



Reporter

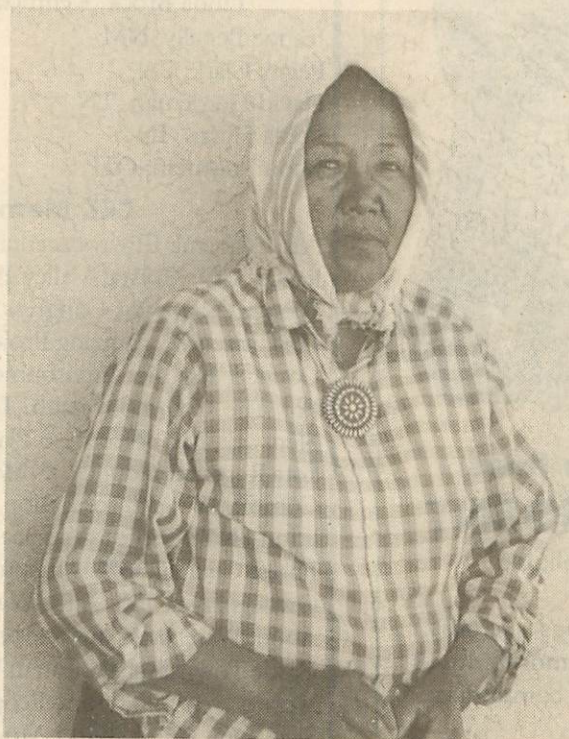
Citizens Coal Council Magazine Spring 1996

Working for Justice, Law and Order in the Coal Fields

Dineh win round one in long struggle

page 3

Maxine Kescoli
Black Mesa, Arizona



Coal field news

Action Line
5-12

Radford Lyons
and Michael
Chaffins, Pike
County, Kentucky,
took part in an
action to get safe,
clean water for
their community.



Congress is after your rights, Act now!

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Hey, Tiger!



We need your sharp eyes BE A CORRESPONDENT

- WHO?** CCC is looking for alert, reliable persons like **YOU**.
- WHAT?** Send us newspaper clippings, pictures, and/or short articles each month about citizen actions and mining companies in your area.
- HOW?** Call or write Carolyn Johnson, 1705 S. Pearl St., Room 5, Denver, CO 80210; 303/722-9119 ccc@netone.com
- You Get?** Great stuff, but we're CCC, not CNN or The New York Times —
- Your contributions will be credited in future issues of the *Reporter*. If you do not want your name printed, the Editor will hold it confidential.
 - Get a wallet-sized, gold "**CCC Correspondent's License!**" This entitles you to pounce on tasty morsels, wear a fur coat and—if you want to go all out—let loose with a big roar. If that's not enough, we'll even rub your tummy to make you purr. And, we promise, no baths, no tail pulling and no claw trimming. We want to keep our purr-fect tigers happy!

SEND YOUR GOODIES TODAY!

Citizens Coal Council

CCC is a grass roots federation of coal field citizen groups working for social and environmental justice. CCC and its member groups work to:

- Protect people and our homes, water and communities from coal mining damage.
- Restore law and order by enforcing the federal Surface Mining Control and Reclamation Act.
- Help each other win our issues.

Coordinating Committee (Board)

CCC is run by a committee of delegates representing members in their states and Native American Nations.

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CCC Member Groups

AL: Alabama Environmental Coalition. **AZ:** The Dineh Alliance. **CO:** Crystal Valley Environmental Protection Assn., Western Colorado Congress. **ID:** People's Action Coalition. **IL:** Citizens Organizing Project. **IN:** Indiana Citizens Mining Council, Hoosier Environmental Council. **KY:** Kentuckians For The Commonwealth. **LA:** Louisiana Environ'l Action Network. **MT:** Northern Plains Resource Council. **ND:** Dakota Resource Council. **NM:** Nenahnezad Chapter Technical Comm., Water Information Network, Zuni Mountain Coalition. **NY:** Protect A Clean Environment. **OH:** Buckeye Forest Council. **OK:** Pittsburgh County Mineral and Surface Owners Assn. **PA:** Alice Water Protective Assn., Concerned About Water Loss due to Mining, Concerned Citizens of New Castle Township, Mountain Watershed Alliance, Nottingham Network of Neighbors, People United to Save Homes. **TN:** Save Our Cumberland Mountains. **VA:** Dickenson County Citizens Comm. **WV:** West Virginia Highlands Conservancy, West Virginia Organizing Project. **WY:** Powder River Basin Resource Council, Wyoming Outdoor Council. **Multi-state:** Diné Mining Action Center, Environmental Health Network, Tri-State Citizens Mining Network.

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Judge: 1 for citizens rights 0 for Peabody & OSM

Navajo citizens living near Peabody's strip mining complex on Black Mesa in Arizona won a major victory on March 11 in what promises to be a lengthy legal battle. A judge said the Kayenta mining permit was invalid and that regulators in the US Office of Surface Mining (OSM) had ignored the legal rights of citizens when it renewed the permit in July 1995.

The Diné Alliance, a CCC member group, and Maxine Kescoli, who sits on CCC's Board, appealed OSM's decision last summer to administrative law judge Ramon Child. Kescoli lives in the home she owns on Navajo tribal lands next to the Kayenta mine, and she has suffered from many of Peabody's unlawful actions.

Citizen Complaints Upheld

The judge's ruling validated some of the long-standing complaints by residents about unlawful and unethical behavior by Peabody and by the officials in OSM who oversee mine permits on Indian lands.

Child, who works for the Department of the Interior, wrote, "OSM appears to view its responsibilities to be one of arms-length dealing with the Indian while protecting the interests of the mine operator." He pointed out that OSM is an agency of the Department and the Secretary has trust responsibility for Native Americans.

Child also observed, "There appears to be an accepted tolerance on the part of OSM and Peabody to the adverse effects mining has upon the lives and wellbeing of Native Americans who live in the vicinity of the mine...OSM and Peabody seem to take the position that these Native Americans must voluntarily leave the area or they must tolerate the very real inconveniences surface mining imposes on them."

Among Judge Child's findings:

- Peabody mined through 11 graves in 1993 alone. Future mining, if allowed, would destroy up to 100 additional burial sites.
- Peabody didn't obtain written permission, as the federal coal law requires, from Kescoli and other residents to mine within 300 feet of their homes or to include their homes in the permit area. Further, Peabody intends to mine directly through the home Kescoli owns. Copies of the written permissions must be included in the permit application. (To the amazement of residents, Peabody argued that permission wasn't



Maxine Kescoli, left, has traveled the world to bring attention to the plight of Black Mesa residents. At CCC's board meeting, Nov. 1994, she told OSM Director Robert Uram how Peabody had damaged homes, graves, water and sacred sites and planned to mine through her home. Uram promised to visit her in the spring and see the damages. He never came. Ray Benally, center, and Lila Bird standing behind Uram. (Johnson)

required from people living near the mine because they are Indians on a reservation.)

- Despite federal requirements, OSM refused to assess the environmental impacts of Peabody's mining operations before deciding to renew the permit.

Mining activities at Kayenta caused blasting damage to homes, polluted the water, and caused sheep to die from drinking the water.

- The previous Kayenta permit, issued in 1990, required Peabody to identify and protect sacred and ceremonial sites in the permit area. Peabody "willfully" violated this requirement and OSM didn't ensure Peabody's compliance before issuing a new permit. Instead, OSM deleted the requirement.

Reaction to the Decision

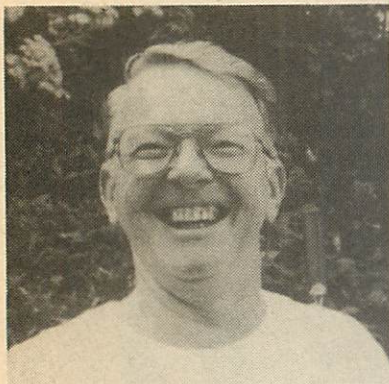
In the wake of Child's decision, Navajo Nation President Albert Hale called on Interior Secretary Bruce Babbitt to "censure" Child and "aggressively pursue an appeal."

"OSM appears to view its responsibilities to be one of arms-length dealing with the Indian while protecting the interests of the mine operator."

A Message from Barney

Our agenda will be theirs

By Barney Reilly, Chair, Citizens Coal Council



In the rural coal fields, we can usually find a secluded spot to beat up a briar patch, throw rocks, cuss 'em good, and maybe even spit. Frequent visits are recommended.

The Citizens Coal Council, its member groups and their individual members all have a common agenda. We seek to protect water and property through the effective enforcement of SMCRA because the coal mines are in our front yards.

The coal companies, OSM, and the individual states each have separate agendas and, as we are all too well aware, they normally conflict with ours—even when they claim the same goal: “competent and effective enforcement of SMCRA.”

Take a water loss. Our agenda is to get the water back in the pipes. It's simple: We want to turn on a spigot and see good water come out! Anything less doesn't cut it. Our adversaries' agenda involves denial and lengthy studies. It all boils down to how long can you hold out?

If we unsuccessfully press the regulatory agencies and the coal operators to protect, repair or compensate us for our losses, it's especially upsetting when government officials claim their agenda is the same as ours. Do they take us for turnip truck dropoffs! Where's the good water?

“Holding out” means pressing your case for restoring your water: attending lots of meetings, presenting loads of testimony, deciphering scientific gobbledygook, getting water every day from somewhere, and keeping your cool through it all.

Those of us who have gone through this horrible sequence of events know how difficult and frustrating it is. Maintaining a semblance of normal life without hot and cold running water is not just hard, it turns even a saint into a sourpuss.

Cold Anger vs. Hot Anger

Our normal human tendency is to get mad at those low-down varmints who are putting us through this trying experience. You relish the thought of putting “them” through something just as horrible.

It's not long before you become upset and start to hate those low-lives. Here is the moment when you must choose. Rightful anger, or cold anger is okay, but when hate is stoking the fires of hot anger, the chances are you will get singed.

This is when you must remember your agenda. Get your water back! If you go berserk, you work against yourself. “They” can always point you out

as unstable, irrelevant, uncooperative, and not deserving of their attention.

While you are exercising *all this* self-control, you will also need to choose a venting place so you can spill your bile without hurting the ones you love or your case. Out in the rural coal fields, we can usually find a secluded spot to beat up a briar patch, throw rocks, cuss 'em good, and maybe even spit. Frequent visits are recommended.

Remember, your mission is to change “their” agenda. Look for hints that “they” are weakening or unsure. Say nice things to “them” and pray for “them.” But press your agenda hard at every opportunity using every argument you can think of. Vary your message but not your agenda. Keep at it until you find the answer you want.

We Can Win

My previous article praised you for your perseverance. There is nothing worse than being hit where you live. No one is strong enough to go through it alone. Two heads, so the saying goes, are better than one. We have dozens of people who have been tested in fire and won.

We'll help you establish and attain your agenda, and your local group will even help you carry the water if necessary.

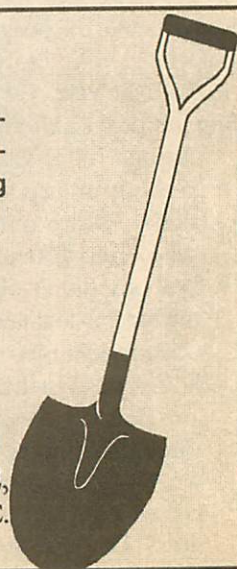
If we remember our agenda and help one another, we'll win the protection of our water and property. ✦

Digging for Information?

Get the only comprehensive guide to the federal coal strip mining law written for citizens!

Strip Mining Handbook

- Your rights
 - How to protect your home, water & land
- \$5.95 postage paid**
CCC, 110 Maryland NE,
#408, Washington D.C.
20002; check or m.o.



ACTION LINE

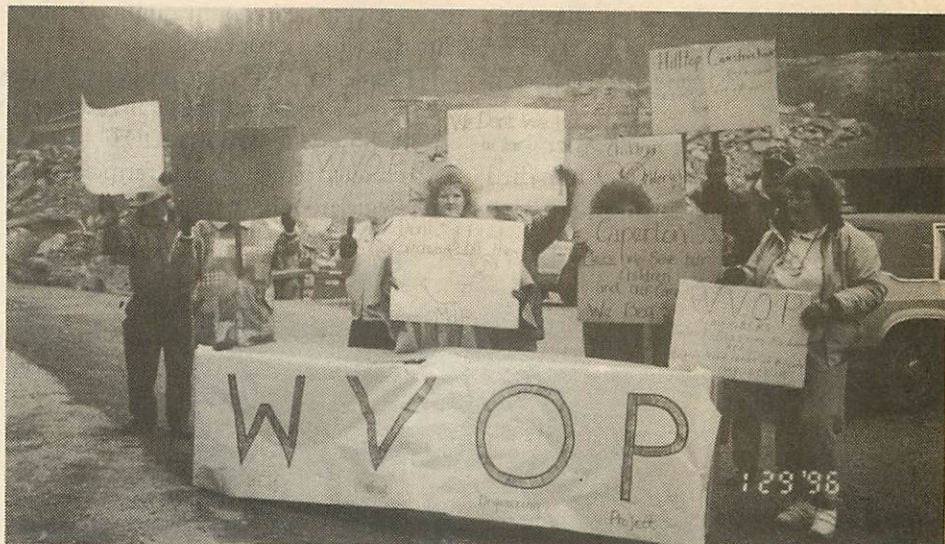
WV citizens win fights, support

Children living in Sang Kill Hollow, West Virginia, used to miss 20 to 50 school days a year because rain or cold weather rendered the stream-bed "road" to the school house impassable.

In 1994, they were ready to change their lives. Hollow residents began meeting together and talking with organizers from the **West Virginia Organizing Project**. They wouldn't take no for an answer and the new road is nearly complete. Organized and empowered, they're now demanding school bus service.

Logan County. Roads for school buses are one thing, roads for coal trucks are another. Logan County residents didn't want Massey Coal to haul dusty coal on the narrow roads in their community. Working with WVOP, they organized the community, stopped the shipments, and — though it wasn't one of their goals — blocked construction of the entire mine. **Cubin Bill.** WVOP also convinced state officials to reverse their positions on this bill, a congressional effort to gut OSM.

Under pressure from citizens, the governor and director of environmental protection turned suddenly against the bill, after first supporting it wholeheartedly.



Greenwood residents successfully protested blasting at a construction site that endangered their community. (Photo: Donna Green, WVOP)

The officials didn't cite citizen outcry as the reason for the flip-flop, but West Virginians know otherwise.

Greenwood Community. With help from WVOP and CCC, citizens in Greenwood taught a road construction company not to mess with their community. Under assault from speeding trucks, blasting, flyrock, dust, noise, and mud, the

residents eventually convinced high-ranking state politicians to take action. Speed limits were lowered and enforced, streets were cleaned, and the blasting was stopped.

Now, like great activists elsewhere, Greenwood residents are helping neighboring communities fight problems with coal trucks and mining damages. ♣

Prime farmlands on the line

OSM Director Robert Uram acted surprised in February when members of the **Citizens Organizing Project (COP)** told him that coal companies in Illinois weren't adequately restoring prime farmlands.

"We are frustrated because prime farmland is still being mined," corn grower Patrick Hennenfent told Uram. "There's not one piece of land in this county that will ever be completely restored. Ground that passes by your rules won't make a living for us."

Members also described several related issues:

- Contrary to the conclusions reached in OSM studies, COP has data showing that farm soils in Knox County have not been restored.
- Fly ash dumped in coal pits is polluting land.

- The Illinois Department of Mines and Minerals issued a permit to the Midland Coal Company to mine on prime farmland in Knox County despite extensive evidence submitted by COP that the land will not be completely restored to meet the prime farmland requirements in the federal coal law.
- OSM failed to require Illinois to include the prime farmland reclamation requirements in the state regulatory program.

Uram promised the group he would look into these problems.

"We haven't heard from him since," said Jane Johnson, a COP member who attended the meeting. "I felt like I met Lucifer. He tried to give us the biggest snow job I've ever heard." ♣



KFTC wins on many fronts

Lobbying to success in Kentucky

"Why lobby? Because it works," said **Kentuckians For The Commonwealth** (KFTC) member Sheri Arms. "If there are enough people willing to go there or call legislators, it can make a difference on how they vote."

Arms and many other KFTC members did make a difference when two bills died in the state legislature this Spring. Both

would have exempted large, absentee landowners — like coal companies — from paying taxes on the unmined minerals under their properties.

Thanks to KFTC, the property tax was applied to unmined mineral reserves in 1988. Since the 1980's, KFTC has supported bills to relieve small farmers of this tax; legislators have refused to act. ♣



Daymon Morgan writes a message to Gov. Patton on the unmined minerals tax. KFTC opposed repeal and won. (KFTC staff photo)

Watchdogs: a slimy politician's worst enemy

KFTC members couldn't let their platform statements sit idly on paper gathering dust. They wanted action on KFTC's platform: "to expose the connections between big money in political campaigns and governments that are non-responsive to the people."

They set up a task force, named the "Watchdogs," to research the connections

between campaign contributions and state and federal policies on issues important to members.

The group took its name from a quote by US Senator Mitch McConnell, referring to the Federal Election Commission, "A watchdog that refuses to bite is just a lap dog." (See related story, p. 28, "Senator McConnell dodges citizens.") ♣

New Mexico heats up the action

As we go to press, the **Water Information Network** (WIN) is starting to make things hot in New Mexico over the huge proposed Fence Lake strip mine near the Arizona border. WIN is organizing petitions, rallies and workshops to prepare

citizens for the fight on whether the state will approve the permit application.

Native American groups oppose the mine because it will disturb sacred areas and trails that are critical to the religious ceremonies of five Indian nations. ♣

Free lemonade comes with a twist

Lemonade can be sour, but KFTC members showed just how sour it can be at a recent public meeting. (See photo on page 1.)

"Would you or any of the members of your court like a drink?" Radford Lyons, age 8, asked Pike County official Donna Damron. He then offered her "free" lemonade made with water from their school.

No takers.

No wonder. The red and yellow "lemonade" came from contaminated well water, poisoned by strip mines, deep mines, and gas wells. KFTC is demanding that water lines be extended to more than 1,000 homes in the county.

Ronnie Hayes pointed out iron sediment and heavy sulfur smells in several of the water samples to the officials. Then he took a small jar and emptied the contents on the floor. Nothing came out. "This is from the home of Ernestine Grizzle," said Hayes. "As you can see, a person could go very thirsty in her house because her well has gone dry."

At the end of the hearing, Damron thanked KFTC and promised to help get lines installed for every resident of the county. Earlier, Pike County members had extracted the same promise from Gov. Paul Patton at a meeting attended by over 100 citizens. ♣

NY mine scrapped

In April, Akzo Nobel scrapped its plans to construct a 10-square mile salt mine in Livingston County, NY.

Protect A Clean Environment (PACE), a CCC member group, had raised safety questions about the new mine, particularly after a nearby Akzo mine collapsed in 1994. It destroyed a highway bridge and triggered subsidence and aquifer damage that has affected homes, wells, utilities, and farmland.

PACE members continue to fight for a state law to control underground mining. Currently, the state has none. ♣

PA group tackles 'meanest in the east'

Welcome to CCC's newest member group, **Concerned Citizens of New Castle Township (CCNCT)**! Residents formed CCNCT to fight the illegal practices at Reading Anthracite Coal Company's strip mine in eastern Pennsylvania. By ripping this old mining community apart, Reading has earned the title of "meanest coal company in the east."

Blasts hurl rocks through roofs, crack walls and knock plaster from ceilings. Contrary to law, Reading is blasting next to homes without warning. Residents must drink putrid "sulfur water" and breathe dust stirred up by the mine. Despite citizen complaints to the PA Department of Environmental Protection, Reading continues to flout the law.

Reading also launched a bullying campaign, and rumors flew that anyone who complained about Reading would lose their black lung benefits or pension. This scared many retirees into silence.

One leader of the resistance is Joe Skrobak, an elected township supervisor. Joe owned his home, but Reading claimed to own the land, although company officials

were unable to produce a deed or bill of sale to back up that claim. To teach Joe and everyone else a lesson, Reading served him with an eviction notice. When Joe left town for a few days last fall, Reading sent in a wrecking crew and demolished his home.

Reading's bullying has increased CCNCT's determination to fight back and push its issues into the public spotlight. They convinced US Senator Specter (R-PA) to hold a public meeting in town where they won his pledge to confront OSM Director Bob Uram on the abuses.

CCNCT persuaded state Senator Rhoads (R) to introduce a bill tightening the blasting rules for anthracite mines. Under current state rules, these "hard coal" mines aren't required to do pre-blast surveys or keep blasting records.



Joe Skrobak now sleeps on a cot in the fire house since Reading Anthracite bulldozed his home, claiming it owned the land. (Collette)

As new members of CCC, the New Castle folks are learning who their allies are and the hard-won lessons from CCC Board member Freda Harris on how to fight blasting practices. ♣

Montanans aim, fire at new target

The Northern Plains Resource Council has denounced the environmental impact statement for a proposed railroad to haul coal between Montana and Wyoming. The US Surface Transportation Board issued the statement in April after receiving extensive public comments.

Council member Dick Martinson said the statement, "doesn't address any of the issues we raised." The Council and other opponents — Native Americans, business people, and unions — say they will continue their fight, even if it means going to court. Last year they defeated the proposed strip mine the rail line was designed to serve. (See Reporter, Fall 1995.)

"The only good thing about this document is that it's so awful. Depending on the final decision of the Surface Transportation Board, we should be able to rip this document apart in court," said Martinson, a businessman from Forsyth, MT. ♣

Wyoming lassos bad law

The Wyoming Outdoor Council (WOC) had to win a lawsuit before the Department of Environmental Quality (DEQ) could see the obvious: a state law allowing a mine permit to be issued without public notice or comment was illegal.

After losing in court last year, DEQ proposed an amendment to stop the issuance of "research and development" licenses without citizen input. When it was introduced in the state legislature this winter, the Wyoming Mining Association succeeded in gutting the bill. WOC members and DEQ worked to restore the necessary sections and the bill passed.

WOC's lawsuit challenged DEQ's approval of a "research and development license" for an underground coal gasification plant located in one of the nation's most important raptor nesting areas.

On a related issue, WOC and the Wyoming Mining Association are locked in

combat over protecting critical wildlife habitat in the state coal fields. After years of negotiations with all the interests, last winter the state proposed new rules on the issue and sent them to OSM for review and approval.

The Mining Association ran to its state legislature pals, who rushed through a bill that wrecked the proposed rules.

WOC believes the new law violates the federal coal law. Heilig said called it, "Nothing more than a deceptive, underhanded, and cowardly attempt by certain extremist factions within the coal industry to scuttle an agreement reached after countless hours of meetings, reviews, and rewrites."

OSM is now reviewing the proposed rules and new law. If it approves the rules, the coal mining association's law would be thrown out. "We're keeping our fingers crossed," Heilig told CCC. ♣

News from the Grass Roots



Clean water in Fall Creek Falls State Park, TN, now sparkles but won't if AMAX mines the acid coal seams in the area. The park has the highest falls in the eastern US. SOCM intends to get the area declared off-limits to mining.

Save the Park!

Over 100 members of **Save Our Cumberland Mountains (SOCM)**, wearing bright green "Save the Park" buttons and SOCM T-shirts, packed a public hearing in December on whether to declare the entire watershed of the Fall Creek Falls State Park in Tennessee off limits to coal strip mining.

The hearing, part of OSM's preparation of an environmental impact statement, was prompted by SOCM's filing last July of a "lands unsuitable petition," one of many tools citizens have to exercise their rights under SMCRA, the Surface Mining Control and Reclamation Act.

Over 80 percent of speakers at the hearing were strongly in favor of the Petition. SOCM's members, led by Annetta Watson, who assembled the petition, arrived early and filled the first 15

rows of seats. Members used maps, pictures, and jugs of acid-polluted water to show how mining would affect the park.

SOCM's opposition comes mostly from the Skyline Coal Company, a subsidiary of AMAX. Skyline recently began strip mining near the park and has caused acid drainage problems that have been repeatedly cited by OSM inspectors.

SOCM successfully protected Fall Creek Falls in 1976, when it stopped AMAX from strip mining 10,000 acres in the Piney community nearby. It also led a successful campaign in 1985 to stop the Tennessee National Guard from building a huge, 114,000-acre training base in the park area.

SOCM is focusing its petition organizing campaign on residents and businesses in the counties around the park. ♣

Stop abuse, Oklahomans tell OSM, state

At a public hearing in April, the **Pittsburg County Mineral and Surface Miners Association** demanded that OSM stop the long pattern of mining abuse in Oklahoma and "carry out a comprehensive oversight" of the state regulatory program.

The testimony was delivered after Oklahoma officials worked on teams with the US Office of Surface Mining (OSM) personnel to develop written procedures to address deficiencies in Oklahoma's coal mine regulatory program. The state committed so many outrageous violations of citizen rights that the federal agency was compelled to act in late 1993. OSM chickened out, however, from taking over the program; instead it has spent years talking with the state and citizens.

The Association's Shirley Willie said that written procedures don't "in themselves, turn the coal program around." Instead, state regulators must show "they will comply with their own procedures...for a fixed period of time before OSM considers the issues resolved."

The association also highlighted other problems with Oklahoma's coal mine regulatory program, including:

- The state allowed companies to open new mines, although the state hadn't set aside enough bond money to reclaim other mines the companies had operated and failed to fully and properly reclaim.
- The state revised mine permits after mining, allowing operators to spend less money on reclamation and reclaim to lower standards. Some of these changes occurred over the strong objections of landowners.

At the close of her testimony, Willie said the state's objective during the past 17 years was to keep "coal operators in business, regardless of the consequences to the environment and land and water resources of the State." ♣

Don't miss an issue ...

See page 31 to get the Reporter & join CCC — it's easy!

PUSH appeals 84 mine permit

People United to Save Homes (PUSH), a CCC member group organized to stop the expansion of the 84 Mining Company's long wall mine in Pennsylvania, pushed its campaign forward last fall by appealing a decision of the state regulatory agency—headed by former OSM official Robert Dolence—to issue a permit for the mine expansion.

The expanded long wall mine proposed by the subsidiary of Rochester and Pittsburgh would undermine a 14-square-mile area (9,500 acres) in Washington County, a rural and suburban area about 30 miles south of Pittsburgh. (See "700 Homes vs. 1 Mine" in the fall 1995 issue of the *Reporter*.) Other mines in the county have caused extensive damage.

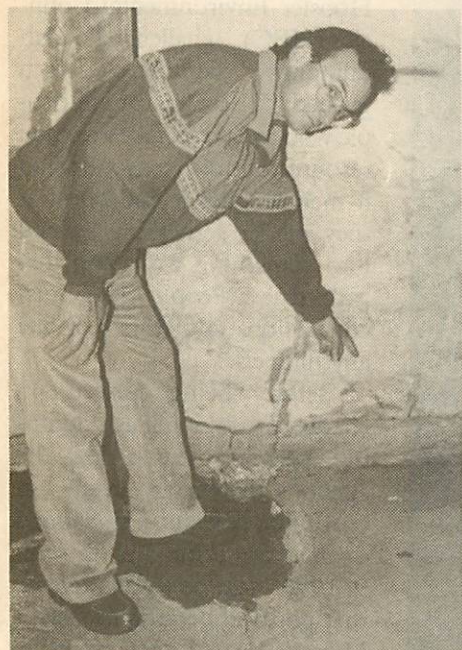
PUSH filed an extensive appeal asking the court to invalidate the permit for the expansion. The citizens cited:

- Over 200 deficiencies in the coal company's application.
- A startlingly low bond of \$10,000 to pay for damages to homes, businesses and public buildings from subsidence, which is anticipated to cost millions of dollars.
- An inadequate plan to address damages caused by subsidence, which will likely rupture a massive water pipe, potentially damaging homes, businesses, and roads—and cutting off water to the city of Washington and near-by townships, the hospital, schools, businesses, fire departments and other buildings.

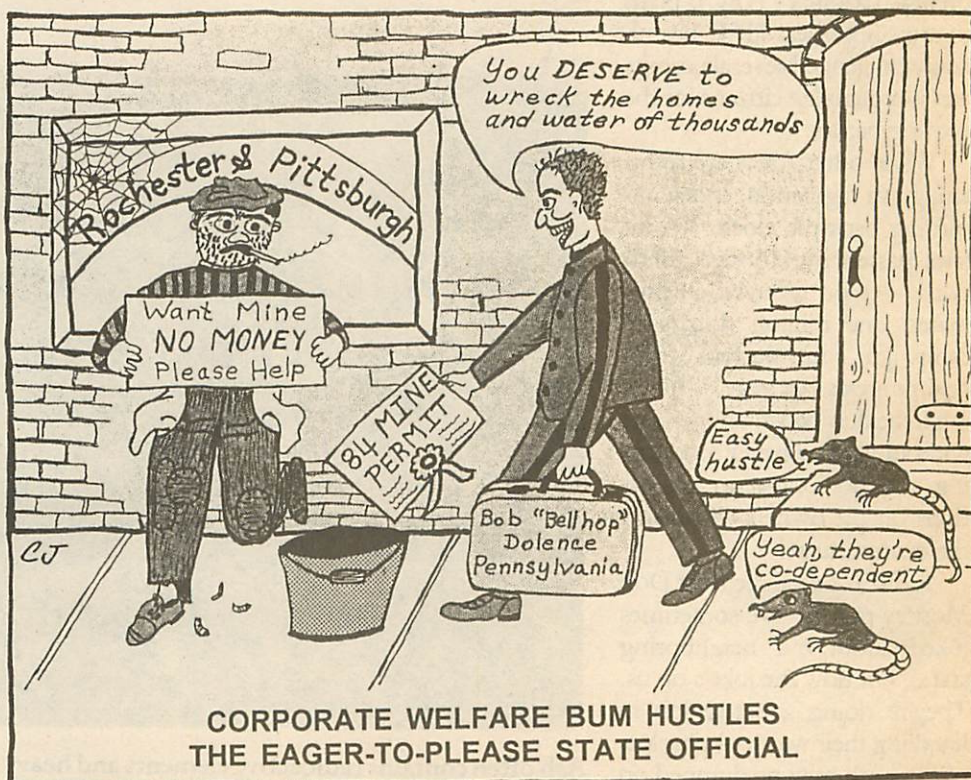
"So you think you will be unaffected?" wrote Richard Norris in the *Washington Opinion-Reporter*. "Then you must be out of touch with reality. I suggest you start storing your water now."

The Pennsylvania American Water Company and Columbia Gas of Pennsylvania also appealed the Department of Environmental Protection's decision to issue the permit. Both fear damage and destruction to pipelines in the area causing loss of service and very high costs.

Loss of the water line could be immediate and catastrophic and would endanger the health, safety, and welfare of the public, according to the court documents submitted both by PUSH and the water company. ♣



Subsidence from longwall mines has damaged a number of homes, farms and public roads in southwestern Pennsylvania. Jack Scott, CCC board member from Colorado, points to severe foundation damage at a home above the Emerald No. 1 mine owned by Cypress-Amax. (Carolyn Johnson)



Do you know?

Owners of longwall mines push their workers to set world production records. Last winter, Cypress-Amax

took the record at its Twenty-Mile mine in Routt county, northwest Colorado. ♣

**Congress is attacking our law.
Please act today. See page 17**

News Flash!

Hoosiers are kicking ash

Imagine 200 million pick-up trucks, each carrying a ton of ash and other waste from coal-fired electric power plants. That's how much waste is generated each year from coal combustion in the U.S.

What to do with it? Indiana coal regulator Mike Sponsler has an answer: dump it on Indiana!

As head of the Indiana Division of Reclamation, Sponsler plans to issue permits to a dozen coal companies to dump over 90 million tons of ash in unlined strip mine pits in the southwestern corner of Indiana. Regulatory tricks could allow that amount to double, making Indiana coal fields the nation's biggest ash hole.

A CCC member group in Indiana, the **Hoosier Environmental Council (HEC)**, plans to stop Sponsler. HEC has already challenged several permits and is organizing citizens for the coming battles.

While other states are tightening ash regulation, Indiana is turning back the clock. Recent laws passed by Hoosier politicians — who received an estimated one million dollars in campaign contributions from coal interests last year — allow ash to be dumped in unlined pits without ground water monitoring and no long-term obligations on pit owners to protect the environment.

As HEC board member Don Mottley put it, "We sometimes joked about our neighboring states, but now the joke's on us. They're doing a better job in handling their waste — plus lots of their ash may be dumped on us."

Inconsistency

Ironically, Indiana has been a national leader in the fight for the right of states to SAY NO to out-of-state garbage.

Hoosiers, sick of their state being a dumping ground, protested for years. Their efforts persuaded conservative Indiana Republican Senator Dan Coats and his ideological foe, moderate Democratic Governor Evan Bayh, to fight for the right of states to reject waste generated out-of-state.

Coats and Bayh argued that communities should be responsible for their own wastes, and they promote alternatives such as waste reduction and recycling of the ash into construction materials, particularly concrete.

Regulator Stirs Controversy

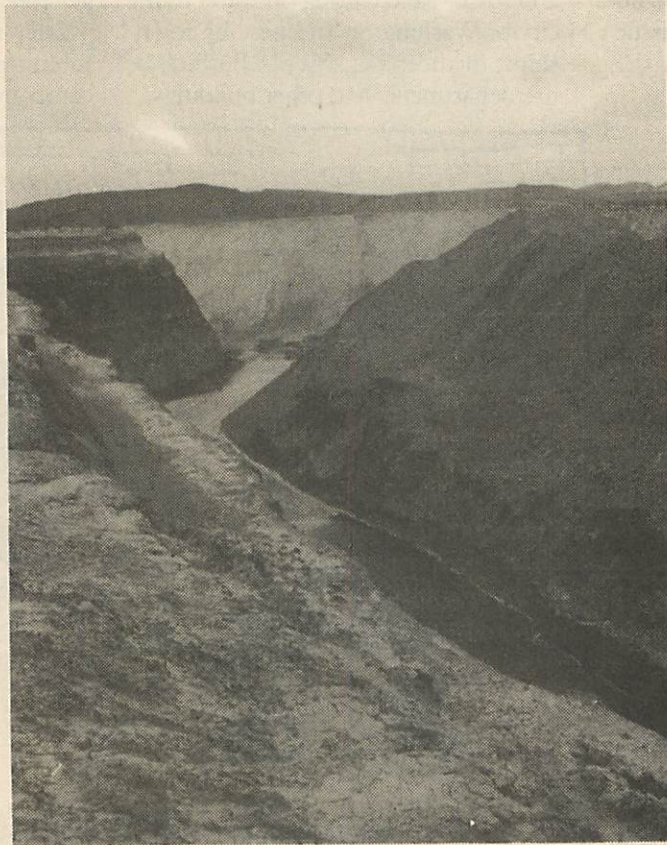
State mining chief Mike Sponsler's henchman in promoting ash dumping is Ed Lusch. As a state regulator, Lusch has long been known as an advocate for the coal industry.

A sample of Lusch's thinking: "Because coal mining is vital to the national security and the Division of Reclamation is funded by mining, the transfer [of the mining permit] will be approved because it [the coal] is down there and it's got to come out."

In one instance, after the Hoosier Environmental Council (HEC), challenged coal-dumping permits, Lusch gushed: "There are certain people who feel if you take a natural resource out of the ground and if man handles it and burns it they render something natural into something toxic and that isn't true....People have misconceptions and fears just like anything else."

Before being placed in charge of processing ash-dumping permits, Lusch led the agency's hydrology team on coal mine permits. He claimed — in sworn testimony on Aug. 9, 1995 — to be well suited for that position because he held a Master's degree with extensive training in hydrology. On the following day, under cross-examination by HEC's attorney Max Goodwin, Lusch was forced to admit that he lied — he did not have a Master's and had taken only one basic course in hydrology.

Last July, HEC had to present its expert witness list prior to the formal hearing on one of its permit challenges. HEC Director Jeff Stant found out from two of his witnesses that Lusch had contacted them before the hearing, after hours and on weekends, to discuss the possibility of their receiving state



Ash often contains radioactive elements and heavy metals. Millions of tons are dumped in unlined strip mine pits, causing air and water pollution. Above, ash is dumped in pits below the ground water table at BHP's Navajo mine near Farmington, NM. (Carolyn Johnson).

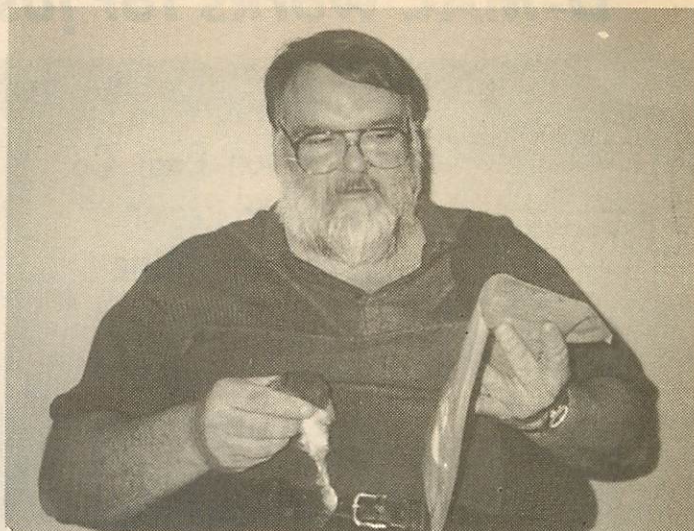
contracts for research on mine reclamation. Lusch lobbied them heavily to convince them that HEC had no case.

After HEC blew the whistle on Lusch, his boss Mike Sponsler assigned Lusch to his present job of supervising the ash dumping.

We'll Do Whatever It Takes

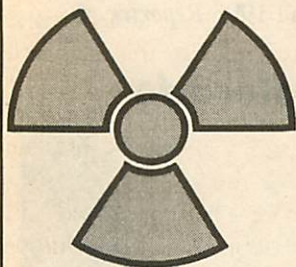
The state's clumsy and unethical handling of the ash issue has been a blessing in disguise for HEC and Indiana coal field citizens' groups. Before Lusch's alleged perjury and attempted bribery, ash dumping was being fought mainly within the quiet and secluded confines of administrative hearing rooms; now it's a major public issue.

"We'll do whatever it takes to stop this," said HEC's Don Mottley, and that means fighting it on the political front, as well as in hearings and in the courts. "We're going to wear T-shirts that will say 'Don't Make Indiana an Ash Hole' when we lobby our legislators," Mottley told CCC. "It'll be fun to see where they look when we're standing in front of them with our shirts." ♣



Don Mottley of HEC holds a lump of coal and a bag of ash. Power plants produce 1 ton of ash for every 3 tons of coal burned. (Will Collette)

More on ash, a cleanup nightmare?



Radioactive elements such as uranium-235 and thorium, and toxic heavy metals — lead, arsenic and cadmium — occur in coal but don't burn. As a result, these materials are concentrated in the ash. The Department of Energy's Oak Ridge Lab has warned, "Significant quantities of nuclear materials are being treated as coal waste, which might become the clean-up nightmare of the future."

EPA says coal ash must be handled at least as carefully as municipal waste. EPA recommends lined pits designated for ash only (not mixed with other wastes) with covers, ground water monitoring and other protections.

Unfortunately, EPA can't mandate these safeguards on coal combustion waste. Like

most oil, gas and mining wastes, coal combustion waste isn't included in the Resource Conservation and Recovery Act (RCRA), the nation's main hazardous waste law.

SOURCES:

- ♣ "Coal Combustion Management Study," DOE Office of Fossil Energy, Feb. 1993
- ♣ "Coal Combustion: Nuclear Resource or Danger?" Alex Gabbard, Oak Ridge National Lab Review, #3-4, 1993.
- ♣ "EPA Guideline for Purchasing Cement and Concrete Containing Fly Ash," EPA, Jan. 1992.
- ♣ "Fly Ash Facts for Highway Engineers," Dept. of Transportation, July, 1986.

Ohio: protecting our National Forests from strip mining!

(Please join in)

The Buckeye Forest Council, CCC's member group in Ohio, has launched a campaign to fight more strip mining on public lands in the east. OSM says up to 40 million acres of national forests, parks, and wildlife refuges are at risk.

Coal companies are vying for a piece of the action, and one, Buckingham, proposes to start stripping in the Wayne National Forest of southern Ohio, where another mine already operates.

The 1977 federal coal law (SMCRA) bans strip mining in national forests, such as the Wayne, right?

Yes, SMCRA does ban new mines on these lands, but it allows mines that existed when the law was enacted to continue operating. It also

allows new mines if they had "valid existing rights (VER)" to mine in 1977.

Say what? Well, Congress didn't define VER and the phrase has been disputed ever since. The claims can be bizarre, such as Buckingham's. It doesn't own surface or mineral rights in the Wayne but claims it has VER because there will be a "taking" of its rights if OSM denies its request for VER status.

OSM has fumbled its duty to define VER for many years. Now it seems ready to try again and propose new rules this summer. To get involved, contact the Council at PO Box 99, Athens, OH, 45701 (614-594-6400). ♣

Adapted from an article by Jason Tockman, BFC

News from the Grass Roots

D-MAC works for justice in the southwest

Consol mined on land where Ernest Beleen and his family lived and grazed sheep but didn't pay him. D-MAC is working for a solution. (C. Johnson)

Heavy news coverage of OSM Director Robert Uram's "fix" of Consol's ticket (see "CCC wins case," p. 4) spread the story far and wide across the Navajo Nation in February 1995. People contacted Ray Benally and Ernest Diswood of the **Diné Mining Action Center (D-MAC)** with stories of their experiences, requests for help, and offers of help.

One of CCC's newest member groups, D-MAC is now working with member Ernest Beleen, who lived on what is now Consol's Burnham mine. Years ago, Beleen and his family were promised payments for leaving their home and grazing land to make way for the mine. The Beleens have never been paid and the unreclaimed land still can't be grazed.

D-MAC has found many other situations like the Beleens' where promises weren't kept by mining companies — BHP at the Navajo mine in New Mexico and Peabody at its Black Mesa and Kayenta mines in Arizona — and is working with affected people in all areas of the Navajo Nation to strengthen and expand the movement for environmental justice in the coal fields.

For more on D-MAC, see, "Diné Fight Environmental Racism," Fall 1995 *Reporter*. ♣

Wearing a smile in Colorado

Last winter Ann and Jim Tatum won a lawsuit against Basin Resources for noise pollution from air shafts at the Golden Eagle mine, Trinidad, CO. The court awarded \$20,000 plus costs. (Johnson)[Fall 1995 *Reporter*, "Peace no more..."]

Plotting in Colorado

Members of the oil and gas committee of the San Juan Citizens Alliance met in March to strategize about their next actions on coal bed methane development. The Alliance, part of the Western Colorado Congress, has led lively campaigns to bring the gas drilling and production companies under control and publicize the impacts. Its members know there's no such thing as "clean" natural gas — it's a very dirty business. (Photo by Gwen Lachelt.)

Tune in talk radio

By Jason Salzman

Why is so much of the evening news irrelevant? Why are we still watching the Big Stories about bears eating pop-sicles or the dancing dog? And who hasn't seen enough "news" about guns, shootings, gangs and bullets?

It's easy to complain about fluff and bleeding bodies in the news and to blame journalists for not covering the issues and causes of our time. And it's true that the economic interests of the giant media corporations influence the selection of which news stories to cover.

But, citizens shoulder some of the blame for poor news quality. We don't offer reporters enough opportunities—in the right packaging and at the right time—to cover our issues. Sometimes we don't use the cheap and easy opportunities we do have, such as talk radio.

Talk is Golden

Talk radio is an increasingly powerful political force. Groups should use talk shows more to get their message out.

Before calling radio stations, listen to as much talk radio as you can without going crazy. Different shows focus on different topics—sports, health, current affairs, cars, and much more. Learn which programs might air an issue like yours.

"Do some research," advises David Lauer, producer of one of the most popular talk shows on Denver's KOA radio. "I get many offers for guests who just don't have a chance."

How to Book a Guest on Talk Radio

Once you've found a likely show for your issue, call the radio station and ask for the name of that show's producer. (If you know the show's host personally, call him or her directly. At smaller stations, call the host directly.)

- Mail, fax or e-mail a one-page description of your topic and guest to the producer as much as one month before you expect to be on the show. Be aware that programs sometimes need guests on the spur of the moment.

- Call the producer and describe your guest and topic.

- If the producer is interested, he or she will book your spokesperson right away or talk with the host and get back to you.

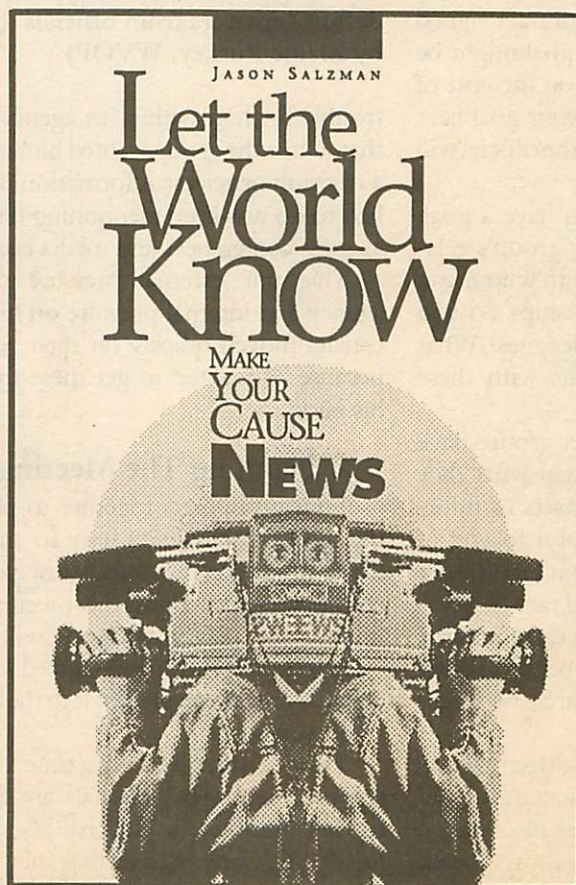
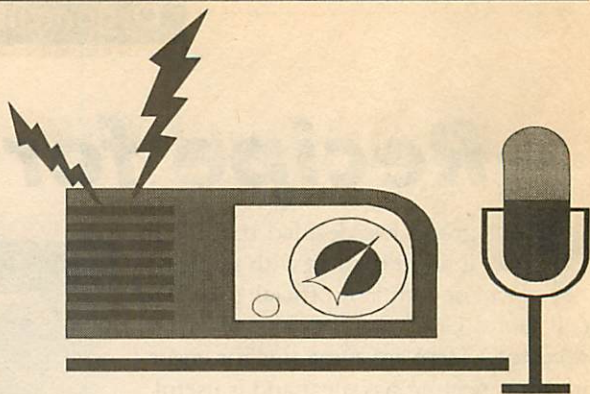
- If the producer is not interested, do take "no" for the answer and say goodbye. It won't do your cause any good to drag out the call or become confrontational. "Losing gracefully is appreciated," says Lauer. "I'll be more receptive next time they call."

- You have a much better chance of booking a guest in the summer.

Win with Planning

Efforts to land in the news—be it talk radio, local television programs or newspaper—should be part of your group's plan on how to win your issue. It should be clear how media work fits into this campaign plan.

Media attention tends to make good things happen. News coverage greatly increases the likelihood that your group will survive financially and win its issues. It helps build power, attract members and donors, and much more. ♣



Salzman is a contributing editor for this issue. The article was adapted from his book, "Let the World Know, Make Your Cause News," a media how-to handbook for activists.

It explains how to hold media events, write effective press releases, get media lists, lobby editorial writers, columnists and photographers and more.

It's available for \$13 post-paid from Rocky Mountain Media Watch, Box 18858, Denver, CO 80218.

Recipe for good meetings

Your group has decided that it's in your interest to meet with a government or company official. (See "Do You Gotta Go?" Fall 1995 issue of the *Reporter*.) Here are some tips for ensuring your meeting has meat and is useful.

Basic Stuff

It's crucial to the success of the meeting to involve as many members as possible in the planning process. Providing newer members with an active role helps with their personal development and in building a stronger, broader-based group.

Set the Goal. Your group first needs to set a goal for the meeting. Do you want an elected official to take a position on an important issue? Do you want a bureaucrat to give you information about a project? Do you want to learn about company plans to mine in your area?

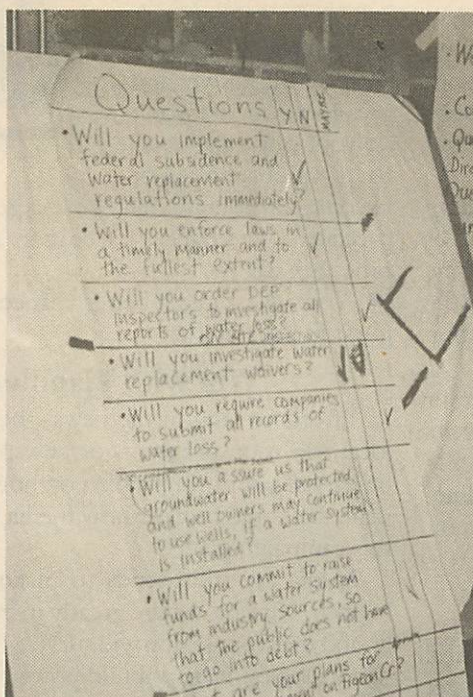
Your group's goal should be "achievable." For example, if you are asking for a new water system for your area, you may not be able to get a firm contract signed at this meeting. A realistic goal might be a commitment to get bids on the cost of a system. (Be careful that your goal isn't so vague that it only means the official will "look into" the problem.)

Experience. Once you have a goal, think carefully about your group's relationship with the officials with whom you are meeting. What relationships do you have with their boss or colleagues? What happened in prior meetings with these people?

Next, find out how other groups have dealt with them. Did they get what they wanted? Do they have contacts or information that would be helpful to you in planning your meeting? You can learn a lot from their strategies and tactics.

Find out as much as you can about the officials. Will they respond better to a big crowd? Do they feel pressured by attention from the news media?

For example, when one citizens group met with a mid-level bureaucrat, he said the last thing he wanted was his name in the newspaper because that always meant



Planning ahead ensures you will get definite answers from officials. (Photo by Elaine Purkey, WVOP)

trouble for him within his agency. After that, when the group wanted him to make a decision or release information, all they had to do was keep mentioning his name at press conferences and media events.

This put external pressure on the agency and internal pressure on him. He usually moved quickly on their requests because he wanted to get these folks off his back!

Planning The Meeting

Your group gets together to plan for the meeting. Now you have to answer a lot of questions that affect how you will conduct yourselves at the meeting and make a clear plan of what you will do.

Agenda. Have you agreed on the agenda, or will you present it to the official when you start?

Time Limit. Is there a time limit for the meeting? Many officials are famous for last minute schedule changes. If they arrive late, remind them that they prom-

ised you one hour and they can't leave a minute sooner. Don't let them substitute a subordinate—ensure you get the beef.

The Place. It's best to meet in your meeting hall. Try to make the place familiar to your members. Sometimes this is impossible, and you may have to meet in their office. Arrive early to get comfortable with the setting. (Someone may "scout out" the meeting place in advance.)

Who Comes? Make sure there is agreement about who will be allowed in the meeting. If you want a big crowd, don't let officials limit you in any way.

Often officials try to divide a group by saying that they will only meet with a few "representatives." Don't accept this unless you agreed to it ahead of time. A few people could negotiate and report back to the larger group—but this is seldom necessary.

Remember, officials can always find a place big enough to meet with as many people as you can get together. The Martin County, Kentucky, school board always met in a small room to keep out the public. So the members of the local citizens group showed up an hour early for the meeting and sat in the seats normally used by the school board. When the school board entered the room, the group members refused to give up their seats. The school board eventually decided to meet in the local high school gym with plenty of seats for everyone!

Before the Meeting

Send a letter to the official confirming the time, length, place and date of the meeting and what the subject will be.

Select the chairperson and have that person start the meeting. An official who starts a meeting may not shut up. Officials have learned how to effectively filibuster, railroad, co-opt and divide groups. You must be prepared for their tactics (See box on next page.)

Power and Place. Assuming you can control the room arrangements, designate seats. Power is reflected in where we sit and stand and you should be aware

of who is where. Your members should always be in positions of power.

Practice. Make sure everyone knows their parts, and be very clear about the tone you want at the meeting. This means you should do a role play (practice run) prior to the meeting. Think through what you expect the official to say and do, what questions the media may ask, and what other conditions may change the course of the meeting (like a coal company paying 300 of their employees to show up!).

Choosing one person to help the chair and "fill in the gaps" is always a good idea.

Firm Answers. Use the techniques of other groups. One group worried that the officials would not answer their questions; they put up poster paper with their questions and two boxes, YES and NO. They wanted firm answers and used the prop to reinforce their intention. When the official gave a wishy-washy response, one of their leaders put a big X in the NO box with a colorful marker.

Sometimes you have to clarify wishy-washiness!

One group gave roses to the officials who answered YES and dead flowers to those who answered NO

Show and Tell. Use props to drive your point home visually. For example, a member of one group brought a plastic jug, approached the table where the official was sitting and offered him a drink of water from his polluted well.

And then there was the time a group baked two sheet cakes that looked like their state. One looked real pretty, complete with flowers, and the other was the ugliest thing you ever saw. During the meeting, the leaders of the citizens group kept asking the state official, "Which cake (state) are you working for?" The visual really worked, and they all celebrated by eating the cake at the end of the meeting!

During the Meeting

When you arrive in the meeting room, post the agenda and the time limits for each section of the meeting on newsprint that is put up for everyone to see.

How Some Officials React

As a group, think about how officials may respond to you and the ways they may try to avoid answering questions.

What will you do? Some examples are:

- Answer your question by asking a question or giving an unrelated response.
- Take over the meeting to prevent citizens from asking questions.
- Give long-winded answers which leave everyone confused.
- Speak of the problem in an abstract, impersonal manner.

- Act more powerful than they really are to undermine the citizens' power.

- Try to intimidate people by using big words, impressive-sounding facts or by deliberately talking over people's heads.

- Act friendly and personal so the group will be nice and non-confrontational.

- Say they privately support the issue but won't take any public action.

Control the meeting. Have your chairperson recognize people, including the public official, before they can speak.

If you are meeting in the official's office, don't be afraid to move some furniture to even the power dynamics a little bit. Remember, if it's a public official, you helped pay for the furniture and you wouldn't hesitate to move the furniture in your own living room, would you?

Escort officials to their seats. Some officials waste precious time wandering through the crowd shaking hands, only to later say "I have another appointment" before you have answers to your concerns.

Set a deadline for anything the public official promises. Agree to specific dates. What type of future communication will take place between your group and the official?

Remember that you can ask the official to leave the room while your group decides what response to give or what additional concerns you want them to address.

Document the official's responses because officials often change their minds without notice. Have someone take notes or tape record the meeting; before the meeting ends, have someone summarize what was agreed upon and what wasn't.

After the Meeting

Send a "letter of understanding" to the public official, outlining her/his positions and responses and any dead lines agreed upon. You might also send a copy of the summary to his/her boss or to the newspaper or to your Congressperson.

Tell others in your community about what happened. A legislator once chal-

lenged a small delegation from a rural county that had visited the state capitol by saying, "Who do you think you represent?"

The next day, he received hundreds of phone calls, and called the "small group" to apologize about his "misunderstanding."

Media. Have someone prepared to make a statement to the media on how you think it went. Don't be afraid to have a caucus before issuing any statement because it could be a critical part of your long-term strategy. Do you want to be harder or softer on the official in the press?

Praise or Criticize? While we tend to think of the worst when it comes to meeting with public officials, sometimes we need to follow up the meeting by heaping praise on them. They may need the group's support to move to the next level, like a department head needing to convince the governor to take action.

Your group's public show of support for an official, including a thank-you note, could be critical to putting pressure on the governor.

Learn From Experience. Don't forget to write down what you have learned from the planning and evaluation of the meeting. You'll be able to use this valuable information for future meetings and to share with other groups. Think of it as a recipe for good meetings. ♣

[Joe Szakos directs the Virginia Organizing Project. For 12 years he was Staff Coordinator at Kentuckians For The Commonwealth (KFTC). He adapted this article from KFTC materials.]

Comment

How the GOP & Dems shaft citizens

By Will Collette

Bill Clinton and Al Gore shovel muck out of the wrecked C & O Canal. Interior Secretary Bruce Babbitt paddles his canoe and speaks passionately about endangered species. Newt Gingrich appears on the Jay Leno Show with a scared, squealing piglet.

It must be Election Year!

Actions — not sound bites or photo opportunities — tell us where a politician stands on environmental justice in the coal fields. When we look at their actions, both the Clinton Administration and the Republican Congress come up short.

Between now and autumn, when Washington closes down for presidential campaigning, Congress and the Administration will decide what remains of the federal program to protect coal field citizens. Right now the White House and Congress are "racing to the bottom" to see who can cut more money and roll back legal protections faster. So far, it's a tie.

The Republican Congress finally passed, and the President signed, a 1996 budget for the Interior Department that included a huge, one-third cut in OSM's enforcement of the federal coal law.

Even before that budget was finalized, Babbitt sent his 1997 budget to Congress; in it he cut —

voluntarily — another 15 percent from the OSM enforcement program. Babbitt wrote, "There is a redirection of funding from inspection and direct oversight activities to technical assistance and training [to the States and Tribes]."

This suits the coal mining industry just fine. Without a strong OSM, many coal states don't have the political strength to stand up to mine operators, who have a long list of rules they want the states to ignore.

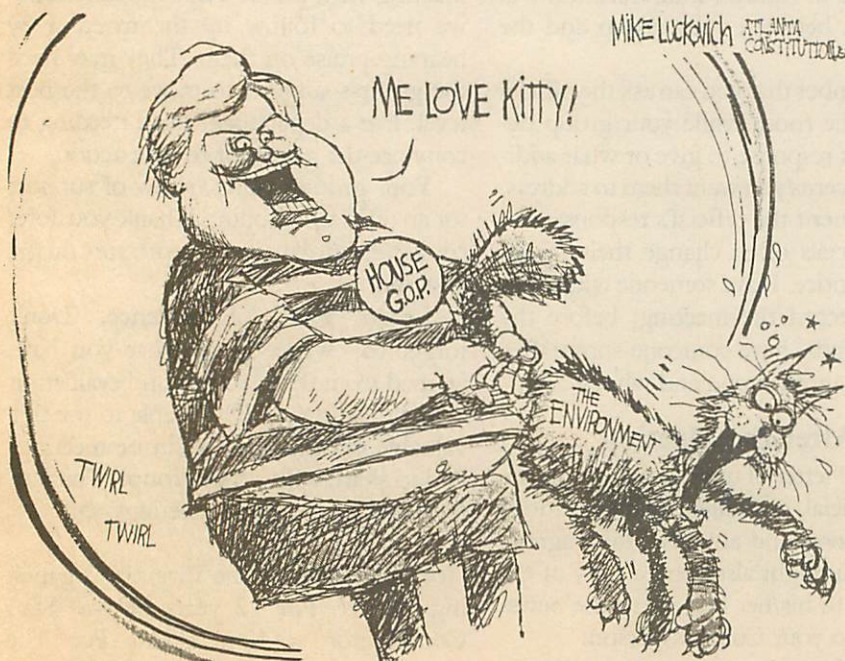
Rep. Barbara Cubin (R-WY) and Sen. Robert Bennett (R-UT) — sponsors of bills to gut the federal coal law — are happy because they have bluffed the Administration into destroying coal field citizens' legal rights through the budget process. Secretary Babbitt is handing the radical, anti-environment faction of Congress a victory they are unable to win on their own.

Babbitt's happy because he has never liked OSM and the federal coal law. He told aides he didn't care if OSM died or was crippled, he would "blame the Republicans for it."

Coal field citizens aren't happy. They are being double-teamed by this unholy alliance of Babbitt and the disciples of Newt, and they know it. As the election campaign builds over the next six months, watch to see if citizens accept this situation with resignation or make the leaders of both parties see that they won't be ignored. ♣

Secretary Babbitt is handing the radical, anti-environment faction of Congress a victory they are unable to win on their own.

■ Mike Luckovich



Judge... (continued from p. 3)

Hale seemed to endorse Peabody's claim that Navajo residents and homeowners don't have citizen rights under the federal coal law (SMCRA). He wrote, "Even if surface owner consent were required by SMCRA, the Navajo Nation as surface owner has consented to the use of its lands for mining. Navajo law recognizes the right of surface users to compensation but not the right to veto the will of the Navajo Nation Council that mining activities proceed."

The Navajo Nation government receives \$45 million each year in lease payments from the Peabody mines.

The strip mining continues at Kayenta while Peabody and OSM appeal the decision to the Interior Board of Land Appeals. Hale's administration sides with the company and OSM and has asked to intervene. Attorneys for Kescoli and the Alliance are defending the decision. ♣

CCC wins case

On January 18, Judge Sullivan of the US District Court in Washington D.C. dismissed "without prejudice" CCC's lawsuit over OSM's failure to disclose public records requested under the Freedom of Information Act.

The judge told OSM to hand over the records and said if CCC "has not been afforded total and complete relief," CCC can reinstate the case with a simple letter to the court.

After this decision, OSM's floodgates opened and CCC received the materials requested on ticket-fixing by OSM officials for mines on the Navajo Nation.

One remaining issue involves CCC's request for all records in the Denver OSM office on Consol's Burnham mine between December 14, 1994 and January 20, 1995. The first date is when OSM decided, at CCC's urging, to issue \$3.6 million in Individual Civil Penalties against each member of Consol's board of directors for failing to reclaim the mine.

The second is the day OSM Director Robert Uram "fixed" Consol's ticket by lifting the penalties, reducing the fine to a mere \$5,000, and okaying an unacceptable reclamation plan and timetable. CCC wanted records to see how much pressure Consol brought and how much wheeling and dealing Billie Clark, OSM Indian Lands permitting chief, and his colleagues did on Consol's behalf. ♣

Act to protect citizens rights now!

Congress is cutting the heart out of the federal coal law

Rep. Barbara Cubin (R-Wy) and Sen. Robert Bennett (R-Ut) are sponsoring bills to amend the Surface Mining Control and Reclamation Act of 1977 — **Your Law!** and one of the strongest environmental laws ever passed.

Sponsors say their bills would "give power back to the states" and rein in the "heavy-handed" federal OSM inspectors, but the Cubin-Bennett bills are really stalking horses for the coal industry to:

—**Hand cuff federal mine inspectors** so they can't stop violations except in extreme situations.

—**Force citizens** to take complaints about violations to their state regulatory agency. Citizens can now go to either level; often they choose OSM because, historically, most OSM inspectors have been independent, fair and dedicated to enforcing the law and protecting citizens and the environment.

Sadly, some states still lack the will or the desire to buck King Coal and make the law stick. That's the reason Congress gave OSM the power to enforce in 1977 and it's still needed today. The good state

regulators — and there are many — know they can't enforce without federal backing.

—**Delay environmental cleanups**, often for years, because OSM won't have the power to push the weaker states.

We can stop this attack on citizens and the environment before it becomes law. Please contact your Senators and Representative today. Ask them to:

- Oppose the Cubin (H.R. 2372) and Bennett (S. 1401) bills.
- Protect the environment and maintain citizens rights.
- Increase OSM's budget for mine inspectors and enforcement work.

Write or call now:

Senator _____
U.S. Senate
Washington, DC 20510
202-225-3121
Representative _____
U.S. House
Washington, DC 20515
202-224-3121

CCC attacks OSM's veil of secrecy

In March, CCC filed its second federal lawsuit against OSM for refusing to disclose public information as required by the Freedom of Information Act (FOIA).

CCC wants records describing the secret, dual-filing system in the OSM Denver Regional office known as the "Green Files System." In this system, green-colored files hold records the OSM managers don't care if the public sees and politically sensitive records are kept in secret files.

CCC staff uncovered the dual filing system while looking into how OSM managers fix tickets for violations for mines on the Navajo reservation. CCC found a February 1995 memo by inspec-

tor Steve Rathbun at the Albuquerque field office. It described conversations with OSM officials in Denver who ordered him to remove records from field office files that CCC had requested under FOIA. Rathbun was also told that his office needed to set up its own "green files system" to contain "private" information.

Under FOIA, CCC asked for records describing how the Denver office decided to set up its secret filing system, who made the decisions and what records are kept there.

Rick Seibel, Denver Office Director, denied a dual "green files system" existed. After newspaper reports on CCC's allega-

tions, an internal office memo was leaked to CCC called "Trashing the Mine Plan Library." It described a plan to reduce the size of OSM Denver's library. Staff would "keep the Green Files" and "throw away everything else (e.g. monitoring reports...permit applications, mining plans, inspection reports, 'background' and special studies, etc)."

After CCC gave the memo to a reporter and Seibel admitted that OSM did have a "green files system," Seibel said he ordered the "trashing" plan but claimed it was simply "a housecleaning exercise."

CCC calls it a cover-up in its federal lawsuit. ♣

CCC Hall of Fame

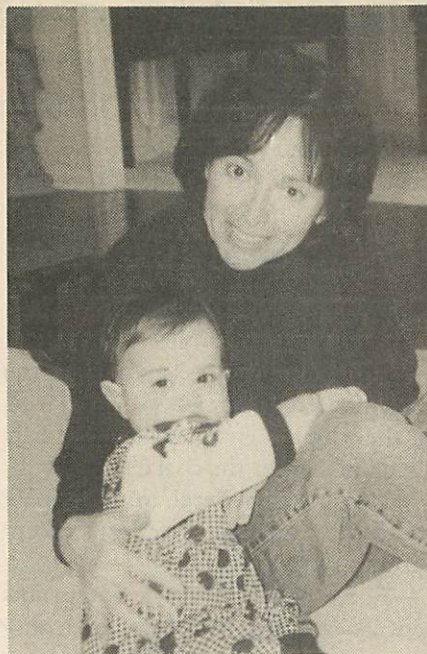
Freda Harris, giant slayer

Don't mess with Freda! AMAX learned that painful lesson in November when it settled out of court with Freda and over 40 of her Indiana neighbors whose homes and property were extensively damaged by AMAX's blasting. (See "Hoosiers Fight Blasting," Oct. 1994 *Reporter*.)

When AMAX started cast blasting in 1988, the homes in McCutchanville took a physical beating and residents suffered psychologically. Freda said, "Pipes broke and walls, floors and foundations cracked, buckled and sank. It made our lives a nightmare."

Freda and her neighbors got mad and organized, holding their first town meeting in a parking lot. Their group, the Indiana Citizens Mining Council, took on AMAX and demanded that it stop blasting and pay for repairs.

And what a fight! The Council demonstrated, sued, lobbied, and never shut up for the next seven years. Freda said, "That's what it takes, organize or perish."



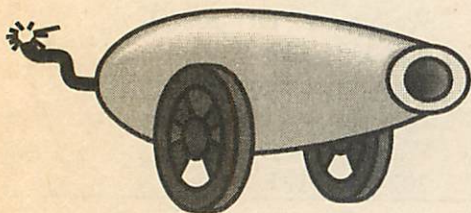
Freda with her granddaughter, Lara Davis. Freda and husband Ron have four children. (Harris family album)

As a psychiatric nurse she worked with Vietnam veterans who had post traumatic stress disorder. "I didn't know I would have to use my training for myself and community. We had daily support sessions to stay connected. The worst thing was to isolate yourself and suffer in silence. We were forced to organize."

Her greatest disappointment in the fight was "Government treachery and meanness. The state and OSM work to shield themselves and the mine operators from citizens."

Under Freda's leadership, the citizens pierced AMAX's defenses and won a settlement; the terms are confidential. Freda's eyes twinkle when she says, "We are very pleased to have the long fight over and be able to get on with our lives."

Freda is a blasting expert and generously shares her knowledge on blasting and fighting coal companies with others. She encourages those who need information to call her at 770/772-6791. ♣



12 steps for blasting back

By Freda K. Harris

1. Organize a group with other people who are harmed or threatened by blasting. A group can apply real pressure.

2. Retain a lawyer who has successfully handled blasting damage claims for citizens.

3. Don't believe that the state and federal regulatory agencies (RAs) will help stop the blasting damage. In fact, it is the RA's job to disprove your claim. It adds to citizens' problems with meeting-to-death tactics and phony studies.

4. Beware of wasting time on State investigations of blasting damages. State agencies do not employ qualified blasting experts and are beholden to the local coal economy.

5. Slam the door on OSM offers to "study" your problem. OSM and other Department of Interior agencies shield their technical "experts" from testifying about their reports under oath. So these "experts" are not accountable for errors, false assumptions, or deliberate misrepresentations. OSM doesn't disclose this policy to citizens, who are led to believe that OSM studies will help them prove their damage claims.

6. Be home to witness as many blasts as possible. Use a radio scanner to find out when the mine will be blasting.

7. Document blasts and resulting damage in full detail. Date, mark off, and take photos of all cracks and crack extensions.

8. Send blast damage complaints to your State RA and OSM. Keep copies and postal receipts for your file. This is the information you will need to win in court.

9. Learn the facts about blasting effects and how the regulatory system works against citizen complainants. Use this knowledge to nip schemes for phony studies in the bud.

10. Attract media attention to your damage and make sure your public meetings and political actions are reported in newspapers and on TV.

11. Network with other affected communities and grass roots coalitions. Join the Citizens Coal Council.

12. Hang in there. Be tenacious and persistent in protecting your constitutional rights. ♣

Nick Rahall, hero for all seasons

By Cindy Rank

At a time when criticism and attacks on important laws, rules, and agency budgets is common in our nation's capital, few congressional representatives deserve recognition by the Citizens Coal Council. One large exception is Representative Nick Joe Rahall, a Democrat who represents the southern third of West Virginia.

Rep. Rahall has been a major influence in creating, passing, and maintaining mining laws that are vital to citizens in coal field communities across the country. Known as an outspoken defender of the Surface Mining Control and Reclamation Act, he is notable as well for his insistence on reform of the draconian give-away Mining Law of 1872.

Undaunted in his attempt to educate members of Congress from non-coal areas about the importance of mining laws and citizens rights, he has sponsored congressional hearings in the coal fields to allow local citizens to speak directly about the needs of their communities. He passionately defends those same citizens in congressional debates in Washington — most recently in hearings regarding H.R. 2373, the "Cubin bill," that would disembowel the enforcement powers of the already emaciated US Office of Surface Mining.

Welcome to the CCC Hall of Fame! ♣

[Cindy Rank is mining chair and past President of the West Virginia Highlands Conservancy.]



By word and action, Rep. Rahall continues to show his abiding concern for the safety of miners at work, the safety of miners and non-miners in their homes and communities, and the safety of the earth and waters that sustain coal field residents — and all people of both present and future generations. (Photo: Mr. Rahall's office)

Lee Benjamin pro-

He didn't aim to be a hero, but last August Lee Benjamin proved that local officials can do their jobs, control outlaw mines and protect their residents.

As treasurer and land use administrator of Oliver County, ND, Lee battled Basin Electric for 15 months for dumping dangerous wastes in coal strip pits on Gwen and Ken Thompson's land without county approval. He convinced the county commissioners to fine Basin even after the company offered the county a \$10,000 "gift" to forget the whole thing.

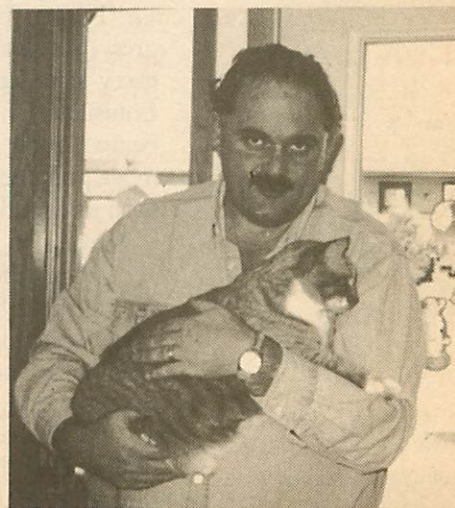
His stance took courage. Basin Electric is very big—assets of \$2 billion—and coal mining is a major county employer.

Basin appealed and got high-priced attorneys and public relations people to

press its case: the state and OSM had okayed the mine; the County was unreasonable; the waste was "inert"; the Thompsons were "disgruntled;" and the workers griped because of union issues.

Lee and a county attorney got affidavits from United Mine Worker members whom Basin ordered to dump oil, grease and chemicals and to cover them up. In 1993, the members had filed citizen complaints with OSM and the state Public Service Commission, but neither agency would buck Basin and thoroughly investigate. Instead, both sent inspectors to, as the *Bismarck Tribune* described it, "browse" the mine site.

The Judge found for the County and Basin paid its \$15,000 fine last August. ♣



Lee Benjamin, elected official of Oliver County ND, with friend Tiger.

How Citizens Organize & Win



Sting Like a Bee

By Will Collette

The pounding dished out to the Wise Use Movement in Louisiana last year offers some valuable lessons in how to blunt your opponent's tactics, fight to win—and have lots of fun doing it. LEAN, the **Louisiana Environmental Action Network**, administered the pounding.

LEAN is a 10-year old multi-issue, state-wide group and belongs to CCC.

All across country, our citizens rights and environmental protections are under attack from bogus grassroots groups operating under the banner of the "Wise Use Movement." Funded almost entirely by large, multi-national mining, timber and oil corporations, the movement was created as a counter-force to grassroots environmental justice organizations. One of their favorite gimmicks is so-called "takings" laws.

The Bill of Rights of the U.S. Constitution includes a section that says the government may not "take" your property without due process and proper compensation. Hard to argue, right?

Right to Pollute

Wise users have pushed to extend this protection against government "takings" to include paying violators of environmental laws and rules. They claim, for example, that if the government stops polluters from fouling the air or water, the polluters are entitled to compensation because their property values have been lowered.

"Takings" legislation is being pushed in Congress (Sen. Bob Dole is the sponsor) and in almost every state legislature. In 1995, one target was Louisiana. The wise use bunch thought it would be no trouble getting the Bayou State, one of the most polluted states in the Union, to go along with its agenda.

Wrong!

A total of four "takings" bills were introduced during the 1995 legislative session in Louisiana. The worst bill, House Bill 1832, had the greatest chance for success and this was the bill LEAN needed to kill.

One of the first rules of organizing is to carefully analyze the battlefield. Once you understand the nature of the fight and the self-interest of your members and potential allies, you can develop tactics that employ the element of surprise.

Baiting the Hook

LEAN assessed the self-interests of its members and went into the first hearing on HB 1832 with diverse and unexpected allies ranging from tax justice groups to traditional environmentalists.

The message was strong, bold and simple: takings bills are budget busters, and county officials testified on the economic wallop HB 1832 would have on local governments.

LEAN mobilized the African-American community and got testimony into the record that one consequence of HB 1832 would be environmental racism.

One ally, Jerome Ringo of Progressive Resources, Inc., testified: "The people that are going to be the most impacted are those people that live outside the fence lines of the industries, the landfills, the railroad tracks. And around the country that has been identified as poor people. It's an economic thing... Those people who already suffered disproportionately are going to suffer even more."

The bill's sponsor, Rep. Noble (yes, Noble!) Ellington, bit and bit hard.

In Round #2, the second hearing on HB 1832, Rep. Ellington brought in witnesses to support his bill. He was delighted to find Ms. Florence Robinson, an African-American property owner from North Baton Rouge Parish who was willing to testify in support of his bill.

Here was his chance to rebut the damaging effects of Jerome Ringo's testimony in the first hearing.

The Sting

Robinson thanked Rep. Ellington for sponsoring the legislation, as he sat next to her, beaming.

Robinson: "Yes.... I'm a property owner in an unincorporated rural area, and at least part of my land is wetland. I am a staunch supporter of this bill."

"This bill gives us, the citizens, a new tool.... I promise you, just as soon as this bill becomes law, we citizens and property owners who live within four miles of any chemical industry, landfill, Superfund site, incinerator or anything else that is

(Please continue on the next page)

The wise use bunch thought it would be no trouble getting the Bayou State, one of the most polluted states in the Union, to go along with its agenda. Wrong!

an environmental hazard or nuisance....[are] going to hire and have more New York lawyers than you can shake a stick at come down here to find creative ways to use this law so we can receive just compensation for our devalued property."

Ellington was stunned. Finally he found his voice, "I don't know how much more of that kind of help I can stand!"

Ellington did not know then—he does now—that Robinson is a board member of LEAN and a veteran environmental activist.

The Kill (Bring Props!)

At the next hearing LEAN administered the final blow. Supporters drove their point home by wearing "New York lawyer" T-shirts and "we'll sue the whole freak'n state" stickers. They gave each member of the Agriculture committee, which had to pass HB 1832, one of the T-shirts showing a smiling New York lawyer—surrounded by dollar signs—eying an outline of the state of Louisiana.

HB 1832 died a quick well-deserved death when the committee voted to table it for the third—and under Louisiana legislative procedure—final time.

LEAN's victory is a reminder that surprise and creativity are our best weapons. It's hard to win on our opponent's turf, especially if we play by our opponent's rules.

Organizing Judo

LEAN's campaign is an outstanding example of "organizing judo." Rather than go head-on against its opponent's position, LEAN flipped it and used the force of the argument—stated in the reverse—to beat the wise use movement.

"Go ahead and pass the 'Takings' bill," said LEAN, "and we'll apply it to situations where citizens are the ones getting 'took' when the state allows polluters to destroy people's property values." This "Reverse-Takings" argument carried the day in Louisiana. ♣

LEAN has created a lively, professional-quality video of their victory. We recommend it as an outstanding training tool for convincing your group that victory goes to the bold. To get a copy of the VHS-format video "The Sting (Louisiana Style): How to Kill A Takings Bill," send a minimum donation of \$13 to LEAN, Box 66323, Baton Rouge, LA 70896.



Florence Robinson and Juanita Stewart, members of LEAN who helped pull off the sting. (Photo: LEAN)

IF YOU PASS IT HB 1832



New York Lawyer

THEY WILL COME

LEAN members wore this big day-glow orange sticker and T-shirts to a hearing at the state legislature and killed the "takings" bill. New York lawyers have a bad reputation in Louisiana.

Editorials

Beyond Shame: Peabody in Navajo Land

British-owned Peabody Coal mines more coal than any other company in the U.S. or world-wide. It is reputed to be the most profitable enterprise in owner Lord Hanson's far-flung megabillion empire.

Peabody has the money, political clout and position to lead the coal industry on a responsible course, maybe even add a gloss of respectability to its bleak record.

But Peabody is leading an industry charge back down the black hole. It's the 1990's, yet the rip, rape and ruin at Peabody's Black Mesa and Kayenta mines on the Navajo Reservation in Arizona recall that black hole of the 1960's and 1970's. Political and industry leaders wrote off coal field communities as National Sacrifice Areas, and swore by, "To hell with the people, land and water — get the coal out!"

The list of Peabody's transgressions fills pages. A sampling:

- Mined through at least 11 grave sites in 1993 alone and plans to destroy up to 100 more.
- No written permission from 75 Navajo families to mine within 300 feet of their homes or include them in the permit area; plans to mine through the home of one resident and has already mined through an unknown number of others.
- Large-scale ecosystem conversion — from diverse forest and grassland to a monoculture — disguised as "reclamation."

Of course, the federal coal mining act outlaws these practices, but for many years, the captured regulators at OSM, under

Indian Lands Chief Billie Clark's leadership, have covered for Peabody and endorsed its actions.

It shouldn't take mine cops and a law to make Peabody behave properly. All cultures condemn abuse of the land and people and teach us to treat others with the same respect we want to receive. Only in this way can we live together.

Lord Hanson seemed to recognize this moral law in January when he met with Black Mesa residents and spoke at the annual Hanson PLC stockholder meeting in London. He said, with tears in his eyes, that he wanted to right Peabody's wrongs.

But Hanson is in London and his man in Arizona, W. Howard Carson, has gone the other way. Since a judge ruled in March that the Kayenta mine permit was invalid, Carson has focused Peabody's political and legal guns on defending its "legal" right to rape and ruin. Marching beside him, for now, are Tribal Chairman Albert Hale, Interior Secretary Bruce Babbitt, and top officials in OSM and Interior — all of them anxious to defend 20 years of Peabody wrong-doing accomplished with the complicity of their agencies.

Perhaps it's too big a job for Lord Hanson to turn Peabody into an industry leader taking a responsible course. But taking Peabody beyond shame, that he can do immediately.

Lord Hanson can start with three phone calls: Secretary Babbitt, 202/208-7351; Howard Carson, 520/774-5253; and Chairman Albert Hale, 520/871-6352 ♦

Captured state and federal regulators

During a 1993 speech, CCC Staffer Will Collette asked a large group of lawyers from state regulatory agencies to indicate, by show of hands, whom they considered their client: the coal industry or the public. Most indicated that the industry was their client.

Today, the sad spectacle of coal regulators who are controlled by the industry they regulate continues to be a rampant problem. Even large associations of state regulators are willing "captives" of the coal industry.

State Association Follows Industry Positions

One such association, the Interstate Mining Compact Commission (IMCC), takes positions on key coal regulatory issues that parallel those of the National Coal Association, recently renamed the National Mining Association.

The tendency of state regulators to become captured by politically powerful

coal companies is a main reason Congress enacted the federal coal law in 1977.

The law requires the states to maintain environmental protection standards and gives the ultimate responsibility for assuring compliance to the federal Office of Surface Mining (OSM).

Federal oversight has greatly improved life in the coal fields by giving citizens an accessible, higher authority to approach when their rights are ignored by captured state regulators.

Bias of OSM Managers

However, a major problem remains: many top OSM managers behave as if their clients are companies not coal field citizens. Among the industry's willing captives is OSM Director Robert Uram.

Uram shows a deep bias for industry, nurtured by nearly a decade as a lawyer for law-breaking coal operators, such as the Amcoal mine owned by Hanson-Peabody on the Navajo Reservation. (CCC Re-

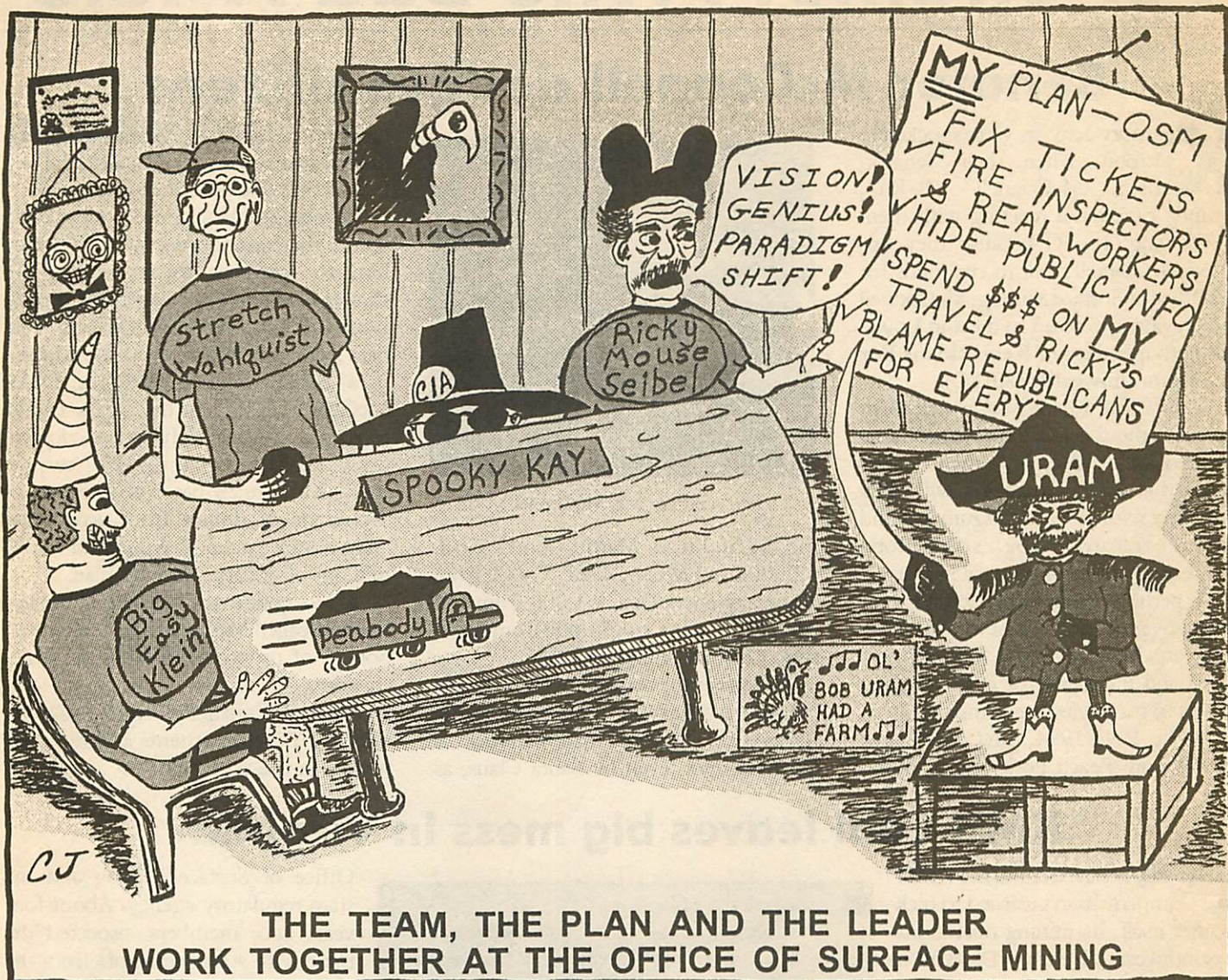
porter, Fall 1995.) Since his swearing in, he has cut enforcement, fired inspectors and installed industry-biased, incompetent managers to head OSM's three regional offices and some field offices.

Citizens Meet Challenge

The persistent problem posed by industry captives like the IMCC, Uram and his OSM cohorts challenges coal field citizens to be creative and aggressive. Groups such as Kentuckians For The Commonwealth, WV Highlands Conservancy and the WV Organizing Project have succeeded in getting their states to publicly repudiate IMCC's endorsement of federal bills that would gut citizens rights and OSM's enforcement authority.

Unlike Uram, hundreds of OSM and state regulators know their clients are coal field citizens — not coal companies — and genuinely want justice, law and order in the coal fields. It's our task to expose and weed out the ones who don't. ♦

Editorials



THE TEAM, THE PLAN AND THE LEADER
WORK TOGETHER AT THE OFFICE OF SURFACE MINING

We Get Letters ...

Dear CCC:

Here's my membership registration. Keep up the pressure and don't give up. Unfortunately, the scum seems to rise too often on the OSM pond and the good folks are targeted while the top level scum bags stay in place.

Please keep me informed of your and other coal field events. Thanks!

Bruce Boyens
Lexington, KY

Dear CCC:

Uram fired me, but here's my \$100 check for membership — use it for good work. Stay after the bad guys! Is the member list confidential?

(Writer requested confidentiality)

Yes, our member list is absolutely confidential. We don't sell, give or loan it to anyone. — Editor

Dear CCC:

I very much enjoyed reading your Fall 95 issue cover to cover. My membership is enclosed.

Betty Jean Hall
Dumfries, VA

Dear CCC:

Wow, a real grass roots magazine! Thanks and keep it up. I'm now practicing environmental law in winter and have a commercial fishing boat in summer.

Patti Saunders
Anchorage, AK

We Love Mail

The CCC Reporter welcomes letters and will print those of interest to our readers. We may edit for length and readability. Please sign your name and give your telephone number — we respect those needing confidentiality. Send to Carolyn Johnson, Citizens Coal Council, 1705 S. Pearl St., #5, Denver, CO 80210. Now you can reach the Denver office on the Internet: ccc@netone.com.

For Shame. . .The Bad Actors

Senator McConnell dodges citizens

Kentucky activists were shocked in October when their Senator, Mitch McConnell (R-KY), abruptly canceled a meeting with them in Washington DC because they opposed McConnell's bill to cut funds for the Office of Surface Mining. McConnell had previously refused to meet in Louisville with members of **Kentuckians For The Commonwealth** (KFTC).

Why is Sen. Mitch McConnell turning away the folks he represents? Is he too arrogant to meet with lowly voters? Afraid that KFTC members will blow him away with powerful arguments and wit? Is he embarrassed by his own efforts to line the pockets of the coal industry?

Or perhaps the Senator doesn't want to get any more dollar bills which KFTC has been circulating. The bills have his photo and the names of coal company donors to his re-election campaign.

♣ In 1993-1994, McConnell got \$5,000 from Beach Fork Coal Process-



(Photo: Mr. McConnell's office.)

ing, \$3,500 from Martin County Coal, \$2,500 from Massey Coal, \$1,000 from Kentucky River Coal, \$1,000 from Cypress Mountain Coal, \$1,000 from Interstate Coal, according to KFTC.

Whatever the reason, his constituents believe his behavior is most unbecoming for a U.S. Senator. Bad behavior is frowned upon even by Santa Claus, as

highlighted by KFTC members who delivered two stockings of coal to McConnell's Louisville office last Christmas.

"If Senator McConnell continues to ignore the common people who elected him to represent them, perhaps we should send him a one way ticket back to Louisville," wrote KFTC member Barbara LeMaster in a letter-to-the-editor.

♣ Besides working to gut OSM, McConnell is leading the Senate charge to restrict citizens' right to sue corporations (called tort reform). Not surprisingly, McConnell has received tens of thousands of dollars from accounting and insurance interests who stand to save millions of dollars under his plan.

♣ No wonder the *Louisville Courier-Journal* called McConnell a "leading opponent of proposals to limit campaign spending."

Wanted: A Kentucky Senator to meet with KFTC constituents and fight for justice in the coal fields. ♣

KMH Coal leaves big mess in Virginia

Like a badly behaved child, the KMH Coal Company hasn't learned to pick up after itself. Its mining operations in southwest Virginia's Dickenson County continue to cause extensive damage to public property and have made an ugly mess.

♣ Mining operations caused one lane of 2-lane Virginia Highway 664 to collapse. The damage is still not repaired.

♣ KMH refuses to clean up garbage, tires, barrels, metal, and discarded machinery; the trash heaps may contain hazardous or toxic materials.

♣ KMH didn't cover waste rock extracted from the mine.

♣ Power lines crossing the mine site were damaged, resulting in area-wide power outages.

The **Dickenson County Citizens Committee**, a CCC member group, filed citizens complaints with the US



he KMH Coal Company refuses to clean up garbage, waste and old machinery and has damaged a state highway and power line. (B. Reilly)

Office of Surface Mining and the state regulatory agency. About four years ago, members inspected the mine with state regulators from the VA Department of Mines, Minerals and Energy. Benny Wampler directs the regulatory services branch.

"The regulators nitpick at the problems but don't solve them," said Barney Reilly, Chair of DCCC. "The junk still piles up."

Reilly believes the cost of repairing the mine's damage will exceed KMH's bond and require the use of other funds reserved by Virginia for reclamation work.

"This mine isn't a total loss," says Reilly. "We can always use it as a bad example."

Wanted: KMH to clean up and fix the highway and power lines; Benny Wampler to enforce the law and do the job Virginians pay him to do. ♣

Family values, coal company style

Two strip mining companies in North Dakota willfully flood neighbors' farms, destroying crops or making the land unusable, and then refuse to pay for their damage.

This is "family values," coal company style. Both companies — Coteau and Falkirk — are branches on the same tree, subsidiaries of the giant NACCO corporation.

The **Dakota Resource Council (DRC)** is working to stop the flooding from hurting its members, but state mine regulators help the companies.

☛ Coteau's Freedom mine drained its ponds and flooded Elroy Wolf's wheat field last spring — after nearly flooding it

the year before. Coteau claimed it was only abiding by the terms of its state mining permit from the ND Public Service Commission (PSC).

☛ Coteau refused to pay damages, estimated by Wolf to be about \$100,000. He was unable to plant on 40 acres and the yield of his crop was reduced on 150 more.

☛ Falkirk flooded Kent Pfaff's wheat field in 1993, ruining his crop. Falkirk refused to pay damages and Pfaff's lawsuit is pending.

☛ Falkirk drained a sedimentation pond this April, flooding Tim Saylor's 15-acre wheat field. Now he can't plant it this year. Falkirk refuses to pay for damages, claiming it notified the landowner and need not notify Saylor, who rents the land. State inspectors found the pond still leaking but, predictably, didn't write a violation.

After Wolf complained to OSM and PSC, OSM told PSC that mining permits must prevent unseasonable flooding of farm land. (Somehow, PSC officials have this goofy idea that it's legally okay for mines to damage land outside the permit area.) The PSC changed the terms in Coteau's pending permit application for expanding the mine.

But the change allows Coteau to go ahead and drain ponds if it doesn't "believe" farming is about to take place. That certainly didn't satisfy Wolf: "The revision won't help me at all. It basically lets Coteau make my farming decisions for me."

DRC wants the PSC to require Coteau to notify all landowners and farmers before draining any pond and to arrange damage payments in advance.

WANTED: Coteau and Falkirk, stop flooding your neighbors, pay for their damages, and work with them. PSC, prevent mines from creating off-site damage. ♣



Elroy and Kaye Wolf, Hazen ND, want Coteau to stop flooding their fields and pay for damages. (Family photo)

State Industry group attacks citizens rights



It's often hard to tell the difference, but some of the worst assaults on coal field citizens' rights and the federal coal law don't come from industry but from the state regulators' group, the Interstate Mining Compact Commission (IMCC).

IMCC has 18 eastern and midwestern member states and the director is Greg Conrad, a former lobbyist for the mining industry. Under his leadership, IMCC has been a notorious enemy of coal field citizens and works to reduce their rights.

☛ In July 1993, IMCC petitioned the Clinton Administration to adopt new rules that would curb OSM's oversight of coal mines and leave compliance up to the discretion of state regulators.

Coal field citizens rose up against the proposal, slam dunked it, and IMCC was forced to withdraw. Now it's trying another tack in Congress.

☛ IMCC is a major backer of a bill sponsored by Rep. Barbara Cubin (R-WY) and Sen. Robert Bennett (R-UT) to gut OSM's enforcement power and reduce citizens rights.

☛ Much of IMCC's activity is devoted to lobbying Congress and the Administration, and this may be illegal. Federal funds can't be used for lobbying, and most of IMCC's revenue comes from annual state membership dues of \$10,000 to \$25,000. This is money some states siphon out of their grants from OSM.

CCC recommends that states shouldn't use public money to pay for their dues to an anti-citizen, anti-environment organization.

WANTED: An association of state mine regulators that stands up for people in the coal fields and their rights to justice, law and order. ♣

Deal fizzles, Uram thanked

Coal field citizens have long said they need federal oversight of coal mines because some state regulators won't listen to citizens. In March, an association of Eastern and Midwestern state regulators proved the citizens right.

The Interstate Mining Compact Commission (IMCC) broke off negotiations with OSM over proposals for new federal coal mine rules when OSM Director Robert Uram announced his intention to discuss the agreement with citizens.

The agreement — dubbed the “Indianapolis Framework” because it was originally drafted by OSM and IMCC in Indianapolis — outlined major changes in the enforcement of the Surface Mining Control and Reclamation Act (SMCRA). The agreement would have:

- Forced citizens to file complaints with state regulatory agencies and exhaust all appeals before asking OSM to enforce.
- Prevented OSM inspectors from taking most enforcement actions.
- Limited OSM's oversight of state regulatory programs.

Citizens reacted angrily when they learned OSM and IMCC were negotiating about their rights. “I feel that we have been left totally out of this and OSM's attitude is ‘whatever makes IMCC happy we will do,’” said Linda Brock, a member of Kentuckians For The Common-

wealth and past chair of CCC. “As far as I'm concerned, neither OSM nor IMCC is interested in what citizens have to say.”

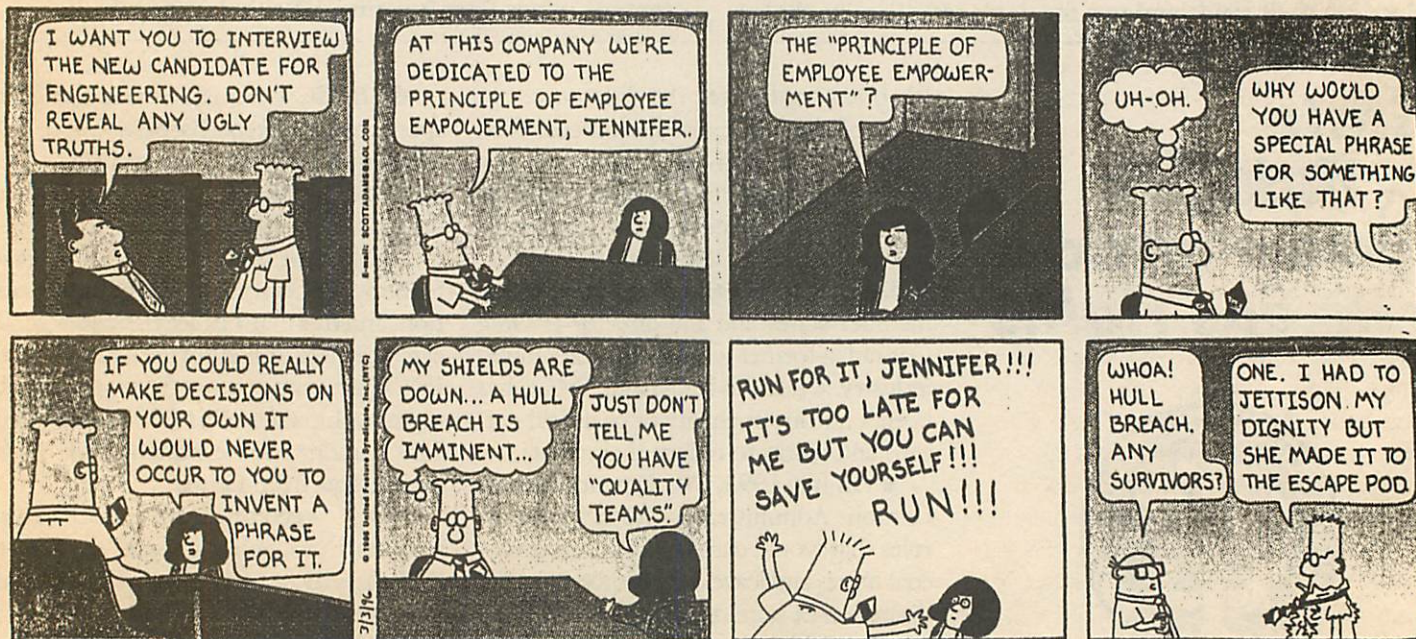
According to IMCC Director Greg Conrad, Uram had promised earlier that the IMCC-OSM agreement would be sent to Congress as proposed legislation. Uram, who was clearly feeling pressure from coal field citizens across the country, insisted the agreement be discussed with citizens before going to Congress. That was the deal-breaker for IMCC and negotiations ended.

Uram then publicly denounced the agreement's provision requiring citizens to exhaust state remedies before turning to OSM as “just not reasonable.” CCC Chair Barney Reilly wrote a thank-you to Uram for making the right decision.

Uram also pledged that no future deals will be cut in secret with state regulators — a pledge he later repeated in a meeting with the Northern Plains Resource Council and the Dakota Resource Council.

Uram said, “Any new ideas we or the states may eventually want to consider for handling citizen complaints and administering federal backup enforcement authority will need upfront citizen involvement to succeed.” ♣

[Other stories in this issue about the IMCC's anti-citizen stance on pages 22 and 25.]



DILBERT by Scott Adams. (Sent by an OSM employee: “Everyone in my office reads this cartoon to keep their sanity when OSM Director Uram talks Manager-Speak — ‘empowering employees,’ ‘team concept,’ & ‘paradigm shift.’”)

Rumors, the facts, and OSM

When Secretary Babbitt took office in 1993, he told OSM employees that "a new day has dawned," "we are coming to your rescue," and the anti-environment era of the Reagan-Bush years was history.

Many of us believed him; we thought that — finally — we could do our jobs without fear of retaliation. But we were sadly mistaken.

Babbitt's sun was a no-show. His "new day" at OSM was laying off 25 percent of the employees and slashing the regulatory budget.

Although Babbitt and OSM Director Robert Uram blame the Republicans in Congress for the cuts, we believe that's only part of the story. Right after the Republicans got control of Congress, OSM employees heard that Babbitt was worried about his favorite programs and wanted a compromise to save them.

Babbitt's Compromise

The compromise? You guessed it — the "thorn in the side" of every Secretary of Interior since 1977 — OSM. To remove this thorn he quietly signaled the congressional Republicans that he would throw them the OSM "bone."

Rumor or fact? You be the judge.

When over 200 OSMers were laid off last fall, we accepted the Administration's claim that Congress had targeted OSM along with other federal agencies. We were startled to learn in April that Babbitt and Uram didn't ask Congress for funding to hire back the 200 laid off.

We aren't politicians or stupid, but we think if the cuts were truly the work of congressional Republicans, then the Democratic Administration would ask for increased funding for the 1997 regulatory budget. This would force Congress to cut OSM's budget and give President Clinton another shot at bashing the Republicans for being anti-environment in an election year.

You be the judge. Rumor or fact?

When OSM's budget was cut, everyone assumed the layoffs would automatically affect employees with lower



Bruce Babbitt, Secretary of the Department of the Interior. (DOI photo)

seniority. But not so. Uram left the decision on who to be lay off to the managers of each office. (If he had made that decision, it would have been the first one not involving his travel plans, speeches or propaganda on "shared commitment.")

These managers, of course, decided that the employees who had been giving them "trouble" were expendable. The "trouble" was the employees who tried to do their jobs by insisting that states and companies must comply with the law.

Buck Miller's "Shopping"

Here's an example. We believe Buck Miller, OSM Field Office Director in Knoxville, has spent his last ten years cozying up to the industry by giving unwarranted permits and trying to keep a leash on his inspectors.

If Miller got the wrong answer from a permit team, he would "shop" around a permit application until he got an answer that allowed him to issue the permit. Sometimes his "shopping" worked in Knoxville; sometimes he had to "shop" at other OSM offices. Eventually, he'd get the answer he needed to issue the permit.

Over the years, his only problem — and it was a big one — were the employees who stood in his way. Whenever Miller's "shopping spree" seemed to violate the laws, the professional reviewers would go

to Congress, environmental groups and the press to explain what Miller was doing. To his frustration, Miller never figured out how to stop employees from blowing the whistle on him.

Then Uram stepped into the picture. When Uram gave Miller the opening to lay off employees on his staff, who do you think got axed: those who blew the whistle or the "yes" people? You guessed it, he laid off many of the "trouble makers."

Now Miller seems to think he will have clear sailing. Wrong again, Buck! The problem wasn't the employees; the problem is your not taking actions to protect people from coal companies that continue to mine and ruin the waters in Tennessee.

Rumor or fact? You be the judge.

Advice to OSM & CCC

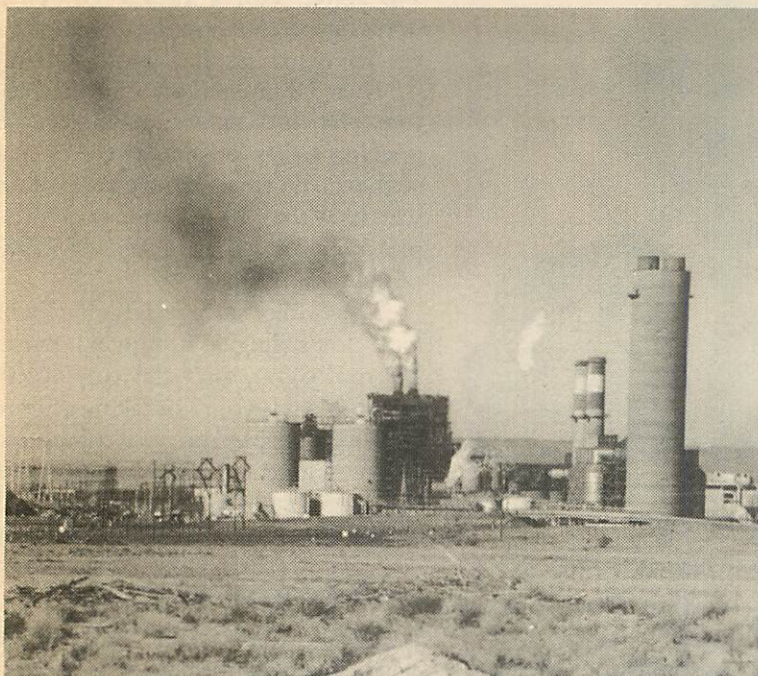
In closing, we would like to offer some advice to CCC members and the remaining OSMers as you continue to fight the good fight.

- It's important that contacts between OSMers and the public be conducted very carefully. Names, contact locations, etc., should never be mentioned to others.
- Continue working with those you worked with before because Uram has proven to be worse than any previous Director. This means contacting Congress people, reporters, and CCC.
- Document everything that you do or you witness a manager doing (like a bad decision or telling you not to enforce). OSMers found out during their layoff appeals that the managers keep notebooks on all of us (even times when we go to the bathroom).
- If you remaining OSMers need help, just pass the word through the proper channels. (You know the channels, if you don't then you're probably on the other side.) Help will eventually come.
- Finally, although morale is lower than ever before at OSM, keep fighting for the law and for justice in the coal fields.



[Career OSM employees wrote this essay and asked for confidentiality.]

IndustryWatch



The Four Corners power plant on the Navajo Nation near Farmington NM is exempted from air quality standards. Air pollution from power plants is expected to increase when the electric utility industry is deregulated. (Carolyn Johnson)

Salary ↑ sales ↓

Chand B. Vyas, Chief Executive Officer of the Zeigler Coal Holding Co. in Illinois, got a 20 percent raise last year to \$799,362. Sales, however, were down 10 percent and the company lost \$11.2 million in 1995. [Reported in the *St. Louis Post-Dispatch*.]

'95 mine deaths

Sixteen coal mining-related deaths occurred in West Virginia last year — more than any other state — followed by Kentucky with 12 fatalities and Pennsylvania with 8. Across the country, 47 coal miners died in accidents. [COAL magazine, March 1996.]

Poverty rate high in coal fields

Nationally the per capita income averages \$12,266 and 13.1% of the people live in poverty. Not so in the coal fields. Listed below are the ten states with the highest poverty rate in coal-producing counties. [Statistics cited are not state-wide. Source: 1990 Census Data.]

	Poverty rate	per capita income		Poverty rate	per capita income
1. Arizona	34.3%	\$7586	6. Montana	23.2%	\$9218
2. Kentucky	30.7%	\$8227	7. Texas	23.2%	\$9908
3. New Mexico	30.1%	\$8538	8. West Virginia	23.1%	\$9326
4. Louisiana	24.0%	\$7771	9. Virginia	22.9%	\$8966
5. Tennessee	23.2%	\$8756	10. Oklahoma	20.1%	\$9825

Here "it" comes...

Hang on to your wallets, get out your gas masks, hide the kids, here it comes!

"It" is deregulation of the electric utility industry. State and federal governments are getting out of the business of setting prices and marketing areas. That means an Illinois power company could sell electricity in Alabama, California, or even Mexico — any place the wires go and there's a buyer.

Consumer groups fear deregulation will cause higher electricity costs for consumers. They believe the utilities will lower prices for big users such as factories and strip mines and raise prices for homes and small businesses to make up the difference.

Power companies are scrambling to find partners and merge into megautilities; they want to build up more money so they can go after a larger share of the market. Even one mining company, Zeigler Coal in Illinois, has entered the feeding frenzy, teaming with Northern States Power in Minnesota to buy a bankrupt Louisiana utility. Industry analysts predict that some large mining companies will buy power plants.

Environmental Effects

Under deregulation — which has yet to take full effect and may never fully do so — utility companies will make more money producing electricity in their existing coal-fired plants than by investing in renewable energy or conservation programs.

Citizens in the coal fields can expect new and expanded mines to be proposed. Mine operators will undoubtedly argue they need the mining and reclamation standards to be relaxed so they can compete in the new world of deregulation.

Currently, many coal-fired plants aren't working at full capacity, so revving up the boilers will also cause more air pollution.

In April, the Federal Energy Regulatory Commission acknowledged that utility deregulation will cause more air pollution from power plants, particularly in the Midwest, but rejected a proposal to tighten environmental standards.

There are no limits for carbon dioxide emissions, a major cause of global warming. ♣

Did you know?

Coal use by electric utilities has more than doubled since 1980. Strip mining accounts for 60% of the total US production, 1 billion tons annually. ["Coal Technology," by the National Mining Association.]

MoneyPolitics

Search on for 'green appeal'

Last year: A pollster revealed that 55 percent of Republican voters didn't trust their party to protect the environment. House Speaker Newt Gingrich (R-Ga) later said his party "mishandled" environmental issues.

This year: Coal field citizens are praying for Democratic Secretary of Interior Bruce Babbitt to stiffen his spine and make it to first base. Congressional Republicans are worrying about how to steal some of Babbitt's alleged "green appeal."

"Think of it this way," advised an April memo from the House Republican leadership to staffers, "The next time Bruce Babbitt comes to your district and canoes down a river as a media stunt to tell the press how anti-environmental their congressman (sic) is, if reporters have been to your boss' adopt-a-highway clean-up, two of his tree plantings, and his Task Force on Conservation hearings, they'll just laugh Babbitt back to Washington."

Other ideas in the memo: join a garden club board, use recycled paper, hand out tree saplings, clean up the park, or visit the zoo. Try to make a media event of some kind.

Earth Day, April 22, 1996: Gingrich led kids to the Atlanta Zoo and proclaimed, "I believe deeply in the environment." President Bill Clinton and Vice President Al Gore — whose work on the environment, until recently, largely consisted of signing Republican anti-environmental legislation into law and moaning about it — helped clean up a park in Virginia.

Meanwhile, as columnist Molly Ivins points out, "The environment, which does not respond to political spin, is out there degrading away quietly." ♣

Can't beat thuh danged thangs off!

"It's the dangedest thing I ever saw. As majority leader, you can't *keep* the money from coming in." House Majority Leader Dick Armey (R-Texas) on PAC contributions (The Dallas Morning News, September 16, 1995.)

In West Virginia, this year's candidates for the State Supreme Court are raising funds for their campaigns from coal company executives, labor unions, banks, lawyers, and others.

A report in the *Charleston Gazette* points out that some of the coal operators who are contributing "owe millions of dollars to the Workers' Compensation Fund or have failed to reclaim mine sites."

[Center for Responsive Politics, Capital Eye, Nov. 1, 1995 issue, "Back Talk;" May 15, 1996, "We Know Justice Delayed is Justice Denied... How about justice that's paid?"

The Center does excellent public education and research on the role of money in politics. Its bi-monthly magazine is free and can be obtained by writing to the Center at 1320 19th Street NW, Suite 700, Washington D.C. 20036.]



DOONESBURY by G. B. Trudeau.

NEWS FLASH!

Bob Dole says: Kill OSM

Bob Dole, the likely Republican presidential nominee, said he supports "abolishing" the Office of Surface Mining and placing the Energy Department in charge of enforcing the federal coal law. He also wants the Abandoned Mine Reclamation Fund transferred to the Bureau of Land Management.

Dole's proposal was contained in a May 1 letter to Sen. Slade Gorton (R-WA), Chairman of the Appropriations Subcommittee for the Interior Department, which includes OSM.

In his letter, Dole also applauded Gorton's efforts to "streamline the Department of Interior. I believe last year's momentum should be sustained." Last year Congress made deep cuts in OSM's enforcement budget.

As we go to press, neither Dole nor Secretary Babbitt has commented publicly on the proposal.

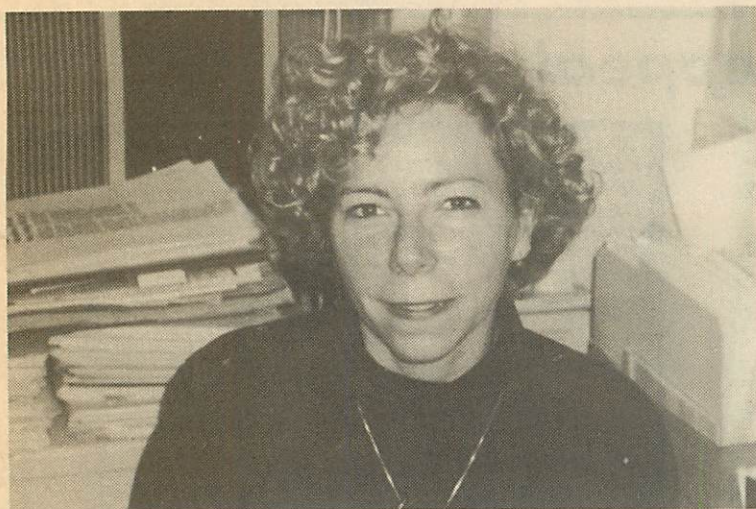
Welcome, Jane!

Jane Kochersperger joined CCC's staff in the Washington D.C. office in March as a communications and training specialist.

She comes to CCC with an extensive background in environmental and social justice issues at non-profit organizations. She has a degree in English literature from St. Lawrence University in upper New York state.

She says, "I love working with CCC's members and am impressed that, across the country, they have a shared vision of working for justice. Unlike some groups, CCC members take action. It's not just talk."

Jane likes to be outdoors riding her bike or hiking and is looking for space in the city to start an organic garden. She feels privileged to live with the three cats who have adopted her. ♣



(Will Collette)

Changes, Changes, Changes

The Washington D.C. office has moved to a different floor. The new address is 110 Maryland Ave. NE, Room 408, Washington D.C. 20002. The new phone is 202/544-6210. No change for the fax: 202/543-0978.

Both offices are now on the Internet, so please send us some E-mail so we can learn how to use the darn software!

Denver: ccc@netone.com

Washington: citzcoal@essential.org

And, speaking of moving the Washington, D.C. office...Elaine Purkey, West Virginia Organizing Project, said she was real excited about coming to D.C. and, "learning about our government. But the only thing I learned was how to move boxes on a hand truck at the CCC office, while Will Collette took pictures of me working!"



THANKS to everyone who made this issue possible!

Tom Bedonie, Lila Bird, Dakota Resource Council, Richard DiPretoro, Anna Mae Etheridge, Joanne Fox, Leo Griep-Ruiz, Freda Harris, Harry and Loretta Ceruli at HR Computers, Dan Heilig, Jane Johnson, Mary Lou Jones, Barbara Joshi, Kentuckians For The Commonwealth, Pat Mahon, Ruth Nichols, Ellen Pfister, Public Employees for Environmental Responsibility, Elaine Purkey, Cindy Rank,

Barney Reilly, Cynthia Rossi, Save Our Cumberland Mountains, Jack Spadaro, Ann Tatum, Gwen Thompson, Jason Tockman, Mark Trechock, Kee Watchman, West Virginia Organizing Project, and all our special pals who must remain anonymous (you know who you are!) who sent articles, cartoons, pictures, reports, videos, tips and treats to make this issue possible.

Why are these people at camp?

They attended the CCC Leadership Development Conference, where they learned and practiced the skills needed in order to win:

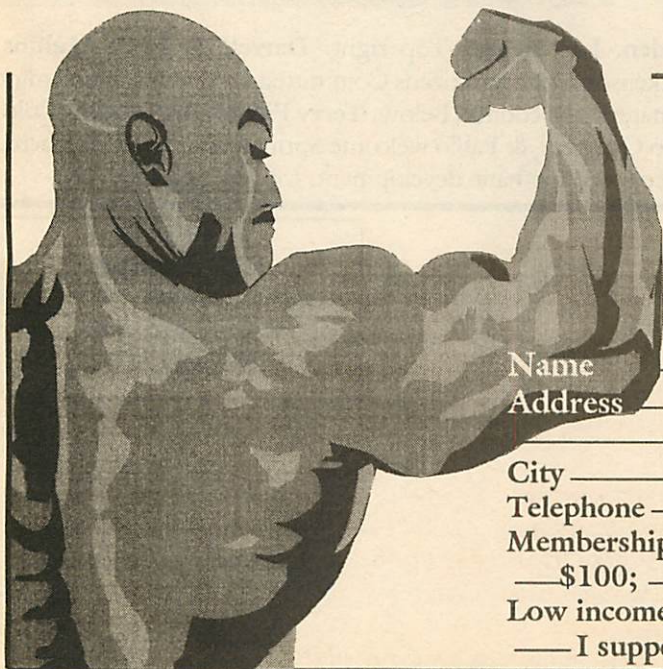
- Building bigger, stronger citizens groups.
- Getting the media to cover your issue.
- Planning & carrying out an action.
- Finding & using legal & technical help.
- Building power alliances.
- Having fun, lots of fun.

How about a weekend "boot camp" for citizens in your area?

Contact a CCC office for more details: 1705 S. Pearl, #5, Denver, CO 80210 303/772-9119 Internet address: ccc@netone.com or 110 Maryland NE, #408, Wash. D.C. 20002 202/544-6210 Internet address: citizcoal@essential.org



Some of the 45 people who attended CCC's first Leadership Development Conference in Laurel, PA, Sept. 1994, stopped long enough for a picture. The conference was the realization of Peggy Clark's (seated front center) long-held dream of building a strong, active network of citizens groups in Pennsylvania, Ohio and West Virginia on common issues. Peggy was instrumental in helping start her local group, CAWLM, and the Tri-state Mining Network, which had its kick-off at the conference. She is also a board member of CCC. The following groups hosted and attended the conference: Buckeye Forest Council, Concerned About Water Loss due to Mining, Mountain Watershed Alliance, Nottingham Network of Neighbors, People United to Save Homes, Protect A Clean Environment, West Virginia Highlands Conservancy and Tri-State Citizens Mining Network. (Carolyn Johnson)



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Membership Category: _____ \$250;
_____ \$100; _____ \$50; _____ \$25

Low income or student: _____ \$15

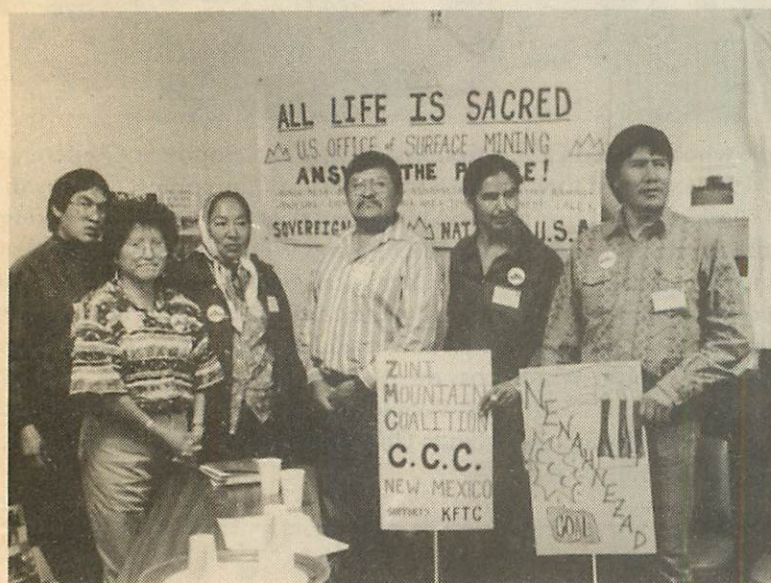
_____ I support the purposes of CCC.

— Magazine only, \$20 per year.

Please enclose a check or money order and mail to:
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110 Maryland Ave. N.E.
Room 408
Washington D.C. 20002

Thank you!

Meet the folks of CCC



Top left: Save Our Cumberland Mountains members and staff at Martin Luther King Day march. Below: Nenahnezad Chapter, Dineh Alliance and Zuni Mountain Coalition members at 1994 CCC board and KFTC annual meetings. Left, Ernest Diswood, Jeannie Benally, Maxine Kescoli, Ray Benally, Mervyn

Tilden, Leo Begay. Top right: Darrell & Joyce Mullins, Dickenson County Citizens Committee, VA, work to stop mine damage in the county. Below: Terry Fitzgerald, Western Colorado Congress, & Pablo welcome Spring to her ranch, impacted by coal bed methane development. (SOCM; C. Johnson)

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