeps into groundwater and occasionally breaks from behind earthen dams to flood towns below. Locals are regularly showered with coal dust. The black, brackish public water is unfit for consumption or even bathing. Illness is ubiquitous.

To Blankenship, the human and environmental cost be damned. That the Appalachians are some of the world’s oldest mountains and home to what may be the greatest biodiversity of any temperate region in the world seems of little relevance to Massey, and likewise Appalachian culture, with families that date back seven or eight generations on the same land, is being systematically purged from the landscape.

The son of a poor single mother raised in nearby Mingo County, Blankenship ascended the corporate ladder at Massey, ruthlessly suppressed mine worker unions (a mere 3 percent of Massey employees remain unionized), bullied critics and essentially underwrote at least one statewide election through a PAC called “And For the Sake of the Kids.” The group ran attack ads aimed at liberal Supreme Court Justice Warren McGraw, who had the gall to rule against Massey in worker compensation cases.

You’d think Blankenship would do better by his neighbors, though he tries. Every year, in the manner of the Mafia under the late John Gotti, Massey funds a lavish Christmas party in a small West Virginia town. “Don” Blankenship arrives in a limo, puts on a Santa hat, and passes out little gifts to the locals – some of the same people whose ancestral lands he is destroying, whose families he is impoverishing and whose children he is sickening. 🍌

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OVEC online by using PayPal**

Click on  at www.ohvec.org today!

Ed Wiley - Walking Tall for the Sake of His Kids

On a sweltering midsummer morning, grandfather Ed Wiley set out from Charleston, WV, for a walk. Forty-three days and 455 miles later, on Sept. 13, Ed arrived in Washington, DC, along with an entourage of hundreds of supporters and hordes of media.

Ed met with Senator Byrd and other members of the WV congressional delegation. He capped off his walk with a press conference at the Cannon Office Building on Capitol Hill, where all speakers spoke passionately about the need to end mountaintop removal and called for passage of the Clean Water Protection Act.

While walking to DC, Wiley – representing the Pennies of Promise campaign – raised awareness about the toxic sludge dam, coal prep plant, coal silo and mountaintop removal sites that menace Marsh Fork Elementary, in Sundial, WV, where his granddaughter was a student. Ed also raised funds for a new school in the kids’ own community while calling out Gov. Joe Manchin for his inaction on ensuring the school kids’ safety.

“I admire the determination and dedication that Ed and Debbie Wiley have shown,” Senator Byrd said in a release. “The Bible teaches that if we have the faith of a mustard seed, we can move mountains. I believe that the Wileys have that faith.”

We hear the Senator is genuinely concerned about the situation at the school. You can bet, for the sake of the kids, Ed and his supporters won’t sit idly by waiting for that concern to translate into action. 🍌

Ms. Sims Goes to Washington As Mr. Wiley Walks In

Lincoln County activist Versi Sims traveled to Washington, DC, in September for a Stop Mountaintop Removal lobbying week, organized by Appalachian Voices, with groups from across Appalachia.

The citizens met with congressional representatives to express their concerns about mountaintop removal strip mines and coal sludge dams. Sims and the others attended Ed Wiley’s Capitol Hill press conference.

“It’s time for our so-called leaders to stand up for the health and safety of West Virginians. That means they will have to develop the backbone to stand up to the coal industry – and turn down its campaign contributions,” Sims said.

She also encouraged people to call Congress in support of the Clean Water Protection Act.

Sims then brought that message home. She and other members of the Left Fork Mud River Watershed Stream Partners Association asked the Lincoln County Commission to write the DC Congressional delegation, requesting they endorse the Clean Water Protection Act.

The commission agreed to do just that! This could be something you could do in your own county.

Call the OVEC office at (304) 522-0246 or e-mail vivian@ohvec.org if you would like a copy of the document Versi’s watershed group took before the Lincoln County Commission. 🍌



Ed Wiley, center, in white T-shirt, surrounded by the media and supporters as he nears the end of his well-supported, 43-day trek to Washington, DC.

A Whole Bunch of Thank Yous

It's almost a full-time job tracking all the volunteer help we receive. If we left your name out, please forgive us and know that **you are essential** to advancing OVEC's issues.

As you check out this list of Thank Yous, please consider the "Michael Morrison Challenge." Michael has won OVEC's Outstanding Volunteer of the Year two years in a row. He'd like to see one of you take his title!

Writers' Tour: Chris Green, Jeff Mann, Denise Giardina, Bob Henry Baber, Cathy Pleska, Larry Gibson, Vernon Haltom, Judy Bonds, Cindy Rank, Bill Price, Julian Martin, Gordon Simmons, Mike Sublette, Kate Long, Diane Fisher, Adam Brown, Rob Merritt, Delilah O'Haynes, Beth Wellington, Laura Bentley, Katie Fallon, Sam Martin, Irene McKinney, Edwina Pendarvis, John Van Kirk, Mary Miller, Pauline Canterbury, Mike and Leslie Maynor, Chuck Nelson, Ed Wiley, Donetta Blankenship, Versi Sims, Paul and Nanette Nelson, SouthWings, Taylor Barnhill, Caroline Douglas, Bridget Nelson, Darwin Jones and Tom Komer.

Bob Ross Don't Live Here No More Art Show Fund-raiser: Dr. Joseph Touma, Chris Worth, Clayton McNearney, David Seth Cyfers, Peter Massing, Poochie Myers, Allen Toney, Tony Mancini for catering (wow!), Higher Ground, Dennis Butcher at PJ Florist, One Track Minds, Plebe, Zach Kohns, Noel Sayre, Kathereine Mohn, Jarad Lemley, Grant, Michael Morrison, Joe Lung, Elwyn and Joan Bellis, Jonas McNearney and Stephanie for pouring the wine, Jeff Ruff, Ben Robinson, Emilie Ritchie, Micah McMaster, Sam St Clair, Jason Archer and Amber at the Java Joint for providing essential support, all the artists and patrons who made this such a super event. Without a huge volunteer effort, this event would not have happened.

Treehuggers' Ball: Stephen Perry, Holderbys Landing, Eric Fout, Aristotle and the Excellent Lovers, Big Rock & the CandyA** Mountain Boys, Bud Carroll, Chris Allen, Brad & Christina Roush at Raw Times Health Bar, Tem Kirk at the WV House of Music, Paul Calliccoat at Rt. 60 Music, Tracy Toler with Visual Grove Productions, Chris Morris with Music in Motion Production, DJ Jason 1L, Ronda Harper, Chrystal Gunnoe, Mike Morrison (1000 times), Chuck Wyrostok, the waitress at Blue Grass Kitchen, Frog Creek Books, to all the individuals who donated for our silent auction, Old Village Roasters, Scent from Heaven, Happy Camper and – in Pullman Square – Borders, Starbucks, Moe's Southwest Grill and Coldstone Creamery. Thanks to so many volunteers and everyone who came out to make this a super fun event.

Sludge Safety Project: Matt Hepler, The Youngs, the Brown families, the Sammons family, the Blankenship Family, Joe Mollett, the Chafins, Ira Evans, Eddie Hatfield, Luana Cook-Scott, Freda Williams, RS, Denver Mitchell, Melvin Tyree, Regina Hendrix, Fred Sampson, Michael Morrison, Mary Ellen O'Farrell, Kathryn Allen Stone, Cindy Rank. Plus everyone who wrote or called legislators about studying sludge injection during the Interims.

Mountain Community Preservation Coalition: Thanks to everyone supporting OVEC in Boone County! Especially Jim and Jean Foster, Jean, Chrystal and Jesse Gunnoe, Joan Linville.

Blair: Kenny King, CB, and the Aleshires.

Up North: Bobby Mitchell and loads of students, Beth Raps.

Down South: Danny Chiotos, Amanda Haverty, and the UNC Crew who came to Mingo.

Everywhere: Chuck Nelson, Michael Morrison, and the students from POWVEG and the team of folks

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UNC Students in Mingo County for Fall Break

by Nikida Koraly

Many students at the University of North Carolina never have the chance to be immersed in the open and loving culture that characterizes Appalachia, but over our five-day fall break, nine of us got to do just that.

From Chapel Hill, NC, we came to Mingo County, WV, to the Sludge Safety Project, not quite knowing what to expect.

We left reluctantly, not quite knowing how to explain to our friends and family what we experienced.

The issues we learned about, the friends we made and the stories we heard are only the beginning of what our contact will ultimately mean to all of us.

As environmentalists, we were drawn to West Virginia by our interest in how coal mining issues were degrading the mountains. Now we've seen how the same problems that are affecting our environment are even more notably affecting people.

Empowered by the independence of camping in



UNC students distribute literature in Delbarton during their fall break.

some of the state's most beautiful state parks and forests, we were eager to take in as much information as we could about the issues in the area, with a particular focus on the water distribution from Larry Brown's church in Rawl holler. Being able to help with distributing water from the church opened us up to a flood of people who were being directly affected by the contamination. Most of us had heard that the coal

companies were making things hard on communities in this region, but we had no idea that it was to the point of not having clean drinking water.



University of North Carolina student volunteers help with drinking water distribution in Mingo County. photos by Leah Gronnin

We also circulated copies of the *Pan Appalachian Defender* (a multi-state newspaper and a project of Mountain Justice Summer) to people walking in and out of Walmart, as well as issuing them door-to-door in Delbarton.

We heard story after story – not only are people's wells affected, but their walls were cracking and their windows were busting because of blasting.

All of us are overcome with appreciation for how quickly and openly we were accepted and thanked for doing what work we could for the short amount of time we could be there. We were even welcomed into homes for dinner and to sleep one night when it was raining.

Our time in Mingo County powerfully encouraged us to raise awareness of the problems that we saw and experienced.

Using our stories along with further research, we have convinced the student council to investigate the sources of the coal that fuels our university's huge energy usage.

Plans are already underway to team up with other giant universities in North Carolina to influence the practices of coal companies.

Before traveling, our group joined the EPA's "Change a light bulb, change the world" campaign to encourage our friends, family and surrounding communities to be more energy conscious in order to ultimately reduce America's dependence on coal, in turn slowing down the need for massive extraction methods such as mountaintop removal, not to mention global warming.

We understood the environmental implications of our efforts; now we understand the social effects of them.

Don't think that this is the last you'll see of UNC students. We are already planning a spring visit! 🍁

An Open Letter to WV Gov. Joe Manchin

(One supporter's response for Ed Wiley's walk from Charleston to DC [see page 9]. Excerpted; complete letter in the online edition of our newsletter.)

Dear Governor Manchin:

West Virginia's dirty coal secret is spilling out faster than a sludge dam failure. It's out beyond the state's borders. It's out through excellent magazine features on the national and international level. It's out because of the efforts of informed and dedicated members of state, regional and national environmental groups.

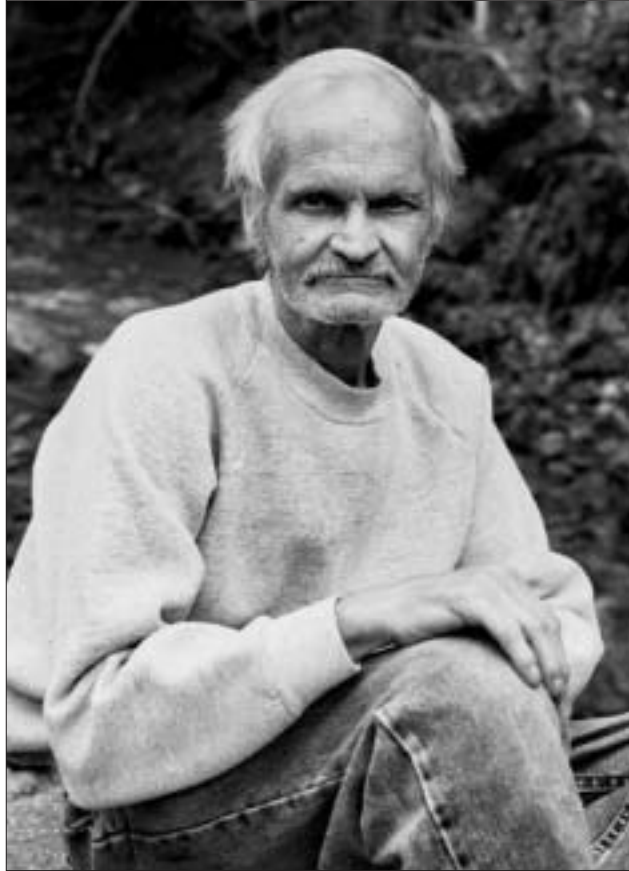
It's out because of brave individuals who have taken action after their state and federal officials have hidden in the pockets of the coal barons for better than a century, allowing these exploiters to destroy the land, the culture, the health and the spirit of hundreds of thousands of people.

Enclosed are three of the many photos I took in southern West Virginia this past spring. Please study these carefully, and remember them each time you lay your head down at night.

I want you to study my portrait of Jimmy Weekley. Coal mining broke his body, but not his spirit. Jimmy is the last remaining resident of his hollow near Blair; a hollow whose stream runs clean and clear – for now. The aliens are approaching Jimmy's home of 66 years, as they are approaching other mountain communities, to destroy the forests and mountains that have protected and nourished West Virginia highlanders for upwards of two hundred fifty years, and native Americans before them...

I want you to study and remember my photo of the Ash Branch of Paint Creek. It represents a beautiful, inspiring and life-giving piece of nature – for now. But the aliens have their sights on this area too. Sadly, many coal country residents know such streams only in their memories.

I want you to study and remember my photo of Massey Energy's coal silo towering over Marsh Fork Elementary School. I also want you to know of the woman who approached me while I was making this photograph, and who said I shouldn't be there. She was apparently more afraid of what would happen to her and her family if Massey discovered that they didn't chase



me off, than of how coal dust from Massey's facility is poisoning their children and their teachers, inside the school. She must be more afraid of crossing Massey than she is of the crushing wall of poisonous water which will surge through the school if the earthen dam above it gives way. This is about their children, for God's sake. Parents' natural instinct is to protect their children. The school was there first! These folks have been oppressed by the coal companies and betrayed on every level and at every turn by their own government for so long, that they don't realize that parents anywhere else would be outraged, and demand that

such a clear danger as the coal treatment plant be moved out immediately. It's unlikely that such a facility, or the pond, would be placed near a school in the first place. Now, the more concerned parents have no choice but to raise money on their own to build a new school. And Massey will pay nothing for the illness, stress and fear they have caused...

A mountaintop removal site on Cazy Mountain, in Boone County, was "reclaimed" 22 years ago. It sprouts nothing but non-native grass, and a few thin, nasty-looking, non-native shrubs. Where is the earth-cooling hardwood forest? Where is the native ginseng that mountaineers have always been able to dig to sell and use? Where are the deer, the turkeys, the many species of songbirds, small mammals and other animals? Where are the clean, swift-flowing streams and their native trout?

Where is life-giving soil? Where is life?...

You may know that Pennsylvania, which has contributed much coal to this nation, and much coal-related pollution and human misery, now generates more wind power than any other state east of the Mississippi...

Are wind farms especially scenic? No, but they are visions of hope. Do they cripple thousands of workers, spew toxic waste into the air and water? No. Do they destroy the health and culture of the residents? No. Can they be dismantled and the sites returned to their natural states if better energy technology comes along? They certainly can....

In southern West Virginia and eastern Kentucky, descendants of the proudest, most independent and most patriotic of all American populations are now slaves in their own land. They are victims of true terrorism committed by American corporations on American soil, with the blessing of their own governments. Residents outside the coal fields are learning that basic human rights are being violated wholesale in your state. When



individuals stand up for what is right, and are repaid by physical threats and vandalism, their vehicles tampered with, their pets killed; when their land, and their water are poisoned, and corporate officials can dismiss these floods as “acts of God,” and can get away with it; when longtime residents are forced off their land, and their health sacrificed on the altar of short-term profit, that’s human rights abuse; that’s terrorism.

But, as I said, Governor, the secret is out, and Massey can’t put it back. Arch Coal and all the other companies that have raped the land and the people of the southern Appalachians for a century, can’t put it back....

Since no one can shove the secret back into its dirty bag, you have an opportunity to do what’s right for your fellow West Virginians – the ones who are bravely doing what is right, the ones who are yet afraid to stand up, for fear of economic and physical retribution, the ones who don’t know how free people take charge of their lives, and the ones yet to be born.

You can do what’s right and help abolish mountaintop removal mining...

Thank you,

Mark Schmerling



Clockwise from left, Jimmy Weekley, Marsh Fork Elementary School, Ash Branch of Paint Creek.
photos by Mark Schmerling



(more) A Whole Bunch of Thank You's

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helping to organize the Mountain Justice Alternative Spring Break Program. Also, the United Nations Planning Team.

SouthWings: You help to open more eyes to the devastation of our mountains than you will ever imagine.

FOC'er Bowl: Thanks to Friends of Mountains members who helped cover the cost of flying the "Stop Mountaintop Removal NOW!" banner over the Friends of Coal Bowl.

Meet the Candidates: Brandi Jacobs-Jones, Glen Smith for handing out fliers about the event.

Coal River Mountain Watch and Mountain Sustainability Project: Big Ups!

Larry Gibson and the Stanley Heirs Foundation: Big ups for being so relentless in the fight to stop MTR, for educating so many. We love and respect you for all that you have sacrificed for the love of our mountains.

Left Fork Mud River Watershed Stream Partners Association: Versi Sims, Anita Stanley and Miller, and others.

To the OVEC Board: Thanks for attending trainings, and extra shout out to Regina Hendrix, Michael Morrison and David Duke for massive volunteer work.

Mailing: Ronda Harper; Michael Morrison, Ralph Oberly, Mel Tyree, David Duke.

Tabling: Winnie Fox, Michael Morrison, David Duke.

Editing: Mary Wildfire and Greg Wood.

OVEC v. Army Corps of Engineers Lawsuit: Appalachian Center for the Economy and the Environment, Earthjustice, Margaret Janes, Cindy Rank, West Virginia Highlands Conservancy, CRMW, all the expert witnesses on our side, everyone who came to listen to the trial.

OVEC Listening Project: To the board members who have volunteered to do this important and monumental task and the OVEC community leadership who have started and who will help guide us through this process, and build on what we learn from each other.

Freese Says We Must Freeze Coal Burning Before We Freeze Ourselves Out

Barbara Freese, lawyer and author of *Coal: A Human History*, states that coal burning needs to be phased out to prevent massive global climate change.

"Coal plants are responsible for one-third of US carbon dioxide emissions," said Freese. "CO₂ levels are the highest they've ever been in the last 650,000 years. The sad part is there are currently 150 proposals for new coal plants in the country right now. We need to take this technology from the center of our society and move it

towards the edge."

Freese distrusts Bush's Clean Coal Power Initiative, and the efforts of companies to make coal cleaner.

Though public opinion tends to be pessimistic, Freese is adamant that immediate action needs to be taken.

"No problem has threatened our civilization quite like this," she said.

— excerpted from "*Future of American Energy in Doubt*" by Brandon Conaway in the Northern Iowan. 

We care, We Count, WE VOTE!

Who's Buying Congress Now? You Get *One* Guess

by Nancy Watzman of *Public Campaign*, excerpted

... What often gets lost in election coverage, however, is where all the money funding these races is coming from, what the special interests that give it will want in return after Election Day – and how that hurts ordinary families.

Consider the US Chamber of Commerce, which describes itself as a federation representing more than 3 million businesses. “There’s a phrase we like to use that sums up our philosophy: Politics comes before policy, meaning it’s a lot easier to achieve your agenda in Congress when you elect the right people in the first place,” wrote William C. Miller, Jr., a vice president for the trade group.

What does the Chamber want? For one thing, no hikes in the minimum wage, thank you. While some 23 states have already passed a hike above the federal rate of \$5.15 an hour, the issue goes nowhere on Capitol Hill. National polling shows strong bipartisan support for a hike, but lobbies

for the Chamber and other business clout have blocked it so far. This is bad news for the 14.9 million workers who labor for that amount at the Walmarts, McDonalds and other businesses near you. Fifty-nine percent are women, and one out of four are parents. If they work 40 hours a week, 52 weeks a year, that means they make less than \$11,000, not exactly the kind of money you need to support a family.

Turn now to the oil and gas industry, to see another moneyed interest that has been quite successful in recent years in weakening environmental initiatives and gaining subsidies. (Those getting big contributions from the industry voted) last year in favor of the energy bill that included \$3.8 billion in tax breaks and subsidies for the industry at the same time as it was racking up record profits – and charging more at the gas pump.

... When Congress is back in session, the likelihood
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The Blankenship Factor - NOT!

Millions Spent to Make Sweeping Changes in State's Political Landscape Backfires As Coal Baron's Candidates Defeated

Excerpted from *Beckley Register-Herald*, Nov. 8, 2006

This time it didn't work.

Massey Energy chief executive officer Don Blankenship wheeled out plenty of his gold bars – more than \$2 million worth to be exact – to try to buy sweeping changes in West Virginia's Legislature. (*Ed. note: the Don's total spending was almost \$3 million.*)

Given Blankenship's past record when it comes to elections – 2-0 counting his multimillion-dollar effort to oust Supreme Court Justice Warren McGraw followed by financing a campaign against a bond levy proposed by Gov. Joe Manchin to help retire some of the state's mounting debt – many had to be wondering what would happen.

West Virginia MetroNews thought so much of the Massey CEO's efforts they posted a special results section on their Web site for election night and labeled it “The Blankenship Factor.”

Well, the people spoke and it wasn't in Blankenship's favor. In fact it wasn't even close. There was no factor.

... we believe two factors played into Blankenship's

failed efforts. First and foremost, West Virginia voters simply weren't going to buy it this time and his brash approach clearly turned the majority of people off. Secondly, Republican candidates and agendas took a beating all across the country.

In fact, we would go as far as to say that Blankenship's ads, even though they weren't directly linked to GOP candidate campaigns, actually hurt the Republican hopefuls more than it helped them ...

Blankenship's record is now 2-1, but never fear, 2008 isn't that far off and you can certainly expect that if Supreme Court Justice Larry Starcher decides to seek re-election that King Don will be close by with his pocketbook and another candidate to try to put on the state's highest court.

And just one more thing. While the final numbers aren't in yet, the \$2 million plus Blankenship spent sure could have gone a long way toward building that new elementary school over in the Marsh Fork district. It would have been money “well” spent and truly could have been something positive – for the sake of the kids. 🍌

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Who's Buying Congress?

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that measures which make life easier for American families will get priority is low. Proposals that are good for American families – like increasing the federal minimum wage, passing paid medical leave, beefing up environmental regulations – will get passed over in favor of those that give back to big industry contributors.

Changing this dynamic requires revamping the way we run our elections, so that candidates could run without being dependent on special interest cash. Full public financing of elections, or Clean Elections, would help a lot. In Maine,

where a Clean Elections system provides candidates the option to qualify for full public financing, 80 percent of the candidates for the legislature ran without looking over their shoulders at the pharmaceutical and big business interests.

Clean Elections have been approved in seven states and two municipalities. It's high time that such a system were adopted for candidates running for federal office. Ditto that for West Virginia. After all, families' needs ought to matter at least as much as those of the pharmaceutical, oil, coal and other special interests. 🍌

Under New Law, Americans Must Guard Against Abuse of Power

by Phillis D. Engelbert and Lily Jarman-Reisch, excerpted from a Truthout article

This fall, Congress approved and Bush signed the Military Commissions Act (MCA), a bill that undermines several tenets of the US Constitution and international law... We urge everyone to learn the full scope and impact of this hastily approved bill and to remain vigilant against excesses in its implementation.

The MCA is so radical and sweeping... Gone are guarantees that individuals accused of crimes can know the charges against them, challenge their detention and conditions of detention, receive a speedy trial, see the evidence against them, be represented by a lawyer of their choosing, be treated humanely, not have evidence introduced against them obtained through coercion and be judged by an impartial person or persons.

Gone are the checks and balances that keep one branch of government (the executive) from gaining too much power at the expense of another (the judiciary). The US has long been looked upon as the standard-bearer of human rights and due process around the world... (But this law trashes those standards.)

The aspect of the MCA most troubling to legal scholars is its denial of habeas corpus - the right of a prisoner to challenge his or her detention as unlawful - to (anyone) designated "enemy combatants." Habeas corpus is a



cornerstone of our Constitution (its suspension is allowed only in cases of invasion or insurrection - of which we have neither)...

It is widely anticipated that the MCA will eventually be struck down as unconstitutional. That process, however, will take time. In the meantime, it is important that citizens act as a check and balance to the executive branch. It is up to us to protest abuses of due process at Guantanamo and any liberal sprinkling of the label "enemy combatant."

We must take a stand against torture. Amnesty International has launched "America I Believe In" - a campaign "to restore our traditional American values of justice, rule of law and human dignity." Learn about that campaign at www.AMNESTYUSA.ORG.

...It's not too late to take our country back. 🍌

OVEC Co-Sponsors Meet the Candidates Forum in Huntington

On Oct. 24, community members and politicians attended a Meet the Candidates event co-sponsored by OVEC and the Huntington chapter of the NAACP, held at the A.D. Lewis Community Center in Huntington.

The forum attracted candidates running for the House of Delegates, County Commission and the State Senate, including Evan Jenkins, Dr. Tom Scott, Kevin Craig, Dr. Bob Hayes, and Bob Bailey. Huntington councilwoman Brandi Jacobs-Jones hosted the event.

We co-sponsored the forum because voters need to be informed – and political ads sure aren't informative. We held the event because we care, we count, we vote! 🍌

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

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We care, We Count, WE VOTE!

WV Resident Speaks Out About Blankenship's Methods

(From a letter to the editor)

I'm appalled at Don Blankenship's efforts to use his fortune to influence the selection of our Legislature. He says he's worried about drunk drivers, but it didn't worry him to allow illegal, grossly overweight coal trucks to leave his mines daily with bald tires and bad brakes.

Thanks to Mike Caputo and other brave legislators for having the guts to stand up for the citizens (especially in the southern coalfields) and try to make an outlaw coal company obey the law.

Mr. Blankenship claims that frivolous lawsuits hurt our economy. But he's sued at least the Supreme Court, a newspaper, the UMWA, a lawyer and a court reporter.

The amount of money being spent on political ads is obscene while families in Mingo County suffer the effect of coal waste in the region's drinking water supply.

Some Raleigh County children go to school next to Massey's 1,849-acre mountaintop removal site. When it rains this site drains into a 2.8 billion gallon sludge dam

above Marsh Fork Elementary School and a coal silo less than 300 feet from the school. I hope people remember the Buffalo Creek flood. According to MSHA's records this sludge dam is seeping.

It seems that Mr. Blankenship wants everyone out of office that dares to stand up for the citizens against his company. So you can see why our politicians would be reluctant to say anything about the Mingo County people's water problems or the Marsh Fork problems.

We need to ask what has "For the Sake of the Kids" done for "kids" other than use them in his dirty campaign.

Patty Sebok

Prenter, Boone County



Blankenship Hurt GOP, Chairman Says

by Scott Finn, excerpted from *Charleston Gazette*, Nov. 9, 2006

Call it the Blankenship backlash... Massey Energy CEO Don Blankenship reportedly spent close to \$3 million in a bid to help Republicans take over the House.

Instead, Democrats gained four seats, increasing their majority to 72 of 100 seats.

In race after race where Blankenship spent money, the Republican he supported lost and the Democrat won.

Blankenship actually hurt Republicans Tuesday, said state Republican Party Chairman Doug McKinney.

...Last year, the Legislature passed election reforms that required Blankenship to disclose his spending right away and put his name on every advertisement. That helped educate voters about who was behind the campaign, said Larry LaCorte, a Democratic campaign consultant for Rainmaker Media.

"I think the 527 reform helped the Democratic Party tremendously," he said. "The more people knew about Blankenship, the less they liked him, the less they would vote for his candidates, according to our polls."

(Ed. note: *Citizens for Clean Elections* [which OVEC leads] was instrumental in passage of the 527 law mentioned here!)



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.

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Appalachia's Last Stand

An Open Letter to West Virginia Citizens and the Congress of the United States:

On October 16 and 17, 2006, 16 writers gathered in the heart of West Virginia to hear testimony and witness first hand the grievous effects of mountaintop removal. We learned these five devastating facts:

1. Toxic heavy metals – such as mercury, copper, arsenic, lead and selenium – have been released into the water system, which feeds the Ohio and Mississippi Rivers. This injures not only local residents but threatens water systems all the way to the Gulf.
2. Dozens of dams (built from mining refuse to contain the toxic waste from mining and cleaning coal) are in danger of breaking. One holds over 3 billion (3,000,000,000) gallons of toxic sludge just 400 yards from Marsh Fork Elementary School. This sludge dam holds back 20 times as much toxic muck as the one at Buffalo Creek, whose rupture killed 125 people in 1972.
3. Coal companies have decapitated 474 mountains through the Appalachian region. Almost 1 million acres of mountains have been leveled. West Virginia has lost 500,000 acres.
4. Every day in WV, 3 million (3,000,000) pounds of ammonium nitrate and diesel fuel are used to blow up mountains. This also releases untold quantities of coal and silica dust into the air.
5. People's homes, property and businesses have been damaged and destroyed as a direct result of mountaintop removal. In a single 2001 case, 1,500 homes were lost in a flood. The Federal court in Raleigh County, WV, has held the coal, landholding and timber companies liable for this devastation.

In human terms what does this mean? This is what coalfield natives say:

H "This is not a story. These are our lives."

H "My children go to bed with their shoes on, so they can run in case of a flood."

H "I never imagined I'd sit on my front porch, watching the horizon disappear."

H "The first ones going to get it is our little children."

H "Where will our kids live, and our grandkids, and our children's grandkids?"

H "Our golden years have turned to black years."

H "We're prisoners in our own homes."

H "Greed is overcoming common sense."

H "Why should I sell my home, when they are breaking the law? No one should have to live like we are."

H "Why destroy our homes for 30 years' worth of energy? Why destroy our land, our air, our water?"

H "This is not an act of God; this is an act of greed."

H "You're bound every where you turn."

H "This is not only a coalfield thing; this is a global thing."

H "This is a war zone. Not only do we have to fight the companies, but we have to fight our cousins and neighbors."

H "A man shouldn't have to poison his neighbors to feed himself."

We do not blame individual miners for struggling to support their families. They, too, are being forced to participate in the demise of their own culture.

But this systematic destruction cannot be allowed to continue. As a necessary first step, we call on the House of Representatives to pass the Clean Water Protection Act, HR 2719. This bill would enforce the original intention of the federal Water Pollution Control Act by banning mining wastes from use as fill material or being dumped in streams.

The fight against mountaintop removal will continue in Appalachia, and ultimately the struggle for justice must extend beyond our borders. We call for the end of mountaintop removal, and we call on the United States Congress to take immediate action to save our children, our people, and our mountains.

From writers who live in West Virginia, Virginia, Kentucky, and Ohio:

Bob Henry Baber

Diane Gilliam Fisher

Sam L. Martin

Edwina Pendarvis

Adam Brown

Denise Giardina Irene

McKinney

Cathy Pleska

Laura Treacy Bentley

Chris Green

Rob Merritt

John Van Kirk

Katie Fallon

Jeff Mann

Delilah F. O'Haynes

Beth Wellington

Tour Acquaints Writers with Horrors of Mountaintop Removal Mining

The Oct. 16-17 writers' tour organized by OVEC, with Friends of the Mountains, attracted 16 authors from Kentucky, Ohio, Virginia and West Virginia.

Day one of the tour included a trip to Kayford Mountain and overflights of the Marsh Fork Elementary School and surrounding coal calamities provided by SouthWings.

Later, a group of 15 coalfield residents spoke with the writers about a wide range of problems caused by mountaintop removal, from loss of culture to severe health problems.



The writers at work, crafting their statement, which they called Appalachia's Last Stand.

Witnessing the destruction and hearing from the affected residents profoundly affected the writers.

Some were provoked to rage, some moved to tears, but all were shell-shocked.

On day two, the writers spent the morning crafting an open letter to West Virginia citizens and the Congress of the United States (see Appalachia's Last Stand on page 18 at left).

In the coming months, watch for the writers' essays and op-eds in newspaper around the state and country. 🍂

Coal-to-Liquid Doesn't Make Sense for Economy, Environment

Adapted and excerpted from an op-ed in the *Sunday Gazette-Mail*, Sept. 3, 2006
by Vivian Stockman

Gov. Manchin chairs both the state's Public Energy Authority and the Southern States Energy Board. Both groups are very interested in processing coal into liquid fuels.

News reports say governors and legislators make up the Southern States Energy Board, neglecting to mention the group's "Associate Members." They include the National Mining Association, National Coal Council, Peabody Energy, American Electric Power and other coal-burning utilities.

No wonder the board is promoting legislation giving big subsidies, tax breaks, government-insurance programs and loans to fund construction of these hugely expensive, highly polluting plants.

Because there's debate about whether the energy used in making corn into ethanol is worth the energy gained in the final product, I've asked representatives of both boards about the energy equation in the coal to liquid process. So far, no answer on that.

While this information – crucial in determining if coal-to-liquid makes sense – is missing from the presentation, other startling information screams "No! Coal-to-liquid does not make sense!" despite the limits of oil supplies worldwide:

☠ Emissions of carbon dioxide with coal-to-liquid will be nearly twice as high as using

petroleum fuels. Carbon dioxide is a major culprit in human-induced global warming, which even the Pentagon has labeled a greater security threat than terrorism. Given the overwhelming urgency of our need to curb global warming, coal-to-liquid technology is absolutely unacceptable.

☠ If 90 percent of the CO₂ created by converting coal into liquids were sequestered underground, then the emissions would be nearly comparable to petroleum.

In July, a Reuter's article, "Concerns Rise About CO₂ Burial," noted that hundreds have died from leaks of naturally occurring underground CO₂. In August, Oxford Analytica stated that carbon sequestration is currently

commercially unviable and extremely costly. It warns that investing in this technology is risky and could crowd out opportunities for cleaner and sustainable energy sources.

☠ To produce one barrel of coal-to-liquid, a refinery uses 2.5 barrels of water. Even China, which had embraced coal-to-liquid, is now cooling its heels, saying coal shouldn't be converted to liquid car fuel because of concerns over pollution and the volumes of water consumed.

☠ The National Coal Council envisions a doubling of national coal production, and a \$515 billion investment in coal-to-liquid plants, in order to produce 2.6 million barrels of fuel a day, or 10 percent of current U.S. oil demand.

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Coal-to-Liquid

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(The council says the plants would also provide some electricity, natural gas, ethanol and hydrogen.) Just one plant producing 80,000 barrels of coal-to-liquid fuel a day would cost \$6.5 billion. Even Public Energy Authority members have admitted difficulty finding investors willing to help fund coal-to-liquid plants.


Can our communities and environment really bear a doubling of coal mining production, considering that even coal lobbyists say most of the easily mined coal is gone? Coal extraction results in enormous social and environmental costs, which are borne by society now and into the future, but not by the coal operators. Ask the sick citizens of Rawl, Lick Creek and Merrimac in Mingo County, whose wells are apparently contaminated by coal-processing wastes, about the costs of coal extraction that they bear.

The Public Energy Authority needs to ask itself if hundreds of billions of dollars that could go into coal-to-liquid plants might be better used advancing truly clean


Here We Go Again - Suing to Get King Coal, State to Follow the Law

In November, OVEC and the West Virginia Highlands Conservancy sent a notice of intent to sue Hobet Mining over violations of selenium limits in its water pollution discharge permits. The permits cover the Sugartree and Westridge permits that are part of the huge Hobet 21 mountaintop removal operation located on the Mud River in Lincoln and Boone Counties. The notice gives Hobet Mining 60 days to comply with its permits or face a lawsuit over the ongoing violations. We are represented by Derek Teaney, an Equal Justice Works Fellow with the Appalachian Center for the Economy and the Environment.

Studies published in 2002 for the Mountaintop Removal Environmental Impact Statement identified the Mud River as a selenium hot spot and linked the problem to the valley fills at upstream mining sites. The WV Dept. of Environmental Protection then gave Hobet three years to clean up its water discharges and required the company to comply with protective selenium limits by November of 2006.

Selenium is a toxic mineral that bioaccumulates in living organisms when levels in the water are elevated. In humans, while selenium is an essential nutrient at low levels, it can be extremely toxic at higher levels, causing hair and fingernail loss, damage to kidneys and the liver and damage to nervous and circulatory systems. 

renewable energy. In Colorado, utility rate payers asked the Public Service Commission to replace subsidies for coal with incentives for concentrating solar power plants, which are cost competitive with fossil fuel plants. Concentrating solar power plants, unlike solar panels, produce steam, (like coal-fired plants) with mirrors that gather sunlight.

West Virginia's Public Energy Authority should study whether current sun-baked mountaintop removal wastelands, devoid of trees, could be sites for concentrated solar power. If such solar plants are feasible here, that's no excuse for one more inch of mountaintop removal, not until the hundreds of thousands of acres of existing mined sites are covered in concentrating solar power plants. And by then, surely, we will recognize the value, the need for saving our remaining forests and streams. 

Coalfield Voices




I can tell you that the heavens cry everyday by what the coal companies are doing to what God has created. God has blessed us with these beautiful mountains which surround us, and to think of the evil of these coal barons... They are destroying what God has created. That is unacceptable with God and his children. I won't feel a bit sorry when God takes his wrath out against these snakes which are destroying his creations.

People wonder why there has always been war and bitterness in the coalfields, well it's because justice has never reached West Virginia yet. But, we are tired of this kind of system and we are going to make a change. By sticking together we keep adding pressure. We can and will make difference, and I'm sure God will bless us for taking care of what he has created. May the word of God forever ring through the hills and hollows of our great land.

Forever a fighter, *Chuck Nelson*,
Glen Daniels, Raleigh County, WV

The reason I believe people should get involved in this is for the future, for the kids. If we don't do something, we won't have a future... OVEC is on the right track. If we can just keep getting people to work in the field, we will get more power... People say you can't win, and you can't - by yourself. But with unity we become strong.

Denver Mitchell,
Wilkinson, Logan County, WV 

THE APPALACHIAN LANDSCAPE: Bob Ross Don't Live Here No More

Organizers of the art show titled “The Appalachian Landscape: Bob Ross Don't Live Here No More” felt compelled to use their art to speak out against mountaintop removal – and to support OVEC by hosting the show as a fund-raiser, with 30 percent of art sales going to OVEC.

On November 11, the show opened with a crowded reception featuring excellent bluegrass by Higher Ground and fabulous catering by Tony Mancini. Katherine Mohn, a senior Marshall University theatre major, presented a play about mountaintop removal based on the collective writing of part time MU English professor Dr. Victor Depta. The MU English Department sold *The Coal Anthology*.

The show ran for a week in a building in downtown Huntington, in a space donated by Dr. Joseph Touma. The wildly successful event would not have been possible without

dozens of volunteers who put in hundreds of hours. See our Thank Yous for a list of some of the volunteers involved.

In their Call for Artists to join the show, the organizers asked for works of art that addressed the political, social, psychological and spiritual issues affecting the Appalachian landscape in our day.

Here are some excerpts from their Call to Artists:

⇒ We challenge you to become informed, to create with purpose and to join with us in using our art and our talent to resist those powers that today destroy life in our community.

⇒ We believe that the coal industry in rapacious greed has probed the belly of this land and run off with the wealth thus generated.

⇒ We believe that mountaintop removal is the most blatant,

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One Artist's View

Statement from artist Wilma Lee Steele, resident of Meador, Mingo County, whose work was in the art show:

Nature has always been important to me. When I was a child, camping and fishing with my family were a major part of summertime. My own special place was a vine-covered tree canopy where it was always cool and many good books were my only companions.

As an adult, my husband and I share the love of time spent together in the hills. We love West Virginia and our hearts grieve over what is happening here. I am often asked, Ms. Steele have you seen the golf course or the trails? Don't you like them? I have seen them, and the hatchery, the industrial park, the plans for the school and much more. I am not against progress and if the mountaintop has already been blasted apart, then good use for what is left is great.

Now, I ask you, “Have you seen what was there before? Do you know what we just destroyed?” These mountains are one of the oldest mountain ranges in the world. Many of our families have been in this country since before the Revolutionary War or even earlier. Our connection with the Appalachians is a part of our heritage. Every cliff had a name, and animals and plants were our means of survival. I know times have changed, but to destroy so much of our heritage for money is a shame. So I ask you, “Have you looked down on these mountains from a plane and seen just how much is gone? Have you seen the flooding and destruction of your neighbor's property with the third 100-year rain?”

I've heard an “act of God” once too often! I do what others have done in the past when their eyes and ears have witnessed loss of too much - I use my art to create, I write words to cry out, and I pray that someone hears. I support those that do something to stop the wrong that is being done.

Art is not just pretty pictures – many of its images are quite disturbing – but it has the ability to get others to be still and see. Our writers, singers, movie makers, painters and sculptors have always been important to social change. Their works are often the consciousness-expanding voice that gets others to hear.

I do not put myself in this great company or on that level. I am only another heart that cares. I know I have friends that have a stronger talent and ability than mine, but when small groups of passionate people join together for a common good – then mountains move – or stay. 🍌



Wilma Steele and one of her works

Appalachian Landscape

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extreme abuse of our people and our land, both of which have suffered a long history of abuse.

⇒ We believe that extractive corporations have both purposely and negligently created a toxic environment, which forces out-migration and depopulation.

⇒ We believe that knowledge of our history, a history of resistance, of organizing, of active spiritual and cultural renewal, is the necessary foundation for the future well-being of all.

⇒ We believe that the artist, especially the singer of songs and maker of music and the story teller, have led us to seek new ways to express the frustration inherent in living in what amounts to a colony dominated by extractive industries.

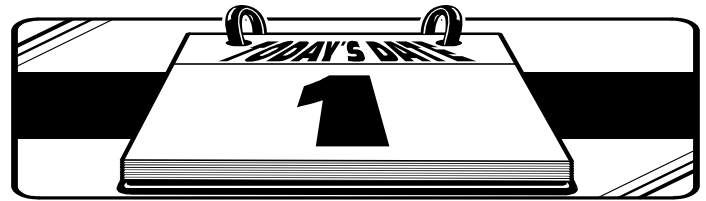
Some would have us see the land we call home as merely land, like an object, something that can be divorced from who we are. But land is never merely land. It is always shaped and formed by humans even as we are shaped and formed by it. This is what is meant by landscape: we coexist in an integrative intimacy and our very identity is to be found in this coexistence. If the landscape is raped and wasted, we as a people are also laid waste. It is also true that when adults are abused, just like abused children, they sometimes become numbed, defensive, confused and closed. They become dependent upon the abuse, protective of the abuser and unable to recognize their own path toward wellness. This narrowing and numbing of the individual is the most demonic of the many evil consequences of colonial exploitation.

We stand on the shoulders of numberless, mostly anonymous, individuals, but we do not stand alone. To Joe Hill and other labor organizers of the past, to Mother Jones and the women of Appalachia that have given both heart and backbone to our culture, we owe a debt and from them we derive inspiration.

The current movement that most successfully gathers our debts and aspirations into a collective whole is OVEC. This organization has captured the attention of politicians. It has developed a strong and informed leadership in local communities. It is often responsible for the attention the mass media pays to our exploitation.

Most importantly, it has created renewed awareness that it is only through organizing that we can have power equal to that of the corporations.

We are near powerless as individuals, but through the creation of a common will and focused action we need not remain powerless, passive, observers of our own destruction. 🍂



CALENDAR

Notices

Nov. 23, 2006 - Jan. 2, 2007: OVEC's mountain community office in Boone County will be closed for vacation and holidays. If you need to speak with an OVEC volunteer or staff member during that time, please call the home office in Huntington, (304) 522-0246.

2007

Remember, at 6 p.m. on the **third Thursday of every month in 2007**, the Mountain Community Preservation Coalition (MCPC) meets at the Van Community Center. Organizing our communities is the only option we have! For more info, contact Maria at (304) 245-8481. To accommodate family and holiday schedules, MCPC will not meet in December. We are looking forward to a year of victories for Mountain Communities in 2007. MCPC: Making Things Happen.

March: Mountain Justice Summer Alternative Spring Break program. Come to Appalachia this Spring Break. See mountaintop removal, connect with local communities fighting the destruction, join community service projects. Learn more at WWW.CLIMATEACTION.NET/MJSB or call Abe at the OVEC office, (304) 522-0246.

Oct. 13: Tentative. OVEC's 20th Anniversary Celebration and Annual Meeting. 🍂

Global Warming Cost Versus War Costs

The cost of curbing the soaring emissions of harmful gases that are blamed for causing global warming has been estimated at \$1 trillion by a major study of the cost of climate change.

The Pentagon has called global warming a **bigger** threat to US security than terrorism.

The cost of just the invasion of Iraq is expected to top more than \$2 trillion.

This does not take into account the cost of the rest of the War on Terror, in Afghanistan, etc., and all the new Homeland Security programs and reductions in civil liberties. Many agree that this war is based on lies and is breeding terrorists who hate America. 🍂

Net Greenhouse Gases Inventory Bill Up for Consideration - Again

by Mel Tyree

In August, Tyree, an environmental scientist, and OVEC's Tonya Adkins presented "Social Injustice and Global Warming" at a meeting of the Huntington-Cabell Branch of the NAACP.

When the 2007 WV Legislative Session begins in January, the WV Department of Environmental Protection's Net Greenhouse Gas Inventory Bill will be up for consideration again.

In 2006, the bill was voted down in the Senate Judiciary Committee. The WV Environmental Council reported that Chris Hamilton, a lobbyist with the WV Coal Association, told the committee that the bill would lead to regulations "which would shut down the coal business." These fear tactics will certainly be employed again. However, their case will be more difficult to make in 2007 because of Al Gore's movie, *An Inconvenient Truth*, and an enormous

volume of scientific evidence of the dangers of global warming has increased public awareness. The Net Greenhouse Gas Inventory Bill would:

- ✿ Inventory and track current and future significant greenhouse gas emissions from power plants, vehicles and other sources. Gases to be inventoried include carbon dioxide, methane and others that contribute to global warming;
- ✿ Establish a DEP program that collects and reports data on greenhouse gas emissions;
- ✿ Determine whether West Virginia is a net emitter or sink for greenhouse gases and determine if these gases can be used as an asset for economic development;
- ✿ Establish a baseline database of industries that have voluntarily reduced their greenhouse gas emissions prior to establishment of rules mandated by law.

West Virginia has a critical need for a greenhouse gas emissions law. According to a June 2006 U.S. Public Interest Research Group report:

- ✿ Since 2000, average temperature increases in cities across the state ranged from 0.3 to 1.2 degrees. In Charleston and Huntington, between 2000 and 2005, the average temperature was 1.2 degrees above normal;
- ✿ Between 1960 and 2001, carbon dioxide (the main gas driving global warming) emissions from fossil fuel combustion more than doubled (115 percent increase);
- ✿ 87 percent of this carbon dioxide increase was from coal emissions.

Knowing our current and future emissions rates will help us prepare for future climate change disasters in the Mountain State. The US Environmental Protection Agency projects there will be a marked increase in flooding, property damage and runoff from a predicted 20 percent increase in precipitation. Storm intensity will increase, which will increase the threats from coal sludge dams, which are not designed for storm events made worse by global warming.

Global warming is a critical emergency. NASA scientist James Hansen projects that humanity has less than 10 years remaining to drastically reduce greenhouse gas emissions. If we don't, a global tipping point will be breached, which will result in catastrophic weather pattern changes.

Climate change driven by greenhouse gas emissions is a global problem, which is now at a pivotal point. West Virginia has a moral obligation to inventory and reduce its greenhouse gas contribution to this global crisis as quickly as possible. The Net Greenhouse Gas Inventory Bill is definitely a correct step forward in this process. 🍌

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Stickin' It to The Man !



Two of the Sylvester Dustbusters, Mary Miller and Pauline Canterbury, who took on Massey Energy, and won!

photo by www.ashford7.com

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