

Coal River Mountain Watch

# Messenger

www.crmw.net

## Chemical Used for Washing Coal Leaks into Water Supply Poisons tap water in nine West Virginia counties

By Emily Sanders

On January 9th, 2014, nearly 300,000 citizens in Southern West Virginia were affected by a toxic chemical leak into their water supply. Although inhabitants of Central Appalachian communities are far from unfamiliar with having their water contaminated by the coal mining industry, this particular incident meant residents were prohibited from using water for the purposes of bathing, drinking, brushing teeth, cooking, even laundering their clothing--the only use of the water deemed safe for the residents was for flushing their toilets.

On Thursday, January 9th at 8:30 A.M., the Department of Environmental Protection (DEP) began to receive complaints from citizens that a pungent

smell of licorice was in the air. This odor, unbeknownst to residents at the time, was emanating from a leak of the chemical compound 4-methylcyclohexanemethanol, or MCHM. This chemical was being stored for the purposes

**“The spill, which occurred only a mile upstream of West Virginia American Water’s intake, treatment, and distribution center, contaminated the water supply of nine West Virginia counties.”**

of washing coal before combustion by Freedom Industries, the company responsible for the spill. According to Freedom Industries president Gary Southern, employees did not notice the leak of MCHM until 10:30 A.M. on Thursday. At this time, inspectors from the DEP arrived at the site to witness the leak and the absence of cleanup or containment measures being taken by employees of Freedom Industries.

Up to 10,000 gallons of MCHM were reported to have leaked from the tank and then through holes in the retaining wall. The container was part of a former Pennzoil refinery dating back to the 1930s or 1940s.

**See SPILL on page 2**

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## Rockslide on Route 3 in Coal River Valley

By Ben Linthicum

On Friday Dec. 27th, shortly after 4:00pm, residents of the Coal River Valley reported hearing a large blast from a mine, a blast powerful enough to shake garage doors miles away. Blasts are a regular occurrence on many of the mountaintop removal mines in the area, but the blast on that particular day took place on the Collins Fork permit in Workman’s Creek on Coal River Mountain.

Shortly after the blast on Coal River Mountain, a major rockslide occurred in

**See ROCK on page 3**

*Photo of rock on Route 3 by author.*



### MISSION

The mission of Coal River Mountain Watch is to stop the destruction of our communities and environment by mountaintop removal mining, to improve the quality of life in our area and to help rebuild sustainable communities.

Remembering the Past, Working for the Future



**SPILL from page 1**

This 35,000-gallon storage tank rests along the Elk River, a tributary of the Kanawha River. The spill, which occurred only a mile upstream of West Virginia American Water's intake, treatment, and distribution center, contaminated the water supply of nine West Virginia counties: Boone, Cabell, Clay, Jackson, Kanawha, Lincoln, Logan, Putnam, and Roane.

Both the Kanawha River Valley, commonly referred to as "Chemical Valley", and Freedom Industries, the company responsible for the water contamination and for providing chemicals to the mining industry, have a history of chemical processing and frequent incidents

**"At the time of the spill, there was no inspection program in place for Freedom Industries' tanks, nor were environmental permits enforced concerning the chemicals contained at the facility."**

of pollution. This was the third chemical accident to occur in the Kanawha River Valley within the past five years.

At the time of the spill, there was no inspection program in place for Freedom Industries' tanks, nor were environmental permits enforced concerning the chemicals contained at the facility.

Information on the leak was patchy from the start, and slow to come out on all fronts—but especially from the company responsible for the contamination. Freedom Industries did not notify West Virginia American Water, who supplies over 580,000 residents with water, of the spill. Instead, it was reported to them by the DEP after residents had called in with complaints. Though West Virginia American Water had become aware of the situation by noon on Thursday, the company assumed the chemical could be filtered out of the water. However, by 4 PM, the carbon filtration system could no longer contain the amount of impurities in the water, allowing MCHM to flow through the filter.

"We don't know that the water is not safe, but I can't say it is safe," was the most president of West Virginia American Water, Jeff McIntyre, could say about the incident. "Once it's in there, there's no more treatment for it."

At this point on January 9th, West Virginia Governor Earl Ray Tomblin declared a state of emergency, which led to President Barack Obama's declaration of a Federal state of emergency. The Federal Emergency Management Agency was then sent in to provide assistance and over 2 million liters of water to West Virginia residents.

The sporadic and vague dispersal of information on the spill and how long the contamination would last, however, compounded the general anxiety amongst residents about the unusable tap water. The insufficient response by Freedom Industries created even further confusion. The public was not notified until 5:45 P.M. on January 9th that they should not use of their tap water due to the toxin—many had used their water after it was contaminated but before this alert came out, and others were originally under the false impression that, like many of the other instances when their water was poisoned, they could use the tap as long as they boiled it first.

The local 911 center reported that within four or five hours after residents became aware of the spill, over 1,000 calls were placed reporting possible symptoms and health concerns, 24 of which required emergency medical services. The Charleston Area Medical Center began refusing everyone but emergency patients.

One man planned to sue Freedom Industries after his kidney transplant was canceled due to the wa-



Photo of a store advertising water for sale from theverge.com.

ter emergency, leaving him forced to endure continual dialysis and pain.

Due to a lack of foresight and research on the chemical MCHM by its distributors and by Freedom Industries, the direct health effects on the public from the contamination were just as unpredictable as the tangential effects on other patients in the now overcrowded hospitals. Prior to the chemical spill, there was essentially no known information on the human or wildlife health impacts of MCHM. Though the company that produces the chemical, Eastern Chemical Company, is required by law to complete a safety data sheet on the chemical detailing possible health effects, the sheet was found incomplete.

The visible and reported symptoms at this time include vomiting, diarrhea, reddened and burning skin and eyes, headaches, itching and rashes.

The emergency also highlights the insufficiency of the Toxic Substances Control Act, a law passed



Photo of Freedom Industries facility on the Elk River in Charleston. Image from npr.org.

**ROCK from page 1**

Pettry Bottom. The rockslide resulted in a large 20ft by 25ft rock completely blocking both lanes of traffic on Route 3.

In 2001, there were no less than three serious rockslides on Route 3 between Birchton and Naoma. Recognizing the danger of fractured rock faces along Route 3 exacerbated by blasting from nearby mines, the Coal River Mountain Watch (CRMW) team gathered 578 signatures for a petition stating:

*"We the undersigned citizens are requesting that the rock cliffs overhanging Route 3 from Birchton to Naoma be removed immediately. We feel that these are a danger to all traveling this road. We especially have great concerns about children on school busses traveling by them in the winter. We are asking that the proper authorities address this immediately."*

In response to public concern and at the request of the Office of Surface Mining Reclamation and Enforcement (OSMRE), in 2002 the West Virginia Office of Explosives and Blasting (WVOEB) had CBC Engineers of Dayton, OH do an alysis of the rock cliffs along Route 3 within the blast radius of the Upper Big Branch, Twilight, and Edwight Surface Mines. While the survey concluded that the rock faces in Pettry Bottom be listed as "top district priority," funding was never secured to stabilize rock faces and reduce the risk of rockslides along Route 3. Ultimately, OSMRE merely issued blasting procedures that, if followed, would reduce the risk of catastrophic rockslides such as the December 27th slide.

However, numerous blasting violations at mines in the area suggest blatant regulator negligence on behalf of the



Photo of rockslide on Route 3 by author.

mine's operators. For example, blasting violations at the nearby Edwight mine range from excessive air blasts, flying rocks, blasting outside of permitted area, to blasting too close to any dwelling, public building, school, church, or community or institutional building. Blasting, particularly excessive blasts that violate blasting regulations, causes fractures and expansion of existing fractures in the rock making them ever weaker and prone to catastrophic collapse. Certainly the numerous years of blasting from nearby mines has significantly contributed to degrading the stability of all of the rock cliffs along Route 3.

The December 27th rockslide resulted in major inconvenience and hardship to the citizens of the area. In response, CRMW filed a formal citizen's complaint and requested an issuance of a 10-day

notice from OSMRE to the West Virginia Department of Environmental Protection Office of Explosives and Blasting (WVOEB). Considering the cumulative effects of years of blasting from nearby mines, CRMW is asking that a survey be conducted to determine the stability and safety of rock faces along Route 3. Furthermore, CRMW is asking that Alpha Natural Resources be liable to pay a portion of the costs incurred by WV Department of Transportation to have the remaining cantilevered rocks removed and areas stabilized and the clean-up of the existing falls.

Millions of pounds of explosives are used every day in West Virginia alone. Rockslides are only a small taste of mountaintop removal's dangers. ■

in 1976 that needs to be drastically revised and updated in order to help prevent such events from passing under legal radar in the future.

In reaction to the crisis, citizens and volunteers mobilized to aid each other and distribute clean water. Water stations began to arise in malls, churches, high schools, recreation centers, and fire departments. For the week following the announcement of the water crisis, volunteers from Coal River Mountain Watch set up at churches and community centers with jugs of clean water, sanitation products, baby wipes, paper plates and utensils, as well as homemade hot food and coffee for those unable to use water for cooking. Volunteers also drove door

to door in affected counties, handing out clean water to families in need.

On January 13th, though it was not made clear by Governor Tomblin or the responsible industries whether the water was safe at this point, state officials gradually lifted the ban based upon "priority zones." Charleston area residents were advised to flush water from their pipes.

Since the incident, a Kanawha County Circuit Court judge granted a temporary restraining order to Freedom Industries in order to preserve evidence of the spill. The leak has also caught the attention of U.S. Attorney Booth Goodwin, who told CNN on January 10th "even a negligent release of this kind could be a criminal violation."

On a local level, West Virginia residents themselves are taking this opportunity to call for greater regulation on the mining industry and related chemical industries. A candlelit vigil administered by various anti-mountaintop removal organizations in the Coal River Valley occurred at the capitol on January 21st. Along with rallies in solidarity, such as the one hosted at the volunteer house of Coal River Mountain Watch the same day, this vigil served the purpose of asserting that clean water is a basic necessity of life, and the right to have it available to the public at all times should be preserved and respected. ■



# Remembering Sid Moye

*Sid Moye was a friend of both the mountains and the movement to save them. He passed away on January 29, 2014 at the age of 68.*

**By Billy Parsons**

Sidney Floyd Moye was a big man in a lot of ways, and a small one in a lot of others. We all have our faults, and I don't think Sidney was any more or less endowed with those traits that we consider being the makings of a morally well-rounded member of society than average. Still, he was a rare sort. It takes a very particular sort of man to live the sort of life that my Poppy lived, and that is sort of the point of this essay.

Anyone who has ever visited the Old Home Place, entering perhaps as strangers but being greeted by Sidney's "Welcome home" all the same, will gladly tell you about the hospitality they experienced and the warmth of the people living there. Everyone who knows my family knows that we don't turn away guests, and that we don't receive them half-heartedly. Sidney was a major source of all that hospitality and kindness, being the patriarch of the family, and I think people could probably tell you that, too.

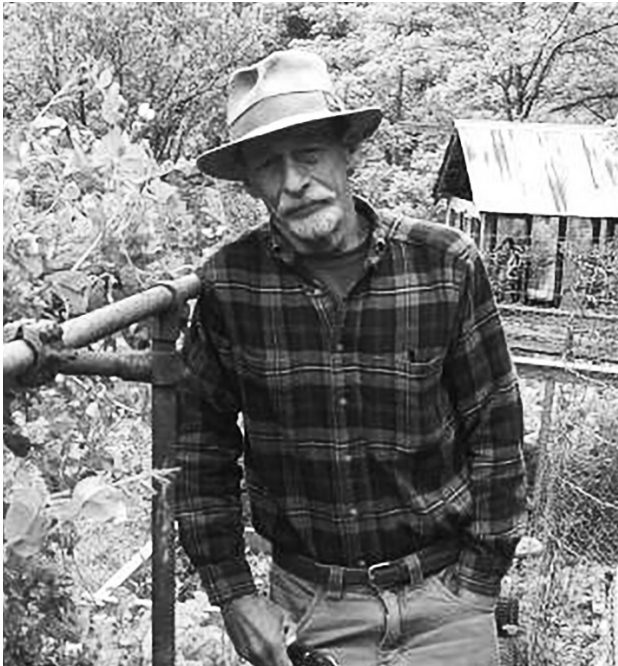
A long time ago – don't ask me how long; I wasn't there – but it was a long time anyway, and there were these monks. For the most part they just drank and talked to God, an activity I've endeavored to engage in my own self despite what seems to me to be a rather disapproving silence on the part of our Lord. So anyway, they kept these human skulls around to remind them of their mortality. At least, that's what Poppy told me when I asked him about his. He had one, a ceramic one, with a caption imprinted at the base, "Remember Thy Death." It was a morbid thing; indeed, the thought of death was inescapable with such as that lying around. He never told me where it came from, or why. I can only imagine that he got it from a flea market as he had so many other heretofore lost and forgotten ancient artifacts. It did have the effect of making me contemplate death, it's true, but it's impossible to contemplate death without contemplating life; just an example of that strange circle that is existence.

It reminds me of the time Poppy and I burned a brush pile. We had worked for weeks to create this huge pile of brush. It was comprised of various woody substances that had been cut over the course of the year, and which were now ready to join some great conflagration in the sky. I remember the day that he decided to burn the pile. It was a very still, hot afternoon. The air was humid, and I was a little concerned the pile wouldn't burn at all. I said, "Poppy, I'm not sure we can get this thing lit. If we do get it lit, I don't think it'll burn, what with there being no wind and all." He said, "Boy, a big enough fire creates it's own wind."

It took a while, but the brush pile finally lit, and when it did it was one hell of a fire. The updraft carried sparks a hundred feet into the air. It might have carried them farther, but I couldn't count that high. I could feel the roar and the fire assumed a life of its own. We're back to the subject of life, you see, and, therefore, of death. All of the carbon that had gone into the life of this fire had come from the death of various organic materials that had once been alive. In death, they contributed to new life. Smoke, flames, and potential leaped into the air and into our lungs and into our imagination.

It made it difficult to breathe, but, somehow, easier to think. I thought about the skull. I thought about the difference in our ages and the fact that one of us was most likely bound to die before the other. I wondered if I would be able to accomplish as much in my life as it seemed to me that he had accomplished in the burning of that one brush pile. Then I realized; anything I accomplished would only be a continuation of what he already had. Of course, that meant that anything he accomplished gave me a jumpstart on my own potential. Life is not a beginning, death is not an end, and he and I were stuck somewhere in-between.

Then I asked him for it. The skull, that is. "Poppy, is that a real skull?" He said that of course it was a real skull. And so then I asked, as only a child can ask, "Poppy, when you die, can I have that skull?" He said, rather dismissively, "Sure." I never mentioned it again to him while he was alive, and I haven't mentioned it to anyone since, but I know where it is. I know exactly where it is. I haven't gone and gotten it yet, but I intend to. ■



# Tadpole Project Update: Make It Shine!

**By Peggy Bone**

We had a bit of a slow winter at the Tadpole Project with the bad weather, but we've had a very active spring that more than makes up for the cold months! We were very excited about being able to start cleaning up our streams and rivers as the weather got warmer. Our first meeting of the season was March 27th at the Coal River Mountain Watch office.

This year, we were thrilled to be able to participate in the 2014 WV Make It Shine Statewide Cleanup. This is where cleanup and beautification efforts take place nationwide as part of America's largest community improvement event led nationally by Keeping America Beautiful. During the Make It Shine event, volunteers across the state rally together to clean up local parks, waterways, hiking trails, etc. Many of our clean ups from March and April are pictured below, including clean ups of the 4-mile stretch of highway we adopted between Rock Creek and Naoma.

This spring, we also collected tires for recycling in April at the office in Naoma.

We have wonderful volunteers from all over the country, and several locals in our area that come out to help keep our community beautiful. ■



*Above: Volunteers clean up trash at the Jazz Up Jazz Hollow clean up event in April.*



*Above: A Tadpole Project volunteer carries a full bag of litter up the bank at a clean up.*



*Above: Full bags of trash are loaded into a truck at a clean up near Upper Peach Tree Falls in March.*



*Above: A Tadpole Project volunteer picks up trash on part of our adopted highway at a road clean up in March.*





# How Grassroots Organizing Came to the Rescue in West Virginia's Water Crisis

*This article was original printed in Waging Nonviolence on February 27, 2014.*

**By Dana Kuhnline**

Last month, an estimated 10,000 gallons of the coal-processing chemical MCHM, along with an unknown amount of a second substance called PPH, spilled into West Virginia's Elk River — just upstream from a municipal water intake that serves nine counties. Freedom Industries, the company responsible for the spill, neglected to report it, despite some residents claiming to have smelled the chemicals as far back as December. After repeated complaints of a strong licorice-like smell, state inspectors literally followed their noses to the source. It wasn't until many hours later that the water company and government agencies finally warned residents to avoid any contact with water—aside from flushing toilets and putting out fires.

In the seven weeks since the disaster that has left 300,000 people unsure about the safety of their water, confusion and anger have mounted, and an estimated 400 people have been sent to the hospital. While government and industry have been slow to respond to the needs of the people, some remarkable community organizing has taken place, drawing on West Virginia's long, proud history of grassroots work for environmental and economic justice — including powerful work against the abuses of the chemical and coal industries responsible for the spill.

Only a few hours after news of the spill began trickling out, a grassroots group called WV Clean Water Hub had already begun organizing water deliveries through its Facebook page. That quickly turned into a massive community-organized effort supported by new volunteers, as well as long-

established grassroots groups in West Virginia — including Aurora Lights, Coal River Mountain Watch, Keeper of the Mountains Foundation, Ohio Valley Environmental Coalition, and RAMPS. By working to identify communities in need of clean water and supplies, as

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well as connecting affected communities with volunteers and donors, this wiki-style relief effort has filled the gap left by larger relief organizations.

“There is so much bureaucracy [at the larger relief organizations] that communities fall through the cracks,” said Nate May, a volunteer organizer with WV Clean Water Hub. “We’re hearing directly from the people who need the water. Someone will post on the Facebook page that they need water and we’ll make a meme out of it. Then someone else will post when they can deliver some.”

In many communities,

the water was officially declared safe for all but pregnant women within a week of the spill, but residents are still experiencing adverse reactions to touching or smelling the water coming from their taps. Some government officials recommend against exposure, while others just say to be cautious.

“The stories that get me the most are the stories of mothers with children who are sick and asking why the state is not considering it an emergency,” said Jen Osha-Buysse, a volunteer organizer with Aurora Lights. “I have spoken with many families who haven’t been able to work in the weeks since the chemical spill. They can’t just not buy water, but they also can’t afford to buy food or pay heating bills in the freezing weather.”

The WV Clean Water Hub has been led largely by environmental groups, which can be a source of tension in communities that have been split by the “jobs vs. environment” myth perpetu-



*Photo of a van filled with relief water for people affected by the spill. Image from Aurora Lights' Facebook page.*

ated by the coal industry. However, the crisis has inspired many to ignore politics. For instance, landscaping companies have donated the use of their trucks, while schools, Girls Scouts, local unions, doctors' offices and others have collected donations of water and baby supplies.

“We don’t want to polarize or politicize it,” May explained. “The concern is if we make it about our issue, then it feels like missionary work or like we’re trying to buy people, but clean water is an unconditional right.”

While some volunteers have encountered a few sharp questions from self-identified “coal-huggers,” the reception has largely been warm.

“Giving out water has been a way to connect on a personal level and share that we both are fed up by the government and no longer trust the people in charge,” May said.

Beyond the massive effort to deliver clean water, there has been an unprecedented surge of interest in organizing for long-term solutions.

“Shortly after the spill, we started a weekly roundtable of progressive groups in Charleston,” said Cathy Kunkel, an independent policy consultant on West Virginia energy issues and the founder/co-editor of OurWaterWV.org. “At first our focus was just on sharing information because there was so much misinformation. Now we are looking at what a longer-standing coalition with long-term political goals might look like.”

One outcome of these new partnerships was a protest hosted by the NAACP and Ohio Valley Environmental Coalition, where hundreds of consumers reverse-billed the water company that serves the nine counties affected by the spill. While the West Virginia American Water Company might be seen as an unwitting victim of the spill, the international for-profit company's blundering response has included sending tankers full of the polluted water into communities instead of usable relief water and providing only a \$10 credit to customers and businesses. The action to recoup the costs of having to drive miles to collect drinking water, do laundry and take showers is just one of many examples of groups from different, often isolated areas of work coming together on this issue.

In addition to the coordination of long-standing groups, there has also been an overwhelming amount of spontaneous community organizing, including the formation of a rainwater



*Photo of volunteers (goat included) loading water tanks to be distributed to residents affected by the chemical spill. Photo by Jocelyn Sawyer.*

catchment organization, a moms for clean water group, various organizations of concerned small businesses, and even a fashion show to raise money for water deliveries. These diverse responses reflect the diversity of the communities that have been impacted. While the coal and chemical industry have caused toxic water in isolated rural areas for decades, this time, reporters covering the story, public health experts, and even Public Service Commission employees in charge of water regulation are all personally dealing with blue-tinted water that smells distinctly like licorice.

“Unless you work for a coal industry attorney, this spill has hurt your business and your lifestyle,” Kunkel said. “We’re trying to maintain a calendar at OurWaterWV.org, and it’s been a challenge. The day of the water company protest, there was another protest at the school board because several schools were opened just to be closed again after students and employees got sick from the water. It’s powerful to see so much organizing.”

According to Kunkel and others organizing in the area, the work has begun to focus on long-term goals over the last seven weeks, even as many organizers are exhausted with the toll of working at an emergency pace for weeks on end. Groups have outlined

clear steps for politicians to take towards enforcement of the chemical and coal industry as well as beginning a campaign to engage the Public Service Commission, which regulates West Virginia American Water, to ensure that residents’ health is put before water company profits.

“The relationships we developed through distributing water are an entry into working for longer term organizing in the communities,” May said. “We’re not saying, ‘I told you so.’ We’re asking, ‘What are the problems you’re facing besides the water? What happens when we draw lines between these problems?’”

Both experienced and new activists realize this is an important moment for West Virginia, and they are working to create long lasting momentum for change at the structural level.

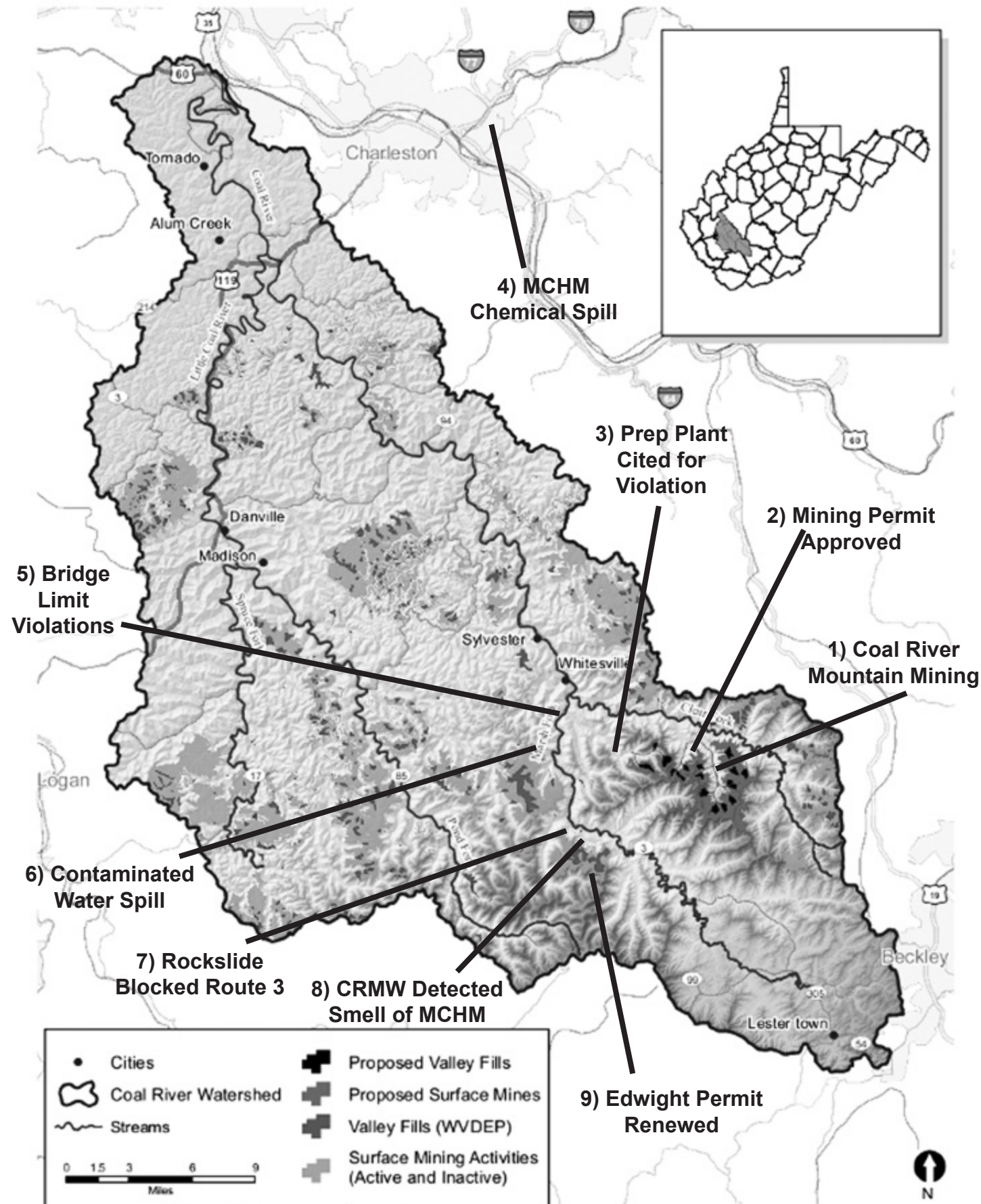
“I’ve been thinking about pronia — the opposite of paranoia — the belief that the world is in a conspiracy for your well being,” May explained. “We assume that when we turn on the tap, someone is making sure the water is clean. Maybe this magical naive thinking is kind of necessary for a civil society, but we can’t assume that the world is out to help us when that is not in the self interest of the people in charge.” ■



# Bird's Eye News

## What's Happening Where?

A View of the Latest from the Coal River Valley Watershed



**1) Coal River Mountain Mining:** Mining work (including blasting) began on the Collins Fork Permit in Workman's Creek in December 2013. Large blasts have been felt by many community members in the area in the past few months.

**2) Mining Permit Approved:** 800 acres was approved for mining on the Middle Ridge Permit. Work has not yet started.

**3) Prep Plant Cited for Violation:** The Marfork Prep Plant in Pettus was cited in January for a chemical storage violation. The facility did not have appropriate secondary containment around its chemical storage, nor did it have proper documentation of its stored chemicals.

**4) MCHM Chemical Spill:** On January 9th, thousands of gallons of the chemical MCHM spilled into the Elk River from a Freedom Industries storage facility in Charleston. 300,000 citizens across nine counties were affected by the spill.

**5) Bridge Limit Violations:** CRMW has filed a complaint for coal trucks routinely violating bridge weight limits.

**6) Contaminated Water Spill:** Contaminated water flowed out of the Upper Big Branch mines for multiple days in January. The water had dangerous levels of iron and aluminum.

**7) Rockslide Blocked Route 3:** On December 27th, 2013, a huge rockslide occurred near Sundial, completely blocking Route 3 to all vehicles. This main route of transportation in the Coal River Valley was blocked for multiple weeks before it was reopened on February 11th, 2014. The road remains rough and the speed limit has been lowered to 15 mph through the area.

**8) CRMW Detected Smell of MCHM:** CRMW detected a licorice smell at the Goals Coal Prep Plant, identical to the smell related to the Charleston MCHM chemical spill. No official testing has been conducted.

**9) Edwight Permit Renewed:** The Edwight Permit was renewed despite citizen concerns. Community members fear that blasting destabilizes rock cliffs and contributes to rockslides such as the recent slide on Route 3 on December 27, 2013. Work is being conducted on the Edwight Permit continuously.



# CRMW's Garden Corner

## An Update from the Garden

Early April 2014

By Eliot Williams

If it ever stops snowing it is going to be a great gardening year!

Last week we planted rows and rows of peas and onions in the raised beds between the sweet overwintered kale greens and the garlic shoots that are now starting to stick out of their blanket of hay. We are planning to add more manure and compost this spring as well as use a variety of cover crops throughout the year to make our soil and in turn, our vegetables, healthier. We are also sending our soil in for a more in-depth soil test this month so that we can be more informed about the quality of our soil and better improve it for the future.

In more exciting news, last fall we won a "Quality of Place" award with CreateWV to put towards building a portable farm stand to sell and give out vegetables. Starting in May we will have a small farm stand set up in front of the garden along Route 3 in Naoma. We welcome anyone interested in growing vegetables in our field to come help or to take over a piece of the garden for their own projects. Any farmers in the area are also encouraged to get involved and sell and trade their produce or value added products at the stand this summer.

To learn more about the award we won for garden funds, please visit: <http://dubvee.com/campaigns/naoma-community-garden-farmstand/>



Above: Raised beds are a new addition to this year's garden.



Above: Seedlings sprout in the new greenhouse that was built this year at the volunteer house.



Above: A volunteer picks lettuce from the community garden at the CRMW office in Naoma last fall.

### Recipe: Fried Potatoes with Ramps

- 4 cups ramps, cleaned and sliced
- 3 Tbsp bacon drippings
- 3 to 4 medium potatoes, peeled and sliced
- 3 large eggs

*Serves 3 to 5 people.*

Heat bacon drippings in a large heavy skillet, add sliced ramps and potatoes. Fry until tender. Break the eggs over the ramps and potatoes and stir to mix well. Fry for about 2 minutes, or until eggs are cooked on bottom. turn and fry on the other side for 2-4 minutes longer, until eggs are cooked. Serve hot with biscuits and butter.

## A Decade of Mountain Justice

By Ben Linthicum

*"There will never be peace in the coalfields until there is justice." – Mother Jones*

2014 marks the ten-year anniversary of Mountain Justice's fight to protect our history, our homes, and our communities from the harms of mountain top removal (MTR). During

Mountain Justice is not working alone. Along with our community partners, Mountain Justice works in collaboration with numerous organizations that work to improve the lives of Appalachians including: Coal River Mountain Watch, Southern Appalachian Mountain Stewards, the Rrenew Collective, Radical Action for Mountain Peoples Survival, Hands off Appala-

dangerous situations Mountain Justice will continue to fight. As the President said, "How can a nation that relies on its miners not do everything in its power to protect them?"

Recent layoffs are only the latest manifestation of big coal's economic volatility. Since the onset of MTR, coal-mining jobs have dropped 75%. The few jobs MTR provides need not cost us our land, our forests, our mountains, our heath, and the health of our children and family. MTR dooms our children to asthma and mercury poisoning. No job is so important that it costs us our livelihood. Even if you don't live in the coalfields, if big coal succeeds at extracting all the coal here, your town may be next.

As a grassroots organization, our power comes from member assistance and partition. We are the amplifier for the oppressed and underrepresented, and there has never been a better time to speak out than this year, Mountain Justice's 10-year anniversary. Come join us, let your voice be heard in the fight against mountain top removal. There are many ways you can get involved here, ranging from joining the Tadpole Project to helping with the campaign for the Appalachian Community Health Emergency Act.

We have a big year planned, stay tuned for more events. Our challenges ahead may appear daunting, but let us not forget:

*"It always seems impossible, until it is done." – Nelson Mandela*



Photo of participants at Mountain Justice Spring Break 2014: WV, taken on Kayford Mtn., from Mountain Justice's Facebook page.

the last 10 years, folks from all walks of life have joined us and shared in our glorious successes and our setbacks. Since 2004, Mountain Justice has exposed the harms of MTR and confronted those responsible in the coalfields and in their boardrooms. Mountain Justice has built more power, people power, than ever before but we need your help to bring an end to MTR.

Mountain Justice's grassroots, community-based campaign has worked to protect miners, husbands, wives, fathers, mothers, grandparents, sons, and daughters from the injustices brought upon us by big coal. We fought for our neighbors, in Montcoal and Naoma or Whitesville, in the Coal River Valley and across Appalachia. For 10 years, we have advocated for our families and the communities we call home. We worked to ensure our children have the same great outdoors we had, to breath the same clean air we did, and are able to drink the same pure water we did. We worked to ensure that all might have the opportunity to live a long healthy life and enjoy retirement with our spouses.

chia, Kentuckians for the Commonwealth, Katuah Earth First!, United Mountain Defense, and many others.

So long as MTR pours toxic substances into our air and water; subjects the public to hazardous slurry impoundments, flash flooding, and rockslides; and exposes miners to unjust working contracts, layoffs, and



Photo of a workshop at Mountain Justice Fall Summit 2013, which was held at the Coal River Mountain Watch volunteer house. Photo by Megan Kelley.



# Who Owns West Virginia?: A Synopsis

The following is a summary of a land study conducted by Beth Spence, Cathy Kunkel, Elias Schewel, Ted Boettner, and Lou Martin. The study was released in December 2013.

By Hazlett Henderson

“Who Owns West Virginia?” is a study of West Virginian land ownership patterns. It seeks to determine whether land ownership patterns have changed since the 1970’s, to what extent these changes have occurred, and the ramifications these changes have for the state. These goals were achieved using findings from three separate reports and the discrepancies between them. This research was undertaken with the goal of informing decisions about the economic future of the state and informing the nation’s energy policy, because understanding past and present patterns of land ownership is crucial for understanding forces that have driven and continue to drive West Virginia’s economy.

The information on land ownership in the report largely came from 2011 land ownership data collected by the West Virginia Tax Department. The basis for comparison of past and current land ownership came from two other reports. The first, released in 1974, was conducted by investigative reporter Tom Miller (significantly, Miller looked at both mineral leases and ownership as well as surface ownership; the 2011 report only has information on surface ownership).

“[Previous reports found that] large corporations owned 40% of private land and 70% of minerals in West Virginia.”

The second report, for which research began in 1978 and was fully released in 1981, was conducted by a collection of citizens and academics called the Appalachian Land Ownership Task Force. Their final 1,800-page report was called “Land Ownership Patterns and Their Impacts on Appalachian Communities.”

The findings of these two reports mirrored each other: they found that three fourths of surface land and four fifths of minerals were owned by individuals and groups outside the counties surveyed, and that large corporations owned forty percent of private land and seventy percent of minerals in West Virginia.

According to the report, West Virginia in 2013 is in a state of transition. In the 1970’s, when Miller’s and the Appalachian Land Ownership Task Force’s reports were conducted, the top ten private landholders were mainly absentee corporations exclusively engaged in extraction. In 2013, though many of the largest private landholders are still large, absentee corporations, or corporations whose headquarters are not in West Virginia, major timber management concerns now have significant private land holdings. The largest of these and the largest private landholder in West Virginia is the North Carolina-based Heartwood

Forestland Fund, which holds 500,366 acres in 31 counties. Timber management concerns are essentially financial intermediaries: they manage investments for institutional investor clients, such as pension funds, endowments, foundations and universities. Heartwood specifically is a subsidiary of The Forestland Group, an independent TIMO (Timberland Investment Management Organization).

“Not one of the state’s top ten private landowners is headquartered in West Virginia.”

The report reveals several other significant findings. Among these are the following facts:

□ Though the top 25 private landowners own 17.6 percent of West Virginia’s approximately 13 million private acres, this is a dramatic decrease since the 1970’s studies, when this percentage was closer to a third of private land.

□ “In six counties, the top ten landowners own at least fifty percent of private land. Of the six, five are located in the southern coalfields – Wyoming, McDowell, Logan, Mingo, and Boone. Wyoming County has the highest concentration of ownership of any county.”

□ Not one of the state’s top ten private landowners is headquartered in West Virginia. The top ten private land-

## Top Ten Private Land Owners in West Virginia Listed in declining order

1. **Heartwood Forestland Fund** of Chapel Hill, North Carolina; 500,367 acres.
2. **Norfolk Southern** of Norfolk, Virginia; 239,618 acres.
3. **Natural Resource Partners** of Houston, Texas; 212,927 acres.
4. **Pardee Resources** of Philadelphia, Pennsylvania; 170,412 acres.
5. **Coastal Lumber** of Charlottesville, Virginia; 147,317 acres.
6. **Penn Virginia** of Radnor, Pennsylvania; 134,036 acres.
7. **MeadWestvaco** of Richmond, Virginia; 115,838 acres.
8. **Plum Creek Timberland** of Seattle, Washington; 113,833 acres.
9. **Alpha Natural Resources** of Bristol, Virginia; 97,863 acres.
10. **Consol Energy** of Pittsburgh, Pennsylvania; 75,392 acres.

# Study Shows Mountaintop Removal Impacts Fish Populations in Southern West Virginia

By Dylan Williams

According to a recent report by the United States Geological Survey (USGS), surface mining activity in southern West Virginia has caused health problems in local fish. The study found that levels of the element selenium far exceed safe amounts. While beneficial and necessary in certain levels, selenium overexposure can cause drastic health complications. The USGS has correlated the high levels of selenium to areas impacted by mountaintop removal; specifically they found that valley fills expose watersheds to selenium. The debris of a valley fill acts as a pathway, transporting large amounts of selenium to the surrounding waterways. The impacts of this practice threaten the future of southern West Virginia’s ecosystems, and in turn, the culture and heritage of the region.

Overexposure to selenium causes genetic disorders in fish that can lead to depopulation of certain species. Symptoms of selenium overexpo-

sure include birth defects, lower survival rate of young, deformed larva or eggs, as well as overall shortened growth and lifespan. Selenium levels for healthy fish should not exceed 5µg/L. The USGS study reports that from all sample sites, the levels of selenium are much higher, with some

“All of the areas [tested] were above the regulated maximum, and much higher than the researchers had estimated.”

areas reporting levels 5 times higher than safe amounts. The study also found evidence of congenital defects in fish. Valley Fill Ponds are not considered “Waters of the State” and are therefore exempt from DEP regulations; however, when the pollutants enter public waterways they become a concern for everyone in the community.

Samples for the study were taken from the following locations: Twentymile Creek, Clear Fork, Cabin Creek, Birch Creek, Beech Creek,

and Upper Mud Creek. Upper Mud Creek has been the most affected by selenium contamination. Mining activities in the area are carried out by the Hobet Mining Complex. The parent company for this mine site, Patriot Coal, has already been taken to court for violating selenium regulations. In

2010 the company had to pay \$95 Million for the installation of selenium treatment systems. Despite this court ruling and subsequent installation of treatment systems, the levels of selenium are still too high. While Upper Mud Creek tested the highest levels of contamination, all of the areas were above the regulated maximum, and much higher than the researchers had estimated.

The immediate impact of fish depopulation is on sport fishing. However, defects in fish will also undoubtedly affect many other wildlife populations in the area that interact with and depend on those fish for food. The impact of contamination of the natural environment, while quantifiable in this USGS report, has implications for future generations that are incalculable.

owners in West Virginia (arranged in declining order of ownership, and including location of headquarters and number of acres) are listed at the bottom of the page.

The researchers recommend the following measures based on their research, indicating that the shift in land ownership over the past decades present opportunities to revisit these issues and reformulate policies:

□ Fair corporate tax rates should be established which provide sufficient revenue for the education and structural infrastructure required to encourage entrepreneurship, tourism and small business development.

□ Greater transparency in public records should be achieved. Citizens should be able to easily investigate land and mineral ownership as well as the tax rates on such holdings.

□ West Virginia’s development dollars should be spent wisely and creatively to promote job growth and build a diverse economy.

□ A Future Fund or a permanent mineral trust fund should be established as soon as possible to build and maintain a stable economy for the future.

□ An understanding of the role land ownership has played in enhancing and impeding development should be stressed; this understanding is critical for guiding future economic development.

The researchers also indicate several opportunities for future research in the analysis of mineral ownership and tax rates (or tax incentives) on managed timberlands and mapping patterns of ownership with GIS data.

In the researchers’ own words: “This report is a first step in revisiting the still provocative question that Miller posed: ‘Who Owns West Virginia?’ And the conclusion he reached: ‘Not West Virginians.’”

# More Science Shows MTR Engangers Human Health

By Vernon Haltom

In a study published in The Journal of Exposure Science and Environmental Epidemiology in February, scientists for the first time have shown that air pollution (ultrafine dust) is higher in communities near mountaintop removal compared to non-mining communities. The concentrations were “larger than those associated with increased paediatric asthma hospital admissions and respiratory and cardiovascular disease hospital admissions in the elderly in a major urban area,” according to the WV University scientists. The study also said that the results “are correlated with previously documented differences in population health outcomes including mortality, cardiovascular disease, birth defects, and cancer.” Scientists measured dust concentrations in the

Coal River Valley communities of Edwight and Twilight and in Pocahontas County community of Green Bank. The full paper can be viewed at <http://www.nature.com/jes/journal/vaop/ncurrent/full/jes20142a.html>

This new study points to the need for the Appalachian Community Health Emergency (ACHE) Act, HR 526. This federal bill would immediately halt new or expanded mountaintop removal permits unless and until the federal Dept. of Health and Human Services completes a definitive health study showing that mountaintop removal does not harm residents’ health. The ACHE Act, related science, and a link to contact your US Representative and Senators are available at [www.acheact.org](http://www.acheact.org). Please contact them to co-sponsor this important legislation that would save human lives. ■

## CARE Springs into 2014 for Real Enforcement

### *Citizen Action for Real Enforcement*

By Johanna De Graffenreid

In 2014 West Virginia has seen a massive coal & fracking chemical spill, a 100,000 gallon slurry spill, both followed by yet another black water event. In the midst of this we’ve seen a tidal shift in how the WV public views regulatory enforcement. A Sierra Club (a CARE partner) poll released recently shows that 73% of West Virginians asked support a new approach to environmental protection.

The West Virginia CARE Campaign hears that call loud and clear, and I’m looking forward to our continued work together this spring.

Since the start of the new year we have also been hard at work. Here’s a brief list of just some of our accomplishments in the past 4 months!

- ▶ We have collected over 50,000 signatures, from WV and our allies, in support of OSM intervention in the WV DEP.

- ▶ Co-hosted an event with over 100 participants at the WV capitol where our petition of over 3,000 WV Residents was received by the Senate President and Governor Tomblin’s office on Jan. 30th.

- ▶ One month later our 50,000 signatures were accepted by Chris Holmes (of OSM) and Francisco Carrillo (the Deputy Director of DOL’s office of Intergovernmental

& External Affairs) with over a dozen national allies & media (check out the piece on Environmental Action’s website at <http://www.environmental-action.org/blog/50000-voices-clean-water-west-virginia>)

- ▶ Rob Goodwin of Coal River Mountain Watch (a CARE partner) had the historic opportunity to meet with the Secretary of Interior with surface mine impacted communities from the US, and speak to the need for REAL enforcement from OSM & our state regulatory agencies.

- ▶ Elise Keaton of Keepers of the Mountains (a CARE partner) represented our campaign at an event in Charlotte NC holding Duke Energy accountable for the coal ash spill in NC & VA, showing regional solidarity with all those impacted by coal pollution.

- ▶ The CARE Campaign had a successful meeting with OSM Dir. Pizarchick where he stated : “Members of West Virginia Citizen Action for Real Enforcement (WVCARE) and I had a productive meeting today, during which they shared their concerns. OSMRE takes these concerns seriously. We will review what the group submitted today and follow up with WV CARE members about the issues raised.”

- ▶ Appalachian Voices (a CARE partner) sent a mailing to every WV Resident who has submitted a complaint to the WV DEP’s mining



Above: CARE campaign members deliver 50,000 signatures in support of OSM intervention in the WV DEP to OSM.

program in the past 5 years. In the 3 days since the mailing has gone out we have received half a dozen phone calls from impacted community members asking how they can get involved. We only expect these numbers to grow in the coming weeks as letters inviting recipients to participate in the CARE campaign are delivered, and followed up with via phone banking!

In the coming months we’ll be focusing on building power in WV. Phone banking & community meetings with impacted WV residents, by the lack of enforcement by the WV DEP, will be our top priority!

Thank you for supporting the CARE Campaign. For real enforcement for safe & healthy communities. ■

## Mark your calendars!

**June 2-9:** An Energy Exports Action Camp will take place in the Chesapeake Bay area. For more info visit <http://energyexportsactioncamp.wordpress.com/> or email [chesapeakeearthfirst@riseup.net](mailto:chesapeakeearthfirst@riseup.net).

**June 14-22:** The 10th annual Mountain Justice Summer Camp will take place in Kentucky! For more info, visit [mountainjustice.org](http://mountainjustice.org)

**July:** Keepers of the Mountains will host a Fourth of July festival on Kayford Mtn, WV.

**July 10-13:** The Whippoorwill Festival: Skills for Earth-Friendly Living will take place in Berea, KY. The festival teaches sustainable living skills in a joyful, healthy, family-friendly atmosphere. For more info go to [www.whippoorwillfest.com](http://www.whippoorwillfest.com)

**September 26-28:** Mountain Justice’s 10-year reunion will take place in Pipestem, WV. More info coming soon!

## AMPLIFY YOUR VOICE



Become a member or renew your membership today!

Coal River Mountain Watch (CRMW) is a grassroots organization working to preserve the communities in the mountains of southern West Virginia. Our mission is to stop the destruction of our communities and the environment caused by mountaintop removal mining, to improve the quality of life in our communities, and to help rebuild sustainable communities. CRMW works to empower local residents to work together to fight the effects of irresponsible mining techniques. While we honor the tradition of coal mining in this state, it is our position that mountaintop removal is destructive to our homes and to our mountain heritage, and must be halted. Our goals include advancing economic diversity and increasing public safety. CRMW welcomes members who support our mission and goals. CRMW does not discriminate against any person on the basis of race, gender, age, religion, physical ability, or sexual orientation.

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip Code \_\_\_\_\_

Email Address \_\_\_\_\_

Friend \_\_\_\_\$10 Defender \_\_\_\_\$25 Champion \_\_\_\_\$50 Warrior \_\_\_\_\$100 Other \$\_\_\_\_

P.O. Box 303, Naoma, WV 25140 (304) 854-2182





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## THANK YOU!

*To all our supporters, funders, and all those who make our work for justice possible.*

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... and last but not least, all of you!