

Spring 2017



Winds of Change

Supporting Organized Voices and Empowered Communities Since 1987

Huntington, WV

OVEC

www.ohvec.org

Leach Xpress Pipeline Approved, Time for You to Get on the Move!

On January 19, FERC (the Federal Energy Regulatory Commission) approved the Leach Xpress pipeline. This 36-inch, high pressure pipeline for fracked gas would bore under the Ohio River near Camden Park in the Huntington area. Starting on page 4, read about this and the 8 other large-diameter pipelines proposed to go under or near the Ohio River in the Huntington area.

None of these pipelines are under active construction yet, and some are still in the planning stages, so get involved now to resist. Contact us at info@ohvec.org or 304-522-0246.



National Academy of Sciences Wants to Hear from You on MTR and Human Health

May 22-24 in Charleston, WV: All hands on deck for a town hall meeting with a committee of experts at the National Academy of Sciences. The committee is looking at research on the human health risks of living near mountaintop removal coal mining operations. They want to hear from you. See page 19 for details.

Inside This *Winds of Change*

A Letter to You From OVEC's Executive Director - 10

Big Legal Victories For WV Streams, Human Health - 12-13



Why I Marched



by Daile Rois, who lives near a mountaintop removal site, and is on OVEC's board, as well as on the steering and federal teams for The Alliance for Appalachia.

On January 21, I was privileged to participate in the Charleston, WV, Women's March. I marched because it felt *important*. It felt like it was something tangible that *I* needed to do. I am so glad that I did. I became part of a "we," and benefited from the strength that gives. We were approximately 3,000 strong—the largest protest group I've ever seen at the Capitol building. It was also the most diverse: women, men, children. All races. All socioeconomic backgrounds.

The signs covered all the issues, not just women's rights: environmental concerns, equal pay, healthcare, LGBT rights, and Black Lives Matter, to name a few. The signs told a story of people marginalized and concerned about their world and the world that we are leaving to our children. And, this outpouring of fear and anger did not lead to violence, but rather, expressed hope and determination. Determination to create the world we know our children, everyone's children, need.

We made me feel strong. We can affect change.

So, as weary and maddening as the new administration's actions have already been, I have hope. I have hope because I know that I am not alone in these feelings. I know that I am not alone in the determination to resist and defend.

I will work on the social and environmental issues that are important to me. Not just for my life or Tam's (my wife), but for my children (even though they are adults now and may disagree with me—that's their right and how I raised them), and most important, my grandchildren. What kind of a world are we leaving them?

Above: The crowd at the January 21 Charleston Women's March topped 3,000. Right: Daile Rois addresses the crowd. Photos by Chad Carpenter.

I don't want my grandchildren to grow up thinking that the only safe water to drink comes out of a plastic bottle.

I want them to know that people are more important than money.

I want them to know that what they think, feel, and say, matters.

I want them to be okay with other people thinking and believing differently than they do.

I want them to be smart.

I want them to live in a world where critical thinking is encouraged and public engagement is a citizen's responsibility.

I want them to know clean air and the healing power of nature.

I want them to be strong *and* kind.

I want to give them a world improved, not a world plundered.

This is why I marched. And it's why I will continue to use social media as a platform for political resistance, education, and influence. I will continue to encourage everyone I know to become involved—even if we disagree—because that's how this works. It's *important*. 🍌





Left-most: Several folks at the February membership meeting wrote to state and federal politicians to express their viewpoints on pending legislation and other issues. Left: The stack of letters grew throughout the evening. Our membership meetings usually take place the third Tuesday of each month. Check the calendar at ohvec.org to see what we will focus on at our current month's meeting, and join us in our Huntington office.

Monthly Membership Meetings Underway

by Keena Mullins. As of January, Keena is on staff full time, as our outreach coordinator.

In January we held our first monthly membership meeting at our office in Huntington, meeting with community members who are interested in engaging more with OVEC. Our attendees had a diverse background of experience with our organization.


We used our initial meeting to talk about a major looming threat to our region: nine oil and

gas pipelines in various stages of development that endanger the Ohio River.

Most of you know that we have existing pipelines in our area. Do you know that it's cheaper for companies to build new ones than it is to repair pipelines that are already in the ground? Extraction companies take the path of least resistance, no matter who or what gets in the way. We want to make sure you know about these threats while there's still time to act to protect our drinking water. If you are interested in knowing more, contact me!

We are excited about having regular opportunities to have face-to-face discussions with our community, so please join us any third Tuesday of the month at 5:30 p.m. at the OVEC office, 725 14th St. W, Huntington.

We have a diverse range of programs at OVEC that you can tap into with any level of commitment you are comfortable with. Remember, we are a group of activists who fight for environmental, social, and economic justice in West Virginia and throughout Appalachia. We want you to know we are a part of your community, and that we want to engage with our allies. No matter what issue matters most to you, if it involves working toward a world that's fair, just, and equal—we are on the same page.

If you have any questions, please don't hesitate to contact me at keena@ohvec.org or call the office anytime at 304-522-0246. Or, drop by our next monthly meeting. 



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When you're finished with this newsletter - PASS IT ON!

Our Moral Imperative is to Protect Water, Not Fossil Fools

(Excerpt from a March 12 Huntington Herald Dispatch op-ed by OVEC's Dianne Bady and Vivian Stockman)

West Virginia's Senate President Carmichael has stated, "We have a moral imperative to provide low-cost energy, not only to West Virginia, but to the world" (*State Journal*, Feb. 13).

West Virginia's fracked gas may be low cost for "the world," but fracking activities force very high costs on those who live nearby.

Hundreds of our neighbors in northern West Virginia have already sued fracking companies for serious problems, and some have to have replacement water trucked in to their homes after their wells apparently became contaminated. If they can afford it, they often drink only bottled water, because not everyone trusts the replacement water.

Oil and gas prices are rising, and the industry has figured out cheaper ways to get fracked gas. This is why the fracking re-boom is now underway in north central WV, PA, and OH.

The Huntington area could suffer very high costs to our air, water, and quality of life if the fracking and pipeline industries have their way.

A 36-inch, high pressure pipeline for fracked gas was approved by the Federal Energy Regulatory Commission on January 19. Columbia's Leach XPress Pipeline would originate in Marshall County, WV, and would transport methane (the main component of natural gas) through regions of Ohio where fracking of the Utica shale is rapidly expanding.

It would then pass through Lawrence County, Ohio, and underneath the Ohio River near Camden Park and link to another Columbia pipeline to go to a greatly expanded compressor station near the Huntington Tri-State airport. From there, the



The fracking re-boom in north central WV means more "cluster trucks" on local roads, such as here, in Wetzel County. Photo by Bill Hughes.

gas would go to Kentucky near Marathon Petroleum's Catlettsburg refinery and would link with the recently approved Rayne Xpress pipeline to carry fracked gas to the Gulf Coast.

There are now nine large-diameter pipelines proposed

to go under or near the Ohio River in the Huntington area.

Columbia's **Mountaineer XPress Pipeline** is moving through the Federal Energy Regulatory Commission's approval process. Plans for the **Buckeye Xpress Pipeline** were announced last month. The Leach XPress, the Mountaineer Xpress, and the Buckeye Xpress would carry fracked methane gas from West Virginia, Pennsylvania, and Ohio to a pipeline interconnection site near the Marathon's Catlettsburg refinery. It looks like this gas is mostly intended for export from Gulf Coast ports.

Unlike the Dakota Access Pipeline and the Keystone XL Pipeline, which are largely completed already, the fracked-gas pipelines proposed for the Huntington area are not yet in construction, and some are still in the planning phases.

The **Appalachian Storage Hub**, still in the planning process, would include **six more big pipelines** carrying natural gas liquids through our Huntington area to Catlettsburg, KY, possibly in above-ground pipes. Highly pressurized natural gas liquids are even more explosive than dry natural gas (methane).

West Virginia's "moral imperative" to supply low cost fossil fuels to the world **could also include extremely deep fracking of the Rogersville Shale, which lies under eastern Kentucky and southwest West Virginia.** The Appalachian Storage Hub plans

include piping natural gas liquids from Rogersville Shale wells. Currently permitted Rogersville oil and gas wells in Putnam County and eastern Kentucky are permitted at 14,000 and 15,000 feet deep—drilling almost three miles into the earth.

Back in the 1970s, Exxon drilled a test well into the very deep Rogersville Shale near Pritchard in Wayne County. More recently, the Kentucky Geological Service analyzed core samples from this well, and in 2014 issued a report concluding that a “viable petroleum system exists in the Rogersville.” The core samples also contained natural gas (methane), and natural gas liquids.

Marathon Petroleum’s CEO has stated that the Rogersville Shale “happens to sit right underneath the Catlettsburg refinery.” Marathon Petroleum and MarkWest, a fracking services company, have budgeted \$1 billion to build infrastructure to develop the Rogersville Shale and to “capture export possibilities.” We don’t know when they plan to begin this work.

Fracking-related processes and pipeline activities release massive amounts of methane and other greenhouse gases. If these plans for our area move forward, they would lock in more fossil fuels for decades, and move the world closer to extreme climate change.

We believe that we have a moral imperative to resist! Big investments in the already growing renewable energy sector are desperately needed. Investors in solar and wind energy are seeing some higher profits on their investments than those investors still bankrolling fossil fuels.

In WV’s fracking areas, many landowners are regretting signing contracts with oil and gas and pipeline companies. They wish they’d joined with their neighbors to stand up for their health, property rights, and way of life.

If oil and gas land men ask you to sign a contract, it is important that you talk with a trusted lawyer before you sign a contract. We can recommend knowledgeable lawyers. Call us at 304-522-0246. 🍌

Fracking Companies Poised to Ramp Up Production

Are oil and gas prices rising? Different economists say different things. But increasing investments by Appalachian fracking companies make it clear that companies believe they now can profit by stepping up production.

Antero, Appalachia’s largest fracking company, is moving forward on a massive waste disposal center in Doddridge County, WV. Antero expects its natural gas production to increase in coming months. (*Shale Daily*, Sept. 6, 2016)

Cabot, another Appalachian-focused operator, announced an increase in activity in the second half of 2016. **Southwestern Energy Co.**, **Consol Energy Inc.**, **Range Resources Corp.**, and **EQT Corporation** all announced plans to capitalize on a slowly recovering natural gas market as prices firmed up in 2016. (*Shale Daily*, July 29, 2016)

Fracked gas production increases in WV’s northern areas are directly relevant to the Huntington area, because multiple large-diameter pipelines are planned to cross the Ohio River in our region as they transport gas to the Gulf Coast, likely for export.

Another factor driving increased production plans is lower costs. Fracking companies have recently developed ways to frack more cheaply. Antero claims to have reduced its drilling and completion costs for sideways (horizontal) drilling by 33 percent since 2014. (*Shale Daily*, Sept. 6, 2016)

Chesapeake’s fracking operation in Louisiana is using *twenty-five thousand tons of sand for one natural gas well*. This means the “**era of the monster frack has arrived in North America.**” (*Charleston Gazette Mail*, Oct. 23, 2016)

Imagine the amount of diesel fumes this type of fracking would generate in our narrow valleys, where pollution often settles in, rather than blowing away quickly!

Massive increases in the amount of sand used in fracking would mean much more big truck traffic, more accidents, and more diesel fumes settling in our valleys, to be breathed by our lungs.

Fracking companies have also used the price downturn of the past several years to spend more time looking for places to ship Appalachian gas overseas—and they have been successful.

Why is it “necessary” to tear apart our land, contaminate the air we breathe, and threaten the drinking water supplies of our region, so that fracking and pipeline corporations can earn as much money as quickly as possible? Plus, these companies aim to ship gas overseas as fast as they can, all the while presenting themselves as working to securing America’s energy future.

We envision a different energy future, one *not* fueled by a short-sighted greed that endangers our health and wellbeing.

OVEC Releases Special Edition Newspaper

What is our energy future?

That's the question we examine in *Renew West Virginia*, a 28-page special edition newspaper published in March.

The publication details the health and pollution impacts of the fracking boom in north-central WV and highlights fracking-related projects proposed for the greater Huntington area. It also explores the nationwide growth of renewable energy and related jobs, with a focus on the renewable energy efforts underway in Cabell and Wayne Counties.

A total of nine large-diameter pipelines are proposed to come through the Huntington area. Unlike the Dakota Access Pipeline and the Keystone XL Pipeline, which are largely completed already, the fracked-gas pipelines proposed for the Huntington area are not yet in construction, and some are still in the planning phases.

Columbia's Leach XPress pipeline is planned to bore under the Ohio River near Camden Amusement Park, and Columbia's Mountaineer XPress pipeline is currently in the public comment phase. There is also industry discussion now about fracking the very deep Rogersville Shale, which underlies the Huntington area.



“All across the United States, a new energy for citizen action is emerging. We need to tap into that energy and work with others concerned about the severe climate impacts of these planned developments in our neighborhoods,” says OVEC Executive Director Natalie Thompson. “As pipeline companies seek eminent domain rights, we need to remember that informed and organized people can demand their rights, protect their property, and contribute to a better energy future for our state and nation.”

“We see the problems our neighbors in north-central West Virginia have faced with the rise of deep shale fracking-related activities. We’ve published *Renew West Virginia* because we want to make certain that people know deep shale fracking-related activities are not the same as our grandfathers’ oil and gas industry,” says OVEC Project Coordinator Robin Blakeman. “Renewable is doable! We can choose to move West Virginia’s economy into the 21st century by embracing cleaner renewable energy.”

We printed 29,000 copies of *Renew West Virginia* and mailed most of them to people in Cabell, Wayne, Putnam, Jackson, and Roane Counties who reside near some of the proposed pipelines and their associated compressor stations. We have several thousand copies to hand out at upcoming events, too.

We mailed copies to OVEC members whose dues (paid in dollars or “sweat equity”) are up-to-date. If you think you should have received a copy in the mail, call us at 304-522-0246 and we will check your membership status.

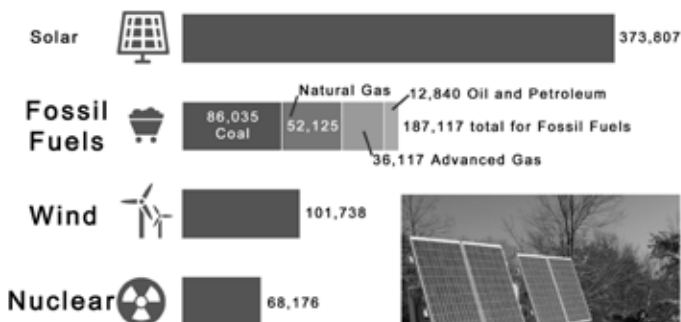
The publication is online: ohvec.org/renew-wv.

Corporate America makes capital allocations with an eye toward the future. To that end, the sign posts are pretty clear, and a low carbon economy is the ultimate destination. The recent growth of wind and solar energies is thus just a precursor of more to come.

— from recent *Forbes* article: bit.ly/2nAGAGf

Solar Employs More Workers Than Fossil Fuel And Nuclear Combined

Employment in energy generation by source in the U.S. in 2016



Source: U.S. Department of Energy





WV SUN

West Virginia Solar United Neighborhoods

Greater Huntington Area Folks Can Join Solar Co-Op for Discounts, Support

Folks living in the greater Huntington area have formed a solar co-op to save money and make going solar easier, while building a network of solar supporters. OVEC, the Marshall University Sustainability Department, the League of Women Voters, WV SUN, and OH SUN sponsor the co-op. The group is open to residents on both sides of the Ohio River.

Those interested in joining the co-op can sign up here: www.wvsun.org/huntington.

Joining the co-op is not a commitment to purchase panels. As of early March, the group has 54 members. WV SUN will help the co-op solicit competitive bids from area solar installers.

Co-op members will select a single company to complete all the installations. They will then have the option to purchase panels individually based on the installer's group rate. By going solar as a group and choosing a single installer, participants generally save up to 20 percent of the cost of their system.

Solar Congress

by Keena Mullins

On December 10, OVEC co-sponsored and attended the first West Virginia Solar Congress, held in Morgantown, WV, and hosted by WV SUN.

More than 70 supporters of solar power gathered to participate in a series of breakout sessions facilitated by some of West Virginia's solar industry leaders. Attendees were able to learn from experts about a wide range of topics, from third-party financing and community solar to citizen lobbying and policy design. We met and networked with leaders and participants in solar co-ops throughout the state of West Virginia and Ohio. We are now in the beginning stages of developing a solar co-op in Huntington. (See story above.)

I was particularly excited to attend the congress to learn more about energy policy and how we can make

“A local solar co-op is an exciting venture, and we are proud to be a part of it,” says OVEC's Natalie Thompson. “Interested residents will have the opportunity to become informed about solar generation and how they can invest in solar energy.”

“The co-op is a great opportunity to demonstrate how solar energy can help our communities be more self-sufficient,” says Autumn Long, with WV SUN.

Ben Delman, the communications manager for Community Power Network, says that solar co-ops also are being organized in Charleston, Wheeling, Lewisburg, Morgantown, and Beckley. “The price has dropped significantly in the past several years,” Delman says. “For a lot of people who were looking at solar a few years ago, the numbers didn't pencil in, but today they would. The idea of the co-op is that it is a great chance to not only get a better price but to also have the peace of mind of making a solid and informed decision with an installer that has gone through a vetting process.” 🍌

West Virginia's energy policy more progressive, so we can support our growing solar industry. I learned that producers in West Virginia (those who provide energy for the grid through solar but don't use any—think solar farm) receive only a fraction of the rate for solar energy that homeowners would receive when they are producing more than they consume. This means that we need legislation to make solar energy prices fair for producers. If we can do this, it would make business sense to put solar panels on abandoned mine lands and/or create other large-scale community arrays. We know that the installation and production will create jobs and generate revenue for our local economies.

We are looking forward to playing a role in diversifying our local economy. We think solar energy has a bright, bright future in West Virginia! 🍌

Survey Says...



Last fall, OVEC sent out a survey to our members to learn what issues they are most concerned about, ways we can improve as an organization, and their overall impressions of the effectiveness of our work. We value our members' opinions and wanted to share some of the feedback we received.

First, many people said they had a hard time choosing the environmental issue they were most concerned about (e.g., mountaintop removal, fracking, climate change, defending our water, etc.) because there are so many problems we face here. However, when asked to rank their top three, the issue of clean water came out at the top. This really makes sense to us, because clean water is threatened by so many of the environmental problems we face, including mountaintop removal and gas fracking.

In terms of what OVEC is doing right, we had much encouragement:

"OVEC is like a lighthouse in a stormy sea. There's no other group like it. It's run by smart, savvy, big-hearted people, who roll up their sleeves and fight the good fight. Its value to our community is immeasurable."

"OVEC is my go-to site for articles that are accurate, current, and informative. You frequently get the information out before my other reliables. Information is power."

"OVEC is one of the best watchdog organizations in the state, ensuring social justice and environmental safety to all communities."

"You keep me informed, and I'm 500 miles away!"

"OVEC has historically had quality staff with integrity, intelligence, stamina, and courage."

"I think back to the campaigns against the pulp mill and Ashland Oil, and what was accomplished a decade ago with on-the-ground neighborhood/community organizing. That work has shown lasting value and has benefited the tri-state region immeasurably."

Others commented on our work to help empower and act as a resource for communities, our capacity to work with lawyers to file successful lawsuits, our efforts to hold lawmakers and agencies accountable, and our "long, rich history of winning against all odds."

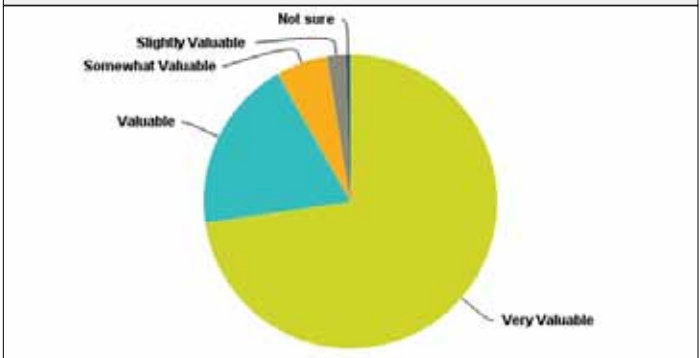
In terms of improving and/or expanding our work, several folks wanted us to increase our efforts around renewable energy, sustainable economic transition, and clean elections. Others saw the threat of ineffectiveness if we spread our efforts too thin. There were also several folks who wanted more organizers in affected communities. We couldn't agree more, and we are working to find the funding for additional staff to make this possible. (Hint: please donate as generously as you can, as often as you can, and please make sure you are a current member of OVEC. Donate at ohvec.org or call us at 304-522-0246 to check on your membership status.)

Another complaint we heard from our members was a need for more visibility outside the environmental community; some specific suggestions to address this problem included more rallies and events, letters to the editor focusing on our issues, public speaking engagements, and media coverage.

We greatly appreciate folks taking the time to share their thoughts and helping us improve. As a grassroots organization, OVEC is not just our staff and board, it is all our members. With your help, we will continue to take on the serious environmental issues that threaten our state, and look forward to working with even more of you in the coming year.

Don't wait until the next survey to let us know what's on your mind! 🍌

Survey question 9: How do you perceive the importance of OVEC to the community?
Please "X" one: Very Valuable Valuable Somewhat Valuable Slightly Valuable Not valuable Not sure
As you can see below "Very Valuable" was the top answer by far, and valuable the second answer.
See ohvec.org/survey-says-thank-you for more info.



It's a Gas-3: Groups Gather to Create Strategic Plan on Fracked Gas Issues

by Mary Wildfire

Over the weekend of January 20–22, while many of our friends were in Washington, D.C., or Charleston participating in Women's Marches (see page 2), representatives from several groups met at Jackson's Mill, near Weston, WV.

This was It's a Gas-3, a meeting of people concerned about issues around the drilling, fracking, piping, burning, and cracking of natural gas. At this third meeting, we checked in on work completed since the last meeting and drilled down, so to speak, on plans for future collective work. We also took time for group pictures (right), holding signs (below) in solidarity with those in D.C. and Charleston—we were highly inspired by an image of the huge crowd in Charleston.

Our meeting included people representing OVEC; WVCAG; WV SORO; WV Rivers Coalition; WC Highlands Conservancy; Sierra Club; POWHR, which works on pipelines in both West and East Virginia; and ORCA, Ohio River Citizens Alliance, as well as several other groups. We once again had the excellent Carrie Brunk of Kentucky facilitating, and she told us that she had been inspired by working with us to help convene a similar meeting of the minds in Kentucky, which also faces fracking-related issues.

We came up with a list of goals, from short- to long-term. Then we split into four working groups: Legal, Outreach and Organizing, Media and Messaging, and Legislative and Political. Each group came up with a list of projects, with timelines.



We discussed ways the different teams will work together—for example, Media and Messaging will do some media trainings for other groups, and Outreach is doing some organizing trainings.

We know that working for a cleaner, safer environment always means swimming upstream.

Now, with Trump-Bannon in the White House and Justice in the Governor's mansion, it means swimming upstream in a raging river after heavy rains. But having a dedicated group, ready to work together across organizational (and sometimes state) lines, recharged our faith. Politics may be against us, but the winds of economics and geology are at our backs. And although we all have our own local areas of concern, we're working together for a more effective strategy to speed the final dwindling of the fossil fuel era and its replacement by something more sustainable, healthy, and just.

Join in the work; contact us at 304-522-0246 or info@ohvec.org. 🌱



March, 2017

Dear OVEC Members and Supporters,

My first six months as OVEC's executive director have been challenging, but more important, have stoked a burning fire within me to serve our region and grow our organization into its next phase.

I am continually and strongly supported by all of our staff, our board of directors, our members, our community of allies and groups that we work beside, and my outstanding predecessors, Dianne Bady and Janet Keating.

Our members are vital to OVEC's success. That's why I'm committed to setting up a "Membership Tour" and meeting as many OVEC members as I possibly can in 2017.

Last fall, I had a daytime meeting in the Parkersburg, WV area. I asked area members and interested folks to come to a meet-and-greet at the local library that same evening.

I was honored to meet these fine folks, to hear their concerns, and to learn of all the great work that they are doing locally. It was then that I knew I had to get out and hear from OVEC members all over the region.

Once the WV Legislative Session is over, I'll begin sending out invites to members and supporters for meet-ups in assorted towns, including Beckley, Charleston, Elkins, Lewisburg, Morgantown, Ripley, and Wheeling.

You will be invited to voice your concerns, offer important information, and tell your story. Of course, you'll be welcome to bring along friends, family members, and neighbors.

If you want more information now or you want to be certain a meet-and-greet comes to your town, contact me at natalie@ohvec.org or 304-522-0246.

I am so thankful to all of our volunteers, members, staff, allies, friends, and supporters, and I want to thank as many of you as I can in person. I am grateful for this opportunity and promise to give my very best to lead our OVEC family into the fights for environmental and social justice that lie ahead.

With hope for our future—together we grow!

- Natalie Thompson





Meet Sarah Yonts

Sarah Yonts is a graduate student at Indiana University School of Public Health. She's here for a ten-week stint as an intensive

volunteer, helping us research and summarize health studies on MTR coal mining and fracking-related activities. You'll see signs of her work on our website, where you can learn more about the impacts of fossil fuel extraction on peoples' lives.

Sarah's also assisting in a new health study being conducted by Dr. Michael Hendryx, who is testing for hazardous polycyclic aromatic hydrocarbons near active mountaintop removal mines.

Sarah is a hard worker who is self-motivated and willing to do all she can to help OVEC and our fellow West Virginians who are suffering at the hands of coal and gas companies. We are fortunate to have her on the team for these ten weeks.

Sarah says:

I was raised most of my life at the base of the Great Smoky Mountains (Sevierville, TN). I earned my undergraduate degree at Carson Newman University, in religion with a sociology minor, where I learned about new religious movements and religion in popular culture. I was also a Bonner Scholar, which led me to log over 2,500 volunteer hours at various nonprofit organizations, including one in Guatemala, during my undergraduate career.

I was recruited back in 2011 for the Appalachian Community Health Survey Project, through Restoring Eden. This project gave college students an opportunity to conduct health surveys for Dr. Michael Hendryx in communities within three miles of coal/strip mining sites. Since then, I have collectively surveyed 975 participants stretching from Hazard, KY, Saltville, VA, and a number of communities in the southern half of WV.

I am now in my last semester of graduate school at Indiana University Bloomington. Because of my work in these communities, I went to graduate school to study Environmental Health, found a passion to serve disenfranchised communities, and discovered what it meant to care for the Earth. 🍌

Above: Photos courtesy Sarah and Nathan.



Welcome Nathan Luton, Our VISTA

We are happy to introduce the newest member of the OVEC team, Nathan Luton, our AmeriCorps VISTA (Volunteers In Service To America).

Nathan (above, with Prudence the dog) grew up in Huntington, WV, and attended Marshall University, where he received a Bachelor of Science degree in biotechnology with a minor in environmental sciences.

Nathan will work primarily on two projects. First, he will collaborate with our partners at the Huntington Boys and Girls Clubs and the Huntington Kitchen to maintain and expand the gardening project, in which young people are raising vegetables and learning to cook fresh, healthy food.

Nathan is also planning to help lead a renewable energy project; we hope to see solar panels installed on a local health clinic, in a low-income community in the coalfields. This would not only save on operating costs, but would also allow the clinic to remain open during extended power outages. 🍌

Blankenship Must Serve His (Short) Term

In January, the 4th U.S. Circuit Court of Appeals let stand a ruling that has ex Massey CEO Don Blankenship serving a one-year prison sentence.

Blankenship had appealed his December 2015 conviction of conspiring to violate federal mine safety standards at Massey's Upper Big Branch Mine in Raleigh County. In April 2010, 29 miners died there in an explosion.

According to the *Charleston Gazette-Mail*, the judge wrote that "Congress, in passing federal mine safety laws in 1969 and 1977, had intended to impose enhanced penalties—criminal liability for individual mine operators and company executives—precisely because mine operators could still 'find it cheaper to pay minimal civil penalties than to make the capital investments necessary to adequately abate unsafe or unhealthy conditions.'"

Fourth Circuit Court Affirms Clean Water Act Protections for WV Families

Ruling Finds State Failed to Hold Coal Industry Accountable for Water Pollution, at Expense of Environment and Communities

Just four days into 2017, we had a major victory in one of our ongoing court cases.

The U.S. Court of Appeals for the Fourth Circuit issued an opinion affirming that a WV coal company violated the Clean Water Act when it discharged toxic pollution into streams. The opinion affirms an earlier decision by Judge Robert C. Chambers of the U.S. District Court for the Southern District of West Virginia.

The opinion flatly rejected efforts by the state of West Virginia to ignore the overwhelming evidence that high conductivity mining pollution harms stream life and therefore violates the Clean Water Act. It is a significant step forward in ensuring that clean water safeguards are upheld and enforced in order to protect the health and economies of local communities, in spite of inaction by state officials.

The case, originally filed in March 2013, alleged that mine runoff from a Fola Coal operation in Clay and Nicholas Counties, WV, contaminated water in Stillhouse Branch with sulfate and other ionic pollutants that make those waterways toxic to stream life.

OVEC, the WV Highlands Conservancy, and Sierra Club filed the lawsuit because the mines were violating “narrative” water quality standards established in the Clean Water Act, which prohibit water pollution that causes harm to stream life or has significant adverse impacts on streams. We were represented in this case by attorneys with Public Justice and Appalachian Mountain Advocates (AppalMAD).

OVEC’s Dianne Bady says, “We are very pleased to see the Court of Appeals hold Fola accountable for its violations of the Clean Water Act. We’re equally pleased that **the Court saw through the state’s transparent efforts to undermine our key environmental protections**. We hope that the state will take this decision to heart and work harder



to protect our environment and our communities.”

The Court of Appeals affirmed the District Court decision finding that there are significant levels of conductivity pollution downstream from Fola Coal’s mining operation.

The court also found that mining activities cause this conductivity pollution and that conductivity in streams

below these mines can be as much as 10 times above safe levels for local stream life. (Photo: Taking a conductivity reading.) Compliance with narrative water standards is typically determined by taking field measurements of the number and diversity of aquatic life in the stream, rather than by only measuring the amount of chemicals in the discharged water. The streams affected by the water pollution in this case were found to have significant damage to stream life compared with unpolluted streams.

AppalMAD attorney Joe Lovett says, “The decision is very important and it sets a precedent for restoration of the state’s waters and hopefully prevents future approval of discharges of conductivity in violation of the water quality standards.”

In reporting on the case, *WV Record* reporter Kyla Asbury recalled what Judge Chambers ruled on the case, after hearing extensive expert testimony: “The water chemistry in this stream has been dramatically altered, containing levels of ionic salts—measured as conductivity—which are scientifically proven to be seriously detrimental to aquatic life. The biological characteristics of the stream have also been significantly injured, in that species diversity—and, in some areas, overall aquatic life abundance—is profoundly reduced. Stillhouse Branch is unquestionably biologically impaired, in violation of West Virginia’s narrative water quality standards.”

Asbury reported, “Chambers wrote that losing diversity in aquatic life, as sensitive species are extirpated and only pollution-tolerant species survive, is akin to the canary in the coal mine.” 🍌



Scientists use electrical conductivity as a key indicator of stream health and the presence of other important pollutants, such as chlorides, sulfides and dissolved solids. Research has linked these pollutants increasingly to coal-mining activities and found that high levels of conductivity are associated with damage to aquatic life.

—Charleston Gazette-Mail reporter
Ken Ward Jr. in article cited below.

Valentine Ruling for WV Streams

Hundreds of WV’s biologically impaired streams—impaired mainly because of conductivity pollution from coal mining—received a sweet Valentine on February 14 when U.S. District Judge Robert C. Chambers released his long awaited decision in our litigation to compel EPA to develop TMDLs for ionically stressed and biologically impaired streams.

The Clean Water Act requires state agencies to develop lists of streams that don’t meet water quality standards. States are supposed to develop cleanup plans for streams on the list. The plans are called TMDLs, which stands for Total Maximum Daily Loads. If a state doesn’t develop these plans, then EPA is supposed to take up the state’s slack.

Are you surprised that the WV Department of Environmental Protection (DEP) was not developing these plans adequately for more than a decade? And that the federal EPA was letting DEP slide?

That’s why, in January 2015, we joined Sierra Club, the WV Highlands Conservancy and the WV Rivers Coalition in a lawsuit. The Appalachian Mountain Advocates attorneys representing us argued that DEP’s refusal to develop such TMDLs constituted a “constructive submission” of no TMDLs and, therefore, triggered EPA’s non-discretionary statutory duty to disapprove that submission, and develop its own TMDLs in DEP’s stead. We also argued that six recent TMDL approvals were

arbitrary and capricious because they ignored toxic conductivity levels in streams.

In his 39-page ruling, Judge Chambers agreed with our argument that DEP’s actions constituted a constructive submission of no TMDLs and triggered EPA’s duty to approve or disapprove of that submission. He rejected all of EPA’s arguments in a thorough opinion.

In a February 14 article titled, “Judge blasts WV DEP, EPA over lack of mine pollution cleanup,” *Charleston Gazette-Mail* reporter Ken Ward Jr. reported:

“A federal judge blamed repeated delays by the West Virginia Department of Environmental Protection and weak oversight by the U.S. Environmental Protection Agency for the state’s failure to write and implement plans to clean up hundreds of streams where aquatic life has been damaged by coal-mining pollution.

“U.S. District Judge Robert C. Chambers said the DEP has ‘spun its wheels’ by not working on those legally required plans, saying there is ‘no end in sight’ to the state’s inaction, and that the EPA has, for years, stood by and done nothing to force state officials to comply with the Clean Water Act’s mandates.”

EPA must now immediately review West Virginia’s failure to protect these streams, and either compel the state to take appropriate action, or EPA must develop TMDLs on its own. 🍷

Now more than ever, when the coal industry and its allies in the state and federal government are actively working to roll back basic protections from mining pollution, courts play a critical role in ensuring that legal protections are given their full effect and decisions are based on sound science.

—Peter Morgan, Sierra Club attorney

OVEC in Action: No Hibernating During Winter



Above: January 9: On the three-year anniversary of the MCHM water crisis, OVEC joined WV Rivers Coalition, Advocates for a Safe Water System, and others for a press conference at the State Capitol. Photo: Charleston Gazette-Mail



Above: During winter, our stream teams continued monitoring streams that could be impacted by the proposed MXP and other pipelines in Cabell, Wayne, Putnam, Jackson, and Roane Counties. Contact us to join the stream teams. Photo by Robin Blakeman.



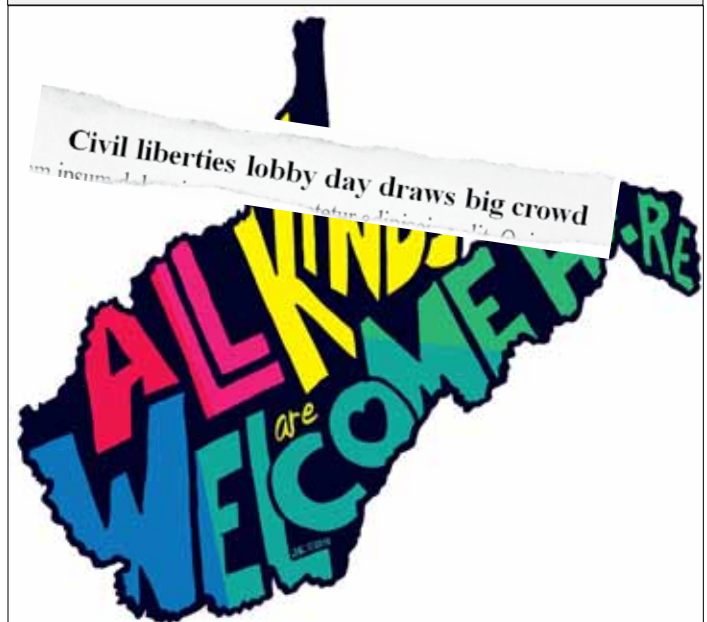
In January, WV Free and other groups held Citizen Lobbyist Trainings (CLT) around the state. We joined other groups in sponsoring the trainings, which this year drew triple the usual turnout at these annual events. More than 120 people attended the Cabell County training (above). Photo courtesy CLT.



On February 27, OVEC once again joined WV Environmental Council's annual E-Day! at the State Capitol, followed by the annual awards dinner. Congratulations to all the award winners, including April Pierson-Keating (left; photo from her Facebook page), Chad Cordell, Junior Walk, and Solar Holler /Dan Conant. What a stellar group of folks!



Above: Also on E-Day!, representatives from several environmental groups were recognized in the House Chamber. OVEC Organizer Robin Blakeman is at far left; OVEC Executive Director Natalie Thompson is near the center. Photo courtesy WV Environmental Council.



On March 2, more than 200 people came to the State Capitol for Civil Liberties Day. More than 35 organizations participated, including the American Civil Liberties Union of WV, WV Free, Fairness WV, Catholic Committee of Appalachia, and OVEC.

Victory: Public Financing Repeal Defeated

In early March, The WV Legislature introduced SB 463, a bill to repeal the WV Supreme Court of Appeals Public Campaign Financing Program.

In 2010, following a series of scandals involving sitting justices and major campaign contributors, our legislature voted to provide an alternative option to the way we finance judicial elections, recognizing that we needed to restore confidence in our state Supreme Court.

Unfortunately, in response to record spending by outside groups in the 2016 election, a misguided group of state senators wanted to repeal the public financing program because they thought it isn't working.

There's no denying that third-party spending on attack ads is a problem. However, repealing the public financing program because this past election saw a flood of secret outside money is like blowing up a dam

during a real flood because water is pouring over it.

The program is working as intended, giving qualified candidates for the court the ability to run without having to rely on contributions from lawyers and special-interest contributors, who frequently have cases before the court, and providing a pathway to the bench for those who aren't independently wealthy.

Rather than repealing the public financing program, we should work to bolster the independence of our judges against big-money influence from out-of-state special interests with common-sense disclosure and transparency laws. Bills that would do that are before the legislature as we go to press. We'll have updates in the summer edition of Winds of Change.

On March 6, WV Citizens for Clean Elections presented our case to a committee considering SB 463. The committee voted down the repeal! 🍌

#NoDAPL Movement Inspires More Pipeline Resistance

On February 24, Oil Change International's Andy Rowell wrote:

Once again, Big Oil has been forced to rely on brutal militarized force to bludgeon, bully, beat, and intimidate peaceful water protectors fighting the Dakota Access Pipeline.

But in the face of such violence and intimidation, the growing movement against new fossil fuels will not be intimidated, it will only grow.

Organizer, writer, and #NoDAPL activist Lyla June Johnston said in a Facebook video:

They might have buried things, but we have planted seeds and we have planted seeds all across the world. We have inspired and awakened people to see water in a new way, to see water as life...

We united people from all races behind a common dream and that is a win ... And we fought in a manner that was so beautiful, with so much honor and dignity... The other win is that we gave our bodies on the line, we fought in courts, we fought financially, we have done everything in our power to protect our water and that is a win. We are going to continue by taking



Above: OVEC member DL Hamilton joined the march in D.C. (see article), with her signs of Appalachian solidarity.

the money from Wells Fargo and other banks.

On March 7, Native Nations and their supporters gathered in Washington, D.C., for a 4-day protest against Trump, and DAPL, with lobby visits, workshops, panels, and a 5,000-strong march.

Kandi Mossett of the Indigenous Environmental Network told Moyers & Company's Sarah Jaffee:

When we were all together in D.C., it was like a family reunion. It really lifted up everyone's spirits because what we did at Standing Rock was much more than just a physical encampment. It has been ongoing for over 500 years. It is about sustainability and not continuing to take from the Earth without ever giving anything back....

It was a great success and it will lead people to protest against all the other pipeline sites. The Dakota Access Pipeline encampment, all of that was a result of the success we had with Keystone XL. We now have Keystone XL back on because of Donald Trump, but people are going back to Keystone XL to continue to fight that.

Kandi goes on to list all the camps already underway, and much more. See: bit.ly/2ne6jmG. 🍌

WV Says State Will Improve Oversight of Coal-mining Pollution

Federal Review of State's Coal Mining Oversight Reveals Chronic Failures

No surprise here: A federal review of the state's oversight of mountaintop-removal and surface coal mining has revealed persistent failures to enforce mandatory protections, such as water-quality standards, designed to protect people and the environment from coal industry abuses.

The review was conducted by the U.S. Office of Surface Mining Reclamation and Enforcement (OSM) following a petition we submitted, along with 17 other groups, in June 2013. The petition shows numerous ways WV is failing in its duties to regulate coal mining operations and protect us from harms arising from strip mining.

OSM's three-year review of the petition has spurred key changes in how the state monitors and prevents storm-water runoff and reclamation of topsoil, and mandates enforcement action for effluent releases that exceed Clean Water Act and Surface Mining Control and Reclamation Act limits.

The five areas where federal regulators agreed with us that WV's program was in need of substantive improvement were:

- Storm-water runoff analysis procedures to minimize offsite flooding potential;
- Topsoil handling procedures;
- Required issuance of Surface Mining Control and Reclamation Act enforcement of Clean Water Act effluent limitations;
- Cumulative hydrologic impact assessment procedures;
- Identification and prevention of selenium pollution discharges.

The main request of our petition—that federal regulators assume enforcement and administration of WV's program—was denied after the state committed to making substantive improvements.

Forgive us if we don't turn cartwheels over the state's promises. No resting on any laurels here. As usual, we, citizens and citizen groups, must watchdog DEP, to make certain that DEP follows through with the commitments they've made in response to our petition and OSM's resulting investigation.



As detailed in our petition, the state's chronically poor oversight includes a persistent failure to conduct inspections meant to protect people and the environment from coal companies that operate outside the law. Out-of-control MTR coal mining is linked to epidemics of cancer, cardiovascular disease and birth defects in affected communities.

WV has also failed to undertake required assessments to ensure streams, rivers, and drinking-water wells aren't harmed by MTR and other destructive surface coal-mining practices.

Specific actions WV has promised to take include:

- Requiring proper documentation for storm-water runoff analyses and increasing staffing to improve the quality of these analyses;
- Issuing comprehensive guidance and trainings to improve topsoil reclamation in addition to revisiting current permits that do not comply with existing requirements;
- Identifying water quality sampling protocols and increasing frequency of water sampling; committing to citing releases that exceed National Pollutant Discharge Elimination System effluent limits—releases observed during Surface Mining Control and Reclamation Act inspections;
- Nearly doubling the water-quality sampling budget to \$230,000;
- Committing to improve cumulative hydrologic impact assessment procedures with an emphasis on better defining the cumulative impact area and requiring operators to include more accurate information needed to support the agency's review and conducting central review of those impacts.

The groups on the petition include Appalachian Catholic Worker, Appalachian Voices, Christians for the Mountains, Coal River Mountain Watch, Earthjustice, Keeper of the Mountains, League Of Women Voters of WV, National Wildlife Federation, OVEC, Sierra Club, WV Highlands Conservancy, WV Rivers Coalition, and more. 🍌

Losing the Stream Protection Rule

by the Alliance for Appalachia

The stream protection rule was developed by the Office of Surface Mining Reclamation and Enforcement (OSM) over the course of seven years during the Obama administration. The rulemaking was an effort to better protect public waterways from mountaintop removal and other destructive coal mining practices. The rule would have updated the 1983 Stream Buffer Zone Rule.

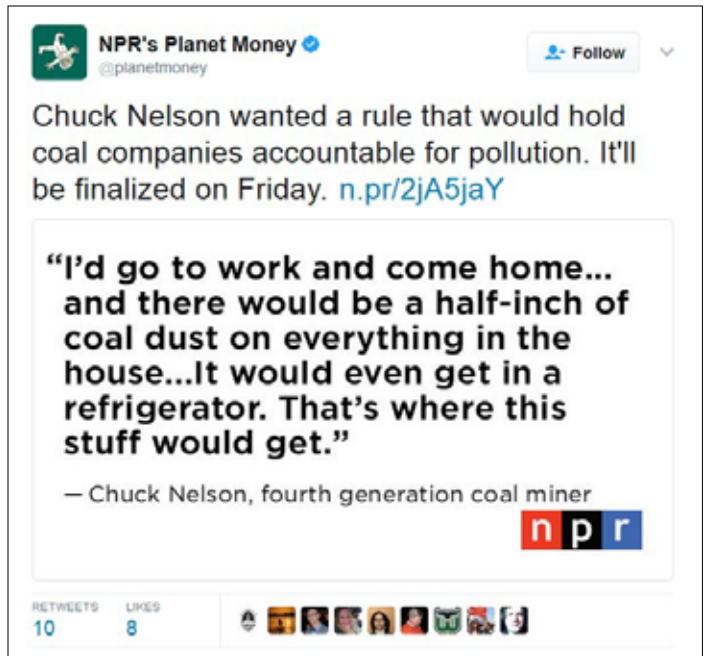
OSM considered new scientific studies regarding water quality and other impacts of coal mining across the country. The main purpose of the new rule was to better protect public water from the impacts of MTR and longwall underground mining. Both mining practices are particular to Appalachia and can devastate streams by burying headwater streams under rubble or dewatering streams when underground mines collapse.

OSM held many public hearings regarding the draft rule and heard comments from citizens, environmental groups, and the mining industry. The final rule was extensive, covering stream impacts, as well as reclamation and monitoring requirements. But the rule would *not* have ended MTR.

The rule took effect in January 2017, but was revoked by Congress in February through the Congressional Review Act. President Trump signed the legislation rescinding the rule, and the 1983 version is now once again in effect.

Although rivers and streams near coal-mining sites have some protections under the old rule, as well as various requirements under the Clean Water Act, none have been sufficient to fully protect public water from coal mining pollution. Alliance groups (OVEC is a member group) and their allies will continue to pursue all means of protecting public water, including citizen enforcement of existing rules and implementation of new state and federal regulations. 🍷

Obama's OSM Director Joe Pizarchik led the charge to develop the stream protection rule. Now that he is no longer heading OSM, Pizarchik says, "The simple solution is stay out of the streams and stay far enough away you don't cause water pollution or intercept the stream's water."



Reporting on the Stream Protection Rule

OVEC received numerous calls and visits from reporters about the demise of the stream protection rule. We linked to the resulting articles under the MTR tab on our news page, ohvec.org/news, including a February 2 *New York Times* article, "Republicans Move to Block Rule on Coal Mining Near Streams."

It quotes OVEC board member Daile Rois: "Here in West Virginia, many creeks run orange... Of course I care about miners' jobs, and I care about their safety. But orange is not the color of water."

Retired deep miner and long-time OVEC member Chuck Nelson, who has served on our board, received several visits from reporters about the rule, including one that generated the tweet above.

Other groups heard from reporters, too, of course. On February 1 the *Charleston Gazette-Mail's* Ken Ward, Jr., reports:

Ironically, rejection of the Obama administration's stream protection rule would revert OSM to the 1983 version of a regulation known as the buffer zone. That rule is more restrictive in many ways than the Obama rule, though federal and state agencies have historically not enforced its prohibition on mining within 100 feet of streams or putting valley fill waste piles in perennial or intermittent streams.

"The plain language of the 1983 rule bans valley fills and other harmful mining practices within 100 feet of a perennial or intermittent stream, and we will be working hard to make sure it's enforced," said Jessica Hodge, a spokeswoman for Earthjustice.

A History of a UMWA Miner

by Terry Steele, a member of the UMWA and OVEC

I was born in the little town of Matewan in Mingo County, the youngest of five children. My dad was a coal miner who labored for more than 45 years in the industry. I graduated from Matewan High school in 1970 and went to work in the coal mines soon after, as did my brother; we were fourth-generation coal miners. I worked more than 26 years, or more than 50,000 hours, underground for 11 different companies.

In the late 1990s, I was working for Old Ben Coal, a company owned by Zeigler, which was sold to AEI Resources in 1998. AEI Resources had ties to Horizon Coal, which filed for bankruptcy in 2002. Old Ben Coal Company and the miners who worked for them were under a UMWA contract, as were some of the other miners who worked for Zeigler. As the bankruptcy proceeded and the company bills and debts were divided among the people or companies that Horizon owed, it became clear that someone wasn't going to get paid.

Most people would think that if someone needed to come to the front of the line for what resources Horizon had left, it would be the people who had breathed the dust and risked life and limb. Wrong. The judge ruled that those miners and the benefits owed them would go to the back of the debtor line, and the other people, including the CEOs who bankrupted the company, would be paid first.

Needless to say, there was no money left for the miners. This sounds unfair, but the judge was following the law, believe it or not. As unfair as it is, the blame lies somewhere else: The bankruptcy laws that were designed so rich companies could dump pensions and obligations owed to workers. We can thank our fine politicians for this law—another reason to believe elections do have consequences.

After the Horizon bankruptcy, the miners who were basically left out in the cold were added to the UMWA Orphans' Fund. This fund is set up by the union to take care of miners whose companies filed for bankruptcy. This is the path my pension and health care followed. It was the same for several thousand miners. I started drawing my pension when I turned 55 with a 21 percent cut; a full pension is awarded at 62.

In the '90s, as most of you know, MTR mining took off and shut down many underground mines. The



Above: Terry Steele. Photo by Wilma Steele.

union continued its downward spiral, because the big MTR sites took half the men to mine the coal. Since a part of the pension plan is based on man-hours, the union took a double hit.

As the boom in the coal industry began to bust in 2012, the coal whores began crawling out from under every rock and cranny to play the blame game. Obama, regulations, and those damn treehuggers had shut down our King Coal, never mind the fracking gas industry, played-out coal seams, and increased competition from wind and solar. No. It was Obama's war on coal, according to coal's favorite friend Senator Mitch McConnell (R-KY).

As the bust continued, the bankruptcies began to multiply: Patriot, Alpha, Jim Walters, James River, Arch, and finally the big boy on the block, Peabody.

Let's back up for a moment: In 1946, the UMWA and the federal government came to the Krug-Lewis Agreement, after the government had seized the mines. This is the only agreement where the federal government agreed to back up union pensions and health care from the cradle to the grave. We also have the Coal Industry Retiree Health Benefit Act (Coal Act) of 1992.

Okay, back to more current times. As the coal bust continued, the UMWA health care and pensions that were not covered by the Coal Act began to go broke. In the fall of 2016, some 20,000 retired pensioners, including me, began to receive letters saying our benefits would end on December 31.

For two years, UMWA President Cecil Roberts and several members of the Senate and House have been trying to come up with a fix for these miners. Last year, they had enough votes to pass the Miners

Protection Act (SB 1714) in the Senate and House. But, problem: that self-proclaimed friend of coal, the guy who has been running around hollering “Obama’s war on coal!” Yes, Old Mitch has the key to the Senate floor in that no bill can be introduced without his approval, and he does not approve.

As Senate business was winding down last year, old Mitch did give a four-month extension to health benefits. He promised to deal with all this in April.

Now that Trump is in office, Mitch has said he will work toward a permanent fix for the health care. That’s right, just the health care and not the pension. And old slick Mitch has also said that some of the regulations on coal will have to be rolled back in his fix. This is how people who pack water for coal companies get what they want; they create division where none existed, and then if a bill doesn’t go through it’s not their fault.

I belong to Local 1440 in Matewan. At one time, we were the largest local in the UMWA (more than 1,200 members). Today, we have shrunk to just over 800. Each year, more than 30 members have been dying. We were the only local to actively support the Blair Mountain March, and we are one of the biggest contributors and supporters of the Mine Wars Museum in Matewan. Our members and their families will be greatly affected if this legislation doesn’t pass.

The funds for this legislation will come from interest on the AML funds and taxpayers. Nonunion miners have been saying we pay into that fund also, and why aren’t we getting any benefits. To that I say, the promise wasn’t made to you, and why do you think we wanted you to join the union? To the taxpayers who say “why should I pay for your benefits?” I say quit voting for people who allow companies to file bankruptcy and steal people’s pensions. It is a small price to pay for the rape of central Appalachia and its people, which has allowed you to have “cheap” energy. 🍌

OVEC WORKS!

Thanks to everyone near and far for taking action to end environmental injustice, with an extra special thanks to all the folks fighting extreme fossil fuel extraction. We know it takes courage to speak up! We hope you know how much we appreciate you. OVEC works because of you!

THANKS!



Above: Mountaintop removal coal mining causes mega-messes in the air and water that nearby humans breathe and drink.

National Academy of Sciences Wants to Hear from You on MTR and Human Health

You may recall that in August of 2016, the *Charleston Gazette-Mail* reported that an “expert team being appointed by the National Academy of Sciences will examine a ‘growing amount of academic research’ that suggests ‘possible correlations’ between increased public health risks for Appalachian residents living near mountaintop removal coal mining.”

In an action alert that month we noted: “The committee of experts undertaking this study is to hold four town hall meetings to gather information from folks like us about mountaintop removal’s health impacts. The locations and dates for these meetings have not yet been announced. Stay tuned.”

As we go to press, we finally have several of the dates for these meetings:

May 22–24 in Charleston, WV (location TBA)

June 20–22 TBA in KY

August 21–23 TBA

Another meeting TBA

Sign up for updates on the study and meetings: bit.ly/2mTbLeJ. Of course, we’ll post updates online, too. Do contact us now at info@ohvec.org or 304-522-0246 if you are interested in attending the meetings with us, and/or in helping get folks out to the meetings.

As soon as we started working to end MTR, back in the mid-90s, people living near these operations told us that this extreme form of coal mining was making them sick. Dozens of studies hold up the anecdotal evidence. Come speak out! 🍌

White Privilege and What to Do With It

by Natalie Thompson

If you are reading this article, chances are that you are white. I assume this because, according to the 2010 census, only 9.1 percent of Appalachians are black, 4.2 percent are Latino, and 3.1 percent are “other.”

If you are white, you must know that you are also privileged. I don’t mean silver-spoon-fed privileged—I mean privileged to walk down the street, check out at the grocery store, and walk into the bank without being suspected of shoplifting, robbing the bank, depositing drug money, or some other ridiculous judgments that fall upon people of color every day.

The fear and hatred that has emerged over our nation, like a dense, looming fog, has done one thing for us. It has opened the eyes of privileged whites, who now can see that racism is alive every day, in every town, on every street, in every bank, in your very own favorite grocery store. It has created an awareness that what we thought was behind us has just been in hiding all along, though it has not been hiding for us all. I recall a poem by the great Langston Hughes titled October 16: The Raid:

*...John Brown
Who took his gun,
Took twenty-one companions
White and black,
Went to shoot your way to freedom
Where two rivers meet
And the hills of the
North
And the hills of the
South
Look slow at one another—
And died
For your sake...*

More than 158 years ago, during the Civil War, in the face of fear, in the face of freedom, a white man stood in Harpers Ferry defending the rights of black slaves.

In 2017, we still have to stand, we still have to act, and we still have to show up. We will not be hanged by the neck to our death; we will just continue to be, continue to be white, privileged.

When we go to the beach and a friend nudges us saying, “I’ll bet she doesn’t need sunscreen,” while



pointing at a black woman, we must remind them that such comments are the underpinnings of racism. Or, when an unarmed black man gets shot down in the street and killed, we must acknowledge that not much has changed, and we must become determined to teach our friends, family, and children that this is not okay. We must join with others who are doing the same.

How does one do that? You can join us in Showing Up for Racial Justice (SURJ). OVEC has provided a small donation to start SURJ WV, the first chapter anywhere in the state. I’m a founding member and on the steering committee. The local community in Huntington, WV, home of the OVEC office, has started SURJ Huntington.

Both groups can be found on Facebook. If you are interested in a SURJ chapter near you, check out the affiliated groups on SURJ’s website. And, when you find yourself in a situation that calls for speaking up against racial injustice, as Langston Hughes wrote:

*Perhaps
You will recall
John Brown.* 🍷

*SURJ is a national network of groups and individuals organizing white people for racial justice. Through community organizing, mobilizing, and education, SURJ moves white people to act as part of a multi-racial majority for justice with passion and accountability. We work to connect people across the country while supporting and collaborating with local and national racial justice organizing efforts. SURJ provides a space to build relationships, skills, and political analysis to act for change.
See: showingupforracialjustice.org.*



Above: Sights, sounds and fumes at a Marcellus Shale well pad in Wetzel County, WV show how fracking-related activity is harmful to humans and other living things. Photo by Bill Hughes.

Gov. Justice: Which West Virginians Are Worthy Enough?

Adapted from a March 1 Charleston Gazette-Mail op-ed by S. Thomas Bond, a retired chemistry professor

So Governor Justice says he is going to govern the state for all the people.

His emphasis on getting more fracking underway is to bring jobs, jobs, jobs. I trust he realizes that once the drilling is done by those fellows brought in from elsewhere, they will go away and leave few permanent jobs?

Those few jobs carry a heavy price for those of us who live in West Virginia's fracking regions.

People living near well pads have to put up with 24-hour light and noise and chemicals and diesel smoke with lots of PM 2.5 coming out the exhaust. Particulate matter, 2.5 microns or less, is now known to be a cause of Alzheimer's-like effects. The young and the old are particularly susceptible to toxins.

Does the Governor think that those who drink water without the taste of chlorine shouldn't complain when their well is poisoned with a complex mixture of water slickers, detergents, and anti-oxidants, antibacterial compounds, and God-only-knows what else? Maybe they deserve car-busting roads and interminable delays when they use public roads, too?

How is it decided that people in fracking regions

are unworthy of protection? Simply because of rural residence? Those who can't afford to move elsewhere?

Forget for the moment all the externalized costs, the true cost of the extraction, the damage to other industries, global warming, destruction of surface value for farming and timber, recreation and hunting. What justifies forest destruction, land disturbances, public annoyances, and harms to public health for fossil fuel extraction?

Especially when last year 39 percent of new electrical capacity was solar and 29 percent was wind power. (Coal has had virtually no new capacity built for the last two years.)

West Virginia has the highest rate of exiting population in the nation. It has the lowest ratio of employment to employable people in the nation.

Almost since the beginning of this state, the wealth has been carried off, mostly to the north and east. Are corrupting the environment, destroying the people and allowing the wealth to be carted off by favored industries to be the past, present and future of Almost Heaven? 🍌

OVEC Turns 30 This Year!

So Here's a Bit of Our Early Her-Story

by Dianne Bady

OVEC began in 1987 as an all-volunteer group. A succession of victories over polluters here in our Tri-State area allowed us to obtain grants and donations, which in turn enabled us to hire three full-time staff members in 1992.

OVEC started out as a handful of people opposed to BASF Chemical Corporation's desires to bring all its toxic wastes, from 25 U.S. chemical plants, to a site on the Ohio River just north of Ironton, Ohio. The company proposed to build an incinerator and a chemical waste landfill. BASF was also considering sites in southern Indiana, apparently hoping that officials in both places would compete with each other in offering economic inducements to attract this waste facility.

Back then, I was teaching at Ohio University's branch campus in Ironton. My drive along the Ohio River between Kentucky and Ohio took me past lots of heavy industry—steel mills, coal coking plants, and chemical factories—the air was thick with pollution and the night sky was lit bright by many burning flares. Today, much of that industry is gone, as is true in much of the “rust belt.”

At the time that BASF was planning to ship their toxic wastes to the Ohio River Valley, I was closing the windows in my classrooms because the air smelled so bad. Looking into the bad-air problems, I found that our Tri-State Ohio River Valley was known to have the worst problem with air inversions anywhere in the Eastern U.S. **Pollution frequently settles in our valley instead of blowing away more quickly, as it does in most places.**

OVEC's work on this BASF proposal gave me a bitter taste of regional pollution politics. We'd recently moved here from Wisconsin, which was then considered a good-government state. I was horrified to find that at every level, politicians here thought that “disposing” of massive amounts of toxic waste was a

Today, air inversions are a big reason that fracking-related development here is an even worse idea than it is elsewhere. Air pollution from various fracking-related processes, as well as diesel smoke from hundreds of trucks, would settle in our narrow valleys and we'd be forced to breathe unhealthy air. See ohvec.org/shale-gas-pads-and-the-hollers.



Above: Just some of the books, magazines, and documentaries that mention OVEC's work over the years.

great economic development opportunity.

Shortly after BASF's proposal was announced, a handful of us decided to hold a public forum on this plan. Our forum drew 200 people, but most of them held signs protesting us and our concerns, and there was so much shouting that it was hard for us even to speak as planned. When the meeting was over, sheriff's deputies drove behind our cars for about five miles to make sure no one hurt us.

Nevertheless, we met a few other people that night who were opposed to turning our valley into a toxic-waste dumping ground, and this was the beginning of a small group that we rather pretentiously named the Ohio Valley Environmental Coalition—given that there were just a few of us.

We worked terribly hard against enormous odds. We met every week to make plans and divvy up tasks, despite advice from more seasoned activists that we could not sustain such a level of volunteer activity. And we got a few really lucky breaks. (Thirty years later, in all of our work, we have come to **depend on getting unexpected help from unexpected places.**)

About a year after the tumultuous forum, BASF announced that they would not be disposing of all their toxic waste in one place. They would instead work to reduce the amount of toxic waste they produced and dispose of what was left in smaller sites around the country.

Before OVEC, there was no environmental group in the Huntington area. We received phone calls from a number of people with specific pollution concerns, asking us to work with them on these problems. We built up our numbers problem by problem. A partial list of what we accomplished in our early years includes:

- A new refining unit at the then Ashland Oil refinery in Catlettsburg, KY, resulted in numerous air pollution accidents and routine violations of air quality rules. People in Kenova and Ceredo, WV, who lived near the refinery, asked for our involvement as they worked hard to get the word out that the air pollution was harming their health. This was an ugly fight—Ashland Oil, at that time, was the biggest employer in our Tri-State area, and the largest contributor to political campaigns in Kentucky.

In the early years, we were able to spark more public awareness of the problems and some initial improvements, but it wasn't until 1998 that the U.S. EPA and the U.S. Dept. of Justice publicly announced that the Ashland refinery was in violation of every type of pollution law—air, water, and waste. Ashland was hit with the biggest ever (at the time) pollution fines and ordered to spend millions of dollars to bring their three U.S. refineries up to legal standards. Today, Marathon Petroleum owns the Catlettsburg refinery.

- People living near a deep toxic-waste-injection site in southern Ohio called us to say that the toxic wastes from underground were coming up onto their lawns. The then-Aristech Chemical plant plan to keep the wastes deep underground forever was not working out as planned. We organized trips and other outreach

to the Ohio EPA office, and the disposal well was shut down. Wastes were brought to an above-ground treatment site where bacteria helped break down toxic components. As of seven years ago, the successor company to Aristech was still pumping out and treating those wastes.

- During the time we were fighting the air pollution problems at Ashland Oil, a plan for a new

Huntsman Chemical plant, to be located just across the river from the Ashland Oil refinery, was announced. A Kenova mother led the successful effort to keep that additional source of pollution out of the valley. Her young son had to go to the emergency room frequently with breathing problems when the refinery had one of their frequent “malfunctions,” and she knew he could not handle even more pollution. After OVEC helped publicize the problems with adding significantly more pollution to an already over-polluted area, Huntsman withdrew their plans.

- A man living near the Ohio River by the East Huntington/Proctorville, OH, bridge called to say that kids were riding bikes through a pile of old blue waste that was dumped next to the Ohio River many years ago by a former chemical company.

We grabbed samples of the blue gravel-like substance, had it tested, and found that it contained high levels of cyanide. The cyanide was bound up with other materials and not easily leached out, but there was fine blue dust in the air that could not be good for kids on bikes. We brought WV DEP inspectors there, and DEP had the site covered up with a thick layer of soil and planted grass on the top—not a perfect solution, but once toxic wastes are created, there is usually *no* perfect solution. 🍄



Above: Left to right, seated on bricks: the late Laura Forman, an OVEC organizer; OVEC founder Dianne Bady; and (seated on sidewalk) Janet Keating, OVEC's recently-retired executive director. These women, along with Maryanne Graham (not pictured) and numerous stellar volunteers, helped shape OVEC's herstory. Photo by Huntington Herald-Dispatch.



It's Official: 2016 Was the Hottest Year Ever Recorded

Excerpt from a January 18 *EcoWatch Climate Nexus* article

2016 was the hottest year ever recorded, smashing records set in 2014 and 2015. This marks the third consecutive year of record-breaking heat, a first in the modern era. 2016 is the hottest year on record by a wide margin, 1.69 F degrees warmer than the 20th-century average.

Deke Arndt, at the National Oceanic and Atmospheric Administration (NOAA) says, “The fact that we’re punching at the ceiling every year now, that is the real indicator that we’re undergoing big changes.”

Including last year, 15 of the hottest 16 years on record have occurred since 2001, according to NOAA. The only year from the 20th century to break into the top 16 is 1998, and that year ranks 7th.

“For the first time in recorded history, we have now had three consecutive record-warm years for both the globe and the Northern Hemisphere,” Dr. Michael Mann, director of the Earth Science Center at Pennsylvania State University, says.

“The effect of human activity on our climate is no longer subtle. It’s plain as day, as are the impacts—in the form of record floods, droughts, superstorms, and

wildfires—that it is having on us and our planet.”

The announcement coincided with Scott Pruitt’s U.S. Environmental Protection Agency confirmation hearing and came just two days before Donald Trump took office. Trump has called climate change a “hoax” and pledged to dismantle U.S. climate regulations.

“No part of the world can now avoid the fact that climate change is striking harder and faster than many scientists predicted, and that its impacts are taking a higher toll on the most vulnerable communities,” 350.org climate impacts program coordinator Aaron Packard said.

He adds, “As important as marking that the record is yet again broken, we need to loudly mark what needs to be done to hold back such destruction: We need to keep fossil fuels in the ground.

“Decades of progress from scientists and engineers has made renewable energy the cheapest and cleanest source of energy in the world, creating the technological momentum that is matched by millions of people in all parts of the world demanding climate action.” 🍌

I march, therefore I stand.

I stand with my brothers and sisters of all races, religions, persuasions, and orientations in the face of those who would condemn and harm them.

I stand, therefore I speak.

I speak for those who cannot, who are afraid, whose voices have been diminished and overpowered by hatred and ill will.

I speak, therefore I march.

I march for those who cannot, for the earth, and those who continue to harm her, for those not yet born and those gone on before.

I do all of these things in love, but with a determination and grit that is hard and unyielding. I stand, speak and march. Because I must.

- Wendy Johnston 1-20-2017

Assault of the Ohio River: Waste Dump or Drinking Water?

Excerpt from a two-part blog by Dr. Randi Pokladnik on ohvec.org. Do read it all!

The water quality of the Ohio River is being threatened as result of the oil and gas drilling boom in the Tri-State region. This industry has pretty much been given a green light by government agencies such as the Federal Energy Regulatory Commission (FERC) to use the river and the surrounding watershed as it sees fit.

There are no fewer than 19 newly proposed pipelines in the Appalachian region, and the industry will do what is necessary to get the fracked oil and gas out of the area to export terminals. Several of these pipelines will go under the Ohio River, and, given the extensive list of pipeline explosions and accidents in the United States, this scenario could result in massive contamination of the drinking water source for millions of people.

The process of horizontal hydraulic fracturing also creates enormous amounts of wastes. These wastes contain thousands of industrial chemicals like benzene. **Radium-226 is naturally found in Marcellus shale radiation. Core samples can be up to 25 to 30 times background levels.** During the process of fracking, water is injected several miles down into the shale deposits to break up the shale. This water dissolves the soluble radium-226. When the water is withdrawn from the wells, it contains high amounts of radioisotopes.

In the spring of 2016, the U.S. Coast Guard approved the barging of hydraulic fracking wastes



Above: Marcellus Shale drilling waste. Photo by Bill Hughes.

on the Ohio River, using a case-by-case approval process. The Coast Guard also decided to withhold from public knowledge any information on the chemicals contained in the wastes. The wastes may end up in landfills, water treatment plants, or waste injection wells. Currently, Ohio has no regulations in place to oversee these wastes and there are no Federal regulations regarding frack wastes.

As the watershed that feeds the Ohio River continues to be inundated with fracking wells, more contamination will enter the river and its tributaries. I believe we are quickly approaching a tipping point when we will have to decide if we want the Ohio River to be a source for drinking water, recreation, and fishing or merely a disposal site and transportation source for the oil and gas industry. 🍌

MTR Sites for Large-Scale Solar For WV?

In January, Appalachian Power announced it was seeking proposals in West Virginia or Virginia that would add utility-scale—up to 25 megawatts—solar energy to its portfolio. With current technology, it takes about 7 acres of land to produce one megawatt of energy, according to Appalachian Power.

In February, the Morgantown-based consulting group Downstream Strategies released a report titled, “Prospects for Large-scale Solar on Degraded Land in West Virginia.”

The report says, “Drastically increasing electricity production from solar PV does not require covering

West Virginia’s cherished greenspaces and valuable agricultural land in solar panels. In addition to post-mined land, West Virginia is dotted with other types of degraded lands, including abandoned mine lands (AMLs), hazardous waste sites, landfills, and Superfund sites.”

As many a mountaintop removal opponent has noted over the years, mountaintop removal sites, devoid of trees to shade solar panels, could be ideal locations for solar power plants. We can’t wait for that day. But, solar farms are no justification for one more centimeter of mountaintop removal. 🍌

In the Hills and Hollows Premieres at Big Sky Doc Film Fest

OVEC is pleased to announce that Keely Kernan's documentary, *In the Hills and Hollows*, premiered in February at the Big Sky Documentary Film Festival. The festival's website provides the following synopsis: "The boom and bust coal industry that has dominated the landscape of West Virginia for over a century is being replaced by natural gas. *In the Hills and Hollows* documents the lives of rural West Virginians and their communities, steeped in history and heritage, responding to yet another uncertain future."

What began for Keely (and OVEC) as a series of short films grew into a full-length documentary about the uneasy and unsettling relationship the people of the mountain state have with two major extractive industries—coal and the oil and gas industry.

OVEC members and other activists will recognize some of the primary folks she interviews—John and Annie Seay, searching for a new home, left with little option but to move once the frackers surround them; Terry Steele, a retired union coal miner whose down-to-earth and common-sense approach to life, coal mining, and politics puts most politicians to shame; and Bill Hughes, the former head of the Wetzel County Solid Waste Authority, whose unparalleled knowledge and documentation of all the effects of the oil and gas industry in north-central West Virginia is both impressive and alarming to anyone facing future oil and gas development.

OVEC first became acquainted with Keely's fine



Above: Keely Kernan's still photos are also helping to educate people about the problems associated with fracked gas activities, including pipelines. Be sure to see her website: keelykernan.com.

work when we supported Ojibwe elder Sharon Day's 981-mile "Nibi Walk"—the entire length of the Ohio River. (See: bit.ly/2n3SgQa.) We were impressed with the quality of Keely's brief documentary about Sharon's efforts to raise public awareness of the most polluted river in the nation.

OVEC was fortunate to have received funding from the Civil Society Institute to support media work, especially promoting issues around extreme extraction of coal and fracked gas in West Virginia and their impacts on irreplaceable water resources. As a result of CSI's generous support, OVEC became the primary funder for *In the Hills and Hollows*.

Keely's skill as a filmmaker is evident in the high-quality interviews, lighting, sound, and editing. She's captured a compelling story and distilled its essence into a little over an hour. The incredible amount of time, energy, travel, persistence, dedication, and heart Keely brings to her work shines through the film.

In the Hills and Hollows reveals that our state is poised at an energy crossroads and makes clear that a clean, renewable energy future is the sanest, most sustainable choice for the state and her people.

Keep watching OVEC's calendar and action alerts for a time and place to attend a presentation of this eye-opening documentary. 🍓

Gibson Jr. Passes

OVEC extends our deep condolences to the family of Larry Gibson, Jr. who died in March. He was the son of Larry Gibson, the Keeper of the Mountain. Donations to help cover funeral home expenses may still be needed. Contact Cooke Funeral Home at 304-595-2561. 🍓

Have you thought about your legacy? Are you looking for a long-term way to make a meaningful difference in the movement to build a cleaner energy future?

Please consider making a planned gift to OVEC today.

Planned giving options include:

- Gifts of stocks and bonds.
- Including OVEC as a beneficiary in your life insurance policy.
- Including OVEC as a beneficiary in your will.

Tax benefits apply to each of these options.

Please contact your attorney or a financial advisor for more information, or visit this site: lalwv.org.

Marching in Another Realm: Carry On Ken Hechler!

Excerpt from an essay by Janet Keating. Read the full piece here: ohvec.org/remembering-ken-hechler

West Virginia and the nation lost a true hero and people's champion when former Congressman Ken Hechler died at his home in Slanesville, WV, on December 10, 2016.

There are politicians and public servants, and then there was Dr. Ken Hechler, a man in a class all his own—military man, historian, educator, politician, activist, and, my personal favorite, “hell raiser.” Those who knew him were familiar with his uncompromising commitment to justice and the betterment of all people in West Virginia and his advocacy for the health and safety of our nation's coal miners.

OVEC members may remember him best for his passion for democracy and our iconic mountains. As a lifetime member of OVEC, Ken was often a speaker at rallies to end mountaintop removal where he sang “Almost Level, West Virginia,” his parody of John Denver's song, “Almost Heaven, West Virginia.”

When the issue of mountaintop removal reared its ugly head, Ken eagerly joined with community members and environmental activists hoping to end the destructive mining technique. He was a member of Congress during the catastrophic failure of the Buffalo Creek sludge-dam in 1972 that killed 125 West Virginians, a tragedy which eventually led to the passage of the Surface Mine Control and Reclamation Act in 1977 (SMCRA).

This bill, however, continues to be a failed attempt by the state and federal government to regulate surface mining by the coal industry. Ken was greatly concerned when the final version of the bill legitimized mountaintop removal (MTR), which was supposed to be an exception rather than the rule when it came to strip-mining; MTR was only to be used when a flattened mountain provided land for authentic economic development. Although coal companies by law are supposed to return the former mountains to “approximate original contour,” unfortunately, states regularly issue permits with variances to that provision. As it turns out, Ken foresaw the destruction that would follow the passage of SMCRA—hundreds of thousands of acres of denuded, flattened mountains along with more than 2,000 miles of annihilated



streams and disappeared communities. Ken referred to strip-mine reclamation as being, “Akin to putting lipstick on a corpse.”

Ken Hechler's legacy, though far-reaching (and incalculable), was also at times quite personal. In particular, his influence on Larry Gibson, another Mountain Hero, was special. Ken often traveled

with Larry to colleges and universities throughout the country to talk about the impacts of mountaintop removal on the land and people of Central Appalachia. Because of Ken's encouragement, Larry went back to school to improve his reading and writing skills. *60 Minute's* Mike Wallace, who came to West Virginia to produce a segment on mountaintop removal, interviewed both Ken and Larry, who had by then become quite a duo.

As someone who was deeply concerned about the state of our country's democracy, Ken became active in campaign finance reform issues, especially when “Granny D” (Doris Haddock) began her epic 3,200-mile walking journey from California to Washington, D.C., to highlight the need for supporting the federal McCain-Feingold bill. If passed, this legislation would help reduce spending on political campaigns. Ken walked more than 500 miles with Doris, who turned 90 years old by the time she arrived in the nation's capital. When Doris arrived in Marietta, OH, Ken Hechler was on hand to greet and welcome her as she made her way across the Ohio River to Parkersburg, WV, to speak to supporters.

In 2006, Granny D and Ken spoke at a regional mountaintop removal summit dubbed “Healing Mountains,” that OVEC and Heartwood (a regional organization that works to protect public lands from abusive practices) organized. Doris and Ken reminded us that if we want to win our issues, we needed to be more inclusive and supportive of people of color. You may recall that Ken was the only member of Congress that participated with Dr. Martin Luther King, Jr., in the civil rights march in Selma. Union supporter, environmentalist, statesman, writer, historian, teacher, husband, step-father, and add one more label—civil-rights activist. 🍓

Above: Ken in his element: a protest at Massey Energy headquarters.

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OVEC's 30th Birthday Bash Weekend: Celebrate, Agitate, Recreate, Rejuvenate, and Appreciate One Another



This year, OVEC is celebrating our 30th anniversary. To mark the occasion, we hope you will join us April 28–30 for a whole weekend of exciting events.

April 28, 6 p.m.: We kick off the weekend with our 20th Treehuggers' Ball and 30th Birthday Bash all-in-one celebration at the V Club in Huntington. The nationally traveling, Cincinnati-based trash-grass unit, Rumpke Mountain Boys, headline the evening. We'll have many more bands, a picnic on the patio, a silent auction, a local food truck, and much more.

April 29, 11 a.m.: No need to drive to Washington, D.C., for the People's Climate March. You can join an official Sister March, right here in Huntington, starting at Heritage Station. See peoplesclimate.org for details on the whys of the marches in D.C. and across the country. Sign up for our Huntington march: bit.ly/2nAGAGf.

April 30, 7 a.m.: Spend a memorable morning at Green Bottom Wildlife Management Area, one of the most popular birding areas in West Virginia, with two experienced Huntington-area birders—Michael Griffith and Janet Keating.

As we go to print, only a couple of slots remain open for this unique opportunity to observe and learn about the many species of birds that migrate through and/or breed in WV. See: bit.ly/2nb2RJy.

For updates and details on the 30th Birthday Bash weekend events, e-mail info@ohvec.org, call us at 304-522-0246 or check online at: ohvec.org/ovecs-30th-birthday-bash-weekend.

*Stay up to date on
the latest events.
Check our online calendar
at ohvec.org.*

