



Winds of Change

the newsletter of the

Ohio Valley Environmental Coalition

Huntington, WV

www.ohvec.org



Getting ready for another summertime blast - the three lines of white splotches in this photo are bore holes, packed with hundreds of pounds of explosives to rip away yet more of Kayford Mountain.

Constant Blasting from Strip Mines Frustrates, Angers WV Community

by Joanie Newman, Coal Valley News, Oct. 29, 2008 (Excerpted)

Steve and Lora Webb say they are being blasted out of their home. The Webbs live past Lindytown in Boone County, WV, and they say the nearby mountaintop removal mining practices are destroying their community.

“It’s unreal. It’s like we’re living in a war zone,” Lora Webb said as she and her husband Steve sat in their living room discussing their observations of living near a mountaintop removal site.

Both Steve and Lora have been around coal mines their entire lives. Steve has been a coal miner for the past 34 years and Lora also has experience working for coal companies.

Still, they say what they’ve been living with on a daily basis is unlike anything they are used to.

“It was like an earthquake,” the couple says, describing the deep tremors caused by blasting on the mountain adjacent to their home.

“You could hear all the glassware clinking and things
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Passages: A Beloved Friend

St. (yes, saint) Paul Workman, 78, beloved friend to many in Lindytown, passed away Sept. 20 after a yearlong struggle with lung cancer. The coal company behind Paul’s home asked him to sell in his last days and he angrily refused. Paul said, “All I want to do is die in the home I spent my life in.” Now the company is tormenting the family to sell his home quick.

I would like to say *Thank You!* to Paul for inspiring in us all the love for who we are and the love of the land that loves us back. We send our condolences to Paul’s family and friends. Please know that Paul was a very respected and loved member of many communities.

Sincerely, *Maria (Sissy) Gunnoe*
OVEC organizer in Lindytown and other Boone County communities

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Shirley Stewart Burns' Address to the Society of Environmental Journalists

In October, the Society of Environmental Journalists held its annual meeting in Roanoke, Va. Hundreds of journalists gathered to learn more about assorted issues, including mountaintop removal. OVEC arranged for journalists to fly over W. Va. mountaintop removal sites and helped plan a bus trip to Kayford Mountain. The Alliance for Appalachia and Earthjustice and its partners at stopmountaintopremoval.org hosted receptions. Below are excerpts from an address given by historian Shirley Stewart Burns, author of the excellent non-fiction book, *Bringing Down the Mountains*.

When thinking about this plenary session, I could not say “environmental justice and the poor.” I kept referring to it as “environmental injustice and the poor” because I could not think of one example of environmental justice in my home in the southern West Virginia coalfields. Mother Jones once said that there could be no peace in West Virginia because there is no justice in West Virginia. This is as true today as when she said it nearly 100 years ago.

The people in central Appalachia, including my home in the southern West Virginia coalfields, are among the poorest people in the country. This is true in spite of the fact that they live among the richest coal reserves and in one of the most ecologically biodiverse places in the world. They are mainly a rural, white population whose families have lived in Appalachia for generations, dating back before the exploitation of the coal seams. People often ask, how could this happen?

It happens because the economies in these areas have revolved around one resource – coal – for more than 100 years. There is no economic diversification. Study after study has shown the futility of such short-sighted economies.

The neglect of politicians, along with the mainstream culture’s mischaracterization of the region, has left the people in a very precarious position. Presently that precarious position has seen the very defining feature of the area itself, the mountains, destroyed one by one to obtain the coal that runs underneath. The people are left at the mercy of the coal industry and short-sighted politicians who do little to nothing to aid these areas.

These are areas that the Appalachian Regional Commission has determined are persistently poor and



Marley Shebala with the *Navajo Times* (left), and Shirley Stewart Burns at the 2008 Society of Environmental Journalists conference. Shebala noted that both uranium and coal mining have ravaged the lands where indigenous people have been relegated.

distressed. Tucked away in little hollers throughout central Appalachia, the United States has kept its dirty little secret of mountaintop removal, and although throughout the last decade and a half occasional stories outside the region would be written, it is only recently that it has received any amount of steady press coverage.

...The average mountaintop removal mine employs 89 people for 10 years. The average underground mine can employ upwards of 300 people for decades.


...The people have not sat idly by while their homes and environment have been destroyed. They have banded together to form community and environmental activists groups. But environmental justice is far from a reality for these people and the communities of Appalachia being devastated by mountaintop removal. Lawsuits are frequently won in federal court only to be overturned on appeal...

It is easy for the rest of the country to flip on light switches and never think for a moment where that energy is coming from...

Earlier I mentioned the role that writers and the media have played in the perpetuation of harmful stereotypes and myths associated with Appalachia... Come to central Appalachia... where this mining practice is rampant.

Write about us as if we were interconnected... as if our people were more than fodder for hillbilly jokes... Write about us as if what happens here impacts you... as if we mattered...

Because it does, and we do.

Read all of Shirley’s speech in the on-line version of the December 2008 *Winds of Change*. Click on “newsletters” at www.OHVEC.ORG. 

MTR Scars the Human Heart

For decades, West Virginia Highlands Conservancy's Cindy Rank has been working to expose and end destructive coal mining practices.

Upon reading the page 1 article about the systematic destruction around Lindytown, she e-mailed, "Reading the article brought floods of images of people I've met over the past 30 years, people who have been trampled by some coal company in some community. These are yet more new voices of people feeling the oppression that's being put upon them."

She noted that ever-growing mountaintop removal coal mining above Lindytown and Twilight, Bob White, Whitesville, Clear Fork, Blair, Mud, Berry Branch and so many other towns is "the uninterrupted chain of stripped



Look familiar? This is the same view as the picture on page 1, taken in the fall. How many dozens of blasts and thousands of pounds of explosives were needed to shave away just this small part of Kayford Mountain are anyone's guess, but you can be sure the people living nearby heard and felt every single one.

mountains that we saw on our maps in 1997, now coming to fruition on the ground and in the hearts of people across southern West Virginia." 🍂

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

TAKE ACTION!

Got Blasting? Do something about it! Call in your complaints to the DEP's Office of Explosives and Blasting at (304) 926-0490. Keep a calendar with the time, date and a description of all blasts that you feel in your home. Write down to whom you spoke and what they said. Let the agent know that you would like to be notified of the findings of any investigations. **Call, document and follow up. Keep those records. Otherwise the blasting will only get worse!**

The office is supposed to make sure your household is contacted for a pre-blast survey before blasting begins within a certain range of your house. It's supposed to review all coal mine blast plans and investigate blast complaints and claims of damage. It is supposed to administer a claims and arbitration process for anyone seeking relief from blasting damage. The office operates using your tax dollars, so put 'em to work!

Blasting Angers Community

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in the walls snapping. Everything in the whole house shook,” Lora Webb said.

“When they set off their explosives, you get a whole storm of dust that covers everything – the cars, the houses, the trees. It looks like ash or a fallout,” Steve Webb said, adding that he has also witnessed rocks hitting trees and the asphalt road.

“If a child had happened to be out in the road playing when they set the blast off, it would have been injured,” Webb said, recalling one particularly strong blast that occurred several months ago.

“I was so mad when it happened that I threatened to pack up everything and move away,” Lora said.

However, the opportunity to pack up their worldly belongings and move from the area came and went for the Webbs about six years ago.

“Massey Coal Company offered to buy us out a while back, but we chose to stay,” Steve explained.

For Steve, moving away from his community, from the land where generations upon generations of his family have lived, loved and died is an option with little appeal.

“When you think about moving somewhere to escape the blasting, here they come, right behind you,” Lora said.

So, for more than a year the Webbs have endured the tremors, the dust and the potential hazards of falling rocks caused by the blasting necessary to mountaintop mining and strip mining....

“I think the only response people in this area are going to get is if more people are overseeing and watching the Department of Environmental Protection,” she said.

Both Lora and Steve said they believed the majority of the people in their community had lost faith in the ability of the DEP to protect them, the water, or the mountains that make up their community.

“It’s nice we have money to give our kids, but what’s the long haul?” Steve asked.

“It has already flooded up here two years ago. The drain lines are not cleaned up and there’s no topsoil and no trees,” Lora said.

“They continue to cut the heads off the mountains and cover up our water in the creeks,” Lora said with vehemence. “What about the dirt on those mountains? It’s lying at the bottom of the mountain and it’s a joke what they plant on these reclaimed sites like the autumn olive, an invasive plant,” she said with a grimace....

“It will come around full-circle [and] it just makes

you feel hopeless about going green when you’re breathing coal dust.”

“By the time it goes green, it’s going to be too late for people,” Lora said.

“It’s sad when your kids can’t go fishing. There’s no balance between industry and the environment – and what about the Native Americans that are buried on these mountaintops?” she asked.

Lora said that if she could get a message out to others, it would be to “please turn off the power you’re not using because people like us are getting blasted out of our homes. Conserve your energy.”

...The Webbs are not the only residents in the Lindytown and Twilight area who are trying their best to understand and endure the effects of strip mining.

James and Liz Smith of Lindytown said they believe the entire foundation on their home has shifted due to the constant blasting.

“I was sitting here one day and James was gone and things started shaking and rattling. That has happened two or three times. You would have thought an earthquake was going to swallow this house, it was that bad,” Liz said.

...“Those trucks and equipment they have running through here are also stirring up that dust,” James said.

“They’re supposed to water those roads down when they get dusty. I was told the water truck was broken down. **If they can pay Donnie Blankenship \$22 million a year to go on vacation with Spike Maynard, they could buy water trucks and do what’s right,**” he opined.

The Smiths have repeatedly expressed their concerns, dilemmas and complaints to the DEP, the Boone County Commission, and anyone else with an open ear.


Still, they feel that tales of their predicament have fallen on deaf ears.

“They’re sacrificing us, is what they’re doing. That’s what the state is doing,” he said.

Like his neighbor down the hollow, James, 66, was raised on the ridge tops and worked 25 years as a coal miner before he developed black lung.

“I’ve got nothing against coal mining. I made a living at it. I just would ask that the coal companies be held responsible for what they’re destroying of individual properties. They’ve destroyed what I’ve spent my life working on,” James said.

“I quit to keep ’em from killing me. Now they’re trying to blast me away,” he said.

Read the full article on OVEC’s website, WWW.OHVEC.ORG. 

Temporary Stay of Execution for Coal River Mountain

Starting in early 2008, Rock Creek resident Lorelei Scarbro led Coal River Mountain Watch (CRMW) in building a local campaign to develop a wind farm on Coal River Mountain. The wind farm would be an economically viable alternative to Massey Energy Company's plans to destroy the mountain for coal.

On Aug. 19, Scarbro, Rory McIlmoil and other CRMW members, working with other groups, launched a *national* campaign to create widespread media attention and public support.

Lorelei said, "We have many community people involved in this fight, anxiously waiting to see if everything they have will be ravaged by the coal company. Gary Anderson of Clear Fork and his neighbor Bacon Brown have helped so much on the Clear Fork side of the mountain. Ernie and Sharon Thompson of Horse Creek helped organize their neighbors. Nick Regalado, who works for CRMW, did so much, including knocking on doors to inform people of Massey's intentions and building community support. These folks and many others are the underlying reason Massey has yet to blast away Coal River Mountain."

In late August, Massey ran a public notice in the classifieds section of the *Beckley Register-Herald*, noting it would begin blasting on Coal River Mountain on Sept. 10. Sherry Geisler, a vigilant resident of Rock Creek, came across the notice on September 2 – the same day that the Coal River Mountain Wind Campaign was awarded Co-Op America's national Building Economic Alternatives Award – and immediately notified CRMW.

From Sept. 2-10, CRMW and friends redoubled their efforts, knocking on doors and calling the governor, the DEP and reporters. CRMW gave still more presentations on the wind-energy potential of the mountain. If Massey did blast the mountain, it would lose much of that potential.

On Sept. 4, Matt Noerpel of CRMW went to the DEP and spent the whole day looking at the original permit, permit revisions and maps and talking with the inspector. He found that the permit revision hadn't yet been approved, that Massey hadn't obtained its blasting permits, and that it also hadn't received the required approvals from the Mine Safety and Health Administration.

On Sept. 8, both a newspaper reporter and Randy Huffman, chief of DEP, conducted their own investigations and found the same issues. ***Massey had set a beginning-blasting date without even having its blasting permits.***

By Sept. 10, CRMW, with the strong support of OVEC, Citizens Lead for Energy Action Now (CLEAN),

and other regional and national groups, won a temporary "stay of execution" for Coal River Mountain.

Although we would like to believe that the victory was fueled by a shift in the mindset of state leaders, this victory was won due to the dedicated work of community organizations and the immediate strategic support offered by groups such as CLEAN, which believe in the missions of CRMW and OVEC – to bring an end to mountaintop removal coal mining and to promote clean, sustainable forms of economic development for southern West Virginia's communities. 🍓

CLEAN's Role in Campaign

Pam Solo, president of the Civil Society Institute, explains



CLEAN's role: CLEAN came to assist a powerful and ongoing grassroots campaign, and we came prepared to do more than a blast e-mail or put the information on our website.

We offered strategic involvement, the technical and creative involvement of our online-based creative team and the assistance of a professional press operation. This was really rolling up our sleeves in the service of grassroots leadership and an urgent imperative.

Over that weekend an Internet video was produced, a press release drawn up (primarily by CRMW), Web 2.0 networking established and integrated, a website built (www.coalriverwind.org also put together a page for writing and calling the Governor), and people and organizations in the CLEAN network were also readied and briefed.

Then, on the Tuesday before the blasting was to

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TAKE ACTION!

Join CLEAN! OVEC *strongly* urges all our readers to sign on to the CLEAN (it's free) Call To Action and sign up for CLEAN's action alerts. See THECLEAN.ORG/. Call OVEC's Janet Keating at (304) 522-0246 if you would like more information on CLEAN.

CLEAN's Role

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begin, the plan was executed. Results:

👉 Hundreds of calls in to the governor's office; thousands signed a petition.

👉 More than 25 Associated Press story placements.

👉 All local news outlets (print and TV) covered the story of the "Campaign to Save the Coal River Mountain."

👉 More than 30 websites and national environmental blogs covered what was going on in this small, rural coal state. More than 20 embedded the Internet video on their sites.

👉 The story was on the front page of Forbes.com for three days.

👉 Follow-up stories and editorials on CNN and CNN.com.

👉 Most importantly, the state's environmental agency issued a statement: "(The coal company) does not have the permits. They cannot begin to blast."

The mountain still stands. And this is because of CRMW and the decades of work by OVEC and others in the region to make mountaintop removal a regional and now a national issue!

Massey is still working to get its permit revision

Congratulations!!!

☆ To Ivan Steifel, who won the Brower Youth Award for his student organizing work. Ivan was an integral part of making Mountain Justice Spring Break happen.

☆ To attorney Joe Lovett, who was named one of *Plenty* magazine's Plenty Twenty for 2008 (honoring 20 people who are bettering the planet).

☆ To independent filmmaker David Novack. His documentary *Burning the Future: Coal in America*, which features OVEC volunteers and staff, continues to win awards including the Best Film at the Ninth Annual WV Film Festival and the 2008 International Visual Communications Association Clarion Award.

David's film also just won the International Documentary Association's 2008 Pare Lorentz Award, presented to the filmmaker whose documentary best represents the activist spirit and lyrical vision of the acclaimed West Virginian Pare Lorentz. David was honored at a Dec. 5 ceremony in Los Angeles. Way to spread the word about mountaintop removal mining, David! 🗣️



The truth hurts, doesn't it, King Coal? Wind power really IS carbon neutral. So is coal, true - just as long as you don't mine it!

plan approved, and will then go for the blasting permits for the first phase of mining.

Make no mistake, we still have a fight ahead! 🗣️

**Recurring
Donations Help
Keep OVEC's
Work Going**



If you agree that OVEC's work is critical to protecting West Virginia, please consider joining our recurring donors program. Go to www.OHVEC.ORG, click on the "Donate" button, then click on the blue "Donate Now" button.

Recurring donations help build OVEC's sustainability and help us with our long-term planning, since we can better estimate our members' donations. Remember, donations to OVEC are tax deductible.

Third Blessing on Gauley Mountain

On Sunday, Oct. 5, the Ansted Historical Preservation Council hosted the Third Blessing of Gauley Mountain in Fayette County.

Powellton Coal, a subsidiary of Pittsburgh-based Consol Energy, plans a 286-acre mountaintop removal operation that abuts Hawks Nest State Park and would be visible from the New River Gorge Bridge – both major tourist attractions.

Mountaintop removal is proceeding, with a couple of high knobs already blasted away. **A road for the project is already visible from the New River Gorge bridge.**

Residents worry the mining will damage the region's tourist economy, cause floods in Jodie and Ansted, destroy

Gauley Mtn. Close to Home for Me

by Ellen Sparks

My grandparents and I spent many warm summer days swimming in the Gauley River or walking up and down the railroad tracks that ran through what used to be Gamoca, just up the river from Gauley Bridge.

My grandfather was a coal miner and died of black lung. He and the family were grateful that he had a job, but he paid a high price for that job. The mining company moved out and abandoned the town of Gamoca and its former employees. The coal companies didn't care then and they don't care now about the people or the earth.

It's appalling that the Army Corps of Engineers ever issued the first permit for mountaintop removal mining. It was illegal, to say the least. Apparently, these people have no more conscience than the coal companies. Now they want to blow up Gauley Mountain!

My grandparents taught me about the Bible and good stewardship of this earth. I believe in the power of

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A road already cut up Gauley Mountain by Powellton Coal is clearly visible from the New River Gorge Bridge, just above the ridge in the foreground in the center of the picture.
photo by Bob Kincaid

the area's ecosystem, services, natural beauty and cultural resources.

Organizers sought permission to hold the Third Blessing of the Mountain near the site of the current mountaintop removal operation. Powellton cited safety reasons for denying that request, pointing out that anyone who went beyond its gate would be subject to prosecution. (Observers were seen in the forested slopes surrounding the actual site of the Blessing.)

Longing and emotion poured out from the crowd in the singing of this old hymn:

*You raise me up, so I can stand on mountains,
You raise me up, to walk on stormy seas;
I am strong, when I am on your shoulders;
You raise me up - to more than I can be.* 🍂

SAVE GAULEY MOUNTAIN Petition

Petition Targets: President-elect Barack Obama and West Virginia Governor Joe Manchin III.

Sponsored by: OVEC and the Ansted Historic Preservation Council.

"We the people ask that you please stop mountaintop removal mining on Gauley Mountain. Gauley Mountain is the backbone of Fayette County, and stands in the heart of the New River Gorge tourist area. This mountain is so precious to us that its picture
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Drawn and Quartered: State Two Bits and DEP Fits

by Dianne Bady

Some people in West Virginia state government are upset that the Ansted Historic Preservation Council and OVEC are using the state quarter in our organized opposition to the mountaintop removal on Gauley Mountain.

I can understand why they're upset. It is the state quarter, after all. West Virginia is a magnificently beautiful state, so there were many possible choices for the scene on the state quarter.

But the New River Gorge was chosen, and now the state has permitted mountaintop removal on one of the ridges in the Gauley Mountain range, which borders the New River Gorge. I've never known a mountaintop removal operation to level just one mountain – the draglines move from ridge to ridge until a huge swath of mountains and streams are gone, and then they keep going. Communities in the way just disappear.

Powellton Coal began mining on Gauley without a permit. They also violated environmental regulations even before they received a permit for the mountaintop removal operation there. Violations of water standards continue.

The nearby New River Gorge Bridge is the site of the largest one-day festival in West Virginia – Bridge Day, in October, when traffic is stopped and people can walk on the bridge. Folks come from all over the country to view

Petition

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is on our state quarter. It plays a key role in West Virginia's tourism and economy. Every mountain is special. This is why we ask that you implement a ban on mountaintop removal altogether. Our mountains are not the only ones to suffer, but also our water sources and our communities. West Virginia's abundant, clean water remains a precious resource for humanity and the natural world alike. Please do not allow the continued contamination of our land and water as a result of mountaintop removal mining."

Sign this petition online and print your own copy in order to collect signatures. Follow the links on the front page of WWW.OHVEC.ORG, or call OVEC at (304) 522-0246, leave your address, and we will mail you a copy of the petition. 🍄

the fall colors and parachute or rappel down into the gorge almost 900 feet below.

This year on Bridge Day, members of Ansted Historic Preservation Council, OVEC and Christians for the Mountains gathered signatures on petitions asking Governor Manchin and the next United States president to stop the mountaintop removal on Gauley Mountain – and everywhere else in West Virginia. It was the easiest petition rap I've ever done, starting with "See that mountain over there?" I was amazed at how many tourists from other states this event attracts.

We really need to think about the future. Our national economy is in big trouble. People are traveling less, and many will be vacationing closer to home. Wouldn't it make sense to save the beauty of the New River Gorge region?

So, I understand why some folks in state government don't like us "using" the image on the state quarter. It's kind of hard to justify blowing it up.

We don't want the state quarter to feature the motto "Almost Level West Virginia." 🍄



Gauley Close To Home

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prayer, especially combined prayer. Two scriptures to explain how to fight against the horror of mountaintop removal can be found in II Chronicles 7:14 and Matthew 18:19. **The hard-working folks at OVEC and others who are fighting hard to stop mountaintop removal need our prayers and support** – they are doing such an important job. Many thanks to all of them. 🍄

Dan Kash, OVEC Board Member Extraordinaire

On November 15, at OVEC's annual gathering, staff and board members wanted to honor retired OVEC board member Dan Kash, who has volunteered for 20 years on OVEC's board.

Dan received, with our deep love, gratitude and respect, The Laura Forman Passion for Justice Award, as a small acknowledgment of his dedication to the environment and for his many loyal years of service to OVEC. Thanks Dan!

Boone County Updates:

Take A Different Kind of Sunday Drive - See Mountain Massacre Up Close and Personal As It Destroys Our State

Twilight in Boone

OVEC is organizing in the mountaintop removal-impacted communities of Ashford, Ridgeview, James Creek, Twilight and Lindytown in Boone County.

In Lindytown, morning blasts are an extremely rude awakening. In Ashford, the people are forced to watch as the mountain, the backdrop of the community, disappears.

The people of West Virginia would be appalled by a drive through these communities. *OVEC's Boone County organizer challenges you to pile into a car with a bunch of friends for a Sunday drive to one of the many disappearing communities throughout Boone County.* It is heart-wrenching to see the locals with tear-filled eyes, angered by daily blasting and dusting of their beloved communities, with no real remediation from the regulatory agencies sworn to protect them.

WARN Works

Thanks to citizen-led efforts, the Boone County Reverse 911 emergency monitoring system, WARN, is operating countywide. On Oct. 30, Van residents learned of a boil water advisory via WARN. We know the system is working. Thanks again to all the great volunteers who made this system a reality. This will help us all to rest easier and it could save lives!

There's Irony for You!

Associated Press, Oct. 20, 2008

LEXINGTON, Ky. – An abandoned mine is threatening the home of a former eastern Kentucky lawmaker who championed the coal industry.

Division of Abandoned Mine Lands Director Steve Hohmann says there's a "continual flow" of water from the mine to the home of former state Rep. Howard Cornett, a Republican from Whitesburg. Hohmann told the Lexington Herald-Leader that Cornett's yard and the foundation of his home are saturated and parts of a hill are sliding toward his home.

The mine was owned by Cook and Sons Mining Inc. of Whitesburg, which donated to Cornett's campaign before its bankruptcy in 2003. The state is drawing up a reclamation plan to save the house.

Cornett served in the Kentucky House from 1998 to 2006, when he lost his seat after unsuccessfully pushing a bill to allow more overweight trucks on state roads. 🍌

Fly Me To The Moon (-Scape That Used to Be A Mountain)

OVEC and CRMW volunteers and staff have been working with SouthWings to offer West Virginia state legislators a bird's-eye view of mountaintop removal. So far, four legislators have flown over sites in southern West Virginia, comparing the wind-energy viable ridges to the mountaintop removed ridges-that-used-to-be. One flyover can immediately debunk the coal industry's assertion that "West Virginia needs more flat land."

The legislators don't seem to be pleased with what they are learning about the community and environmental impacts of mountaintop removal. We plan to keep offering the flyovers to all legislators who want to see the truth for themselves.

From Boone to Broadway

For three years, writer Peter Britton has been working on a libretto, which could potentially be a Broadway musical entitled *Hollow Girl*, loosely based on the work of OVEC organizer Maria Gunnoe. He's released a CD of the songs from the musical. The CD, titled *CO₂AL Train to Amos*, is available at CDBABY.COM/CD/PETERBRITTON. One-third of the proceeds from the sales of this CD go to OVEC, so please give the CD a listen.

Get Involved In Boone County

Coal trucks are running amok in Boone County. It is time to speak up for your community. Attend the Public Service Commission (PSC) meetings in Charleston with other Boone residents to make certain the agency hears your concerns about overweight, speeding coal trucks. But don't wait till the next meeting – call in your complaints to the PSC at 1-866-SEE-TRUX.

Thanks to national effort, water-testing training is coming to Boone County. Let us teach you how to test your water and how to read the results. Get your name on the list of trainees now.

Be a "stream saver" in your area. Keep an eye on local streams and call in complaints to the DEP on blackwater spills. The spill hotline number is 800-642-3074. Keep a good record of the conversation (dates, times and who you talk to). Follow up on the complaint to make certain it is investigated.

For details on PSC meetings, water testing and other Boone County activities, call (304) 245-8481. 🍌

Youth in Action

WV Youth Action League on the Rise, Setting Goals

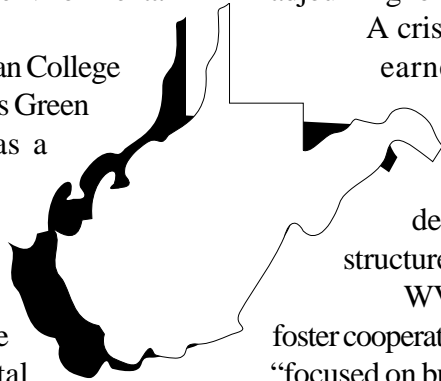
by Trevor Swan

The weekend of October 11-12 saw the first gathering of youth leaders intent upon the creation of a statewide coalition of campus and youth environmental and social justice groups.

Hosted at West Virginia Wesleyan College in Buckhannon by leaders of Wesleyan's Green Club, the conference was viewed as a tremendous success by all involved.

In addition to Wesleyan Green Club members, also participating were representatives from Glenville State College's Student Action group, the Charleston Area Youth Environmental Network, the Student Environmental Action Coalition, and both Marshall and WVU chapters of the Sierra Student Coalition.

This mini-conference was scheduled after a number of social events, retreats, and gatherings over the past couple years prompted the realization that a functional network of like-minded groups across the state could greatly benefit each group's motivation, resources, and influence.



After a beautifully colorful couple hours' drive from various parts of the state, representatives assembled for a quick agenda-setting meeting on Saturday evening, adjourning for the benefit of a night of social networking.

A crisp Sunday morning began the meetings in earnest, and over the next few incredibly productive hours, leaders hammered out the foundations of the West Virginia Youth Action League's (WV-YAL) mission statement, decision making structures, communication structures, outreach plans, etc.

WV-YAL now stands as a coalition aiming to foster cooperation and communication among organizations "focused on building a sustainable and just economy with green jobs, clean air, land, and water, that transitions our society away from dirty energy as well as social and environmental injustice" (from WV-YAL mission statement).

We are currently working on building our network, thus if you or a group you know may be interested in working with us, please contact me (Trevor Swan) at trevor.swan@seac.org, or our outreach coordinator Justin Burns at justinburns7@gmail.com.

Keep on Krogering

OVEC supporters must be a hungry bunch... So far this year, we've received \$7,063.79 from Kroger's gift card program. Thanks so much to everyone who has enrolled in the program for OVEC! Please do use those cards when you purchase your groceries and gas at Kroger. If you need refreshed on how to use the card, don't have a card yet, or don't know what the program is about, contact Maryanne at (304) 522-0246 or maryanne@ohvec.org or send in the coupon below. The program doesn't cost you a penny, and it sure helps support OVEC's work.

YES! I want OVEC to receive 5 % of my purchases from Kroger! Please enroll me in the EAT FOR OVEC Kroger gift card program.

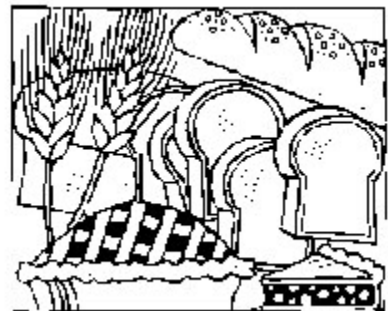
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Address _____

City _____ State _____ Zip _____

Phone _____

E-mail _____@_____



My \$20 check is enclosed (please write Kroger Gift Card on the memo line). Send me a Kroger gift card with a \$20 balance so OVEC can start benefitting from my purchases today. Make checks payable to OVEC. Mail with this coupon to: OVEC, P.O. Box 6753, Huntington, WV 25773.

Sludge Safety Project Readies Variety of Efforts for 2009 WV Legislative Session



Our Sludge Safety Project is gearing up for the 2009 West Virginia Legislative Session, and we want you to be a part of the action.

Host an SSP Community Meeting for Water Rights

As this newsletter goes to print, we have 10 community meetings scheduled across southern West Virginia. We will be meeting in kitchens, churches and community centers to talk with small groups about their water rights and how, together, we can improve the health and safety of West Virginians this legislative session.

Invite a few friends over, and let's get together at your place next!

Receive and Share Our Coalfield Organizing Tool Kit

Over the years in SSP, we have learned much and built connections with intelligent and helpful allies locally and nationally. This tool kit is a first attempt to get that

Educating Your Legislators A Key to Getting Action on Sludge Issues

Several studies have been released this past year on health, sludge and living in the coalfields.

People are suffering from bad water, disease and unsafe living situations near dangerous coal waste impoundments. ***This is not acceptable.***

There are ways to process coal that are safer and produce less waste. It's up to us to make sure our representatives and senators have the facts. Call their offices or homes today and set up meetings. We are here to help you get ready, but you are the person they need to hear from. You can find your legislators' contact information online at WWW.LEGIS.STATE.WV.US.

Join Sludge Safety to Kick-Off the Legislative Session

This will be a time to celebrate with others who have been active in Sludge Safety Project, hear the success stories, learn a little about how to lobby and, above all – HAVE FUN! Please contact SSP for event details.

As Always, Get Sludge Safety Issues in the News!

You can call the "Readers Speak" line, where you can leave an anonymous voice message. The Charleston papers then select some of the messages, type them up,

Sludge Safety Project is a joint effort of OVEC, CRMW and citizens in several coalfield communities. Join us!

information down on paper and into the hands of people who need it most.

This resource is geared toward any who wants to take action but finds themselves puzzled as to how to get started. We have helpful tips for organizing and developing your own leadership skills, as well as information on the nitty-gritty of bad water, sludge impoundments and strip-mining permits.

Give us a call or drop an e-mail and we'll get one (or more) sent your way. ☺

Contact SSP:

Patricia Feeney at (304) 360-2110 or patricia@sludgesafety.org.

Natalie Vanderpool at (304) 412-1866 or n_vanderpool@yahoo.com.

and print them in the newspaper.

The number for the *Gazette* is: (304) 357-4451 and for the *Daily Mail*, it's (304) 357-4330. CALL NOW! It's FREE! ☺

What Does Sludge Safety Project Want for the 2009 Legislative Session?

It's a short list - here are the highlights. We want:

- ☛ Our legislators to **take action for our health** by taking action for clean water. This begins with education regarding the recent studies on health, sludge and living in the coalfields.
- ☛ The WV DEP (Department of Environmental Protection) to **report to the legislature** on the findings and progress of the Sludge Study Resolution, SCR15, initiated in 2007.
- ☛ The WV DHHR (Department of Health and Human Resources) to **complete the study** with independent scientists and conduct health assessments where people are sick and have bad water.
- ☛ Our legislators to **support more water projects** to get clean drinking water to families in places like Prenter in Boone County, Harts and Mud River in Lincoln County and Jones Branch in Nicholas County.

Quick Background:

H In 2007, we won the study resolution, SCR 15, to determine what is in coal waste sludge and how it affects our health and our water.

continued on page 12

Communities Unite for Water Testing Training



In September, OVEC's Sludge Safety Project held a water testing training in Charleston. Residents of Prenter and Glen Daniel in Boone County and Ansted in Fayette met with Dr. Andy Wigginton of Eastern Kentucky University, who conducted the training.

Dr. Wigginton and his colleague, Dr. Stephanie McSpirit, recently donated eight water testing kits to SSP. Thank You Andy and Stephanie!

With these kits, community members can test their water anytime for arsenic, copper, manganese, iron, and pH. State labs usually do not test for heavy metals found in water contaminated by coal slurry. So, the kits help us collect the data we need in order to organize our neighbors and move government officials to act for our health and safety.

The Sludge Safety Project brings people together who are concerned about water quality and the health and safety of people living near coal waste storage sites and mountaintop removal operations.

We connect communities across county lines with allies, such as Dr. McSpirit and Dr. Wigginton, who help to build our capacity and understanding through their expertise

Newspapers and Bloggers Across the Land Editorialize Against Buffer Zone Change

As BushCo moved into its final daze – er, days – dozens of newspapers and bloggers nationwide editorialized on Bush's "parting gifts" (rule changes and executive orders) to his assorted big-polluting funders and corporate cronies.

Front and center was Bush's proposed gutting of the Stream Buffer Zone Rule. The *Boston Herald* summed up the sentiment across the nation:

"The Interior Department is proposing to weaken into insignificance the one paper barrier to the long-standing and highly objectionable practice of mining coal in Appalachia by cutting off the tops of mountains above the coal and throwing the debris into streams.

"The new rule faces only one major hurdle – approval by the Environmental Protection Agency.

"We join with environmentalists everywhere in hoping EPA finds reason to stop this vandalism."

Those of us living in America's Energy Sacrifice Zone (aka West Virginia) join in that hope. 🗳️



Dr. Wigginton of Eastern Kentucky University, standing at left, leads the group in the water testing training.

and support.

If you know scientists or other professionals who would like to offer their expertise to the Sludge Safety Project, please contact Patricia Feeney at patricia@sludgesafety.org or (304) 475-3873. 🗳️

What We Want

continued from page 11

H A key piece of the resolution, "to allow independent scientists on site to sample water and sludge," was left out of the final draft.

H We met several times with the DEP, where we learned that only five sites in the state would be sampled for water contamination and that the DEP would not prioritize places where citizens are sick and have bad water.

H New information on health and water in southern West Virginia has surfaced since 2007, and we want the legislature to be aware of the facts. We need to know how sludge is affecting our health and our water if we are to adequately address the issue.

H A legislative hearing on health, water and coal sludge is a step toward increased awareness and action to improve the health and safety of families living in the coalfields. 🗳️

**Please support OVEC through
Community Shares**



GLOBAL WARMING / CLIMATE INSTABILITY In the Mountain State



Coping with Climate Change - Prevent It or Suffer

by Mel Tyree

West Virginia native and Ohio State University professor Dr. Lonnie Thompson is widely recognized as the world's foremost glaciologist and an expert in climate change. Analysis of air bubbles in the ice cores he and his research team have collected from glaciers and ice caps have been used to establish greenhouse gas (GHG) levels and world temperatures for the past 800,000 years.

Oct. 23, Dr. Thompson gave a presentation on climate change at the University of Charleston. **His final slide listed the three options humanity has for dealing with human-caused climate change: prevention, adaptation or suffering.**

Prevention consists of employing numerous mitigation measures that would significantly reduce human GHG emissions. Such mitigation measures include lower-carbon footprint farming techniques, increases in energy efficiency and renewable energy, increasing vehicle mileage standards, ending deforestation and more.

The problem with prevention is time. Even if we could eliminate all human GHG emissions today, the Earth would experience moderate to severe climate change effects for several centuries due to climate inertia.

Climate inertia refers to a series of natural processes that delay the effects of newly released GHGs in the climate system. For example, the world's oceans take decades to absorb and distribute heat generated from GHGs in the atmosphere.

Plus, carbon dioxide (CO₂), the main greenhouse gas in our atmosphere, stays around about 100 years. This means that much of the CO₂ released from our tailpipes and smokestacks today will still be in the atmosphere well into the 22nd century. In short, it's too late to prevent moderate to severe climate change.

Theoretically, we still have perhaps five to 10 years to prevent catastrophic climate change. The catch is (and this is an enormous catch) humanity would need to

immediately begin a green revolution the likes of which has never been seen in history...

The UN's Intergovernmental Panel on Climate Change (IPCC) 2007 study reported that the probability of avoiding catastrophic climate change is "very unlikely." Given the recent evidence of the accelerating pace and severity of

climate change, the IPCC's dire estimate must be considered optimistic. So, humanity had better get busy investing in our second option, adaptation.

Climate change adaptation includes measures humans can implement to adjust to and cope with the effects of climate change. Some of these measures include constructing infrastructure resistant to category 4 and 5 hurricanes, developing drought-resistant crops, beefing up funding for FEMA, the Red Cross and other disaster response organizations, providing better water supply

engineering solutions for drought-prone areas and improving severe storm forecasting technology, among other measures.

Some of these adaptation measures are fairly inexpensive and already in place. For example, FEMA's All Hazard Mitigation Plan for West Virginia is an adequate planning document intended to help safeguard people. We must keep politicians' feet to the fire to be sure the plan is fully funded and supported.

The last option is suffering. If we continue on a "business as usual" path regarding GHG emissions and fail to adapt to climate change for another 10 years, this option is all but inevitable.

Earth systems theorist and GAIA theory developer James Lovelock projects that climate change will cause the fall of human civilization within 40 years and the death of 5 billion people before this century's end. Whether Dr. Lovelock proves to be a prophet or a crackpot depends on the actions people, governments and corporations take over the next 10 to 15 years.

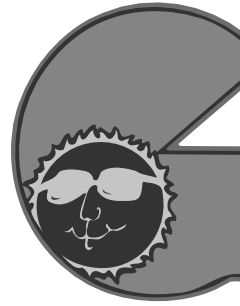
To read Mel's article in its entirety, go to WWW.OHVEC.ORG and click on "global warming."

Bizarro



G O I N G

Majority of West Virginians Ready for Clean, Green Energy, Multiple Statewide Surveys Show



The *Charleston Gazette* recently reported, “Most West Virginians favor solar and wind power and more conservation over coal, oil and nuclear power as a path toward ‘energy independence,’ according to new public opinion surveys.” **The polls indicate that West Virginians agree with most Americans that climate change is a pressing problem, and they want alternative energies to receive their fair share of government subsidies.**

“It’s great to know that the majority of West Virginians are in step with the rest of the nation when it comes to energy and climate issues,” said Janet Keating, executive director of the OVEC. “Now is the time for our state-level and national political leaders to begin the transition to a new energy future based on clean, renewable sources like wind and solar.”

OVEC joined with the national group CLEAN (Citizens Lead for Energy Action Now) and the Civil Society Institute, a nonprofit think tank, to release three surveys conducted by the polling firm Opinion Research Corp. CLEAN is a collaborative movement of organizations and individuals with the common goal of implementing a new energy future.

Surveys were conducted across the country and locally in West Virginia and Kentucky to compare national attitudes on energy issues with those in Appalachia’s two biggest coal states. Some findings from the survey include:

🌍 **Forty-four percent of West Virginians said they viewed coal as the “power source of yesterday.”** That compares to 70 percent of those surveyed nationally who agreed with that label.

🌍 **Sixty-two percent of West Virginians disagree with Manchin’s refusal to try to block Massey Energy from blasting apart a Raleigh County mountain** where

Renewable Energy Certificates

We can now encourage renewable electric power usage through a new program from Appalachian Power. Check out the Renewable Energy Certificates (RECs) program at WWW.APPALACHIANPOWER.COM and click on the “green energy pricing option” at the top of the web page. 🌱

environmental groups think a wind-power facility should be built. Among those with the strongest feelings on the issue, 15 percent strongly supported Manchin’s decision, while 39 percent strongly opposed it.

🌍 **The surveys found that 84 percent of West Virginians agree the effects of global warming require “timely and decisive steps to develop renewable energy and that we cannot postpone decisions since there are no perfect options.”** That’s more than the 78 percent nationally who agreed with that statement.

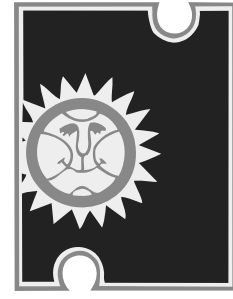
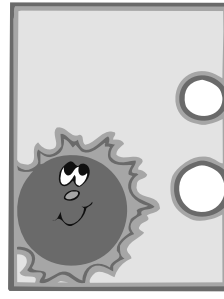
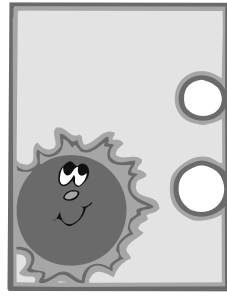
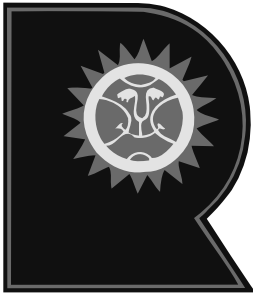
🌍 **Thirteen percent of West Virginians said there is plenty of time to fix the problem, compared to 10 percent nationally.**

Read the complete surveys at THECLEAN.ORG/INDEX.HTML. 🌱

TAKE ACTION!

All movements in our nation’s history – civil rights, women’s rights, anti-nuke, anti-war movements – succeeded when ordinary people banded together to demand change. Be a part of the global warming solution. Join OVEC and CLEAN’s grassroots effort to steer our national leaders toward a clean, renewable energy future! Sign up as an individual supporter of CLEAN’s Call to Action today at THECLEAN.ORG/INDEX.HTML.





Mingo County Group Hosts Green Jobs Now Picnic

Mingo County OVEC members hosted a picnic, adding to the national shout, “We’re Ready for Green Jobs Now!” that rang out across America on Sept. 27, Green Jobs for All National Day of Action.

The local event was part of the new JOBS project, led by Eric Mathis, a student at Appalachian State University. JOBS stands for Just Open Businesses that are Sustainable.

Wind expert Adam Milt from Appalachian State University gave a presentation, shared films and brought a small-scale working windmill to the event. Marilyn Harrell with the Charleston-based Center for Economic Options brought materials to support folks starting businesses that will diversify local economies.

Nora Benavides, with the Green Jobs for All Campaign, came all the way from Oakland, Calif., to spread the message about how communities all over the country are standing up and demanding Green Jobs Now – including the 700 communities and more than 50,000 people that took part in the national day of action.

Nora gave an inspiring speech as picnic-goers gathered around a beautiful cake provided by Wilma and Terry Steele of Meador Hollow. The cake’s decoration read



The Green Jobs picnic in Mingo County was yummy and good for the future. Photo by Catherine Pancake

“Green Jobs For All” and the icing-painted windmills sure were yummy.

In spite of the rain, about 30 people made it out to the picnic. We inspired one another to think more critically about how we can bring clean energy and good jobs to southern West Virginia.

You can find more information on the national campaign at www.greenforall.org. For more information on the JOBS project, e-mail Eric at exotericeric@gmail.com. To stay in touch with the Mingo County group, West Virginia Future, check out the website at WWW.WESTVIRGINIAFUTURE.ORG or call (304) 475-2529.

Wind Working Group Meeting

On Oct. 14, West Virginia University’s Wind Working Group held its annual fall meeting at Canaan Valley Lodge. OVEC staff member Carol Warren, who has been a member of the group since its inception five years ago, was present for the day’s activities.

The full schedule included updates on current wind projects being planned or in process, information about the effects of production tax credits, renewable portfolio standards, property tax considerations, siting issues, and West Virginia’s possible contributions to the “20 percent Wind Energy” national program.

continued on page 16



Energy is already here in West Virginia!

Wind Working Group

continued from page 15

Larry Flowers from the National Renewable Energy Laboratory noted that it doesn't really matter what people think about climate change at this point, since both presidential candidates believe it is real and man-made.

It seems certain that any new administration will enact policies intended to reduce carbon dioxide levels. These policies will increase the costs of burning coal, and are already making electricity producers very interested in wind (which is truly carbon neutral). He noted that there are five driving factors for wind power:

- 1) Customers want it;
- 2) Climate change considerations;
- 3) Diversification of power sources;
- 4) Price stability;
- 5) Big water savings.

He stated that the United States uses more water to cool our fossil-fired power plants than it uses for agriculture. Water is an increasingly precious resource in all parts of the country. Statistics show that wind power

Green Power a Real Threat to King Coal

On Oct. 16 the *Associated Press* reported:

Solar power plants and other renewable energy sources are real, competitive threats that neither the coal industry nor the state's political and academic leaders should dismiss, a consultant warned Wednesday at the second West Virginia Coal Forum.

While the carbon in coal has many potential applications, its future as a fossil fuel to be burned for electricity is limited, said Allan Tweddle, a member of the West Virginia Public Energy Authority.

In a discussion focused mainly on ways to ensure



Wind power - a rainbow of hope to a carbon-free future

installations also generate more economic development than coal.

Hearing this information, one can only wonder why West Virginia is dragging its feet in adopting some kind of renewable portfolio standards to spur the development of alternative energies.

We are one of only a few states that have no green energy programs. If our state were to bring online 2,000 megawatts of new wind development, current projections indicate that **800 permanent new jobs would be created, along with \$1.9 billion in related new economic development.**

Manufacturing plants for components for wind generators are now being hotly sought after by many states, as European companies are investing in the U.S. because of the lower dollar value.

West Virginia could be taking advantage of many alternative energy options if the political will and leadership were present. Given our political climate, that leadership is up to concerned and informed citizens! 🗳️

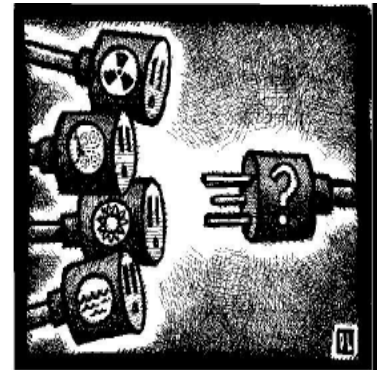
that West Virginia coal remains a prominent part of the nation's energy plan, Tweddle was a splash of cold water in the face.

Germany has abandoned the coal-to-liquid fuel technology it pioneered, he said, opting instead to focus on solar power plants. South Africa, which has had the world's largest continuously operating coal-to-liquids plant, is now planning to shut it down.

Simultaneously, the worldwide solar cell industry is growing 35 percent a year, with China spending \$3 billion a year, Tweddle said. And California is looking into on-demand solar plants that he said could produce electricity that is price-competitive with coal-fired power plants.

All that growth is lowering the cost of silicone, a key ingredient that had made solar power more expensive, Tweddle said.

"The state has got to pay attention to these serious trends," he warned. "I hear too much dismissal of these technologies." 🗳️



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

We care, We Count, WE VOTE!

Clean Elections and the Courts - It's Hard to Keep Up

Keeping up with court decisions on campaign finance law is a formidable task. Our national partners at Public Campaign are always helpful in educating us and providing information the Clean Elections coalition needs.

On Oct. 16, OVEC staff member and Coalition coordinator Carol Warren and WV Citizen Action's Julie Archer took part in a national meeting in Washington, D.C. The discussion centered around the June 2008 Supreme Court decision overturning the "millionaire rule," *Davis vs. Federal Election Commission*.

Implications, if any, for public financing are still unclear, though it must be noted that the Davis decision did not include rulings on any matters specific to public financing.

In fact, *Buckley v. Valeo*, the landmark case that dealt with public financing reforms, was not called into question. The Davis decision dealt with two candidates, both of whom were privately funded, actively raising money and free to spend their own personal wealth.


The court ruled that allowing one candidate's

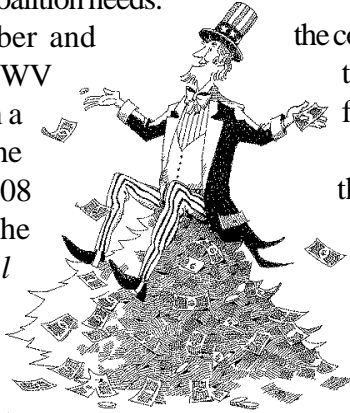
contribution limit to be tripled while the other candidate's was not raised because of his greater personal wealth constituted unequal treatment.

There are certainly good reasons to believe that the court would look differently upon a situation in which there are two candidates, one of whom has opted for public funding and the other who has not.

Publicly funded candidates must agree at the outset to spending limits, not taking private contributions and other requirements.

Buckley suggests there are a number of "compelling state interests" in allowing public campaign financing programs. These are related to decreasing the possibility of and opportunity for corruption and buying of influence, and to fostering more participation in the electoral process by a diverse group of candidates.

And because of these compelling interests, advocates for public financing plan to forge ahead with their work at all levels, including the recent Fair Elections Now Act introduced in the United States Congress. For more information on the coalition activities in West Virginia, please visit our website WWW.WVOTER-OWNED.ORG. 



Not a good campaign finance model

Obama Expected to Tighten Coal Mining Regulations, Set CO₂ Limits


by Ken Ward Jr., excerpted from Charleston Gazette, Nov. 9, 2008

When Barack Obama becomes president, the coal industry isn't likely to go bankrupt. But coal operators and coal-fired utilities should brace for tougher regulation of mine safety, strip mining and especially greenhouse gas emissions.

Coal industry watchdogs are looking for Obama to reverse Bush administration rule changes, beef up enforcement, and put the nation's first ever limits on carbon dioxide from power plants.

"While coal mining is vitally important to the nation,

Thanks to All - Mountaintop Removal A Presidential Campaign Issue

Hey OVEC volunteers, members and supporters and mountaintop removal opponents everywhere – woo hoo! Thanks to all your work, mountaintop removal was a presidential issue, with *both* candidates saying they oppose this form of coal mining. 

it can kill and maim miners and foul the land, air and water when mine safety and environmental laws are violated," said Patrick McGinley, a West Virginia University environmental law professor.

"I expect the Obama administration will act decisively to both promote responsible coal mining and vigorously enforce mine safety and environmental laws that protect coal miners' lives and coalfield communities."

... Among other things, citizen groups hope to stall a final decision on the federal Office of Surface Mining, Reclamation and Enforcement's proposed rewrite of the stream "buffer zone" rule until after Obama takes office.

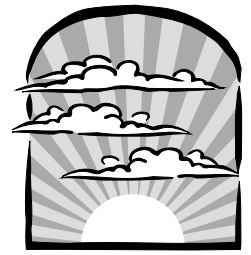
But at the top of their list is Bush's repeal of a Clean Water Act rule that redefined "fill material" to legalize the huge mountaintop removal valley fills that bury streams.

"I don't think we would end up mining less coal," said Joe Lovett, a lawyer and director of the Appalachian Center for the Economy and the Environment.

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Faith in Action

Having Faith, Taking Power at Public Policy Forum



The West Virginia Council of Churches' annual Public Policy Forum has been described as a "must-attend event for policy wonks" from around the state. Held on Oct. 21 at John XXIII Pastoral Center in Charleston, the forum featured presentations by 20 speakers from a wide variety of organizations.

A number of other attendees simply came to listen and learn from the proceedings. OVEC's faith-based liaison, Carol Warren, chairs the council's Government Concerns Program Unit, which facilitates the event. The groups' representatives inform the committee members about issues on which they seek support from the council.

This year, OVEC was represented on two issues of legislative interest. Our Sludge Safety Project organizer Patricia Feeney was accompanied by community member and volunteer Maria Lambert in talking about DEP's failure to complete a mandated Legislative Study.

Everyone listened attentively to Maria's description of the problems people in her area have with their badly polluted water. Tricia explained that in order for the Department of Health and Human Resources to look into the health issues presented by the water, DEP must first finish its identification and analysis of the toxins in the water.

Obama and Mining

continued from page 17

"But it would dramatically reduce the size of valley fills and surface mines, and would shift mining from surface mines to underground mines."

Issues surrounding the fill rule are already pending at the U.S. Supreme Court, in a case involving a permit for an Alaska gold mine.

And it's possible that environmental groups will seek a legislative change instead, with a bill still pending in Congress to overturn the Bush fill rule.

"That way, a future administration couldn't change it again," said Joan Mulhern, a lawyer with the Washington group Earthjustice.

In his victory speech last week, Obama listed a "planet in peril" (global warming) second on his list of challenges the nation faces. He cited it just after "two wars" and before "the worst financial crisis in a century."

Read Obama's energy plan at:

MY.BARACKOBAMA.COM/PAGE/CONTENT/NEWENERGY.

The Council was asked to provide continuing support in gaining pressure from the Legislature to ensure the completion of the study.

OVEC's Executive Director Janet Keating spoke to the assembly about a new proposal to protect cemeteries. Those present heard with horror about family cemeteries being bulldozed without regard for the dead who rest there.

Janet outlined the proposal through which the State Historical Preservation Commission would help set up a process for families wanting to register their cemeteries and provide records of their location. Such a program would help protect family cemeteries from encroachment by mineral extraction, logging or other types of development.

During the Government Concerns Unit's later deliberations, the committee included both of OVEC's issue items in the recommendations for support.

The Council of Churches already supports Public Campaign Financing and the Clean Water Protection Act and has a statement about mountaintop removal on its website.

All recommendations will be presented to the council's board at its December meeting for approval.

Fast and Prayer Thanks

To all our friends who participated in the West Virginia Council of Churches' Fast for Peace in the Coalfields - thank you!

There were dozens of supporters in West Virginia, Kentucky and even Minnesota who fasted and prayed during the two weeks prior to the hearing before the Fourth Circuit in September.

And although the news media and Coal Association could not understand why we would do such a thing, those who took part know the power of positive spiritual energy!

Tell It To The (New) Prez

President-elect Obama's team says: "Tell us your story and the issues that matter most to you. Share with us your concerns and hopes. Tell us the policies you want to see carried out in the next four years."

Go to WWW.CHANGE.GOV/PAGE/CONTENT/AMERICANMOMENT to share your thoughts.

Roane County Meditation Group Visits Kayford Mountain

by Janet Keating

On a beautiful October afternoon, several folks in the Roane County meditation group joined a few OVEC members and made their way to Kayford Mountain to see the destruction caused by mountaintop removal.

As many people know, Kayford Mountain, the ancestral homeplace and family burial grounds of OVEC's Larry Gibson and his clan, is almost encircled by flattened mountains. On our way to the top, we paused for a closer look at a valley fill – a gigantic, surreal, stair-like structure consisting of millions of tons of mining rubble.

These artificial configurations – remnants of the brutalized mountain – are made by trying to compact rocks and debris in hopes of slowing water run-off. By literally filling in a valley and the headwater streams, coal companies have found a “cheap” method of waste disposal. Anyone has to wonder why our state and federal governments allow the burying of water in a world dying of thirst.

We talked about the amazing diversity of the forest that surrounded us – the mixed mesophytic forest, one of the most biologically diverse forests on the planet. Here, in this place, more than 80 hardwood and under-story species of trees reside along with a rich forest floor covered with countless useful herbs like ginseng – our mountains, our forests, our wildlife, a true cornucopia of species. Mountaintop removal converts this biological treasure trove to a moonscape.

We were greeted by Larry and his wife Carol, Tonya Stanley (Larry's cousin) and others who had taken part in Larry's Changing of the Leaves festival – Kayford Mountain's last hurrah before fall's glory is transformed by frost and snow. Beneath the picnic shelter, Sage Russo, with Christians for the Mountains, was finishing up a sermonette with a group of college students.

We quietly slipped away, on our way to what Larry calls Hell's Gate, where the devastation of mountaintop removal can be viewed and in the distance Coal River Mountain – as yet untouched by mining – can be seen.

The group questioned the lack of real reclamation and wondered why non-native grasses were used on the site. They asked about the lack of economic development



From left: Ken and Barb Lewis, Carey Lea, Rita Lewis and Sherry Lung talk about their first impressions of the mountaintop removal on Kayford Mountain.
photo by Janet Keating

on the mountaintop removal sites; I shared with them the true story of the prison – known to the locals as Sink-Sink – built on a Kentucky mine site, where \$42 million had to be spent to shore up the building on the ever-shifting ground.

As we turned our gaze towards Coal River Mountain, I told them about Coal River Mountain Watch's proposed industrial wind farm on Coal River Mountain where Massey Energy wants to mine 6,600 acres. Left intact, a wind farm on this site could produce clean, renewable energy as long as the turbines are maintained – forever. Like the energy produced from the wind or sun, the jobs would also last forever, unlike temporary mining jobs.

Back at Stanley Heirs Park, the group ate a late lunch and spent time listening to Larry talk about a childhood of trials that helped shape him to stand strong against mining companies.

Truly, Larry stands tall among all the good people speaking out; he is courageous and relentless in this cause. He seldom takes time off.

OVEC truly appreciates the Roane County meditation group's interest in mountaintop removal and knows that they came away with much to contemplate.

We hope that they will help OVEC spread the word to their families and friends. Together we can end this mind-boggling environmental destruction. 🍄

Many Suffer As A Result of Illegal Mining

This op-ed by OVEC's Janet Keating ran in the Sept. 18 issue of the Charleston Gazette:

Citizen groups involved in the recent lawsuit against Hobet 22 want to set the record straight. There was no compromise. In fact, there was no real choice. Attorneys representing the groups sought a court order to halt any damage to streams at the Hobet 22 mine until a federal judge could hold a full hearing on their new lawsuit over the project.

In a rush to beat the legal system, Hobet Mining Company destroyed miles of streams that community groups sought to save from their expanded mountaintop removal operation. Once the streams were filled, we had no legal case.

Shrouded in secrecy by the U.S. Army Corps of Engineers, and protected by the complacency of public officials, the proposed mine expansion was approved without the opportunity for public input. The mining permit prepared

Recent Memorial Contributions

OVEC thanks family and friends of Robert Anthony "Tony" Seaton and Beverly Hennen Van Hook, who chose to honor the memory of their recently-departed loved ones by donating to OVEC.

These legacy contributions are a lasting and meaningful way to pay tribute to Tony and Beverly for their personal commitment and love for the environment. 🍷

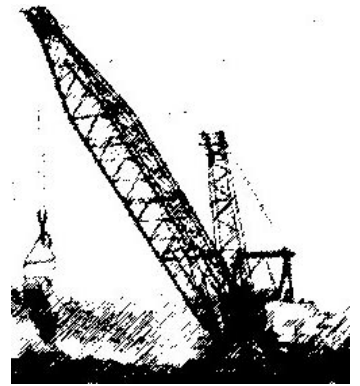
GET ACTION ALERTS!

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.

by the Army Corps failed to include limits for selenium, which when released into the environment by mining, causes deformities, reproductive failures, and the eventual collapse of fish populations in nearby waterways. This case is yet another example of the failure of the Corps and its pandering to coal companies rather than carrying out the responsibilities entrusted to the agency.



Because of litigation by citizen groups, the mining company is now required to limit the amount of toxic selenium it releases into local waterways. Hobet must take additional measures to attempt to reclaim the land affected by its mining operation. It is high time that West Virginia state agencies stop giving coal companies a free pass for mountaintop removal. Selenium limits and other safeguards protect the health of our citizens, and it's past time the Manchin administration started enforcing them.

In addition to the destruction of several miles of streams, it is neither fair nor morally correct to have eliminated the communities of Mud, Berry Branch and others to make way for the continued pollution from the over 20 square miles of mining at this Hobet operation.

The sad reality is that once again citizens have to force the government to do its job. The Department of Environmental Protection should have already been enforcing selenium limits. The Corps is complicit in issuing permits without public involvement and covertly issuing permits in such a manner that the citizens' rights to clean water are trumped by the coal company ready to fill streams at the drop of a hat. Apparently some politicians of this state care only about one industry's corporate welfare, to the extent of encouraging illegal activities that impact citizens living in the southern coalfields.

The governor's 11th-hour involvement was too little, too late. Where has he been for the last four years? Many citizens are suffering as a result of illegal mining activity.

As governor, he should be serving everyone's interests; after all, most West Virginians are concerned about quality of life, healthy families, and the future of our state.

The groups involved with litigation against illegal mountaintop removal permits will continue to push for increased public involvement and a more open permitting process to ensure instances like this never again happen. 🍷

People Magazine Features OVEC Board Member in Lengthy Article

OVEC board member Larry Gibson was featured in the October 20 issue of *People* magazine.

Larry and the struggle against mountaintop removal got more coverage than Brangelina, Paris Hilton and Britney combined – four full pages! Here are some excerpts from the article:



Last Man on the Mountain

by Kurt Pitzer

Though his neighbors fled years ago to make way for coal mining, Larry Gibson is staying put – protecting his ancestral land... Gibson's 50-acre property is touched on every side by land flattened by mountaintop removal.

"It used to be forest and farmland," he says. "Now it's a vision of hell. It'll never recover."

...After a family picnic, Gibson leads three

Larry Gibson and Maria Gunnoe on Kayford Mountain

generations of relatives up a rocky path to a small ancient cemetery at the top of Kayford Mountain near Whitesville, W.Va. Clutching a bouquet of wild daisies, his cousin Renda Phelps, 68, kneels at the tombstone of her niece. Gibson lingers over the grave of his younger brother Billy, who died in 2004, and closes his eyes.

"A lot of history up here," Phelps muses quietly. "There sure is," says Gibson... After a few minutes, the reverie is broken by the clank of coal mining equipment...

The constant clatter is a part of life for Gibson in this rural region in southern West Virginia, an area utterly torn apart by and utterly dependent on the riches of coal. "My ancestors are buried in this land," says Gibson.

"How can I leave them to be dug up by the coal company?"

OVEC's Cemetery Protection Campaign

Larry Gibson and his family's efforts to keep their ancestors from being dug up were not successful. A number of graves in their Stover cemetery were damaged or destroyed.

As a consequence of the mad rush to blow up mountains and dump them into valleys to get the coal out as quickly as possible, family cemeteries all over the coalfields are disappearing or threatened, such as the one pictured at left, with a mountaintop removal mine advancing in the background. It's time to pass a law that will protect them.

We're working on introducing a bill for the 2009 Legislative session. We welcome your suggestions, questions, information and involvement – call Robin Blakeman at the OVEC office, (304) 522-0246.



Federal Court Hears Corps, Industry Appeal of Our Major Victory

On Sept. 23, the 4th U.S. Circuit Court of Appeals in Richmond, Va. heard the U.S. Army Corps of Engineers' and coal companies' appeal of our 2007 legal victory.

In a 75-minute hearing, a three-judge panel heard arguments regarding U.S. District Judge Robert C. Chambers' 2007 rulings.

One ruling said the corps had not fully evaluated potential environmental damage before approving four Massey Energy valley fill permits.

The other concluded that the Clean Water Act does not allow coal operators to build in-stream sediment ponds at the bottom of valley fills. Both rulings represent major

legal victories for OVEC, Coal River Mountain Watch and the West Virginia Highlands Conservancy, represented by the Appalachian Center for the Economy & the Environment and Earthjustice.

The corps told the appeals court that it was meeting all legal requirements in issuing valley fill permits. Appalachian Center lawyer Joe Lovett disagreed, arguing that Judge Chambers was correct in his rulings. Lovett said the corps failed to perform required functional analyses of how streams would be affected over time by mining activities.

A corps attorney contended the agency did perform structural analyses and that those provided all the information needed in order to issue permits. The attorney said the agency could rely on its "best professional judgment" because it doesn't have the funds to conduct the functional analyses.

The Associated Press reported that Judge M. Blane Michael seemed unswayed by that argument, saying the lack of funding "does not give you a pass."

As *Winds of Change* went to print, the appeals court had not yet ruled. 🍂

Save the Date!

On Jan. 21, 2009, make the call for CLEAN. The people's action has moved the nation in a new direction.

Our clean energy future depends of your continued action.

And the particular action we are wanting you to take on Jan. 21, 2009, only involves a phone call. But a very important phone call.

So please watch OVEC's website and THECLEAN.ORG for details.

And call for CLEAN January 21. Because, Citizens Lead for Energy Action Now. 🍂

What Are You Waiting For?

Have you read all the way from page 9 to here without going online to CDBABY.COM/CD/PETERBRITTON to listen to clips from Peter Britton's *COAL Train to Amos*?

Please do check it out. After all, Dr. James Hansen, a leader in the fight against global warming, gives this thumbs up: "Engaging music and powerful lyrics." If you purchase the CD online, OVEC gets a donation. 🍂

From The Ground Up

By Joei-Lynn Adkins

I come from a people who come from the mountains
Highlanders who journeyed across the sea
Bear Clan - torn from ancient lands
Hillbillies hidden off the beaten path

I come from the illiterate, the impoverished, the illegitimate.
proud and private people who
still dig the graves by hand
rarely ever move their residences
speak through their actions, & say few words

I come from a place where
corn grows high in August
snow falls deep in January
there is beauty in each season

I come from a place where
Mother Nature is our matriarch
the stars tell us when to plant
animals are an integral part of life

I come from a place where
the workday is long
breakfast is big
music is a treasure that we share with one another

I come from a place where God sets the rules
and we try to follow them
when we falter, we're forgiven

I come from fire, water, earth and sky
carbon, oxygen, hydrogen and nitrogen

I come from an innate intuition that guides me through this world
and sometimes shows me the splendor of it all.



Judge Blocks Permit for Clay-Nicholas Co. Coal Mine: Fola Coal Can Continue Mining in Interim, Though

Excerpted from an Oct. 31 Charleston Gazette article by Ken Ward Jr.

A federal judge blocked a U.S. Army Corps of Engineers permit for a Fola Coal Co. mountaintop removal mine along the Clay-Nicholas County line.

But U.S. District Judge Robert C. Chambers also suspended parts of his own preliminary injunction to allow Fola Coal to continue producing coal until a full trial on the case.



And in a 12-page opinion, Chambers suggested additional actions by lawmakers or executive agencies are needed to resolve continuing debates over mountaintop removal...

Chambers (said) he suspended parts of his injunction against Fola in the hope that “some degree of clarity” would be provided soon by the 4th U.S. Circuit Court of Appeals “or, perhaps, a separate branch of government.”

At the Fourth Circuit, a three-judge panel is considering an appeal of a March 2007 decision by Chambers that the Corps of Engineers did not properly consider the environmental impacts before issuing Clean Water Act permits for mountaintop removal mines to bury

streams. ...Chambers (wrote), “While some may decry the loss of jobs for the sake of a handful of valleys and streams, there is a real and substantial public interest in maintaining the quality of natural resources... (The judge wrote that permanent destruction of the streams may result in) “an environmental catastrophe, arrived at one small step at a time.”

... “While environmental damage from the burial of streams is real and imminent, the relationship between Fola Coal and Clay County is unique,” Chambers wrote. “Fola is the only mining operation in the county, and as such is the foundation of the economy.”

(By suspending part of his injunction and granting continuation of only two of the 11 valley fills in question, Fola can continue operating “well into 2009.”)

... “The partial stay of this injunction alleviates most, if not all, of Fola’s economic harm in the near term,” Chambers wrote.

“The court would expect to resolve the case on the merits and benefit from the guidance of the Fourth Circuit by the time the substantial economic harm would be felt by Fola.”

So What Did We Win? Another Cork in the Permit Bottle!

First, let’s review our success in lawsuits over the past couple of years.

For years, OVEC, Coal River Mountain Watch and WV Highlands Conservancy have worked together with attorneys from the Appalachian Center for the Economy and Environment, Public Justice and Earthjustice. Now Sierra Club attorneys are helping, too.

We’ve won several important cases, blocking the U.S. Army Corps of Engineers from issuing 90 pending permits for valley fills at mountaintop removal mines. In other words, we’ve stopped a whole lot of valley fills before they could get started – for now.

The coal industry, the governor, the Corps and the U.S. Dept. of Justice have appealed our legal victories, arguing that mountaintop removal / valley fill mines do not violate federal laws. We expect the 4th Circuit Court of Appeals in Richmond, Virginia to decide on this appeal (heard Sept. 23) sometime in the next few months.

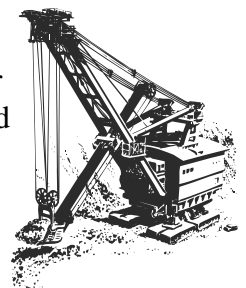
In the Fola case, the coal industry and friends argued that they can now create new, functioning headwater streams.

They said these man-made drainage ditches could mitigate for the damage that would be caused by burying the real headwater streams at the proposed expanded Fola site.

Our scientific experts explained the functions of a healthy stream and argued that the theoretical Fola-created streams would not be real, functioning streams. Our lawyers said that the created “streams” could not substitute for the damage caused by the valley fills, and therefore, a temporary injunction should be granted to prevent Fola’s new valley fills.

Judge Chambers agreed with us that the methods of stream-creation proposed by Fola do not meet the legal requirements for mitigating the burial of actual streams. This means that the Corps cannot now grant approval for any of the 90-plus permits blocked because of our previous legal wins.

So, we’ve maintained the bottleneck of permits that aren’t going to be granted any time soon.



Bioneers 2008 - Revolution in the Heart of Nature

by Janet Keating

For the first time in my 17 years of working with OVEC, I attended the Bioneers conference in beautiful Marin County, Calif., held October 17–19.

From the WWW.BIONEERS.ORG website: *Bioneers is inspiring a shift to live on Earth in ways that honor the web of life, each other and future generations. Founded in 1990, Bioneers promotes practical environmental solutions and innovative social strategies for restoring Earth's imperiled ecosystems and healing our human communities.* Bioneers consider people to be part of nature, not separate from or above nature.

The themes at this year's conference included global warming, bio-mimicry (problem-solving by copying what nature does), technology used to organize and the interrelatedness of economy and ecology.

As I listened to one engaging plenary session after another, I couldn't help but wish that other OVEC leaders and members were present – especially young ones.

David Orr, professor and chair of the Environmental Studies Program at Oberlin College and an award-winning scholar and leader in the sustainability movement, spoke of mountaintop removal mining during his “Some Like It Hot, But Lots Don't: The Changing Climate of US Politics.” David told the Bioneers that when it comes to climate change, “Time is not our friend” and it is “all hands on deck time.”

He is working with others to present a plan of action to curb the impacts of climate change to the new administration. See WWW.CLIMATEACTIONPROJECT.ORG. In a separate workshop, David suggested the two ways to help young people fall in love with the natural world are to “kill the TV” and to get the kids outside!

Mountaintop removal was also a topic of Rebecca

Moore's presentation. Moore is a computer and software scientist at Google. She conceived and now manages the Google Earth Outreach program, which supports the work of non-profits, communities and indigenous peoples around the world in applying Google's mapping tools to pressing problems – like mountaintop removal.



Just one reason why we do what we do - Fall comes to the new River Gorge and Bridge. In the far distance is Gauley Mountain, now threatened with destruction by mountaintop removal mining even though it is a symbol of West Virginia on the official state quarter.

about this extreme mining method and has moved thousands of people to take action on behalf of our beloved mountains.

Executive Director of Clean Power Now Barbara Hill was a presenter on a panel called “Changing the Climate: Large-scale Collaborative Strategies for Clean Energy.” She talked about the importance and current status of the Cape Wind Project. See WWW.CLEANPOWERNOW.ORG.

She noted how OVEC's work to end mountaintop removal is connected to the need to begin a transition from a fossil fuel-based energy/economic system to clean, renewable wind. Barbara drew cheers from attendees when she related how CLEAN (see page 5) weighed in to help stop the blasting at Coal River Mountain. 🍂

In 2006, Google partnered with Appalachian Voices to create virtual flyovers of mountaintop removal sites in Central Appalachia. In 2007, they developed a remarkable tool – What's Your Connection? – that allows a person to enter his/her zip code and see their connection to mountaintop removal mining.

OVEC and other grassroots groups helped supply the content for this web tool, available at WWW.ILOVEMOUNTAINS.ORG.

Mary Anne Hitt, the former executive director of Appalachian Voices, gave a presentation (“Google Earth Outreach: High Tech Hits the Ground Mapping”) on how Google partnered with them to help stop mountaintop removal.

Without a doubt, this powerful tool has increased national awareness, helped inform people across the globe

Organizing Toward Clean Water Victory in Prenter!

Compiled with information from SSP volunteers, Coal Valley News article and Emily Gillespie, SEAC KY Regional Coordinator

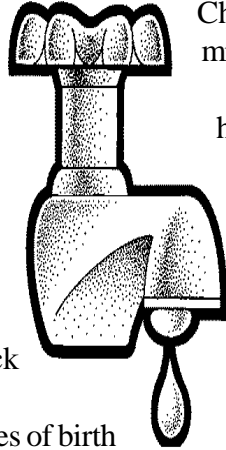
Working with Sludge Safety Project member groups and volunteers, residents of Prenter Road (Rt. 5) in Boone County have been demanding city water for their community. Folks there have been living with unbelievably foul well water. OVEC board member Chuck Nelson is helping to organize in Prenter.

The community has unusually high rates of birth defects, cancers and other ailments. Children's teeth are dissolving. Nearly every family has had someone in and out of the hospital.

Mountaintop removal operations, coal sludge impoundments and slurry injections abound in the area. Years ago, coal companies were permitted to pump coal waste into old underground mines near Prenter's groundwater. They were supposed to stop in 1984, but were caught doing it illegally as recently as 2001! Today, black and grey water flows from taps. The overwhelming stench of rotten eggs (hydrogen sulfide, a corrosive and neurotoxic gas) pervades houses.

County commissioners and other officials have reportedly secured \$300,000 to pipe potable water into the community. But the water lines may not arrive for two to three years.

With people sick and dying now, residents have a temporary solution. West Virginia American Water Co. has set up a water station at the Amazing Grace Fellowship



Church where residents can fill water containers for a minimal sum.

But, some residents cannot manage that. "We have a large number of folks around here who are shut-ins, disabled, or just don't have a car to get to the church," one resident, who has been vocal in helping to secure water for the Rt. 5 area, told the *Coal Valley News*. "We knew we had to do something to help them."


That resident and others established the Prenter Water Fund in order to secure a temporary source of water for families who cannot get water at the church.

To group secured a donation from a foundation to help cover start-up costs.. They bought 150 55-gallon barrels and hand pumps. Now, people out to their porches and fill up their jugs from the barrel, which volunteers fill.

"We know that a barrel of water on your back porch isn't the same as being able to turn on the tap and get clean water," the resident said.

"But we hope these barrels will make life a little easier for people who can't buy water from the store or have trouble going to the church with a bunch of jugs to fill up. **Hopefully, sooner rather than later, the water line project will begin and this will be unnecessary.**"

About 150 more barrels are still needed. A total of \$25,000 will cover the rest of the funding needed for the temporary water project.

Donate to the Prenter Water Fund. See WWW.PRENTERWATERFUND.ORG/DONATE or send donations to: **Prenter Water Fund, P.O. Box 651, Whitesville, WV 25209.** 

Survey Says! Poll Shows Nationwide Opposition to Mountaintop Removal

On Sept. 17, a *Charleston Gazette* front-page story reported that both presidential candidates said they oppose mountaintop removal mining!

Then, in October, a nationwide poll on mountaintop removal mining and its impacts on our nation's waters was conducted by OVEC's allies – Earthjustice, Sierra Club and the Appalachian Center for the Economy and the Environment.

As reported on the Earthjustice website, over half the people surveyed nationwide had heard about mountaintop removal, and by roughly a 2 to 1 margin, these folks had an unfavorable impression of it.

Once those surveyed were provided with a basic

description of mountaintop removal, the opposition to mountaintop removal spiked to 61 percent with no change in the number who supported it (16 percent).

Public opinion against mountaintop removal is very broad, outweighing support in every region in the country.

We credit the increased opposition to mountaintop removal, by the public and the presidential candidates, not only to OVEC's decade-long efforts to halt this egregious mining technique, but also to the on-the-ground work of groups like the West Virginia Highlands Conservancy, Coal River Mountain Watch, Mountain Justice Summer, Christians for the Mountains (and our other faith-based allies), The

continued on page 26

Mount Union College Students Ponder Destruction and Creation

Spending a beautiful October weekend at Dolly Sods sounds like a terrific way to earn points for your environmental ethics class, doesn't it? Ten students from Mount Union College in Ohio were doing just that the weekend of October 11-12.

Prior to their arrival at Dolly Sods, they stopped at the Bishop Hodges Center to talk with OVEC staffer Carol Warren about West Virginia environmental issues and how various religious groups relate to them.

The students had recently seen Dave Cooper's road show about mountaintop removal and had been introduced to the issue. Some of the students had not been aware of mountaintop removal until they took this class, even though a number were from Ohio.

Looking out on the beautiful Tygart River Valley, they questioned the wisdom of destroying such scenic places to mine coal, and asked if tourism dollars were important to the state's economy.

There was also good discussion of the nuances of wind power, and why some people in the state oppose large-scale wind projects.

Water issues were discussed, as well as the new wilderness legislation in Congress. Everyone was pleased to hear that additional areas near Dolly Sods were being preserved.

Carol shared with them the evolving position of the West Virginia Council of Churches and other religious groups

Survey Says!

continued from page 25

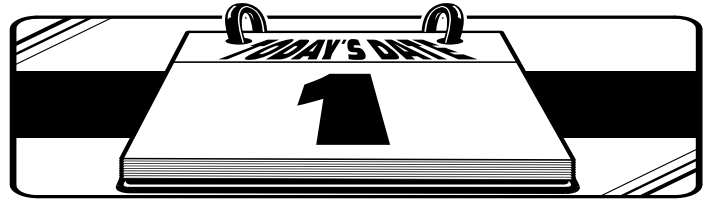
Alliance for Appalachia (a 13-member coalition of groups), Earthjustice, the Civil Society Institute and other groups now working on the issue.

The poll also measured respondents' opinions about the efforts of the Bush Administration to appeal the Stream Buffer Zone Rule, which prohibits mining activity within 100 feet of a stream.

According to Earthjustice: "Upon hearing that 'more than 1,200 miles of streams in Appalachia already have been buried or destroyed by mountaintop removal coal mining,' fully 85 percent of voters say they are concerned about the effects of this mining practice." Two-thirds of those surveyed oppose the Bush administration's effort to repeal the Stream Buffer Zone Rule and opposition transcends traditional partisan, regional, and demographic divides. For additional polling results: WWW.EARTHJUSTICE.ORG/LIBRARY/REFERENCES/MEMO-ON-MTR-POLL.PDF.

on the subject of environmental issues in general and mountaintop removal in particular.

She pointed out that a number of religious bodies are beginning to take slightly less anthropocentric views of creation, and emphasizing that our environment and the natural world are works of God to be treasured, not used in any way we wish for whatever reason.



CALENDAR

Jan. 21: Make the Call. See page 22.

Jan. 29 -30: Climate Justice Conference in New York City. E-mail vivian@ohvec.org for details.

Jan. 31 (tentative): Sludge Safety Project Legislative Kick Off Party and Training. Info: Patricia at (304) 475-3873.

Feb. 10: 2009 West Virginia Legislative Session begins.

Feb. 24: Post-Mining Land Use Committee meeting in Charleston, WV. E-mail vivian@ohvec.org for details.

Feb. 27 - Mar. 2: Power Shift 2008 in DC. Check WWW.OHVEC.ORG for details.

March 14 -18: Save the date for Clean Water Protection Act Lobby Week in DC! OVEC members head to Washington, DC, to talk to the new Congress and the new administration about ending mountaintop removal.

April 11: 2009 West Virginia Legislative Session ends.

April 19 - 21: Save the Dates. Details coming. You won't want to miss this!

May: Sustainability Fair in Charleston, WV. Be a part of the planning team - Contact Robin Wilson at robin@wvcag.org or (304) 346-5891.

June 21: Mountain Aid: A Concert to End Mountaintop Removal. See WWW.MTNAID.COM.

An Open Letter To Bayer

October 8, 2008

Nick Crosby, Institute Site Leader
Bayer CropScience LP
Rte 25
Institute, West Virginia 25112

Dear Mr. Crosby,

To eliminate risks of a Bhopal-type event happening in Institute, we, the signatories, are demanding that Bayer become an MIC and phosgene-free facility.

At Bayer's Institute plant, large quantities of highly toxic chemicals are produced. Among these chemicals are methyl isocyanate (MIC), the chemical that killed and injured over 100,000 in Bhopal, India, and phosgene, a nerve agent used in World War I.

Bayer reported to EPA that it stores between 100,000 and 999,999 pounds of MIC. This is two to 20 times the amount of MIC that caused the worst industrial accident in history in Bhopal, India in 1984. Institute, West Virginia, is thus the only place in the United States where MIC is produced in large volumes. The plant accounts for 90 percent of stored MIC and 95 percent of MIC emissions in the US.

MIC is dangerous in concentrations lower than most humans can smell. It can kill or cause permanent injury if inhaled. In addition, between five and 50 tons of the toxic gas phosgene, a chemical weapon used during World War I, are stored. A 1994 worst-case scenario analysis determined that in the event of a Maximum Credible Accident (MCA), cases of fatal poisoning could occur over a radius of nearly 10 miles.

Including the most current event (an explosion in August, in which, we learned much later, a small amount of MIC was released!) the plant has a long history of accidents in which several workers were injured and killed, and hundreds of residents had to be treated in hospitals. Bayer inherited this legacy from Union Carbide, Rhone-Poulenc, and Aventis when it purchased the Institute facility in 2001. Even though the names have changed, community concern and lack of corporate responsibility remain the same...

Now again, following the August 28th explosion, Bayer refused crucial information. Local emergency responders weren't sure what to do for several hours after the blast. In case of a toxic release, thousands of residents would have been endangered...

Bayer not only endangered the lives of thousands of Kanawha Valley residents, it endangered the lives of plant workers and the emergency responders who attended to the explosion. Refusing crucial information to emergency responders prevented immediate and necessary health care to Bill Oxley, the worker who was severely burned in the explosion. By not decontaminating Mr. Oxley prior to transporting him to CAMC, Bayer put the lives of the ambulance drivers, nurses, doctors and other people inside the CAMC emergency room in potential grave danger.

Bayer's actions to these recent events are inexcusable, intolerable, and exhibit vast irresponsibility to the communities surrounding the plant.

On behalf of the students, faculty and staff of West Virginia State University; the staff and constituents of the West Virginia Rehabilitation Center; the workers at the Institute facility; local emergency responders; and the residents of the Kanawha Valley, we are demanding the Bayer Institute plant become an MIC- and phosgene-free facility, and change the way residue from the Larvin unit is stored.

Sincerely,

People Concerned About MIC,

WWW.PEOPLECONCERNEDABOUTMIC.COM

Coalition against BAYER Dangers (Germany)

West Virginia Citizen Action Group

Ohio Valley Environmental Coalition (OVEC)

WV Chapter Sierra Club

WV Young Democrats Environmental Caucus

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



**Remember – All donations to
OVEC are tax deductible!**

... and the Dead Shall Rest in Peace for All of Eternity.*

**Except in southern West Virginia*



The little forested hump on top of the knob in the center of this photo is what's left of Stover Cemetery. The rest has been consumed by the massive mountaintop removal mining operation that surrounds it on all sides. OVEC will be leading the fight to protect these endangered family cemeteries during the 2009 Legislative session.

+ Printed on recycled-content paper. Please recycle. :

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