

"You are the ones you've been waiting for!" In inspired, loving memory of Judy Bonds

By Vernon Haltom

It is with great sorrow that we mourn the passing on Jan. 3 of Julia "Judy" Bonds, Executive Director of Coal River Moun-

tain Watch. Judy was more than a co-worker, friend, and mentor: she became family. She inspired thousands in the movement to end mountaintop removal and was a driving force in making it what it has become. In the words of CRMW co-director Vernon Haltom,

I can't count the

number of times someone told me they got involved because they heard Judy speak, either at their university, at a rally, or in a documentary. Years ago she envisioned a

> Mountain Wa MISSION The mission of Coal River Mountain Watch is to stop the destruction of our communities and environment by moun-

taintop removal mining, to impove the quality of life in our area and to help rebuild sustainable communities. "thousand hillbilly march" in Washington, DC (see story, p. 3). In 2010, that dream became a reality as thousands marched

the

Ris-

Judy

lesser

courage

would can-



ite quote of Judy's (photo by Johnny Kilroy)

dy-coat their words or simply shut up and sit down, Judy called it as she saw it. She endured physical assault, verbal abuse, and death threats because she stood up for justice for her community. I never met a more courageous person, one who faced her own death and spoke about it with the same voice as if it were a scheduled trip.

Ultimately, Judy did all any one person JUDY cont'd on p. 2

New, safe Marsh Fork Elementary to open in 2012 By Debbie Jarrell

In school year 2012 I'll be watching as my two young grandsons begin the school year at the new MFE school. Not only will there be laughter in the classrooms and hallways but also in each home and hollow that has children attend this school. A veil of dread and doubt will be lifted as I realize that these children no longer will be attending a school underneath a sludge impoundment, or downwind of a chemical laden processing plant.

The little ones will be going to a school that is not only physically better for them, but mentally as well. I can only

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(from JUDY, p. 1)

could conceivably do to stop mountaintop removal. One of Judy's last acts was to go on a speaking trip, even though she was not feeling well, shortly before her diagnosis. I believe, as others do, that Judy's years in Marfork holler, where she remained in her ancestral home as long as she could, subjected her to Massey Ener-



gy's airborne toxic dust and led to the cancer that wasted no time in taking its toll.

Judy will be missed by all in this movement, as an icon, a leader, an inspiration, and a friend. No words can ever express what she has meant, and what she will always mean. We will tell stories about her, around fires, in meeting rooms, and any place where people are gathered in



Left to right: Judy in front of the CRMW office, inspring Kathy Mattea, standing up for people over profit.

the name of justice and love for our fellow human beings. When we prevail, as we must, we will remember Judy as one of the great heroes of our movement. We will always remember her for her passion, conviction, tenacity, and courage, as well as her love of family and friends and her compassion for her fellow human beings. While we grieve, let's remember what she said, "Fight harder."



"Do not let her passing be in vain. Let her be an example for you to stand and speak out and say, 'Enough is Enough.' The price we pay in the Appalachian Coalfields, as you can see by the passing of this young lady, Judy Bonds, the price is far far too high. And so when you're wondering what you can do, take a stand; give her her voice back. Don't let her voice die, you be the voice she had." -- Larry Gibson, Keeper of the Mountains Foundation

For the rest of the year, we will print photos and stories of Judy Bonds in each newsletter. You can find and share more memories of Judy Bonds at www.judybondsmemorial.com.

(from MARSH FORK, p. 1)

imagine the thrill that will ring in our community once those doors open wide.

It has been a very tumultuous journey for the community, six years of anguish over what to do when you realize the very thing you want for your children (a good education) could be the very thing that hurts them the most. I can recall the days when I attended Mt.View Elementary and how secure I felt there . I wish my grandsons to have the same good memories of a time when the only thing you had to worry about was who was going to lead the 'Pledge of Allegiance' or who got in line first once the bell rang.

Pennies of Promise was started as a pathway to a brighter future for our children in 2006. We started out walking into the hallways of our state's leaders and ended walking to one of our greatest leaders of our time in Washington DC. Honorable Sen. Robert C. Byrd gave us the courage to keep going and let us know ...the Bible teaches that if we have faith of a mustard seed, we can move mountains.

It is with that faith that I will be standing and watching as my grandsons begin their own journey of history in our new Marsh Fork Elementary

The Long Road to

Victory: In 2005, CRMW began to approach and alert a number of government agencies to address parents' concerns. For a detailed timeline of the 2005-2006 campaign, visit http://www.crmw.net/ crmw/marshforkelementary. Here is an excerpt of the dedicated organizing over less than 2 months in 2005:

May 24: Two Coal River Valley residents were arrested while attempting to deliver a list of demands to the superintendent of Goals Coal during a rally at the gates of the Goals processing plant.

May 26: Over 50 people spoke out against the permit for the second silo planned for the Goals plant at a DEP hearing.

June 22: CRMW members met with Gov.

Manchin and other state officials to present their concerns and evidence. The Gov. pledged to create a team to investigate.

July 5: Ed Wiley, whose granddaughter attends Marsh Fork Elementary School, staged a sit-in on the steps of the Capitol Building in Charleston. After five hours the Governor agreed to meet with Wiley and in a press conference following their meeting, the Gov. scheduled a tour of the school and meeting with citizens.

July 7: Governor's representatives and heads of DEP and DHHR met with members of CRMW. The Gov.'s staff repeatedly expressed the Gov.'s concern for the children and promised a multi-agency investigation regarding the health and safety of Marsh Fork Elementary children.

July 7: Dept. of Education conducted first "air quality investigation" at MFE with no concerned community members present. They did not test for coal dust or airborne chemicals; particulate count gave no units or reference.

July 15: DEP suspended the permit for the second coal silo due to boundary discrepancies on the permit.

"Thousand Hillbilly March": Appalachia Rising Elevates the Movement to End Mountaintop Removal

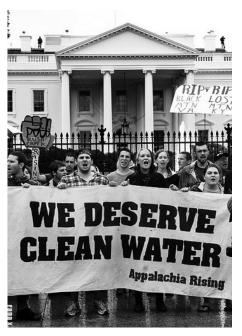
By Andrew Munn

In September, thousands of people from across the country piled into vans, a bus and carpools, heading to Washington, D.C. for Appalachia Rising – a conference and mass mobilization against mountaintop removal.

"We went to D.C. because our families' health, our communities' survival and our heritage are at stake," said retired deep miner Chuck Nelson of Glen Daniel.

We joined thousands of Appalachians and folks from across the nation converging in our nation's capital for Appalachia Rising, which was organized over a period of eight months by Coal River Valley resident Bo Webb, Coal River Mountain Watch's Andrew Munn, Mountain Justice volunteer Katey Lauer and dozens of others. More than 100 groups and many celebrities joined Coal River Mountain Watch in endorsing the event, which began with a massive conference held on September 25 and 26.

At the conference, CRMW members and staff co-led and participated in workshops, training sessions and meetings in which people educated one another about the challenges Appalachia now faces. Focused on building a sustainable, just and prosperous future for Appalachia, the weekend of strategizing also featured plenty of motivating speeches, amazing art, films, poetry and music. CRMW members Bo Webb, Junior Walk, Debbie Jarrell, Adam Hall, and others were among the speakers and workshop leaders in DC.



Appalachia rises outside the White House in D.C. (photo by Rana Xavier)

The event culminated on Monday, September 27, with the Appalachia Rising Day of Action. It started early at the Army Corps of Engineers. Forty citizens led by two retired coal miners from Kentucky sat in at the Army Corps of Engineers, demanding they end the war on Appalachia and cease permitting valley fills and the destruction of Appalachian headwater streams.

At the Department of the Interior, 30 citi-

zens demanded that Ken Salazar and the Office of Surface Mining put their money where their mouth is and honor Salazar's statement, "Every American deserves a healthy environment in which they can live, learn and play." Thirteen people were removed from the building after a sit in. This group was organized in part by Climate Ground Zero and Mountain Justice and was largely composed of youth.

At PNC Bank, "Appalachia-louia!" rang through the halls and four were taken away by police, while protesting PNC's financing the coal industry's pillage of Appalachia. Since then, PNC has made a policy to phase out funding to mountaintop removal operations.

At the Environmental Protection Agency, thousands stood at the doorstep demanding that the EPA do their job: follow the science, protect the health and safety of America's ecological and human communities! This was a stop on the march.

At the White House, a delegation of 114 Appalachians, many from Coal River and West Virginia and their allies delivered a message to President Obama, backed by a crowd of two thousand supporters. The delegation refused to leave until they were heard and all 114 were arrested for their act of non-violent civil disobedience.

Watch for more from Appalachia Rising: www.appalachiarising.org.

Welcome new CRMW staff members, Debbie Jarrell, Cathy Kunkel, and Jen Osha!

From Debbie Jarrell, new Community Organizer (photo on left, with Judy Bonds):

"My roots run deep in these mountains. My mothers' and fathers' families settled these hollows and mountains in the early 1700's as farmers. I hold the same value they held deep in my soul, that if we take care of the earth it will take care of you. It would only be a natural fit that I do all in my power to see that my grandchildren and their families are able to enjoy what the good Lord put on earth. A soft summer rain, a walk in the woods, the cool quenching drink from a creek, and to be able to work the warm soil with your own hands and watch the miracle of life sprout through. The joy of finding a molly moocher or the first bloomed trillium of the spring. It's the simple things that little ones get the most joy from and when older, it's the simple things that you hold dear."

From Cathy Kunkel (photo on right):

"I was recently hired as Coal River Mountain Watch's Renewable Energy and Economic Development Intern to explore small-scale renewable energy options for the Valley. So far, I've been working with Danny and Kay Howell to promote the solar hot water system they installed on their home a few months ago and providing more information to interested residents about how to get solar and finance it. I've also been





working with a couple of landowners to

help them explore the feasibility of putting wind turbines on ridges that they own. I've started to work with a coalition of advocacy groups in Charleston who are pushing for the state to adopt stronger energy efficiency programs that would provide more financial incentives and assistance for people in weatherizing their homes to save energy and winter heating bills. I can be reached at 304-854-2182 or cathy@crmw.net."

MEET JEN OSHA, p. 13!

Sludge Safety Project bill to ban coal slurry enters WV House, Senate

By Stephanie Tyree

Good news!

The slurry bill that the Sludge Safety Project has been working on with legislative leaders was introduced January 25 in the House and Senate. The Alternative Coal Slurry Disposal Act prohibits new permits, modifications and renewals of existing permits for underground injection of coal slurry. This means no more slurry injections. It also creates a tax incentive program for companies to put

> in place new coal processing technologies.

The bill will go before the Judiciary Committees and then before the Finance Committees.

This bill was drafted and passed by the Interim Judiciary Subcommittee A, with recommendation that it be passed into law during the 2011 session. The



House and Senate bills are identical.

Bill sponsors are Senators Kessler, Browning, Snyder, Foster and Yost; and Delegates Caputo, Manchin, Fleischauer, Moore, Ferro and Wells.

What Can You Do to Help Get a Ban Passed?

Our first goal is to get the bill passed out of the Judiciary Committees.

See whether your representative is on these committees for the Senate, and for the House. If they are, call them and let them know that you support this bill and expect them to support it as well. Check out www.sludgesafety.org for talking points and factsheets on the bill.

SSP will be hosting lobby days and a Meet-and-Greet day with Legislators later in the session. Contact us for more information, and watch your email for a notice about the meet-and-greet.

How did we get here? The stories behind Sludge Safety Project's newest step towards victory

3-Part Summer Slurry Hearings End with Dept. of Health Finding that Slurry Injections Cannot be Proven Safe

tions of slurry injection sites in the state.

A legacy of hard work: Sludge Safety Project citizen lobbyists

stand with Randy White (right), former WV Senator and sponsor of

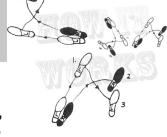
the bill to ban slurry injections. The displayed map shows the loca-

Over the summer interim sessions, a joint legislative subcommittee held three meetings looking at the issues of coal slurry and the safety of underground injections and storage.

1.) First Hearing on Dangers of and Alternatives to Slurry Injections

In June, the legislature heard from the Sludge Safety Project, the WV Coal Association, and Virginia Tech experts on new dry coal processing technologies. While the Coal Association argued that we should continue with slurry injections because that's the way it's been always been done, the Sludge Safety Project reminded the subcommittee that just a few decades ago, many processing plants were using dry filter press and other technologies that created less waste and kept communities safer.

Dr. Roe-han Yoon from the Virginia Tech Center for Advanced Separation Technologies described technologies that his center has patented and taken to commercial scale – dry processing technologies that have been tried as pilot projects at WV prep plants as recently as two years ago. While the information on these technologies was technical, the basic point of Dr. Yoon's presentation was that the technology is ready and economical for companies to implement. And so we asked the Legislature, "What are we waiting for?" 2.) Second Slurry Presentation by DEP on Drinking Water Dangers of Slurry



In July, the subcommittee held their second hearing on coal slurry. This hearing saw presentations from scientific experts Dr. Ben Stout of Wheeling Jesuit University and Dr. Scott Simonton of Marshall University. Nick Shear from the WV DEP also gave a short update on the agency's slow progress in implementing the recommendations from its SCR15 (Senate Concurrent Resolution 15) report.

Shear's presentation raised a critical point about the safety of slurry injections. Senator Snyder, the subcommittee Chair-

man, asked for clarity on what was actually being injected underground.

"It's not black coal slurry being injected underground, right?" he asked.

Shear responded, "No, it is black coal slurry being injected underground, but it meets safe drinking water standards."

Senator Snyder asked, "How do you meet drinking water standards with black coal slurry?"

Shear answered, "Because drinking water standards don't cover what's in coal slurry." *"This is th*

This is the key point as to why coal slurry injections are so dangerous – our federal regulations do not protect citizens from what is in slurry. Many of the metals, toxins and chemicals that are in slurry are not regulated under

federal drinking water standards. So while the toxic soup of slurry might meet safe drinking water standards as they are written, it is not necessarily safe to drink.

To drive this point home, Senator Snyder asked for a definition of drinking water standards and then the most important question: "Is the water [being injected underground] safe to drink?"

Shear of the WV DEP answered, "It meets safe drinking water standards."

Senator Snyder clarified, "So, it would be OK for me to drink slurry at the point of injection if they are meeting drinking water standards?"

Shear hesitated before responding, "Well, I wouldn't recommend that."

What, then, DEP would you recommend for communities that live near and downstream of underground injection sites?

While the DEP limited its study under SCR15 so much that almost no information could be gathered from the report, it cannot hide from the basic fact that black coal slurry is not safe to drink, not safe to inject into or near aquifers, and not safe to store near areas where people live, work and play. Because of the limited scope of federal safe drinking water standards, it may not violate regulations, but that does not mean that it is safe.

3.) Third Slurry Injection Hearing Finds the DHHR Cannot Say Slurry is Safe

The third and final hearing on slurry, held in August, focused on a presentation by the Department of Health and Human Resources (DHHR) on the findings of its SCR15 report. The DHHR was mandated through SCR15 to examine the potential health impacts of coal slurry.

The final finding of the agency's report was that the DHHR couldn't assure the safety of slurry, and it also couldn't definitively say that there was a health hazard created by slurry. likely to be unclear even after multiple years and millions of dollars. Instead, the DHHR report recommended that the state use the precautionary principle and restrict or eliminate the use of slurry unless it could be definitively proven that it was safe for human consumption.

While the subcommittee legislators were appreciative of the work that Dr. Ducatman and his colleagues had done for the report, the frustration in the room was palpable as the legislators tried to figure out how the agency had failed so completely in its mandate to determine the health impacts

of slurry.

"This is the key point as to why coal slurry injections are so dangerous – our federal regulations do not protect citizens from what is in slurry. Many of the metals, toxins and chemicals that are in slurry are not regulated under federal drinking water standards. So while the toxic soup of slurry might meet safe drinking water standards as they are written, it is not necessarily safe to drink."

> And so, after three years and hundreds of thousands of dollars, the State does not know whether slurry is safe, and it does not know what the environmental impacts of slurry injections are.

A Failed Health Study

Dr. Alan Ducatman, the lead researcher of the DHHR report, acknowledged that the researchers were presented with the impossible task of analyzing something that has not been sufficiently studied by state agencies or private researchers, and being restricted from doing their own independent scientific data gathering and research.

Dr. Ducatman found that without more data, it was impossible to say what the potential health hazards of slurry are – and that a real study of slurry health impacts would require federal agencies and millions of dollars.

Importantly, Dr. Ducatman noted that West Virginia has not even done enough preliminary research to gather the health data that we would need to submit to the federal government to request a study on slurry. Meaning, we are not even at step 1 of starting to study how slurry is impacting the health and safety of West Virginians.

Beyond that, he recommended not pursuing a larger study of the potential health impacts of slurry as the findings were still to study slurry injections. Each agency intentionally limited the scope of their studies so that the question could not possibly be answered. The DEP only studied six slurry injections sites, refusing to study ar-

It is no mystery why

the DHHR and DEP both

failed in their mandates

eas where the most significant community impacts had been documented. The DHHR created a contract for health researchers that specifically required them to only use data already collected, prohibiting them from collecting their own data, and fatally limiting them to DEP's narrow scope.

And so the state agencies have failed to protect the environment and health of West Virginians, again. Our state agencies have failed to put the health and safety of our people before the profits and desires of the coal industry.

The Legislature has seen this, and is clear that the help and protection available from state agencies continues to be unavailable to the people of West Virginia.

Sludge Safety Project allies in the WV Legislature are energized and ready to introduce a bill to ban slurry injections – a bill that has a chance of passing this year.

It is time to come together, support our allies like Senator Kessler, Delegate Manypenny and so many others in the legislature who are ready to stand up and say No More to slurry injections. Join the Sludge Safety Project this legislative session to help us finally make a ban on slurry injections in West Virginia a reality!

For more information email Stephanie@ sludgesafety.org or call 304-360-2110.



CRMW supports, explores sustainable energy projects

By Cathy Kunkel

Coal River Mountain Watch's Sustainable Energy Program has been working on assessing the feasibility of a community wind project in the Coal River Valley area. After commissioning a professional analysis of the wind resource in our area, we have identified a possible site and will be working to secure landowner support and hopefully have an anemometer installed this spring to measure the wind resource in more detail.

Coal River Mountain Watch is working with the new Energy Efficiency West Virginia coalition to develop energy efficiency policy proposals that would reduce electricity demand and save consumers money.

Left: Mountain View Solar and community volunteers install the area's first solar thermal system, at Kay and Danny Howell's home in Naoma.

CRMW contributed to the project, to serve as a model for other residents interested in installing solar.

Was this land made for you and me? Land ownership determines future of community renewable energy prospects

By Cathy Kunkel

Coal River Mountain Watch hired me a couple months ago to work on developing CRMW's renewable energy program, and particularly on promoting small-scale community-owned renewable energy projects in the Valley. As I've quickly realized, one of the less-talked-about challenges facing renewable energy development, and especially community-owned renewable energy, in Appalachia is the issue of land ownership.

CRMW's first foray into renewable energy, the Coal River Wind Project, is an illustrative example. The goal of the Coal River Wind campaign was to highlight the potential for wind on Coal River Mountain as an argument for not blowing up the mountain. However, despite widespread publicity and public support for the wind farm concept, development of the wind farm was stalled by the fact that Coal River Mountain is owned by Rowland Land Company, a landholding corporation that has no stake in the community and no reason not to pursue the most profitable shortterm use of its land (mountaintop removal), especially since the costs of that development are borne by residents of the valley, not Rowland.

As residents of the Coal River Valley well know, enterprising and unscrupulous businessmen bought up vast tracts of surface and mineral rights in Appalachia after the Civil War from local mountaineers who were often illiterate and didn't understand the value of the coal and mineral resources that their land held. According to the last comprehensive study of land ownership patterns in Appalachia, done in 1981, nearly 60% of West Virginia's land is owned by landholding corporations. These landholding companies don't pay their fair share of property tax, leading to lower tax revenues for the counties.

The fact that West Virginians for the most part don't own the vast wealth of their land is one reason why coal mining regions remain consistently poor. Leasing the land for coal development enriches the landholding companies and the coal companies at the expense of the community.

It is obviously a problem for the development of community-owned renewable energy resources when the community does not own the land on which some of the best renewable resource is situated. This is a particular problem for wind energy, since mountaintops were largely bought up by the landholding corporations (being less valuable to mountaineers than the valleys where they could farm).

A recent study from Marshall University estimates that West Virginia has the potential to develop 3800 MW of wind; currently only 330 MW are developed. Corporations that own the majority of that land have no incentive to develop wind as long as it is more profitable for them to lease for coal. Banning mountaintop removal or incentivizing wind to make it cheaper than coal would be one way to encourage renewable energy development in Appalachia. But this still does not solve the problem that profits from the wind development would flow to large corporations rather than local residents.

Reforming land use in Appalachia so that communities can regain ownership of the region's wealth is crucial to reducing poverty and creating a renewable energy economy that could actually benefit the people of the region, rather than continuing the trend of energy development that only benefits corporations outside the state.

Some suggestions for land reform have been put forward. One common suggestion for land reform is to increase the property taxes for corporations so that they pay their fair share; though this does not directly attack the dominance of the landholding corporations, it would at least ensure that local communities benefit more from the presence of these corporations and there is more money available for local economic development.

Stronger reforms would include restricting how private corporations can develop their land (for example, by requiring that energy development is not destructive to local communities) or even creating land redistribution programs. Tackling land reform in any of these ways would be a valuable step towards enabling the development of West Virginia's renewable energy resources in a way that could benefit the community.

Blair Mountain heroes inspire modern action to save mountains

By Brandon Nida

Blair Mountain in Logan County, West Virginia, was the site of the largest open class war in U.S. history. In 1921, after a generation of violent suppression and exploitation of the people in the southern coalfields of WV, 15,000 coal miners rebelled in an attempt to overthrow the control of coal barons. Today, with mountaintop removal threatening Blair Mountain's future, Friends of Blair Mountain are planning an epic enactment of the 1921 march, to call attention to the need to protect the mountain and its history.

It is easy to mythologize the miners and citizens who marched on Blair Mountain in 1921 – Bill Blizzard, Frank Keeney and all the thousands of people who rose up against the immense power of coal barons. It's easy to make them into larger than life heroes. But the fact is they were normal people with all the hopes, pains, joys, insecurities, friendships, personality conflicts, etc., that we all have.

They were regular people doing extraordinary things. For me, it's very important to understand that our history is chock full of normal folks standing their ground and making significant changes in their lives and communities. Blair Mountain is one such instance in a steady stream of Appalachian resistance to injustice and exploitation.

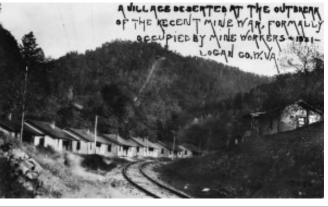
That resistance is ongoing today, and that heritage lives within us. It's been my pleasure to research Blair Mountain and work for its preservation, as well as to be part of the anti-MTR movement. In my work, I see so many parallels between 1921 and today. The system has changed somewhat, but it is basically the same – outside agents extract our resources and use a wide range of tactics to suppress dissent that may affect their profits. The arguments are the same, the names they call us are the same ones they called the miners – it really is amazing to see the similarities as

I read through old documents like newspapers.

And the people are the same. Miners on Coal River were the first to start for Blair Mountain when the call went out. Coal River today is the heart of the resistance against MTR. The people that I meet and work with are normal people doing extraordinary things. Seeing it all makes me proud about our heritage and hopeful for our future.

Right now, Blair Mountain is in an extremely precarious situation. We are fighting off about 6 permits that will impact the battlefield, and the next two or three months are going to be a very critical time in saving the mountain. If you would like to have more information or would like to help out, please visit www.friendsofblairmountain.org or contact me at nida13@ berkeley.edu.

"...and there ain't no way they can ever keep us down, oh no!" Solidarity, Brandon Nida



Deserted coal camp, 1921. Photo courtesy of Kenneth King.

CRMW catches WVDEP subverting regulatory process

By Rob Goodwin, CRMW volunteer

Only one thing in the federal Surface Mining and Reclamation Act gives a regulatory agency the tools necessary to effectively regulate surface coal mines. This tool is the Show Cause Process that the WV DEP has been subverting for the past 20 years.

Through the Show Cause process, the WV DEP can shut down mine sites for repeated violations of the law. Under federal surface mine law a public hearing is supposed to be held any time a company has three or more serious violations in a pattern during the course of a year. What the WV DEP is doing is not necessarily illegal, but it defaces the intent of federal Surface Mine Law by exploiting the use of administrators' discretion.

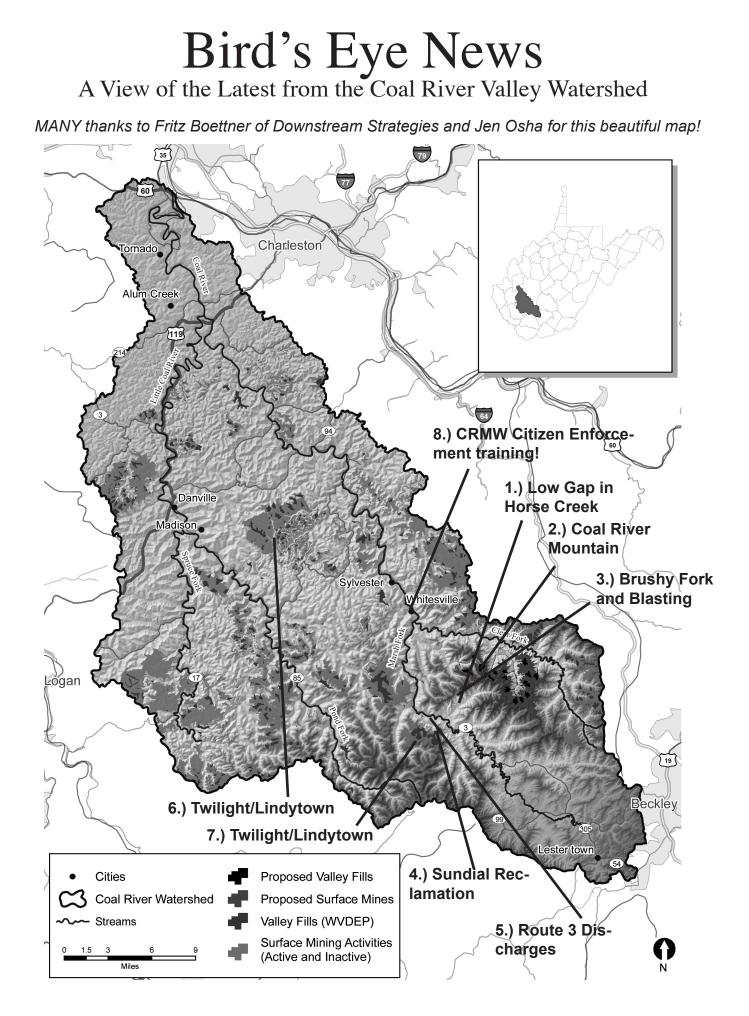
Two CRMW volunteers, Rob Goodwin and William Levendis, discovered that the Edwight mountaintop removal site was put under Show Cause for a pattern of violations pertaining to the failure to maintain proper sediment control. According to the law once a Show Cause order is issued for a negative pattern of violations, the company has 30 days to request a hearing to fight for the right to continue to operate on that permit.

The way that the WV DEP deals with Show Cause never follows this process. The administrator (Randy Huffman and Tom Clark) has the discretion to negotiate a consent order with the coal operator privately, leaving the public completely out of the picture.

In the case of Edwight, residents of Naoma and Petry Bottom are threatened every day by the irresponsible practices of the Massey Energy Subsidiary, Alex Energy. It would make sense that these residents should have the right to a hearing when the opportunity is there under the law. The DEP thinks differently, and with the choice between private consent order or public hearing, they always choose to privately negotiate with the coal company.

On August 24, after 8 months of pressure on the DEP to allow CRMW and the public to intervene on the matter, the DEP granted a hearing where only CRMW was allow to speak on the consent order. As expected, this was simply the DEP going through the motions because they had to under the law. The points raised by CRMW at the hearing were not even remotely considered in determining the penalty that Alex Energy was to receive.

After 8 months of negotiation the only penalty that Alex Energy received was a 3-day suspension of coal removal operations at their discretion. Reclamation operations may continue. All of this brings into question: What would the penalty have been if CRMW volunteers had not stumble don the show cause order and pressured the DEP to act on it?



What's Happening Where?

1.) Low Gap Water Problem: CRMW is in the process of filing suit against Marfork Coal for discharging water without a National Pollution Discharge Elimination System permit. Orange acid mine drainage is alleged to be coming from an inactive Marfork Deep Mine.

2.) Coal River Mountain: Highwall mining and area mining continues on the Beetree Surface Permit of Coal River Mountain. Marfork has mining plans to complete the current phase of mining without valley fill permits of the sort that were just vetoed on the Spruce Mine. Marfork is currently reclaiming the old highwall mines around the Brushy Fork impoundment. Mining plans for the current phase allow them to reclaim old pre-law highwalls with excess spoil from the Beetree permit. CRMW is investigating how much of the mountain Marfork can mine with out valley fill permits.

3) Brushy Fork and Blasting: Over the next few weeks CRMW will be reviewing revisions pertaining to Marfork Coal's intentions to re-mine the back end of the impoundment. There are also pending revisions to the blasting plan on the Beetree surface permit on Coal River Mountain and the impoundment blasting plan. These blasting plan revisions are setting hard limits on safe blasting levels near the impoundment as determined by the WV DEP Office of Explosives and Blasting. The revision is a result of a site-specific analysis done at Brushy Fork by the WV DEP.

4.) Crimes at the Sundial Reclamation Project:

Former project superintendent, James Kelley, of Mountaineer Grading Company and company owner, Les Putillion, are facing legal action from Raleigh County Magistrate Court for operating an open dump near the town of Edwight, and routinely discharging muddy and/ or black water into the Marsh Fork of the Coal River.

Kelley was arrested in August. In November his water pollution charges were dropped and he was issued a \$100 fine for the operation of the open dump. Kelley was also required to clean up the dump. Putillion was arrested in December and has a court date set for March. Putillion is facing charges for violation of WV water pollution standards due to his failure to install and mantain proper erosion and drainage systems to prevent muddy and black water from routinely making it into the Coal River.

Mountaineer Grading went bankrupt in August, and the WV DEP Division of Abandoned Mine Lands is planning on having a new contractor begin cleaning up the unre-

claimed coal refuse piles near Edwight, directly behind Marsh Fork Elementary School and at the mouth of Hazy Creek.

5.) Route 3 Discharges: Directly across Route 3 from Edwight near Stickney, there are several discharges coming down the mountain; Coal River Mountain Watch is investigating whether these discharges are legal. The WV DEP verified that they are coming from the old Peabody 10a and 10b mines, but claims that no active sampling or monitoring is required.

6.) Twilight / Lindy Town: Mountaintop removal killed the community of Twilight. Don't let Twilight become another Lindytown! Go to www.mtrstopshere.com. Our friends at OVEC have purchased a section of property from Frank Mooney in the town of Twilight. Working with property owners in Twilight, OVEC could more successfully fight the multiple coal companies closing in on the last of the small communities on Route 26. This will be a learning process for community members hoping to learn about how to combat mining permits and their impacts on local residents.

7.) Edwight: WV DEP subverts regulatory process

(See story, p. 7). Show Cause is a regulatory tool that the WV DEP has under federal surface mine law to shut down mine sites for repeated violations of the law. Under federal surface mine law a public hearing is supposed to be held any time a company has 3 or more serious violations in a pattern during the course of a year. However the WVDEP always excludes the hearing process and negotiates privately with the company on a consent order. Coal River Mountain Watch fought for and received a hearing on the Edwight Surface Mine throughout 2010.

8.) Join the watchdogs -- Citizen Enforcement Training! Coal River Mountain Watch is planning a training for community members in citizen enforcement this spring. A date for the training will be set soon, and those interested should contact Coal River Mountain Watch at 304-854-2182. Coal River Mountain Watch understands that filing and following up complaints to the DEP is a time-consuming process, and we are available to assist anyone with problems they have or complaints to the agency that have not yielded results.

REMEMBERING THE PAST, WORKING FOR THE FUTURE

An important part of Coal River Mountain Watch's mission is to rebuild sustainable communities. We believe in honoring our rich heritage of connection to the land and sense of community, to guide us as we work together for a truly healthy future. In each issue, the <u>Coal River Mountain Watch Messenger</u> will piece together memories, stories, and dreams for the future of our mountain home.

THE SEASONAL ROUND: Hog-Butchering Time

Around the dinner table, Arnett resident Kathleen Dickens, her two children, and her friend and neighbor Arthur Littleton share tips and tales from many seasons of butchering their own hogs.

Kathleen Dickens: We were brought up country. We grew up at the mouth of Horse Creek. Every year, usually when it got cold, we'd butcher a hog. The last year we

wrapped a hog, I was 17 years old. [To butcher a hog] you shot it between the eyes and then cut its throat and hung it by its feet and let it drain. Then they gutted it.

Before they did any of that, they put hot water on it and scraped the hair and then they'd let it hang for a little while. Then they'd take the fat, and Mommy would render it to lard. The best part of the hog was the tenderloins.

Kathleen's son: What was it your dad would eat?

Kathleen: Hog brains and "mountain oysters" (testicles).

We'd pickle the pigs' feet. Then we'd sugar-cure hams and two sides of bacon. We cut the rest of the hog into hams, cut it down, put it in a mixture of brown sugar, salt, and spices. We put it in brown paper and

put it in a white feed sack, sewed it up, and we'd hang it. You have to let it cure three to four months.

Now the brains, they'd knock the head...

Kathleen's daughter, Kendra: Mom!

Kathleen: Kendra! Hog brains was a delicacy.



Old-fashioned hog-butchering. (Photo courtesy of August Katrencik)

One year, we saved the ham until [Kathleen's older brother] Edsel Guy came back after basic [military] training. We cut the first ham and had a ham breakfast. That was the best ever was. That was my brother's nickname in school, "Hog Jaws,' because we raised hogs all the time. We lived through the hard times.

> Arthur Littleton: That was the only way to get sausage, bacon, ham. Me and dad built a big hog pen, put 'em in it, went to Beckley, and started buying feed for 'em. Just a few days before butchering, I'd put the feed out and let it sour and feed it to 'em. They would stand back and squeal – and the meat [after butchering] would be solid.

Kathleen: The first time we slaughtered, Edsel Guy had to chase the pigs clear up the hill-side – they got away, he had to chase them about 6 miles.

Arthur: We'd make "balloons" out of the intestines. You just take it out and blow it up and just kick it around like a football, wouldn't bust, either.

Kathleen: Hog-killing time was always a good time. It was a family ritual.

Arthur: You had to raise your own stuff. What you had to eat through the winter, you had to raise.



A Legacy of Resistance: As this *Beckley Post-Herald* article reveals, in 1972???? Coal River residents were already uniting against strip-mining. As we "remember the past and work for the future," it's exciting to be reminded that Coal River's heritage is not only one of strong canning, ginsenging, hunting and gardening traditions, but also of watch-dogging and strategically organizing to oppose the destruction of their way of life.

EPA vetoes permit for WV's largest surface mine

Excerpted from an AP article by Brian Farkas

CHARLESTON (AP) — The U.S. Environmental Protection Agency moved Friday to veto a water quality permit for West Virginia's largest surface mine, saying the operation would cause irreversible damage to the environment.

Regional Administrator Shawn Garvin said talks with Mingo Logan Coal Corp. failed to produce an agreement to reduce potential harm at the Spruce No. 1 mine. The agency said the mining plan, including mountaintop removal and valley fills, would cover 2,278 acres, and would bury 7 miles of headwater streams and degrade water quality.

The U.S. Army Corps of Engineers issued the permit in 2007. But EPA chose to exercise its authority under the federal Clean Water Act to review the permit further.

The permit is the subject of a federal lawsuit challenging the corps' authority to issue clean water permits for large mountaintop removal mines. U.S. District Judge Robert Chambers has allowed mining to occur at the Logan County mine until the case in resolved.

OVEC is a plaintiff in the lawsuit. Co-Director Dianne Bady said she was pleased by EPA's decision. "We are so glad to see the Obama administration base its decision on sound science," she said.

Several members of West Virginia's congressional delegation said they were upset by the decision. Mingo Logan is a subsidiary of St. Louis-based Arch Coal. The company said it was disappointed by EPA's action and was assessing its legal options.

"The Spruce permit is the most scrutinized and fully considered permit in West Virginia's history," the company said in statement. It's the first time since 1972 that EPA has vetoed a permitted project. In nearly four decades the agency has used its authority only 12 times before a permit was issued.

Garvin said EPA determined that mining wastes from Spruce No. 1 would affect water quality, fish and wildlife in the Coal River watershed. The watershed is already one of the state's more heavily mined areas.

The mine would release high levels of total dissolved solids and selenium, which in high concentrations can create birth defects in fish and other aquatic life. Also, the plan to replace ecological resources lost during mining was inadequate, EPA said.

Garvin said EPA will hold a 60-day comment period on its recommendation before it makes a final decision. The agency also plans to hold a public hearing in the state.

Journey Up Coal River celebrates community resources Resource map creates starting point for local sustainable development

The Journey Up Coal River educational project just gained 46 new perspectives – and would love to add yours! Aurora Lights recently added a Community Resource Mapping theme to the participatory Journey Up Coal River website (www.JourneyUpCoalRiver.com), and completely revamped the interactive maps. The final versioni will be complete Feb. 15.

Dozens of CRMW volunteers interviewed

46 residents of the Coal River Valley in southern West Virginia and are putting information from those interviews onto the interactive map in the new Community Resource Mapping theme. These projects were made possible with funding from the West Virginia Humanities Council and in partnership with Coal River Mountain Watch.

The community resource map illustrates the skills and resources of 46 Coal River Valley residents, their visions of prosperity for the area, and the projects they are working on to move towards that vision. The accompanying listening project summaries further expand the picture

to include barriers and opportunities that each person sees for the community. We

chose to use participatory mapping due to its potential to combine research and community organizing with the objective of creating a starting point for local people to employ proactive strategies to create alternatives to the extractive mono-economy.

Please visit the site, explore, and join in with your own knowledge, comments, and insights!

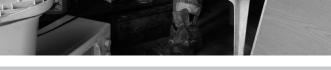
cresources.

Teachers can bring lessons from Coal River organizing to the classroom, with the new Community Resource Mapping lesson plan. Aurora Lights staff and volunteers are also finalizing a formal paper to reflect on the resource mapping experience.

Finally, one amazing story: after reading on the Journey Up Coal River site about the fatal airplane crash on Pond Knob in

> 1958, the co-pilot's daughter contacted Aurora Lights! The daughter, Sandra Holtkamp, visited the Coal River Valley last fall with her friend Judith Gavin. Holtkamp and Gavin traveled to the site of the plane crash and got to meet local historian Rick Bradford. Holtkamp told Aurora Lights staff that her father always piloted the planes, but that this time he was outranked and forced to fly as co-pilot.

> This story offers the perfect example of what Journey Up Coal River strives to do: reconnect people with their history and sense of place. Painful or joyful, it's a process that restores and strengthens us.



Rock Creek resident Ed Wiley describes his tools, skills, talents, and ideas on the new community resource map.

To go directly to the maps instead of visiting the main site, go to http://tinyurl.com/

Welcome, Jen Osha!

While Jen has worked closely with CRMW for many years, she's now an "official" staff member, as our new Project Coordinator. Jen is also the founder and President of Aurora Lights since 1998. Jen worked as a volunteer English teacher for WorldTeach, and then as an environmental educator through Aurora Lights in Ecuador for two years. Upon returning to the United States, Jen produced the benefit CD Moving Mountains: Voices of Appalachia Rise Up Against Mountaintop Removal Coal Mining from 2000-2003.

She has taught at the university level since 2003 at Salem International and West Virginia University, and has brought two groups of college students to the Ecuadorian highlands and Amazon. She just finished her PhD in the geography department at WVU, where her research is focused on the impacts of mountaintop removal on the communities surrounding Coal River Mountain. Jen was the producer for the second MTR benefit CD, Still Moving Mountains: The Journey Home which was released in June of 2009, and the project director for the multimedia website Journey Up Coal River. Jen received her B.A. in English with Honors from the University of Virginia and her Masters in Forestry from

the Yale School of Forestry and Environ-



We're excited to have Jen Osha and her faithful companion Vida on board!

Build it Up! WV youth strengthen local economies

By Joe Gorman

There's something building in the mountains of West Virginia. For six weeks this summer, West Virginia youth worked sideby-side with community groups on grassroots sustainability projects through a program called Build it Up West Virginia!

Build it Up is a project of the Student Environmental Action Coalition (SEAC) and is sponsored by Coal River Mountain Watch, Americorps VISTA, Step-by-Step West Virginia, and the Ohio Valley Environmental Coalition.

These participants are helping strengthen local economies in Fayette, Boone, Raleigh, and Kanawha Counties. Their work supports local organizations in building community gardens and greenhouses, weatherizing homes, running a community bicycle shop, and building a community kitchen.

Joe Gorman, the Group Coordinator for the Program and resident of Morgantown, WV, describes the Build It Up, WV! mission of long-term progress.

"It's about solidarity, not charity. We're helping build the capacity of these groups so that when the program ends, the groups will have even more power to create real change in their communities. We're also learning leadership skills so that we can pioneer similar projects in our own communities all over the state."

Program coordinator Danny Chiotos explained that broad-based youth leadership development is a key goal.

"We gave the participants living allowances to cover the cost of their time...in order to make the program accessible to a diverse group of people," Chiotos said. "And everyone involved in the program is a West Virginia native or a resident who's here for the long haul, so we're not only accountable to the groups we work with, we're building connections for year-round organizing."

A Typical "Build it Up" Day

On a typical morning in the Coal River Valley, participants rise early from their sleeping bags and eat a skillet breakfast made from local, organic vegetables.

Inside the new Boone-Raleigh Community Center, participants put the finishing touches on paint in the canning kitchen, and tomorrow two local residents will teach the group how to install the new flooring.

After lunch, some participants go doorto-door to talk to residents about various local community projects. One resident pledges to talk to members of his church about the new canning kitchen and craft shop, while a local firefighter expresses interest in selling his homemade furniture at the craft store.

When working hours are done, a caravan of cars winds up a mountain to a barbecue at a lo-



Build it Up participants show off a newly-planted community garden in Fayette County.

cal resident's backyard pool. Guitars and singing mingle with the smell of s'mores around a campfire. Participants in the program have written an entire album's worth of original songs since the program began in June, and plan to record some to help publicize the program in the coming year.

This summer program is making change in every community we're working in, from expanding the Pedaler's Paradise community bike shop in Charleston to planting a community garden at the Southern Appalachian Labor School in Fayette County.

As we plan for a second summer of "building it up," we are making that change the best way that we can; with our hands minds and hearts - building real world sustainability in the areas of West Virginia that need them the most.

How Can I Get Involved?

- Tell the EPA to follow through with blocking the Spruce Mine. Help EPA block the largest-ever proposed mine in WV. See below for a sample letter.

- Thank the EPA for their decision to limit the destruction of valley fills, through their new conductivity standards. You can call Administrator Lisa Jackson at (202)564-4700 or email at jackson.lisa@epa.gov.

- **Tell the EPA to save Coal River Mountain:** Ask them to reject the valley fill permits for the proposed mines on Coal River Mountain: Massey Energy's Bee Tree, Eagle #2, and Eagle #3. Be sure to tell them who you are and why it matters to you. You can call Administrator Lisa Jackson at (202)564-4700 or email at jackson.lisa@epa.gov.

- **Become a member:** Membership amplifies your voice, connects you to others, and helps our standing in legal cases.

- Speak Out

- Letters to the editor and blogs: We want the world to read about our vision of a sustainable economy, not just the deep-pocket propaganda

- Talk to your neighbors: Reach out, build community, help us unite around these issues that affect us all

- Donate: In these financial times, every bit helps us keep going.

- Share your story with visitors: We're always looking for community members to tell journalists, students, and other visitors their stories about the impacts of mountaintop removal and their work to create a healthy future.

- Keep educating yourself: Our website (www.crmw.net) has updates and links, and our regular Action Alerts will help keep you posted. Another excellent site for information is www.ilove-mountains.org.

How Can I Get Involved with the SLUDGE SAFETY PROJECT?



Worried about your water? Concerned about a slurry pond or sludge impoundment nearby?

Join with the Sludge Safety Project to make sure your water is clean and your community is safe.

What You Can Do:

- Tell the WV Legislature to Ban Coal Slurry Injection. Find out who your legislators are at http://www.legis.wv.us. We have a fighting chance this year. Contact info@sludgesafety.org to receive regular email updates throughout the 2011 Legislative Session.

- Host an SSP Community Meeting for Water Rights. As this newsletter goes to print, we are organizing community meetings across southern West Virginia. We will be meeting in kitchens, churches and community centers to talk with small groups about their water rights and how, together, we can improve the health and safety of West Virginians this legislative session. Invite a few friends over, and let's get together at your place next!

- Help Organize a Movie Screening & Potluck. One of the best ways to start learning about how to fix the problems in your backyard is to see how others have

done the work in their own communities. Let's learn from each other and not reinvent the wheel!

Host or organize a screening of SLUDGE, an Appalshop film about the 2000 sludge impoundment break in Martin County, KY and the community response to that sudden disaster.

- Receive and Share Our Coalfield Organizing Tool Kit. Over the years in SSP, we have learned much and built connections with intelligent and helpful allies locally and nationally. This tool kit is a first attempt to get that information down on paper and into the hands of people who need it most.

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

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

- Educate Your Legislators to Take Action on Banning Slurry. Several studies have been released this past year on health, sludge and living in the coalfields. These studies continue to show that slurry injections are unsafe and that communities are at risk from toxic sludge.

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

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

- As Always, Get Sludge Safety Issues in the News! You can call the "Readers Speak" line, where you can leave an anonymous voice message. The Charleston papers then select some of the messages, type them up, and print them in the newspaper.

The number for the Gazette is: (304) 357-4451 and for the Daily Mail, it's (304) 357-4330. CALL NOW! It's FREE! Contact SSP: Stephanie Tyree at (304) 360-2110 or

Stephanie Tyree at (304) 360-2110 or stephanie@sludgesafety.org.

MARK YOUR CALENDARS!

Jan. 28: 3:00 p.m. "The Last Mountain," featuring the fight to save Coal River Mountain, screens at the Sundance Film Festival. Details at http://sundance.slated.com/2011/films/thelast-mountain_sundance2011. Film clip at http://www.youtube.com/watch?v=HtOCnxPe0No.

Feb. 8: The George Washington Hotel, Washington, Pa. Mine-Safety and Health Administration public hearing on the proposed rule addressing Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors. More info at http://www.msha.gov/REGS/FEDREG/PROPOSED/2010PROP/2010-30099.asp

Feb. 10: Jenny Wiley State Resort Park, Prestonsburg, Ky. Mine Safety and Health Administration public hearing on the proposed rule addressing Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors.

Feb. 15: MSHA Headquarters, Arlington, Va. Mine Safety and Health Administration public hearing on the proposed rule ad-

dressing Lowering Miners' Exposure to Respirable Coal Mine Dust, Including Continuous Personal Dust Monitors.

March 11-13: Appalachian Studies Association Conference, Eastern Kentucky University in Richmond Kentucky. This year's theme is "River of Earth: Action, Scholarship, Reflection, and Renewal."

More info at http://www.appalachianstudies.org/conference.

April 1-4: Power Shift 2011 at RFK Stadium in Washington, DC. Power Shift 2011 is our opportunity to come together and define the way forward for our movement. Together we'll celebrate our grassroots success stories, hear from movement leaders, and learn from and train each other to launch new campaigns. We'll take bold action to set the tone in Washington and show them what true leadership looks like. If it's anything like years past, Power Shift 2011 is bound to be historic. More info at http://energyactioncoalition.org.

April 2 -6: Week in Washington - The Alliance for Appalachia's annual Stop Mountaintop Removal Lobby Week in DC. More details to come. See www.ilovemountains.org/wiw for info on previous years' lobbying efforts.



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 651, Whitesville, WV 25209

THANK YOU!

to all our funders, supporters, encouragers, and fellow fighters of the good fight

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