

"E"-NOTES
 THE NEWSLETTER OF THE
**OHIO VALLEY
 ENVIRONMENTAL
 COALITION**
 PO BOX 970 PROCTORVILLE OH 45669
 MARCH 1995

CITIZENS FROM THROUGHOUT REGION INCREASE EFFORTS ON PULP MILL

In recent weeks, no fewer than 70 citizens in four counties have stepped up efforts to organize and educate citizens about the impacts of the proposed pulp mill in Mason County. This is very encouraging. Governor Caperton's political arm-twisting at the U.S. EPA has made folks realize that a major effort from the grass-roots will be needed to turn the bureaucratic tide that places big-monied, multi-national interests before the interests of citizens and the

environment (see Charleston-Gazette news article inside for more info)

Citizens have vowed to step-up letter writing and phone campaigns, to increase media coverage, as well as committing to educating other citizens one-on-one, about the many issues surrounding this questionable "economic" development. For example, Harrison County ECO delivered pamphlets about a big push in Maine to eliminate chlorine bleaching processes from the existing paper mills there.

WHAT YOU CAN DO:

Next Pulpmill Meeting: Thursday, April 6--7:00PM -- At the OVEC Office

For more information or to be on the mailing or emergency phone call list, call Janet (304) 522-0246

US EPA, Region III's HOTLINE phone number is 1-800-438-2474. Call them and complain that they caved in on dioxin testing on the Ohio River at Apple Grove.

TOO MUCH NEWS:

Stories on:

- Low-Level Radioactive waste for southern Ohio
- Operating permit and MRS conversion and Ashland Oil

In the next issue!



**WHEN FINISHED WITH THIS, DON'T THROW IT AWAY
PASS IT ON TO A FRIEND!**

KENOVA OVEC MEMBERS JOIN GROUPS IN KY TO PROTEST ASHLAND OIL

On January 14th, in Louisville KY, an abandoned Ashland Oil refinery was the site of a prayer vigil/protest. Residents of largely African-American Chickasaw Park area have been left with not only an industrial eyesore, lowering the surrounding community's property values, but the greater concern of possible ground water contamination.

The Reverend Louis Coleman of the Justice Resource Center in Louisville led the vigil. Kenova OVEC members Pat Davis, Carol Ramey, James Jones, Juanita Smith, Thelma Purdue, David Ramey, and Chris Ramey made the long trip to show their support. Carol and Pat spoke eloquently at the vigil about Kenova's suffering at the hands of Ashland Oil.

Following the vigil, the Reverend Coleman's group presented Pat Davis with the Martin

Luther King Jr. award for her continuing volunteer work in Kenova. CONGRATULATIONS PAT!! And thank you to all who attended the gathering.

OVEC staff and Kenova members have been working with Louisville's Justice Resource Center, Southern Organizing Committee for Economic and Social Justice (SOC) of Atlanta, and the Coalition for Health Concern to reinstate Brian Holtzclaw to Kentucky and the Tri-State Geographic Initiative (TGI). (See article below) These groups, as well as Kenova OVEC member Pat Davis met in January with KY Governor Brereton Jones to voice their concern that Holtzclaw be returned to the TGI. OVEC will continue to work with the folks in these groups, as their battle is our battle.

HOLTZCLAW & CITIZENS vs. EPA & KYDEP

After two years of working with both industry and citizens to try to reduce pollution in our Tri-State region, Brian Holtzclaw was ordered by the US EPA to take another EPA position. He was offered positions outside the country. Holtzclaw, a chemical engineer for the US EPA, told the truth about Ashland Oil and released scientific reports that documented their continuing pollution problems. His attorneys have requested a formal hearing, arguing that he was illegally removed for being a "whistle-blower".

OVEC, SOC, the Justice Resource Center, and Coalition for Health Concern have filed applications of intervention for the court

hearing. If granted, the interventions will allow the groups to submit pertinent evidence on Holtzclaw's behalf and ask questions of those involved with his removal. Attorneys for US EPA Region IV and KY DEP have filed objections to our interventions. The judge has already thrown out KY's objections. These actions by OUR GOVERNMENT SERVANTS only help to enhance the distrust many people feel for environmental protection agencies. All too often the citizens of the affected communities are shut out of "the process", decisions that affect their lives are made by the powers that be who don't even live in these areas.

A victory, for the time being. . .

DEP refuses to ease air pollution standards

By Ken Ward Jr.
STAFF WRITER

The state Division of Environmental Protection has rejected an industry proposal that could dramatically increase pollution from West Virginia power plants.

DEP's Office of Air Quality has proposed instead to allow individual utilities and manufacturing facilities to seek waivers from the current regulations.

Dale Farley, chief of air quality, called the proposed regulation change filed Tuesday with state Secretary of State Ken Hechler "something of a compromise."

David M. Flannery, a lawyer for the utility and chemical industries, said he would have to review the proposal, but that his clients could ask the Legislature for more changes.

"We've been saying to them all along that we've just got to have some sort of relief out there," Flannery said Tuesday.

Any change in the regulations in question would require legislative approval.

Normally, lawmakers would not take up the proposed regulation this session because it was not submitted by an agency before the end of August.

Farley said that if the powerful West Virginia Manufacturers Association is unhappy with his decision, it could prompt a quicker review of this proposal.

At issue is an old rule, known as Reg. 2, which limits the amount of particulate matter utility power plants and power generation units at chemical companies.

Particulate matter includes dust, soot and other tiny bits of solid materials that are released into the air by burning coal, oil and natural gas for electricity.

Particulate pollution can cause eye, nose and throat irritation and other health problems.

Recent health studies, however, concluded that particulate matter may be more dangerous to human health than previously believed. One study by the U.S. Environmental Protection Agency found that as many as 60,000 Americans may have died from breathing particulates at or below legally allowed levels.

State and federal regulations limit particulate emissions from power plants based on both the total weight of emissions and the amount of those emissions that are visible coming out of a stack.

Power companies, including Monongahela Power Co. and Appalachian Power Co., argued for years that state restrictions on visible particulates are twice as tough as EPA suggested limits.

Flannery, in a lengthy technical petition, said his clients would have to spend millions of dollars to comply with the state's tougher regulation.

Farley proposed doubling the state regulation — called an opacity limit — to the same level as the federal EPA mandates.

At a public hearing in late November, former air pollution chief Carl Beard came out of retirement to blast Farley's proposal. DEP Environmental Advocate Wendy Radcliff and David White, an air office staffer, also criticized the proposal.

The Ohio Valley Environmental Coalition filed written comments urging DEP not to weaken any state air pollution regulations.

The proposal filed with Hechler on Tuesday would maintain West Virginia's current visible particulate limits. But it would also allow individual facilities to seek spe-

cial permission to pollute up to the federal limit.

To get that special permission, a facility would have to show, among other things, that:

▲ They cannot technically or economically comply with the stricter state regulations.

▲ Allowing the variance will not cause West Virginia to violate overall federal rules on air quality in the state.

▲ The facility will still meet state limits on total weight of particulate emissions.

Flannery noted again Tuesday that the West Virginia particulate standard is more stringent than federal rules. He said current state law allows such variances only in certain circumstances.

In his new proposed rule, Farley cited the Ohio Valley Environmental Coalition comments — including the EPA study of health effects of particulates — that West Virginia needs a tougher standard than the federal rules.

"West Virginia's topography, with its steep mountains and river valleys, justifies a more stringent opacity standard than contained in the federal regulations," Farley wrote in his new proposal.

from the Charleston Gazette
Feb. 9, 1995

EPA whistle-blower criticizes Caperton's actions on pulp mill

By Ken Ward Jr.
STAFF WRITER

A U.S. Environmental Protection Agency investigator has criticized the Clinton administration for blocking the agency from raising questions about the proposed Mason County pulp mill.

Hugh Kaufman, an EPA internal whistle-blower, alleged this week that regional EPA regulators were ordered to drop complaints about a state permit that allows Parsons & Whittemore Inc. to discharge dioxin into the Ohio River.

Kaufman said the orders came down from Washington, D.C., after Gov. Gaston Caperton told national EPA Administrator Carol Browner that regional agency actions were hampering a major state economic development project.

Jim Kotcon, state government programs chairman for the West Virginia Sierra Club, has called Caperton's actions "the most blatant political intrusion into the regulatory process I have ever seen."

Janet Fout, project coordinator for the Ohio Valley Environmental Coalition, said EPA Region III Administrator Peter Kostmayer "yielded pathetically to political pressure from the Caperton administration."

But Kaufman said Kostmayer is probably EPA's strongest and most competent regional administrator.

Kostmayer tried to do his job in the pulp mill case, Kaufman said, but was overruled when Caperton — who is said to have close ties to Clinton — interceded.

"Basically, the regional administrator tried to play it straight, but Caperton went over his head and the regional administrator was just told to take a dive," Kaufman said.

Kaufman, whose title is assistant to the director of the Hazardous Site Control Division, has broad authority to investigate agency actions. Kaufman was in Charleston this week to speak at the West Virginia Environmental Council's annual E-Day at the state Legislature.

In the past, Kaufman's role has put him at odds with the administration, most recently over the WTI incinerator in East Liverpool, Ohio.

Caperton opposed that project because of fears of dioxin emissions from the trash-burner across the river from Chester, W.Va. The governor has praised the 600 permanent jobs the pulp mill promises to create and labeled critics of the project environmental "extremists."

Kostmayer two weeks ago dropped demands that the state Division of Environmental Protection determine how much dioxin is in the Ohio River before issuing permits for the mill.

Dioxin is a byproduct of the chlorine pulp and paper bleaching process that Parsons & Whittemore plans to use if it builds the mill between Point Pleasant and Huntington. A draft EPA report issued last September concluded that exposure to any amount of dioxin could cause cancer, birth defects and reproductive problems.

Because previous tests suggested high levels of dioxin already exist in the river, more definitive testing could have forced DEP to toughen the permit limits or not allow the mill to emit any dioxin at all.

John Seager, a top assistant to Kostmayer, conceded that the EPA approach — permitting the mill without first determining if additional dioxin will violate water quality standards — may not be perfect.

"The perfect should not be the enemy of the good," Seager said from his office in Philadelphia.

Seager also noted that several nearby states have weaker dioxin water quality standards than West Virginia.

"If the company were to decide they would go somewhere else, there are other states where they could go and emit far more dioxin than in West Virginia," Seager said. "That is not good policy nationally."

Oregon pulp mill eliminates dioxin

GRANTS PASS, Ore. — Prodded by a lawsuit from surfers wanting to ride clean waves, Louisiana-Pacific Corp. has become North America's first pulp producer to eliminate the deadly compound dioxin from its waste water.

The Portland-based wood products company announced Friday that it has completed a \$100 million conversion at its pulp mill outside Eureka, Calif., making it the first bleached kraft pulp mill to go chlorine-free.

Chlorine can combine with other chemicals in the pulp-making process to produce trace amounts of dioxin that mills discharge into rivers or bays.

In 1991, the 12,000-member Surfrider Foundation sued Louisiana-Pacific and Simpson Paper Co. over discharges into Eureka's Humboldt Bay, complaining the effluent caused skin rashes and illnesses among surfers.

The Environmental Protection Agency fined the two mills a record \$5.8 million for violations of the Clean Water Act.

Minority areas fuming over pollution

By Scott Bronstein

STAFF WRITER

Laura Forman of Kenova, W. Va., says hundreds of her neighbors are sick from pollution discharged by a local oil refinery.

Terry Clark says many people from his town of Tifton, Ga., are sick and dying of arsenic pollution from a toxic dump site.

Roy Mardris, an elected official of Homer, La., blames local industrial polluters for cancer rates above the national average.

They were among hundreds of people who came to Atlanta from across the nation Friday to speak to Environmental Protection Agency Administrator Carol Browner and other federal officials.

They believe that minority populations are receiving more than their share of pollution.

Browner, along with officials from the U.S. Departments of Energy, Defense and Justice and the National Institutes of Health, held the first national public meeting on what is called "environmental justice."

The meeting, at Clark Atlanta University's Environmental Justice Resource Center, stems from an executive order signed by President Clinton last

February, calling for officials to draft strategies to address growing concerns that poor communities of color are more polluted than most others.

"We have places in our country where our children, children of color, are dying from pollution," said Robert Bullard, director of the resource center. "These inequities must be addressed, and soon."

Friday's meeting was an outpouring of anger, anxiety and alarm over health conditions in minority communities.

"Why do you let these polluters continue to operate?" asked Forman. "The EPA has deserted the people of Kenova."

Browner and the other officials listened and took copious notes.

The team of government officials is beginning to outline a strategy to be presented to Clinton later this year.

Options for a new policy could include actions to reduce exposure of children to lead in paint in housing projects; new procedures or criteria for selecting industrial sites to consider community impact and support; and detailed procedures for new health testing on people claiming they are sick from pollution.

GALLIA COUNTY CITIZENS PREPARED TO RAISE A STINK!

In mid-January, OVEC's project coordinator received a request to meet with The Committee for Preservation of the Fairgrounds for Gallia County Youth from Gallia County, Ohio. Apparently, a group known as the Producer's Livestock Association (PLA) has convinced the Gallia County Fairboard (the decision-making body for fairground matters) to build a 5 acre stock yard. Located within 2 miles radius of the proposed stockyard are approximately 700 homes and 48 businesses, including 3 nursing homes, 2 day care centers, and Holzer Hospital! The property which abuts the Fairgrounds was originally meant to benefit Gallia County youth and was purchased with taxpayers dollars.

Some serious concerns include the devaluation of property, odor and noise pollution, increased flies and other pests, potential increases in diseases carried by flies and other pests, and water pollution caused by manure and increased pesticide use, especially Dursban.

Although presented with petitions bearing over 600 signatures of folks who oppose the location of a stockyard in their residential neighborhood, the Fairboard, nevertheless, is pursuing grants from the Ohio Valley Regional Development Commission (OVRDC) to fund this project. Citizens attended an update on grants from OVRDC in mid-February and afterwards expressed their concerns to Jeff Spencer, executive director. The progress of the grants is being scrutinized. The Fairboard, however, informed citizens at their February

meeting that funding for the project would be provided even if grants were not secured.

Citizens oppose the location of the stockyard but do not oppose the idea of a stock yard being built in Gallia County. Farmers who want to sell their livestock probably don't care where a stockyard is constructed as long as it is a short driving distance. In fact, nine alternative sites were proposed, but all were rejected by PLA and the Fairboard who claim the project needs city water and city sewage. Folks have to wonder why the Fairboard and PLA won't consider alternative sites. Who has the most to gain from developing this particular site for a stockyard?

This project, like many others, is being shoved down people's throats. No one informed these Gallia County residents about the impending change in their quality of life-- someone leaked the information to them. What a sad commentary on our society! For all our rhetoric about democracy, so little of it still exists unless organized citizens demand it.

Two things to count on:

- (1) Citizens do not plan to roll over and play dead on this issue (and that's no bull!)
- (2) If this project proceeds, as planned, the pesticides, the flies, the odors, and the noise, will bring a very unhealthy dimension to life in general near the stockyard. For more information contact: Betty Baxter at 614-446-4740 or Ellen Saunders at 614-446-4830.

OVEC OFFICE AND BOARD

Thanks to Mike Ellis (aka, "Mickey D"), the piles of papers to be filed is getting smaller! Mike has spent many volunteer hours helping Janet and Laura (especially Janet!) find a place for everything. Other volunteers who have helped with relocating furniture, mailings, phone calls, issue research, organizing citizens, tending the door during meetings etc., are Jeff Bosley, Mike Forman, Eric Fout, Rick and Aaron Bady, Julie Fletcher, Lewis Baker, Chelena McCoy, Norm Googel, and Jennifer Fout.

Lewis Baker was elected as Chairman of the Board for OVEC's Board of Directors. Congratulations, Lewie!

UPCOMING MEETINGS

Pulpmill meeting: Thursday, April 6--7:00PM -- At the OVEC Office

Meetings sponsored by The "Circle" (formerly Piedmont Peace Project):

"Finding Our Voices" training for Kenova area folks
Thursday, March 16th from 6:30 - 8:30 P.M.

Kenova Youth Event
Friday, March 17th from 3:30-5:30 P.M.

Media campaign and strategies for Kenova area, featuring a national media consultant Saturday,
March 18th from 3:00 - 5:30 P.M.

"Building Bridges" training (breaking down race and class barriers) meeting for all interested
parties on Saturday, March 18th from 9:30 - 2:00 P.M. At the OVEC office--Hospice
building on corner of 6th Ave. and 11th St.--use 11th St. Entrance--phone 522-0246)

Flyers will be sent out with more information and the location of the Kenova meetings. Call to be added
to the Kenovas mailing list, if you're not getting notices.

CABELL / WAYNE LEPC MEETING:

Wednesday, April 5, 1995, 1:00 P.M., Cabell County Courthouse (3rd floor)

Cut and mail to: OVEC, PO Box 970 Proctorville OH 45669

_____ New member or renewal (Dues: \$5 - \$25, pay what you can)

_____ Donation enclosed

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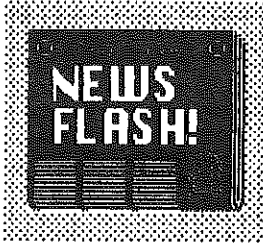
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For more info call our office in Huntington (304) 522-0246
PLEASE LEAVE A MESSAGE IF WE'RE NOT IN

**OYEC NEWSLETTER
MARCH 1995**

Contrary to what some politicians might try to tell you:



**THE MAJORITY OF AMERICANS THINK
ENVIRONMENTAL LAWS AND REGULATIONS
ARE NOT STRONG ENOUGH.**

According to a poll conducted by the Peter D. Hart research associates, 62% of Americans think laws aren't strong enough-- only 18% opposed stronger protections.

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