

"E" - NOTES

NEWSLETTER OF THE OHIO VALLEY ENVIRONMENTAL COALITION
PO BOX 970 PROCTORVILLE OH 45669

JUNE 1993

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TRI-STATE INITIATIVE PROMPTS OVEC ACTION

Environmental agencies responsible for the Tri-State area are continuing to plan the "Tri-State Geographic Initiative", which will include air quality studies as well as efforts to get industries to reduce pollution.

The Initiative plans to include water pollution and hazardous wastes, but the initial focus is on air pollution since air problems are well known. Despite the notorious fallout problems of the last decades, government agencies have very little clear information available about the fallout. Since fallout is still an occasional problem, one goal of the Initiative will be to come up with a reliable way to identify the source of particulate fallout. While the KY DAQ now knows how to collect the sample properly, having it analyzed is still a problem. The state needs to find someone to analyze the fallout samples who is willing to possibly go to court if the data should lead to legal action against the polluter.

Also important will be the use of new technologies to detect the wide range of air pollutants that lead to the "odor episodes" that continue to plague the Kenova area. Sophisticated new instruments will be in use within the next 6-12 months that will detect some of the unusual pollutants, "air toxics", that may be part of the cause of the high rates of respiratory problems that have been found in the Kenova area.

The air studies will take a few years to complete but the leaders of the Initiative insist that they won't wait for the studies to be completed before making an effort to urge local industries to decrease the amount of pollution they emit. ("Initiative"
Continued on page 2)

PULP MILL UPDATE

Focus on the proposed Apple Grove pulp mill has now taken two different, equally important directions: watching a new task force to be set up by Gov. Caperton and trying to get some answers from Parsons and Whittemore (P & W), the company that wants to build the mill.

The water quality issues were left somewhat in limbo at the end of the WV legislative session. While the legislature did pass the tougher water quality standard for dioxin, the harmonic mean flow vs. low flow calculation for carcinogen discharge debate was put into a study group for one year. WV will continue to use the safer low-flow calculation until at least next session. We will need to keep an eye on the study group, which has not yet been appointed.

OVEC wrote a letter to P & W asking company officials to meet with concerned citizens from the Affiliated Construction Trades Foundation, West Virginia Environmental Council, Mid-Ohio Valley Greens, and other environmental groups. The company's vice-president, Kenneth Goddard, responded that such a meeting was "premature" until they "have an opportunity to design a project based on the rules and regulations yet to be promulgated by West Virginia."

It seems unlikely this company has any intention of building a state-of-the-art, chlorine-free mill. If they did, they would be able to design their project without waiting for West Virginia to weaken its standards.

A meeting will be scheduled in Pt. Pleasant fairly soon on the pulp mill issue. For more information, call Kim Baker at 522-9562.

("Initiative" continued from page 1)

The agencies have insured citizen input into the planning of the Initiative. OVEC's Janet Fletcher and Rick Bady are serving on the Initiative's Citizens Review Committee, and will continue to meet with those carrying out the initiative and make suggestions. To get involved in Initiative efforts or to make suggestions call Janet at 525-6984 or Rick at 886-5796.

OVEC's members and staff have already had substantial influence during the preliminary planning phase. After years of viewing concerned citizens here as both adversaries, new government officials have recognized the need to welcome active involvement of OVEC.

Here's a summary of some of our recent efforts:

1. At the first public meeting of the Technical Advisory Committee and the Citizens Review Committee, a number of citizens were on hand to emphasize the continuing problems telling their personal stories. Citizens stressed the frequent refinery malfunctions which result in bursts of very high levels of pollution. The Initiative Coordinator agreed to make an examination of malfunctions an initial focus. OVEC is helping to analyze malfunction reports obtained from the local office of the KY Department for Air Quality. Our participation has not only insured that malfunctions come under scrutiny, but we can be sure that the results will be made public and interpreted by citizens and not just industry, which has often happened in the past.
2. OVEC is comparing pollution control technology used by regional industries with that used elsewhere in the US. After several conversations with Texas air regulators, we've learned that Texas refineries are using pollution control equipment which is much more advanced and effective than that used here. This type of information will help the Initiative focus on stimulating specific regional improvements. In the past, many studies have taken the approach of trying to determine whether the amount of pollution exceeds some accepted standard. This approach is hampered by the fact that no one knows what an acceptable level is for most pollutants. Trying to prove human health damage to the standards of industrial lawyers is very difficult, if not impossible, and thus, many government studies in the past here and elsewhere have failed to provide clear results, leading to a lack of action. Rather, we are experimenting in a new approach: How can government agencies, concerned citizens and industry all cooperate to find ways to reduce pollution to the lowest possible levels?
3. The US EPA has provided significant resources for an expanded regional air monitoring system. OVEC is helping to determine what chemicals need to be the focus of increased monitoring. We've asked some people living in the most polluted areas to fill in a log book we've devised to keep a record of the "odor episodes" they experience. Let us know if you'd also like to participate in this. This information will help to determine what specific chemical monitors must be used. Without this type of citizen guidance, agencies have a tendency to monitor for what they know how to detect easily, rather than for the actual chemicals that are causing the problems.
4. To be sure the Initiative succeeds, OVEC members are arranging meetings with key regulators and politicians to be sure the effort is sufficiently funded and that citizen concerns are adequately addressed. The squeaky wheel gets the grease. Members are arranging separate meetings with the Governors of Kentucky and West Virginia, and with WV congressman Rahall. Also, we have arranged for the Initiative's Coordinator to spend a day visiting with some concerned citizens in their homes. As members have suggested, these meetings will be followed up with phone calls and letter campaigns to demonstrate significant public support for our objectives.

AN OPERATING PERMIT FOR ASHLAND OIL?

Three years ago when OVEC members complained that the Catlettsburg refinery was being allowed to run without an operating permit, company spokespersons claimed we were wrong. We were right, of course. Now, the company has applied for a permit. Many citizens are opposed to granting this permit, believing that Ashland first needs to demonstrate the ability to operate without frequent emissions upsets. After a recent explosion that killed a refinery worker, OVEC member Ann Kiser was quoted in the *Charleston Gazette*: "I don't know how they can even ask for an operating permit after this."

Kentucky officials, on the other hand, say that if the refinery is regulated under an operating permit, instead of a series of "agreed court orders", this could help insure that improvements take place more rapidly.

A public meeting on the proposed operating permit is tentatively scheduled for June 30 at Ashland Community College. The exact time of the meeting is not yet set. Most of the important KY officials will be present and anyone can get up and tell them what they need to hear.

A hearing was initially scheduled for mid-May but was postponed after Ashland pulled another stunt to keep KY officials in the dark about what goes on in the refinery. After a recent fire, KY officials asked Ashland to restart the FCC unit only when regulators were on hand to watch, since the start can result in excess emissions, including particulates that may come down elsewhere as "fallout". The only way to observe whether the emissions are a violation of KY regulations is to observe the event in broad daylight. Ashland starts the unit at night so it can't be observed. When regulators arrived in the middle of the night as planned, they found the company had already started the unit and avoided being caught in the act. KY officials then decided to delay the hearing in order to improve the proposed permit. Hopefully they will add requirements that such start-ups take place during the day so violations can be more easily observed.

TRASH NOTES

In conjunction with the city of Huntington, OVEC staff arranged and attended neighborhood recycling meetings during the second week of May to assist the city of Huntington in its pilot recycling project. Don Kleppe, city planner, was on hand to answer questions citizens had regarding the program. Studies have shown that recycling efforts in other cities have been the most successful when members of the local community become actively involved--neighbors encouraging neighbors. OVEC staff have offered to find member/volunteers to assist participants that were physically challenged.

A recent article in the Huntington newspaper indicated that recycling bins or their contents have been stolen in some areas. Citizens have been asked to store the bins inside after collection to help alleviate the problem.

Now that Huntington has elected a new mayor, Jean Dean, the outlook for solving solid waste problems here appears brighter. Mrs. Dean is on record at exploring three options: 1) a city owned landfill, 2) a regional landfill, or 3) contracting with an existing landfill. She has indicated that she will favor the cheapest option. In addition, Mrs. Dean favors curbside recycling and composting of lawn waste. She would not support a dirty MRF (Materials Recovery Facility) and would only support garbage incineration that falls within EPA guidelines. OVEC looks forward to working with Mrs. Dean and her administration.

Sam Colvin, a consultant for the Cabell County Solid Waste Authority (CCSWA), said that Huntington City Council has voted to sign contracts for a new city landfill; however, this was signed under the condition that if the city decides against the project, the only financial obligation would be to pay for a historical audit of the old Deitz Hollow landfill.

In addition, CCSWA has received verbal notification of a grant for \$40,000 from state and local governments to begin projects on composting and waste reduction.

NATURE CAMP 1993

OVEC and the Greater Huntington Park and Recreation District (GHPRD) are co-sponsoring the Web of Life nature day camp for boys and girls ages 8-14, August 2-6, 1993, (9:00 a.m. to 5:00 p.m.) at Camp Mad Anthony Wayne, Huntington, WV. The theme of camp is "Wildlife Barometers"--how the presence of certain species indicates the general health of an ecosystem. Cost per camper is \$65, including an optional overnight session on Thursday, Aug. 5. Registration forms may be obtained at the GHPRD office at 210 11th Street, Heritage Village Shop #1, Huntington, WV, or by calling 696-5954. OVEC's project coordinator, Janet Fletcher, will be camp director. If you would like additional information, call Janet at 525-6984.

BOARD NOMINATIONS NEEDED

Nominations for the OVEC Board of Directors members are now being sought. Several of our current board members have or will soon move from the region, and we also need some "new blood" on the Board.

One Board responsibility is to oversee OVEC's Director and make sure the job is being performed adequately. Other responsibilities include setting organizational policies, and working with our three staff persons on developing broad issue and organizing strategies. Ideally, some board members will also help with regional fundraising.

Our region faces several environmental threats and problems, and decisions need to be made on which issues receive the most staff attention. Increasingly, staff have more to do than time to do it in. How should staff time be allocated? How can staff most effectively increase member involvement? The Board of Directors needs to be involved in these decisions. Board meetings are held every two months, but could be held more often, if the Board chooses.

Please send in your nominations for Board membership to OVEC, PO Box 970, Proctorville OH 45669. We'll hold our annual membership meeting later this summer, and Board members will be elected at that time.

RETURNING TO OUR NATIVE PLACE

Humility is a word which comes from the Latin root "humus", which means fertile ground. Anthony Bloom writes, "Humility is the situation of the earth." The earth is humble because it is always with us, always taken for granted, always walked on by everyone, and the place we dump our garbage. Don't we as a people need humility? Richard Foster says humility is nothing more than staying close to the earth. The earth has the remarkable ability to transform our corruption into a resource for new life. Unfortunately, our arrogance and ego-driven greed are taxing our mother earth beyond her nature.

There is hope. I see humility. Again Richard Foster writes that "humility means to live as close to the truth as possible: the truth about ourselves, the truth about others, the truth about the world in which we live." Truth-telling is being done. And OVEC is engaged in the mission of speaking truth concerning our treatment of the earth. And so we humble ourselves that life may come forth.

Recently, Dianne Bady, our director, was interviewed by a Boston reporter for the T.V. series "Earthkeeping." The reporter asked Dianne why she continues to do environmental work in the face of such opposition. Dianne replied that it springs from her relationship with God. On the Sunday before Earth Day, Boston PBS filmed the New Hope United Methodist worship service to illustrate these convictions. As Dianne's pastor, I share these convictions. Our earth, indeed all of creation, is sacred. I must admit that the tradition from which I minister has a blemished past in regard to environmental justice. However, I believe our Creator is getting through to many people in this day and time. And so I say with Thomas Berry, "We are returning to our native place after a long absence, meeting once again with our kin in the earth community."

It is such a privilege to be Dianne's pastor. I pray for Dianne, Janet, Kim and all the members of OVEC that their prophetic ministry will bring people close to the earth.

Grace and peace,
John C. Whitaker
Pastor, New Hope UMC

BAD CORPORATE POLICIES MAKE BAD CORPORATE NEIGHBORS

This is a subjective column based on five years of observing how companies do business in West Virginia. Feel free to take this with a grain of salt, but I am compelled to tell West Virginians who I think is our BCN: "Baddest Corporate Neighbor."

My nomination for BCN is Ashland Oil. Although its headquarters are in Ashland, KY, it and its sister company, Ashland Coal Co., do one heck of a lot of business in our state. They own all those Super America mega-mini-marts that dot the state's highways. They produce and market Valvoline motor oil. They also operate one of the largest refineries in the country just across the Big Sandy River from Kenova.

Ashland officials spend a great deal of time and money telling us what great guys they are: billboards remind us of their commitment to education, bumper stickers tell us they are good neighbors, press releases in Huntington and Charleston newspapers inform us of their latest gifts to worthy causes.

Even West Virginia Public Radio, the last bastion of unbiased reporting, gently tells us that Ashland, Super America and Valvoline help make programming possible.

Marshall University is particularly enamored with Ashland. I keep waiting for an announcement that the school is adding a department called "Ashland Oil School of Public Relations."

Ashland Oil spends a great deal of effort to create a favorable image.

On May 17, another worker was killed at the refinery, raising the number to four in the last five years. Nearly every week, papers report another leak, explosion or fire at the Catlettsburg plant.

According to data from the Kentucky Division of Air Quality, malfunctions, unplanned shutdowns and "incidents" which resulted in excess emissions have averaged more than one per week for the past three years. In a June, 1990 article on Ashland, the *Lexington Herald Leader* stated "both state and federal officials have complained that the company uses the claim "malfunction" as a legal maneuver to cover what, in fact, was a lack of adequate equipment or maintenance in the first place."

This is a plant that since 1972, has not had a proper permit to operate.

Ashland has been very successful in avoiding enforcement by the state of Kentucky, and West Virginia's Air Quality officials seem unconcerned that Ashland's air emissions cross the river. So far, Ashland has been successful in defending itself from hundreds of citizens who have sued the company. Reporters who dare write unfavorable articles on its problems no longer work for the newspapers. Local activists have been attacked on a regular basis in the press and through letters to the editor.

Not long ago, consumer advocate Ralph Nader's publication, the *Multinational Monitor*, called the company a "polluting corporation with an intimidating edge." That comment caught our environmental community by surprise. We had no idea that far away in Washington, Nader's folks were aware of Ashland's treatment of local activists.

I would like to report that things have begun to improve. I cannot.

Decent companies don't get sued by hundreds of their neighbors. Decent firms try to avoid splitting communities over the false choice of jobs versus the environment. Good neighbors do not allow conditions to exist that cause explosions and fires which in turn kill and injure people with any kind of regularity.

Ashland's tactics are different than other large manufacturers in West Virginia. It takes the robber baron, bare knuckles approach to criticism. The company forms "employee support" groups that attend citizen meetings and harass those groups. They wine and dine the influential members of the tri-state area. They spend hundreds of thousands of dollars on creating a favorable public image, yet the explosions, lawsuits, fires, injuries and deaths continue. So does the public relations campaign.

During the regular legislative session which ended last month, real reform of the "super tax credit" for coal was defeated largely because of Ashland Coal's lobbying. In a state desperately seeking to find money to fund its Medicaid program, Ashland kept its credits -- not my idea of a good neighbor.

Good neighbors don't have to spend lots of money telling you they are indeed good neighbors. Actions speak louder than words. Ashland must stop the old-time power plays and its PR campaign.

It's time to be a good neighbor and join us in the 20th century -- it's almost over.

Norm Steenstra

OVEC MEMBERS HOST GERMAN ENVIRONMENTAL OFFICIALS

A big thanks goes to OVEC members who met with three German environmental officials and a senior editor from German public TV on June 2. Accompanied by two interpreters, they were here to learn how U.S. policy makers, regulators, industry, and citizens deal with controversial environmental issues. After a tour of the Ashland Oil refinery, our guests met with members Mike Forman and Barbara Christian, as well as Sam Adams and John Flavell, from the *Ashland Daily Independent*, for lunch. Mike and Barbara expressed their continued concerns and frustrations regarding pollution from the AO refinery.

After lunch, we met at the home of Anne, Doug, and Donna Kiser. Besides Anne and Donna, other members present included Diana Bowen, Carol Ramey, Taylor Ross, Pearl Vonderheide, Rev. Tom Mullins, Louise Prince and Lawyer Ratliff. Interpreters hooked our visitors up to earsets to simultaneously translate conversations as OVEC members talked frankly about malfunctions, health problems, lack of media coverage by the some local media, the "good neighbor" facade, and frustrations in dealing with bureaucrats from two different state and federal environmental protection agencies. Our guests were treated to a closer look at refinery pollution as Louise Prince shared a videotape of a recent malfunction.

Leo Artmann, head of the Dept. of Environmental and Regional Planning in the Leipzig Government District was baffled that AO has been operating the refinery

since 1972 without a proper operating permit--members explained that the company was running via agreed court orders and construction permits. Ulrike Riedel, undersecretary to the minister of environmental and federal affairs in the Hessian Federal State (who formerly provided free legal services to environmental groups in her country) said that in Germany, a company that did not have an operating permit and one that continued to have numerous malfunctions, would not be allowed to operate.

By the end of their house visit, our guests had a different view of the refinery they had only visited that morning. In fact, they were advising members in other ways they might deal with so many difficult issues.

After hugs, handshakes and goodbyes, the Germans headed to the regional Division for Air Quality office in Ashland where they were greeted by Dan Kash, a Regional Supervisor. Dan did an outstanding job fielding their many questions regarding the AO refinery and other industry in the region.

The long day ended at the Ashland Plaza Hotel where our guests were scheduled to meet with local media over dinner. Except for Sam Adams (*Daily Independent*), the media stayed away en masse. Ulrike, Leo, Peter Linzel, and Volker Angres expressed their deep appreciation to OVEC members who shared with them the realities of environmental activism in the U.S. from the citizens' point of view.

IS IT TIME FOR YOU TO JOIN OR RENEW YOUR MEMBERSHIP?

Please fill out this form and send (along with your dues or contribution) to:

OVEC
PO Box 970 Proctorville OH 45669

- [] Membership \$5-\$25 (pay what you can)
- [] Contribution (tax deductible)

Name _____

Address _____

Phone _____ Issues of interest _____

BRIEFS

STORY GETS LOTS OF COVERAGE OUTSIDE OF THE TRI-STATE

OVEC's Ashland Oil efforts and the non-OVEC personal damage lawsuits will be covered in a national public television program scheduled to air in September (date not yet determined). A crew from Boston WGBH spent about four days here in April, filming for the second in a four-part series called "Earthkeeping." A reporter and photographer from the *Atlanta Constitution* also visited our region, and a full-page article focusing on Ashland Oil's pollution controversy was featured in that newspaper.

MAINE'S WATER QUALITY VICTORY

Maine environmentalists have defeated an attempt by the paper industry to relax dioxin standards in their state. Their governor, who once favored increased dioxin levels, changed his mind after organized citizen efforts which included serving the governor a meal of fish taken from a dioxin contaminated Maine river.

According to a recently released report by Kentucky's Environmental Quality Commission, "In 1970, seven areas in KY failed to meet the sulfur dioxide air quality health standard. Currently, Boyd County near Catlettsburg is the only area failing to meet the standard."

NOBODY WANTS THIS DUMP

Testimony at public hearings throughout the state of Ohio has been overwhelmingly opposed to Gov. Voinovich's plan to host a six-state "low-level" radioactive waste landfill. Many state officials have assumed that the dump will be sited here in Southern Ohio. State Senator Burch has been expected to introduce legislation that could give a county the right to vote on a proposed site.

VIDEO MONITORING UPDATE

The 24 hours-a-day video surveillance system at Ashland Oil should be up and running some time this summer. The images will be fed into monitors at the KY Division for Air Quality's Ashland office. State officials say that since this is the first such surveillance system in the country, it's taking several months to design and construct.

WVEC GATHERINGS

Two of the West Virginia Environmental Council's major events are coming up soon. A weekend meeting to discuss issues and begin some state-wide coordination of strategies will take place at Seneca Rocks June 26 & 27. Kim Baker, OVEC's organizer, will lead a nearly day-long Cancer Creek\Cancer Air session on the 26th. Other issue topics to be discussed during the weekend include: industrial siting, surface owners' rights, solid waste, forest issues, off-road vehicles, Corridor H, non-game wildlife funding, mining, river protection, election reform, and universal health care. Camping and lodge rooms are available. The WVEC annual convention is scheduled for September 10-12 at Bluestone Conference Center in Hinton WV. Both events allow ample opportunity for networking with like-minded folks. For more information call Kim at 522-9562.

PLEASE LET US HEAR FROM YOU!

Dianne & Janet & Kim, OVEC's staff, would like to hear your concerns, ideas and comments. We can be reached at the following numbers: Dianne Bady 886-5796, Janet Fletcher 525-6984, and Kim Baker 522-9562.

Last Minute Update!
Kentucky DAQ
Public Meeting on
Ashland Oil Operating Permit
June 30, 6:30 pm
Ashland Community College
Please Be There!

Ohio Valley Environmental Coalition
P. O. Box 970
Proctorville OH 45669

