



Reporter

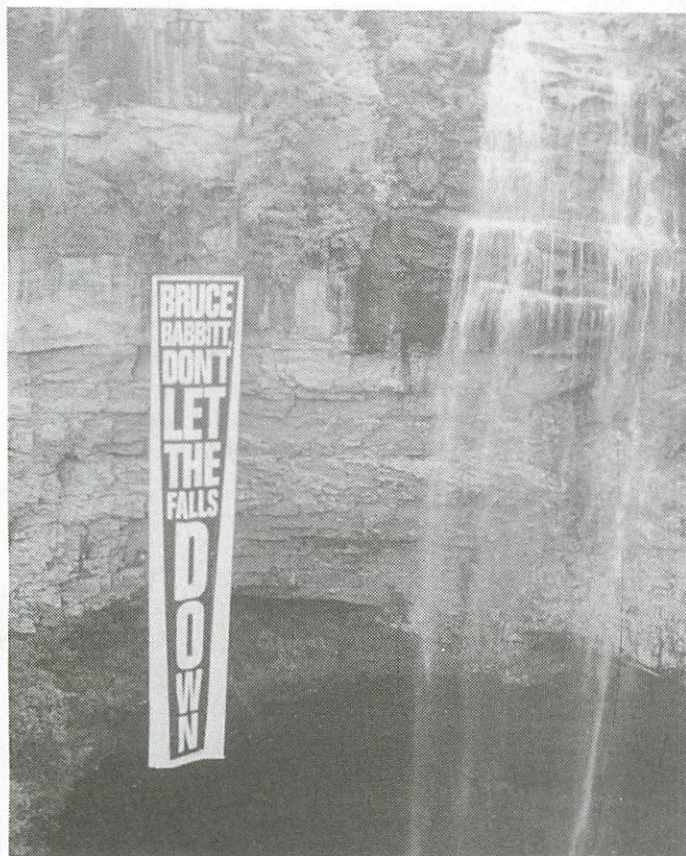
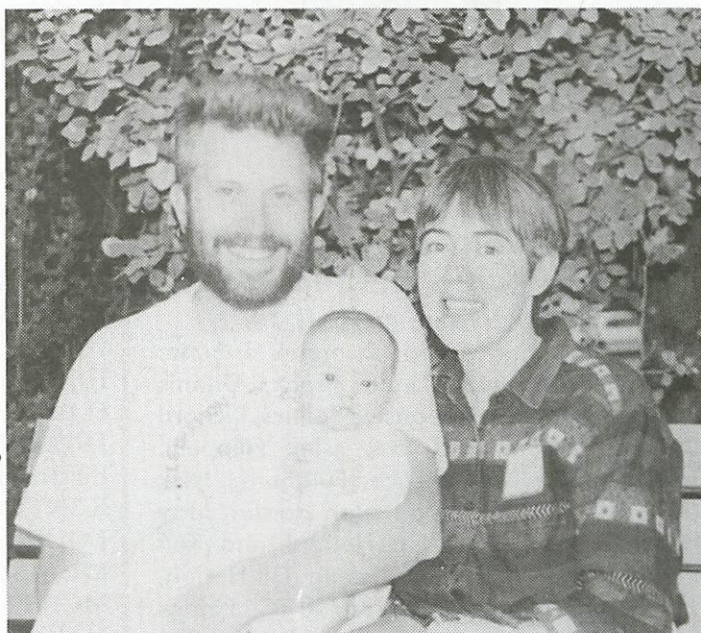
Citizens Coal Council Magazine Spring 1997

Working for Justice, Law and Order in the Coal Fields

CCC maps better future for coal fields

page 3

Daniel Money, Jeanne Costello and
Emma of Durango, Colorado



This and
more great
stories
in
**Grass Roots
News**
12-19

Save Our
Cumberland
Mountains asks
Secretary Bruce
Babbitt to save
Fall Creek Falls
State Park from
acid pollution

Inside →

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**Thanks and a bouquet to
all of you who helped make
this edition possible**

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CCC Offices and Staff

Denver: Carolyn Johnson, Coordinator; Dennis Short, Communications, 1705 S. Pearl, Room 5, Denver, CO 80210 303/722-9119; fax: 303/722-8338; E-mail: ccc@netone.com

Washington D.C.: Will Collette, Coordinator; Jane Kochersperger, Communications, 110 Maryland Ave. NE, Room 408, 20002 202/544-6210; fax: 202/543-0978. E-mail: citzcoal@essential.org

Editor: Carolyn Johnson; **Associate Editor:** Dennis Short; **Contributing Editors:** Will Collette, Jane Kochersperger.

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Citizens Coal Council

CCC is a grass roots federation of citizen groups and individuals who work for social and environmental justice. CCC and its members strive 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.

Ellen Pfister, Montana, Chair

Wyona Coleman, Pennsylvania, 1st Vice Chair

Gwen Thompson, North Dakota, 2nd Vice Chair

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Freda Harris, IN

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Jan King, IL

Maxine Kescoli, Diné, AZ

Daymon Morgan, KY

Jack Scott, CO

Jason Tockman, OH

John Wathen, AL

Shirley Willie, OK

CCC Member Groups

ALABAMA: Alabama Environmental Council

COLORADO: Crystal Valley Environmental Protection Association, Western Colorado Congress

IDAHO: People's Action Coalition

ILLINOIS: Citizens Organizing Project

INDIANA: Bridge Alliance, Indiana Citizens Mining Council, Hoosier Environmental Council

KENTUCKY: Kentuckians For The Commonwealth

LOUISIANA: Louisiana Environmental Action Network

MISSISSIPPI: Concerned Citizens for the Future of Choctaw County

MONTANA: Northern Plains Resource Council

NAVAJO NATION: Diné Alliance, Nenahnezad Chapter Technical Committee

NORTH DAKOTA: Dakota Resource Council

NEW MEXICO: Water Information Network, Zuni Mountain Coalition

NEW YORK: Protect A Clean Environment

OHIO: Buckeye Forest Council

OKLAHOMA: Pittsburgh Co. Mineral & Surface Owners Association

PENNSYLVANIA: Alice Water Protection Association, Concerned About Water Loss due to Mining, Concerned Citizens for Environmental Awareness, Concerned Citizens of New Castle Township, Mountain Watershed Association, Nottingham Network of Neighbors, People United to Save Homes

TENNESSEE: Save Our Cumberland Mountains

VIRGINIA: Coalition for Jobs & Environment, Dickenson County Citizens Committee

WEST VIRGINIA: West Virginia Highlands Conservancy, West Virginia Organizing Project

WYOMING: Powder River Basin Resource Council, Wyoming Outdoor Council

MULTI-STATE: Commission on Religion in Appalachia, Diné Mining Action Center, Environmental Health Network, Tri-State Citizens Mining Network

CCC tackles cleanup, jobs

CCC board members worked for six months to find the most meaningful way to celebrate the 20th anniversary of the federal coal law this year. At its November meeting, the board resolved to create a better future for coal field residents and launched a 5-year campaign to clean up the coal fields.

The campaign focuses on solving the chronic problems that bedevil the coal fields such as acid drainage, unreclaimed lands mined before 1977, blasting, subsidence, ash dumping, and current operations that don't reclaim as they mine.

CCC Chair Ellen Pfister said, "We're excited about working together to make the promises in the law a reality. It's a big challenge, but CCC has the grass roots power to take it on. In just 8 years, we've grown from 7 member groups to 38."

A key campaign piece is the Jobs and Justice Project. "We need to get more money from the Abandoned Mine Lands Trust Fund into clean up," said Pfister. "The federal government has collected over \$1.2 billion in the AML Fund for this purpose but isn't spending it. The money just sits there while Appalachia and the Midwest have over 12,000 miles of acid-polluted streams. Clean up means lots of jobs doing good work."

She said the Jobs and Justice Project will also focus on western mines that, contrary to law, aren't reclaiming as they mine. "In Montana, Kennecott's Spring Creek mine has reclaimed only 2 percent of the land. Mining by the book means more jobs, thousands of them, and a better environment."

CCC member groups have already begun meeting with unions, environmental and religious groups, elected officials



Barney and Vina Reilly of the Dickenson Co. Citizens Committee, the group helping to lead CCC's Jobs and Justice Project and Clean Up the Coal Fields Campaign.

and coal company chiefs to build the broad coalition needed for success. (See related story, "Virginians..." p. 18.) ♣

Party time at 'stink tank'

It must be the coal industry's free booze. The Interstate Mining Compact Commission (IMCC) still seeks a roll back of citizen rights despite failing to pass its bill in Congress last year against overwhelming citizen opposition.

In January Greg Conrad, IMCC executive director, said they may ask OSM to rewrite the rules and ban citizens from filing complaints directly with OSM until they have exhausted their rights at the state level, which would take years.

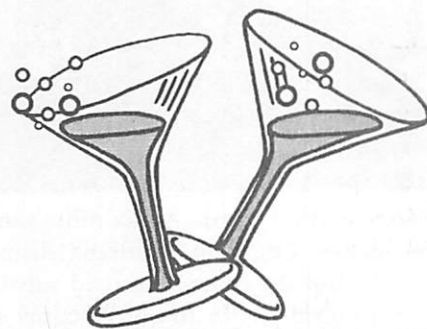
The IMCC is an association of state mining regulators from 18 Eastern and Midwestern states. Greg Conrad is a former lobbyist for the mining industry; he behaves as if he never left their payroll.

Bob Geiger of the *Lexington Herald-Leader* investigated the IMCC's acceptance from the mining industry of at least \$16,900 since 1991. Mining companies and associations regularly sponsor recep-

tions at IMCC's annual conventions. In 1991, the National Coal Association (NCA) paid the IMCC \$7,500 to file a legal brief in support of NCA's lawsuit against the OSM bonding rules. Geiger also found IMCC was missing detailed records of donations for several years.

Some states pay their dues to IMCC using OSM grant money. CCC has accused the IMCC of illegally using these funds for Conrad's lobbying efforts to curtail citizen rights. Dues are \$10,000 to \$25,000 per year.

Coal industry officials deny expecting favorable treatment in exchange for supporting convention receptions. Andrea Mayne of Kentuckians For The Commonwealth points out donations from industry can influence state regulators. "The IMCC was originally set up to be a think tank. With all this coal industry money, it's turned into a stink tank." ♣



What you can do to ...

Stop the Stink!

If you live east of the Mississippi River (or in Arkansas, Louisiana, Missouri, Oklahoma, or Texas), please write your Governor: "The IMCC's ethics stink — we want our state out of the IMCC now!" Please send CCC a copy of your letter and reply.

OSM blasting report criticized



Blasting at a Cyprus-Amax mine sank Verna Fink's garage floor 18 inches. OSM and Indiana dismissed this damage as "cosmetic," but the mine later paid substantial but undisclosed damages to residents in an out-of-court settlement. (Freda Harris)

Last fall, OSM issued a draft report written by its *Nationwide Blasting Work Group*. Former OSM Director Bob Uram set up the team in 1994 to evaluate the effectiveness of OSM's blasting rules and recommend changes.

CCC members reviewed the report, written without citizen input, and found it grossly deficient. The authors made many false assumptions such as:

- Damage cannot occur if a blast level is below OSM's limits;
- OSM isn't required to set blast limits for specific conditions at each mine site;
- The federal Act (SMCRA) protects citizens only from being conked on the head with fly rock or only when their homes fall down;
- Mine operators aren't responsible for preventing most injuries short of death or structural damages unless the home collapses.
- Mine operators can ignore psychological effects on citizens. The authors dismiss damage to home furnishings — broken dishes, fallen shelves, cracks in walls — as "cosmetic" and of no concern to OSM.

These conclusions didn't surprise citizens because three primary authors — Mike Rosenthal, Roger Calhoun, and Ken Eltschlager — have spent years denying blast damage suffered by citizens in Indiana, Kentucky, Navajo Nation, Pennsylvania, and West Virginia. True to form, Eltschlager led a blasting workshop just weeks after the report's release and told trainees OSM's principal responsibility was to "defuse citizen complaints."

CCC and Tom FitzGerald of the National Citizens' Coal Law Project sent comments on the report to OSM. FitzGerald debunked the bogus rewrite of the Act and quoted Congress' extensive writings that the Act was intended "to fully protect" citizens from all adverse effects of mining. CCC's comments focused on the false assumptions and gave examples of serious structural damage.

OSM says the report is being re-worked in light of these critical comments. ♣

OSM punts on underground mine protection

While many coal field residents were pleased with OSM's proposed rule change restricting strip mines on certain protected areas (see p. 14), they were equally disturbed that OSM proposed a "rule interpretation" allowing underground mines in those areas.

The Act bans "surface coal mining operations" near cemeteries, occupied homes, and in national parks, forests and wildlife refuges. OSM has declared under-

ground mining is not a "surface coal mining operation" and, thus, is not prohibited in areas protected under SMCRA.

Under the proposal, companies with an existing claim are allowed to mine underground regardless of subsidence damages that could occur to homes, parks, cemeteries, etc, and citizens are denied the right to decide whether to allow mining under their homes and under what conditions.

OSM says expanding safeguards would cost the coal industry over \$1 billion but admits the proposed rule will likely result in damage to 29,000 homes in the next 20 years.

Acting Director Kay Henry said OSM didn't expand protection because the Act allows citizens to get some compensation for damages. While true, citizens can rarely get enough scientific and legal help to win on their damage claims. ♣

Fighter for environmental justice dies

CCC lost a good friend and valiant fighter for environmental justice.

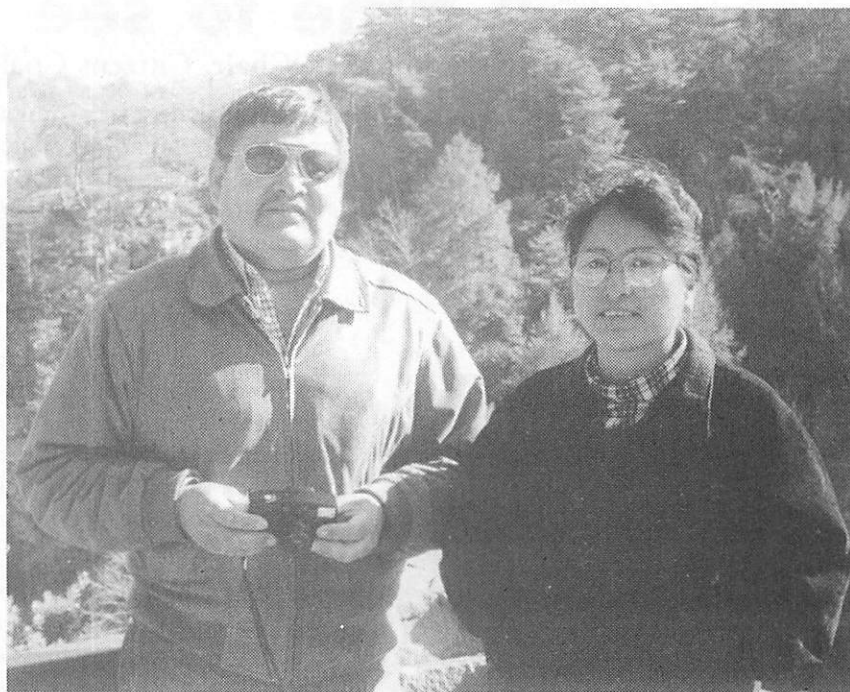
We mourn the death of our colleague Ray Benally. Ray died on the morning of April 15th of liver and kidney failure after a month in intensive care. We was 42 years old. He leaves behind CCC board treasurer Jeannie Benally and their three sons Dwayne, Alonzo and Jerod.

Ray's funeral was held in Farmington, NM on April 19, and the Citizens Coal Council was represented by board member Jack Scott.

Ray served his community, his tribe and his country through years of courageous and dedicated service for environmental justice. Ray, Jeannie and Ernest Diswood organized their community's local organization, the Nenahnezad Chapter Technical Committee. They worked with other Navajo grassroots groups to challenge destruction of their land by multinational corporations.

Ray put himself at risk by going on the record in denouncing environmental racism in the U.S. Office of Surface Mining, a courageous act that cost him his job at Navajo EPA. Rather than surrender to pressure, he went on to found the Diné Mining Action Center.

As executive director, Ray built D'MAC into an effective organization that worked with groups across the Four Corners region. Indeed, Ray and D'MAC developed such a solid reputation that groups from around the world sought his advice and assistance. He always understood, believed in and practiced the principle of mutual aid. ♣



Ray and Jeannie Benally at Fall Creek Falls State Park in Tennessee have been tireless in working for environmental justice for American Indians and coal field citizens throughout the country. (Hendrik Snow)

If you wish to help Ray's family, you may make a tax-deductible contribution to the Seventh Generation Fund, P.O. Box 4569, Arcata, CA 95518. Please write on the check that your donation is for the "Ray Benally Family Fund." Thank you.

Major victory on toxics at coal mines

Starting in 1998, citizens will have a legal "right-to-know" about toxic chemical use and disposal at many facilities, such as preparation plants and coal-burning power plants. These facilities were exempt under the federal Community Right To Know Act enacted by Congress in 1986 to give citizens knowledge tools they can use to fight for toxic use reduction.

On Earth Day 1997, President Clinton announced EPA will issue a final rule that expands Community Right To Know to include these facilities.

CCC member groups have fought with coal companies and utilities over

these issues for years and joined with other citizen groups to fight for expanding the Right to Know.

In Logan County, WV, Pittston Coal is dumping a mysterious chalky blue substance into Buffalo Creek, but residents have no legal right-to-know what it is and how much is dumped. This new rule gives them those rights.

In North Dakota, Gwen and Ken Thompson didn't know about Basin Electric's practice of dumping asbestos, waste oil and other toxic trash on the farm land they had leased to Basin for the Glenharold Mine. Starting next year, mining

companies' use and disposal of toxic materials must be reported.

Citizens in southwestern Indiana are fighting coal ash dumping in unlined strip mine pits. They argue there's no way of knowing what's in that ash without taking samples for analysis. Under this new rule, they should have more legal right to information about these materials.

EPA hadn't released the exact language of the new regulation at press time, but it's clear that coal field citizens have won a new set of rights to information. Congress could overturn this new regulation though that does not seem likely. ♣

The view from Ellen's hill

A time to see reality

By Ellen Pfister, Chair, Citizens Coal Council



Spring is making a very cautious appearance in this north country. The crested wheat grass shows a tinge of green and this morning a bird sang with spring in his voice.

I wish I could say OSM was also showing signs of real life.

There's been a flood of revised rules from OSM in the last two months, as though acting director Kay Henry's job is to get all the trash out of the pipeline and into the rules before she goes on to greener pastures.

If OSM simply enforced their laws, coal companies might respect the agency and stop getting Congress to introduce bills to weaken it. Right now, they know OSM won't enforce its own laws and they see an opportunity to finally kill the Act.

Mr. Babbitt's Empty Eyes

According to OSM's 1996 data, western enforcement and inspection figures are as empty as Interior Secretary Babbitt's eyes. Last fall, some of us westerners were told we had a choice between water research or inspections — there wasn't money for both. It looks like we got neither. The eastern figures are declining as well.

Mr. Babbitt's 1998 OSM Budget lists "new challenges" for America's coal industry, including mining more environmentally difficult lands and mining in densely populated areas. He neglects to mention these also challenge the people living and working in these areas.

Room for Improvement

Mr. Babbitt acts as if OSM has things well in hand to regulate the new frontiers, but does it?

Valley fills routinely destroy the head waters of southern West Virginia's streams. Extensive longwall mining is permitted for heavily settled areas in western Pennsylvania.

A project in my own state of Montana to improve acid mine drainage raised the pH of

water from 2 to 3. I hope the Appalachian Clean Streams Initiative has better results.

Save Our Cumberland Mountains has documented mines in Tennessee that were permitted, mined, and received full bond release under SMCRA, only later to begin releasing acid mine drainage. OSM just permitted another mine in Tennessee that will release acid mine drainage as sure as the sunrise in the East.

A common sense reading of the law shows Congress' intent not to allow this kind of water damage, but OSM has shown itself incapable of preventing water pollution.

OSM lacks political will to prevent damage

I don't think the technical complexities of coal mining are OSM's problem. OSM simply lacks the political will necessary to prevent damage through the permitting and oversight processes.

Mr. Babbitt needs to get the faraway look out of his eyes and focus on reality. Environmental protection does not happen with a bunch of guys in an office shuffling papers or taking trips for a view. It happens with on-the-ground work by employees who uphold the law and whose superiors back them. ♣

OSM simply lacks the political will necessary to prevent damage through the permitting and oversight processes.

THANK YOU to the individuals and groups whose donations have made our work possible. Your support has been vital.

WE APPRECIATE the recent grants from the Appalachian Community Fund, Beldon Fund, Campaign for Human Development, French American Charitable Trust, Greenville Foundation, Jesse Smith Noyes Foundation, The Norman Foundation, Public Welfare Foundation, Tides Foundation, and the Unitarian Universalist Veatch Program at Shelter Rock.

Welcome new members!

Solidarity on ash

Ten years ago, citizens from southwestern Indiana, western Kentucky, and southern Illinois fought Union Carbide's plan to bring toxic PCBs to Henderson, KY — a town on the Ohio River near where the three states come together.

The **Bridge Alliance** began during that fight and has worked successfully on a broad range of toxic waste and natural resource issues in the tri-state region ever since.

Alliance member Nan Hardin says, "The Ohio River is our common border, the bridges allow us to cross over and work on issues in all three states."

The Alliance has a lively campaign along with the Hoosier Environmental Council to keep southwestern Indiana from becoming the "ash hole" of the nation because of unregulated dumping of coal combustion waste (see related story on p. 17). The Alliance's recent petition to represent Indiana on the CCC board has been approved. ♣

Mississippi group joins CCC

Concerned Citizens for the Future of Choctaw County (CCFCC) was formed to combat a proposal by Phillips Coal to open the state's first strip mine. The mine would supply a proposed power plant.

Choctaw County is located in north central Mississippi near the Natchez Trace. Today, a scenic highway follows the Trace, a trail first used by American Indians and later colonists that runs from Nashville, TN, to the Mississippi River at Natchez, MS.

The county is poor and officials are gambling with residents' future in hopes of a windfall. When sponsors recently claimed the power plant wasn't feasible without tax breaks, county officials granted a ten-year tax honeymoon.

Spokesperson Florence Fulghum says, "What happens in ten years? The company will demand another tax break or leave and we'll be left with nothing but a hole in the ground." ♣

'Let justice roll down like water'

A long-time ally of coal field citizens, the **Commission On Religion in Appalachia (CORA)**, has formally joined CCC. Under the inspiring motto of "let justice roll down like water," CORA has worked for 32 years to overcome the causes of poverty and environmental destruction in Appalachia.

CORA began in 1965 with 17 religious denominations. Since then membership has grown to 19 denominations, 16

ecumenical partners, and hundreds of congregations and community groups throughout the region.

Its work has focused on issues ranging from assisting migrant workers to supporting economic alternatives to resource exploitation.

CCC greatly benefits from CORA's vast knowledge and experience and looks forward to expanding our work for environmental and economic justice. ♣

Good jobs in a clean environment

CCC welcomes the **Coalition for Jobs and the Environment (CJE)**. The coalition works for environmental protection while promoting job development that strengthens the local economies in southwest Virginia and northeast Tennessee.

CJE is waging a hot fight against black water pollution. Last fall Lone Mountain Processing, an Arch Mineral subsidiary, spilled 6 million gallons of coal slurry into the Powell River, killing all stream life for over 9 miles.

CJE filed notice with the state that CJE intended to sue the company. The notice prompted the state to sue the com-

pany under the Virginia Clean Water Act. Although the state's action prevents CJE from suing, the group is pushing hard.

At a February public hearing on proposed revisions to the company's mine permit, CJE members protested that, given Lone Mountain's past history of violations, the law requires the state to revoke the mining permit, not revise it.

Board member Sister Beth Davies, who lives downstream from the plant, has seen numerous spills. She said, "This situation calls for strong measures to remedy the impact of the spills and prevent more problems in the future." ♣



CJE board members Sister Beth Davies and Tony Lawson, right, toured the black water spill area with state officials. The Powell River valley is home to 58 endangered or threatened species. (CJE)

Editorials

Moving on past the last holdout

As we enter the 20th anniversary year of SMCRA, citizens are making great strides in building the power to clean up the coal fields. We're organizing in new areas, building a deeper base in existing groups, forging bonds with new allies, and renewing old ones.

One potential ally, however, is missing in action.

When Bruce Babbitt took the helm of the Interior Department in 1993, he seemed the most qualified Secretary in at least two generations. He had been a prosecutor so was tough enough to enforce the law. He trained as a geologist so would promote good science. He had worked with poor people so understood class issues and would honor their quest for empowerment. He had been a governor so supposedly knew how to lead and get things done in a political arena. He had worked in conservation so knew prevention was the first choice to achieve environmental quality.

Sadly, Mr. Babbitt's actions to date have dispelled most assumptions about his abilities. He has turned OSM into the

last holdout, the only federal environmental agency that rejects prevention as the best choice to address environmental problems. In the last six months alone, OSM has passed up three opportunities to embrace prevention:

OSM could have included prevention of damage to 29,000 homes from mine subsidence in its proposed rules on valid existing rights but didn't (see p. 4). OSM could have issued a policy on blasting that stressed prevention but didn't (see p. 4). OSM could have set a course to prevent acid drainage by denying a permit to Cyprus-Amax, but didn't (see p. 13).

Congress wrote "prevent" into the Act almost a dozen times. It told the Secretary to "prevent leaching of toxic materials;" "prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or private or public property;" "prevent contamination of ground or surface waters;" "prevent environmental damage from underground mines; and "prevent injury to persons, damage to public and private property...from blasting."

Mr. Babbitt has also fired many inspectors and sent a clear message to his administrative law judges to rule against citizens who appeal enforcement failures.

In four years, Mr. Babbitt has dismantled OSM and SMCRA to a degree only dreamed of by James Watt.

Mr. Babbitt excuses his actions, claiming other priorities — grazing and hard-rock mining reform and endangered species. There's little evidence, however, that he has the political skills to make real change in these areas. He also claims to need a committee of citizen, state and coal company representatives to advise him, reach common ground on coal policy and reduce confrontation. His staff members say he's uncomfortable with SMCRA's "command and control" approach.

CCC has rejected Mr. Babbitt's attempts to lure us down the path of retreat and defeatism. We want him to walk with us, but we must move on toward our goal of cleaning up the coal fields.

Today, fortunately, our national movement for coal field justice is stronger than ever in its 27-year history. ✚

I come to bury 'shared commitment'

By Tom FitzGerald

Every time I hear the term "shared commitment," I envision two or more people in restraints sharing the same padded cell. It's time to bury "Reg 8" — OSM's surrender of enforcement power to the states under the guise of sharing.

I'd like to take a dragline and dig a hole large enough to deposit all the trash of the past few years: "shared commitment," "customer service," "stake holders," "business lines" and all the other 90's new-speak that has paved the road for killing the independent oversight role crafted by Congress for OSM.

It's way past time to return OSM to its three key functions:

- Set national "floor" standards of environmental protection and assure individual states enforce them.
- Assure that states have the support to administer and implement these standards.
- Maintain an *independent* oversight role to assure the law is enforced.

In each of these areas, OSM *at its highest levels* has failed to fulfill its mandate. Instead, the agency has tried to make peace with forces largely in the West that fundamentally don't respect the Act and the federalist framework it embodies.

These forces, for ideological reasons more than real, will not be assuaged by "shared commitments." They are circling

the boats because — for the first time in the history of the Act — they smell blood in the water.

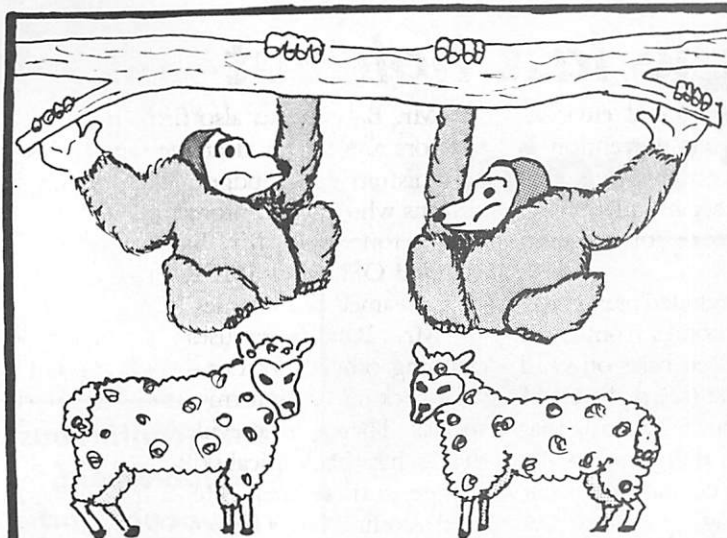
It's a real shame a decision was made to go for OSM's throat at a time when we were seeing the light after a decade of bitter legal battles over the Act and the Secretary's enforcement authority. We could finally see the possibility of a more mature relationship between landowners and operators, between states and OSM, grounded in respect for the federal and state role of assuring full and fair implementation of the Act.

I'm frustrated and angry, looking over a landscape littered with ruined careers and dashed hopes, because *it didn't have to be this way*. If the Clinton Administration cared about this program, they wouldn't have allowed Congress to savage it.

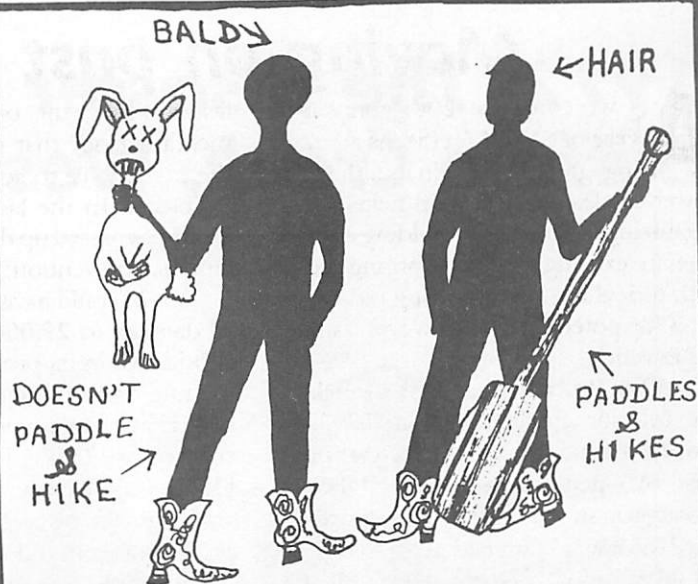
OSM should provide *clear national guidance*, forceful, no-nonsense *leadership*, and stand tall for its accomplishments *because* of the federal presence in the coal fields. OSM should not cower and try to coddle extremists who wish to dismantle the Act. OSM should work with the responsible industry leaders and states and forge a middle ground to enfranchise the public and uplift responsible industry — and isolate the fringe.

It's time to bury Reg 8 and return OSM's focus to full and fair implementation and enforcement, without apology. ✚

Editorials



SCIENTISTS CONFESS THEY
ALREADY CLONED A HUMAN



THEY DIFFER IN MINOR WAYS

ORIGINAL CLONE

Lawyer from West	✓
Ignored citizen rights	✓
Fired OSM inspectors	✓
Let coal boys get away with murder	✓
Secretary of Interior 81-83 93-97	

BUT SHARE
MUCH IN COMMON...

I WON'T
ENFORCE
THE
COAL LAW!

NOT
AGAIN!

JAMES
WATT

BRUCE
BABBITT

CS

Let's pray, fight together

Greetings from Big Mountain to you. Would you please send some booklets on our protest in Denver last June 3rd? Thanks.

We need your special prayers too.

We need to all fight together, that's the only way we're going to win in this greedy system.

Our spirituality is the only thing that keeps us strong so keep praying and always be thankful for all your prayers that get answered by the creator.

Your friend,
Tom Bedonie
Big Mountain, Arizona

Hammond Eve thanks colleagues

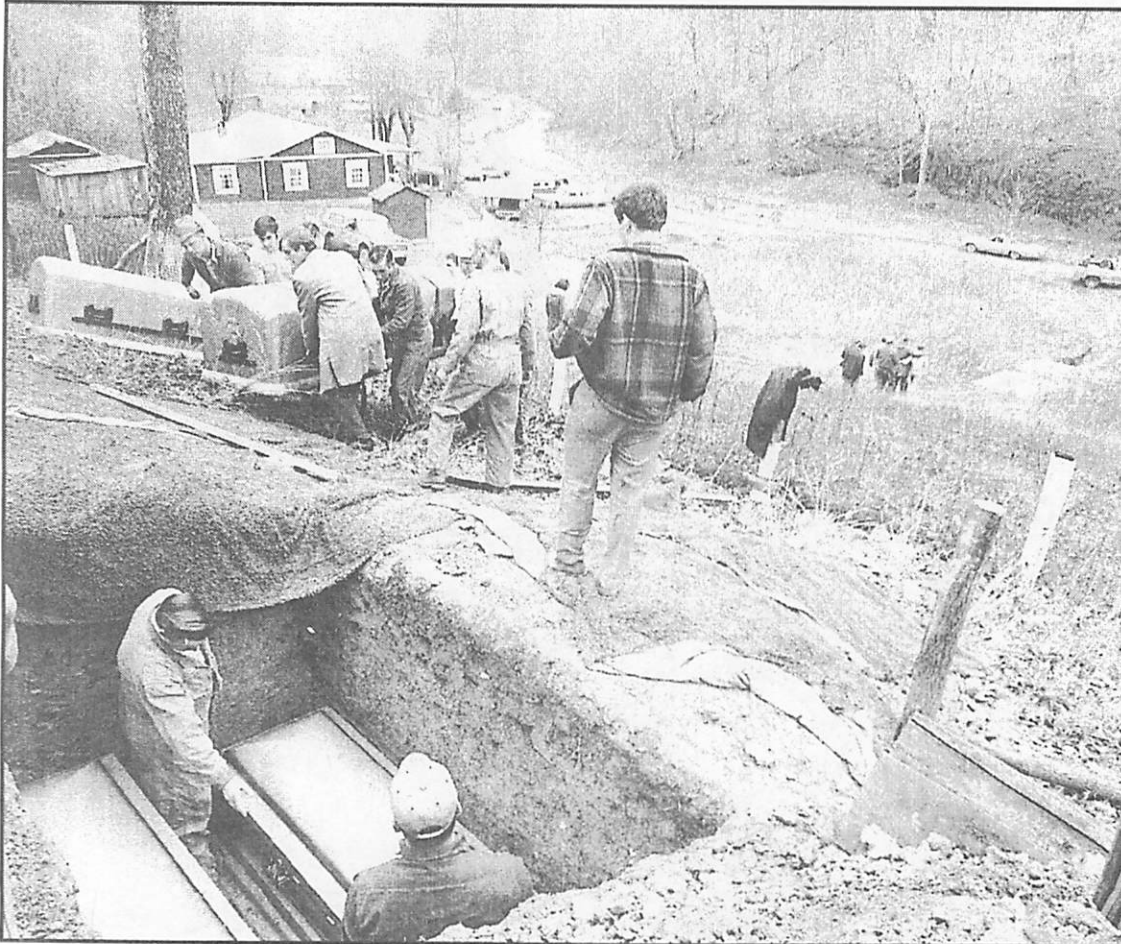
The Fall 1996 Reporter featured former OSM employee Hammond Eve in its "CCC Hall of Fame," highlighting his work on preventing and treating acid mine drainage (AMD). Hammond recently asked us to recognize the many people from citizens groups, government and industry involved with OSM's AMD program.

Space doesn't allow us to list the more than 100 people involved. Please know, however, that Hammond and CCC thank you for your efforts on this critical issue. ♣

We Love Mail

CCC welcomes letters of interest to our readers. We may edit for length and readability. Please sign your name and give a telephone number; we respect those who need confidentiality. Send to Citizens Coal Council, 1705 S. Pearl St., #5, Denver, CO 80210. E-mail: ccc@netone.com.

1972: The disaster at Buffalo Creek, West Virginia



'Only continuous involvement, advocacy and agitation can ensure that government does its job, and that corporate negligence never again carries such a high price.'

Two family members are buried in the same grave. (*The Charleston Gazette*)

In the early hours of February 26, 1972, Pittston Company's poorly constructed coal waste dam broke, sending a killer tidal wave of coal sludge and water 15 miles down Buffalo Creek in Logan County of southern West Virginia. Search and rescue workers spent weeks in the 14 devastated communities before the final toll was known: 125 killed, 1,000 injured, 4,000 homeless, almost 600 homes destroyed and over 900 damaged.

The stark numbers, however, don't begin to reflect the suffering of the survivors and the scars they carry to this day.

Magnifying the tragedy was the fact that it didn't have to happen.

For years, each heavy rain had brought worry to the residents about Pittston's dam near its underground mine and coal preparation plant at

the head of the hollow. Residents had been evacuated many times because of the fear of a dam failure.

"People had complained regularly," says Jack Spadaro, "and wrote the Governor and state and federal agencies. Nowhere did anyone take any kind of decisive action." A West Virginia native, Spadaro was staff engineer for the state commission that investigated the disaster. He recently joined the Mine Safety and Health Administration after many years at OSM.

Pittston officials tried to avoid responsibility for the disaster and hurried to make small payments averaging under \$10,000 to the victims.

Among survivors, anger joined grief when Pittston's public relations office claimed the flood was "an act of God."

(Continued on next page)

Nick Golder never relents

If one word describes Nick Golder, it's relentless. For 20 years, Nick and fellow Northern Plains Resource Council (NPRC) members have battled the power plants and strip mines near their ranches in southeast Montana. "They thought we were a bunch of ignorant cowboys. Well, I'm still here and the companies know it."

Nick became active in the early 1970's when coal companies started stripping and the Interior Department proposed the North Central Power Project to make the Northern Plains a "Boiler Room" for the nation. Nick says, "The power companies said the region was forgotten land, good only for rattle snakes and cows."

Local ranchers continue to face the same pressures as other land owners throughout the Powder River Basin region, "People come in like flies on a carcass because coal underlays the land."

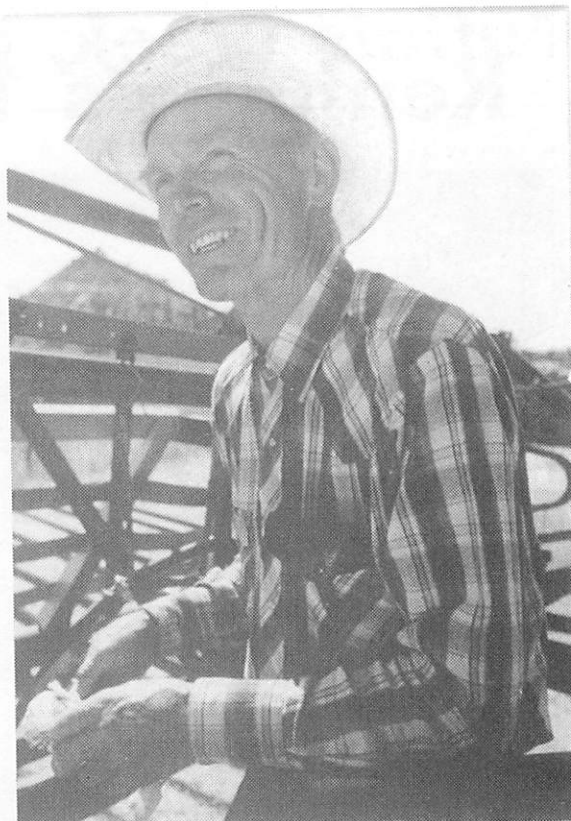
Nick has worked tirelessly to encourage responsible development and help people who are facing pressure to sell their ranches to mines or energy companies. He has experience behind his arguments against selling; in the 1970's he watched everyone who sold out to coal companies get into financial trouble. "It's kind of like a curse," he says, "people who serve the dollar have blinders. They lose track of what's important."

For Nick, the water supply is this arid region's most important resource. Ranchers and farmers are wholly dependent upon clean and reliable water sources for their operations and he has battled the energy industry who use water as if it's unlimited. "For 20 years I've been saying we've

got to maintain the water. It's central to our existence. Of all things, I keep coming back to the water."

Nick and other NPRC members have proposed that OSM and mine operators develop simple drains that could divert water sources away from mine spoil to avoid contamination. The project reflects his relentless effort to protect the region's water supply.

Nick came to Montana 50 years ago from a ranch in Colorado. He has three children and seven grandchildren. In November 1996, NPRC awarded him the Bob Tully Spirit Award during NPRC's 25th Annual Meeting. The award is named for Bob Tully, a founder of NPRC, who fought the coal companies and politicians who wanted to turn eastern Montana into a "national sacrifice area" for the nation's energy needs. Nick Golder continues that fight today. ♣



(NPRC)

Buffalo Creek (Continued from p. 10)

Hundreds of survivors sued and won \$18.3 million. During the suits, Pittston was unsuccessful at preventing its records from becoming public. The lawsuits and a citizens investigation revealed facts that shocked even the most ardent coal industry apologists: Pittston had never obtained a dam permit and the mine superintendent, who had watched the dam start to fail during the night, had not warned residents to evacuate.

The Citizens' Commission chaired by Norman Williams concluded: "The people of Buffalo Creek assumed that their governors and regulatory agencies were dedicated to protecting their welfare. They were woefully misled. Many have paid with their lives for this misplaced faith."

The disaster inspired several state laws and helped ensure the passage of SMCRA five years later despite two vetoes by President Ford. Buffalo Creek is the name seared in the memory of every person who worked for the federal coal law.

Perhaps the editors of *The Charleston Gazette* best captured the hard-won lessons of Buffalo Creek: "Only continuous involvement, advocacy and agitation can ensure that government does its job, and that corporate negligence never again carries such a high price."

Tell the truth of Buffalo Creek to those who doubt the pursuit of coal field justice. ♣

[Thanks to *The Charleston Gazette*, Pat Angel and Jack Spadaro for material used in this article.]

Highly Recommended

For a copy of the superb "Buffalo Creek Special Edition — 25th Anniversary", send \$2 + \$1.25 postage and handling to:

The Editor
The Charleston Gazette
1001 Virginia St., E
Charleston, WV 25301

ACTION LINE

Kentucky's 15 years of victory



In November 1996, Kentuckians For The Commonwealth (KFTC) celebrated its 15th anniversary at its annual membership meeting.

KFTC is a founding member of CCC, and its record of winning issues with hard work, creativity, actions and humor serve as a model for many CCC member groups.

Perhaps KFTC's greatest achievement over the last fifteen years is building a diverse member-controlled organization that's a force to be reckoned with in Kentucky and nationally.

It has trained hundreds of citizens in rural and urban areas as group leaders and citizen lobbyists. The wide range of issues include affordable utility rates, forestry, daycare, blocking punitive welfare reform, recycling, pesticides, and stopping waste dumps, as well as coal issues.

KFTC's formidable record on coal issues

- Sponsored a state-wide referendum in 1988 striking down the state's "broad form deed" law that allowed coal companies to strip mine land without the surface owner's permission. The vote was 82 percent in favor.
- Helped pass water replacement laws in the State legislature and U.S. Congress.
- Overturned an illegal tax exemption for unmined mineral property.
- Protected strip mine buffer zones around homes and churches.
- Trained citizens to monitor black water discharges and blasting at coal mines.
- Stopped auger mining without the landowner's permission.
- Created the Citizens Coal Council.

CCC thanks and congratulates KFTC. We wish you continued success!

KFTC wins road fix

After two years of organizing and actions, KFTC members from Pike County convinced the state, county, and a coal company to pay for repairs to a road destroyed by overloaded coal trucks from Premier Elkhorn's mines. The repairs cost over \$300,000 to fix the 3.5 miles of road.

According to Linda Adams, a new member, "There are lots of others who want to take credit for getting a new road. But let's be honest, the credit goes to KFTC and all the people who got involved." Aloma Burke said, "The company didn't take action until we did."

Actions by members included meeting with numerous public officials and twice physically stopping coal trucks from hauling coal. ♣

Tennessee fights for park

Members of **Save Our Cumberland Mountains (SOCM)** have stepped up the fight to protect Fall Creek Falls State Park. Skyline Coal Company, a Cyprus Amax subsidiary, intends to expand a strip mine to the park's watershed in 8-10 years. SOCM members fear acid mine drainage will inevitably contaminate the park.

SOCM members petitioned OSM last year to declare the park's watershed un-

suitable for mining. They supported the petition with extensive physical and economic data and have shared this information with Interior Secretary Bruce Babbitt and Acting OSM Director Kay Henry.

Last August, SOCM staged a dramatic media event and unfurled a 100-foot banner adjacent to the falls. (See cover photo.) Wanda Hodge, former



SOCM President and CCC board member, kicked off a press conference where SOCM members described the park's value and the inevitability of acid drainage if mining occurs in the watershed.

In late November, SOCM hosted the CCC board meeting in Knoxville to keep the spotlight on Fall Creek Falls. SOCM members led a tour of the park and held a joint press conference with CCC. David

Hardeman, former CCC board member, emphasized, "The only way to avoid acid mine drainage is to prevent mining from ever starting."

CCC and SOCM members later met with OSM officials in Knoxville to press the need for preventing acid drainage instead of treating it.

The outcome of the petition is largely dependent upon an environmental impact statement expected in late summer. Meanwhile, OSM gave Cyprus Amax another permit for its Big Brush Creek mine outside the park watershed in an area known to produce acid and heavy metals.

SOCM members urged OSM not to issue this permit, fearing it would create a precedent for allowing acid drainage and weaken efforts to protect the park. ♣



Wanda Hodge explains SOCM's petition to save the park to CCC board members Freda Harris (IN) and Gwen Thompson (ND) during a field trip. (H. Snow)

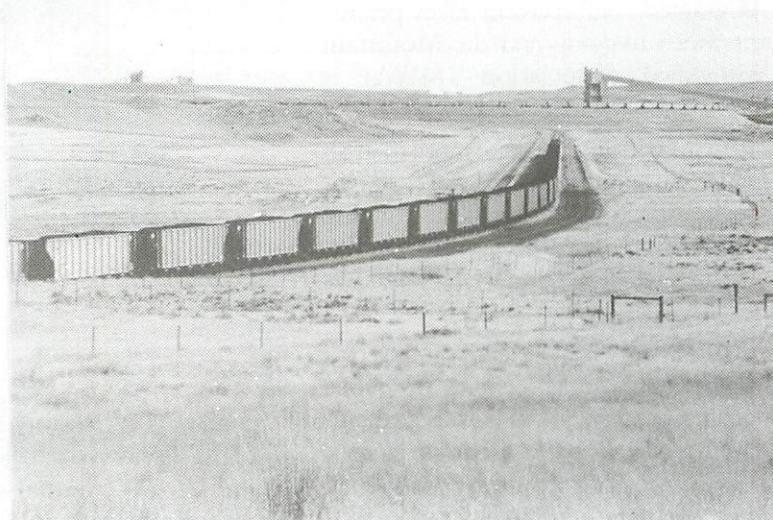
Wyoming presses for reclamation

Members of the Powder River Basin Resource Council continue to press OSM to make Wyoming strip mines reclaim. They met with acting OSM director Kay Henry in November to show her how reclamation has failed to keep pace with mining.

Bob Strayer told Henry, "Reclamation must be co-equal with production." Council members also described the inadequate reclamation bonds posted by most mines. They fear the companies will refuse to reclaim and forfeit their bonds if coal prices drop and mining becomes unprofitable.

The group toured four Peabody strip mines: Rawhide, Caballo, North Antelope, and Rochelle. By the end of 1995, the four had disturbed a total of 10,175 acres but fully reclaimed only 1,596 acres. (See Fall 1996 *Reporter*.)

Members of the Dakota Resource Council (ND) and Northern Plains Resource Council (MT) also attended and discussed water and reclamation problems. ♣



Peabody hauls millions of tons of coal away from its Rawhide mine annually but hasn't reclaimed 8,579 acres. (C. Johnson)

Protect our National Forests!



Susen Heitker stands beside one of the large hardwood trees in the Wayne National Forest. (BFC photo)

In January, years of hard work by members of the **Buckeye Forest Council** started paying off. The Office of Surface Mining (OSM) published a draft rule on valid existing rights (VER) that could restrict strip mining on certain public lands.

The federal coal law (SMCRA) bans strip mining on protected public lands in national parks, wildlife refuges and national forests unless an operator had a valid right to mine when the law was passed in 1977. Congress never defined VER, and citizens and mining companies have fought over its meaning in and out of court for years.

The proposed ruling would grant operators VER only if they had obtained or made a good faith effort to obtain all permits (the "good faith, all permits" test) before SMCRA was enacted in 1977. If the proposed rule is adopted, citizens would claim victory because the rule would remove the "takings" standard that companies have abused at the expense of the nation's protected lands.

Buckeye members rightly claim some credit for the favorable proposal — they've fought for years to keep Buckingham Mining from expanding its strip mine in the Wayne National Forest (see *Reporter*, Fall '96). In February 1994, Council members gained national attention for their campaign by staging a 12-hour sit-in at OSM's Pittsburgh office.

The members know, however, their battle is not yet over and are preparing for a public hearing in Ohio. ♣

Battling PA's dirty secrets

If you live in Pennsylvania, you can't take federal or state coal laws for granted. Enforcement takes persistent watch dogging and the **Mountain Watershed Association** (MWA) is meeting the challenge.

OSM will give the state more than \$8 million this year to ensure coal field citizens are protected from illegal mining practices, but the PA Department of Environmental Protection (DEP) ignores the needs of citizens.

The agency is nickel and diming citizens who try to get copies of public documents needed to protect themselves. Under Bob Dolence's leadership, DEP is proposing yet more ways to keep the public out of the public's business.

According to MWA President Beverly Braverman, the DEP is now pushing



Beverly Braverman told the press about the need to clean up acid mine drainage and prevent new sources. (C. Johnson)

expedited rule making "to more narrowly define public records and limit citizen input. DEP feels an apparent need for increased secrecy."

The DEP responded to MWA's recent petition for public information by demanding money for copying.

MWA is working to reclaim numerous abandoned mines in Mellcroft Village. Formerly owned by the Mellon family, the town sports an area severely polluted by acid mine drainage. "Orton's Bog" is within 200 feet of nearby stream.

MWA members are stepping up efforts to rid the village of acid, another dirty secret of coal mining in PA. They are working closely with the PA Bureau of Abandoned Mine Reclamation and the Western Abandoned Mine Reclamation Association. ♣

Diné demand right to regulate

In January, the Nenahnezad Chapter approved a resolution asking OSM and the Navajo Nation to grant the Nenahnezad Chapter Technical Committee regulatory power over the strip mine and power plant located on Chapter lands.

Chapter members passed the resolution unanimously after meeting that same day with OSM staff in charge of permitting and enforcement at the mine.

Ray Benally, Chapter President, said community members were fed up with watching their environment being destroyed while federal and tribal regulators fail to act; "We, who live and work where the mining is going on, must take control to protect our environment."

Severe Degradation

The resolution cites severe degradation of air, water and lands by BHP's Navajo Mine and Arizona Public Service's Four Corners power plant. It said the companies refused to accept responsibility for these conditions and the Bureau of Indian Affairs, OSM and EPA failed to adequately monitor the operations and protect the health and safety of community members.

Benally said the Committee members have more experience than the personnel now in charge of permitting and enforcement. "We have at least 50 years of technical experience and know the problems because we live with them."

The Chapter committed over 32,000 acres of land in 1957 for a mine and power plant. In return, the Chapter was promised jobs for its members, environmental safeguards, decision-making power in matters affecting community residents, and the return of the mined lands to the community "in an equal or better condition than before mining."

The resolution was sent to the Navajo Nation and OSM. During the November CCC board meeting, Benally told Acting OSM Director Kay Henry of the Chapter's pending resolution and she said she was open to the idea. ♣

[Ray Benally died April 15, see page 5.]

Alien denies justice to Diné

In June 1996, the Dine' Mining Action Center (D'MAC), Nenahnezad Chapter Technical Committee and CCC lodged an environmental justice complaint with President Clinton.

In 16 pages of detailed documentation, the groups described the serious environmental damage caused by BHP's strip mine in Farmington, NM, and OSM's chronic failure for over 10 years to enforce the law, stop the violations, and make BHP repair the damage. (See Fall 1996 *Reporter*, "Dine' demand end to OSM racism.")

President Clinton turned to Secretary Bruce Babbitt at the Department of the Interior (DOI) to handle the complaint, and four months later, the groups received his "formal response."

The reply seemed to have been written by an alien on another planet or a clone of James Watt (Interior Secretary, 81-83):

- It didn't address most of the issues and 7 of the 8 remedies sought in the original complaint, including a request to

remove Billie Clark and Rick Seibel from all OSM's dealings with Native Americans because of their perceived racism. The two are still in charge of OSM's regulation of the BHP mine.

- It claimed OSM's staff reorganization had solved the land, water and air damages and public safety risks caused by the mine.
- It primarily focused on issues raised by a different citizens group, the Dineh Alliance, about Peabody's mines at Black Mesa, Arizona. **Those mines are in Arizona, 130 miles from the BHP mine in New Mexico!**

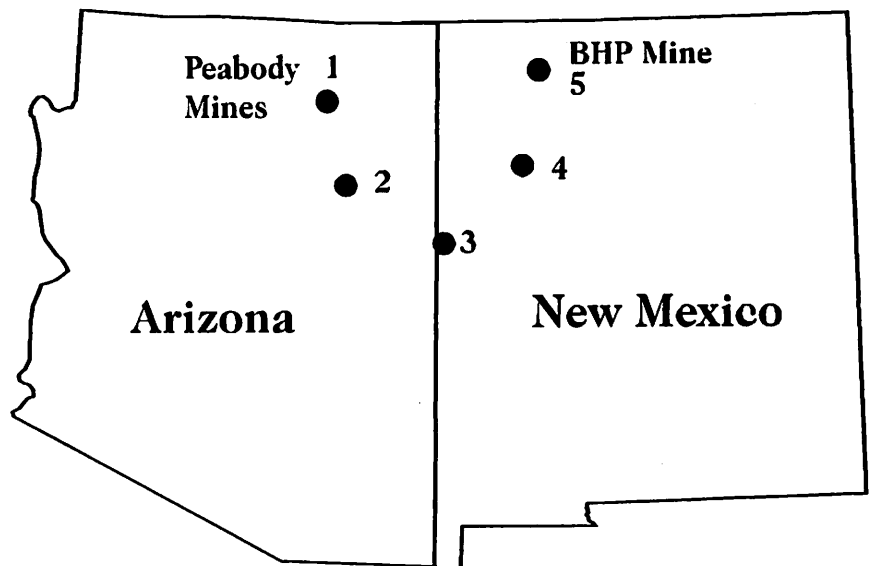
In April, OSM's Rick Seibel sent another letter admitting OSM got the mine wrong but claiming that Black Mesa was an example of OSM's "progress" on environmental justice.

This came as news to members of D'MAC, the Nenahnezad Chapter Technical Committee, the Dineh Alliance and CCC. So please lend a hand in bringing Mr. Babbitt back to earth. (See below.)

What you can do...

Help Bruce Babbitt find his way on *this* planet!

- * Connect the dots to lead Mr. Babbitt to BHP's Mine *in New Mexico*
- * Cut out and mail your map to: Secretary Bruce Babbitt, US Dept. of Interior, 1849 C Street, NW, Washington, DC 20240



PUSH fights for homes, water



PUSH and Tri-state Network showed OSM officials long-wall mining damage last fall. (Stan Diamond, *Observer-Reporter*)

Countless hours of effort paid off for members of **People United to Save Homes (PUSH)** last November when a state board ordered Eighty-Four Mining Company to stop long-wall mining under a water line servicing Washington County, 30 miles south of Pittsburgh.

In 1995, PUSH and the Pennsylvania American Water Company filed suit, arguing the Eighty-Four Mining company did not have an adequate subsidence plan to protect the water line serving 40,000 customers. The board decision was also an indictment of the state Department of Environmental Protection (DEP), which issued the flawed permit, stating that DEP abused its power by not enforcing mandatory regulations. (See Fall 1996 *Reporter*).

The company's appeal of the decision was unsuccessful, and in January 1997, the water company and Eighty-Four worked out an agreement; mining continues.

PUSH vows to fight on and PUSH leader Cynthia Rossi feels citizen opposition will *ultimately prevent* the company from damaging their homes.

The mine owner, Rochester and Pittsburgh, had severe financial woes and invested in the mine hoping to recover losses. Production has fallen below estimates due to unfavorable geology. Company officials have tried to put the blame on PUSH activists for jeopardizing mine worker jobs ♣

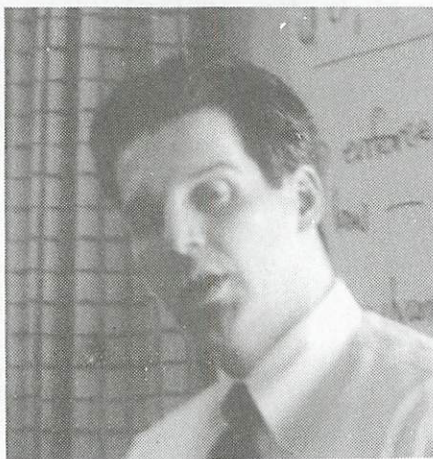
Tri-state turns heat on DEP

The **Tri-state Citizens Mining Network** hosted more than 50 Pennsylvania residents in February for a lively day-long event. A morning workshop on citizens' rights led by CCC's Will Collette stressed citizens complaints as a tool to leverage "real action" from state officials. The group discussed creative ways of filing complaints, writing them to create a paper trail and supporting each other.

In the afternoon, Bob Dolence, mining chief at the Department of Environmental Protection (DEP) and Bob Biggi, OSM Field Office Director in Harrisburg came to address member concerns.

Dolence was unable give answers on subsidence insurance, water loss, illegal blasting practices, and access to public records. Network members extracted his promises for follow-up meetings.

The session finally proved too much for Dolence, already sweating heavily, when an elderly woman asked him why



Bob Dolence, mining chief of DEP, gets the heat from citizens. (CCC)

she had to carry heavy jugs of water to her home in order to cook. Dolence hastily retreated to the lavatory.

PA citizens will continue applying heat until they receive justice. ♣

Lumps of coal!

Concerned Citizens of New Castle Township gave the PA Department of Environmental Protection (DEP) and mining chief Bob Dolence *Christmas Lumps of Coal*, citing gross negligence in protecting them from Reading Anthracite Coal Co.

Despite receiving 535 citizen complaints in one year on blasting damage, DEP renewed the permit for Reading's huge strip mine in the heart of this eastern PA community and wrote only three violations.

Even three were too many. DEP officials overturned the violations and, at the end of 1995, ordered the inspector to stop making on-site inspections of Reading for citizen complaints. Citizens are demanding to know who issued the orders.

Under federal law, an operator who commits three similar violations during any 12 months has a "pattern of violations" and is subject to having the mine permit revoked. ♣

Midwest groups protest ash dumping

In October, members of the **Citizens Organizing Project (COP)** and the **Hoosier Environmental Council (HEC)** held a protest during an OSM-sponsored forum on coal combustion waste. The forum was to explore options for using or dumping ash, but, according to COP member Jane Johnson, it was "a big whitewash."

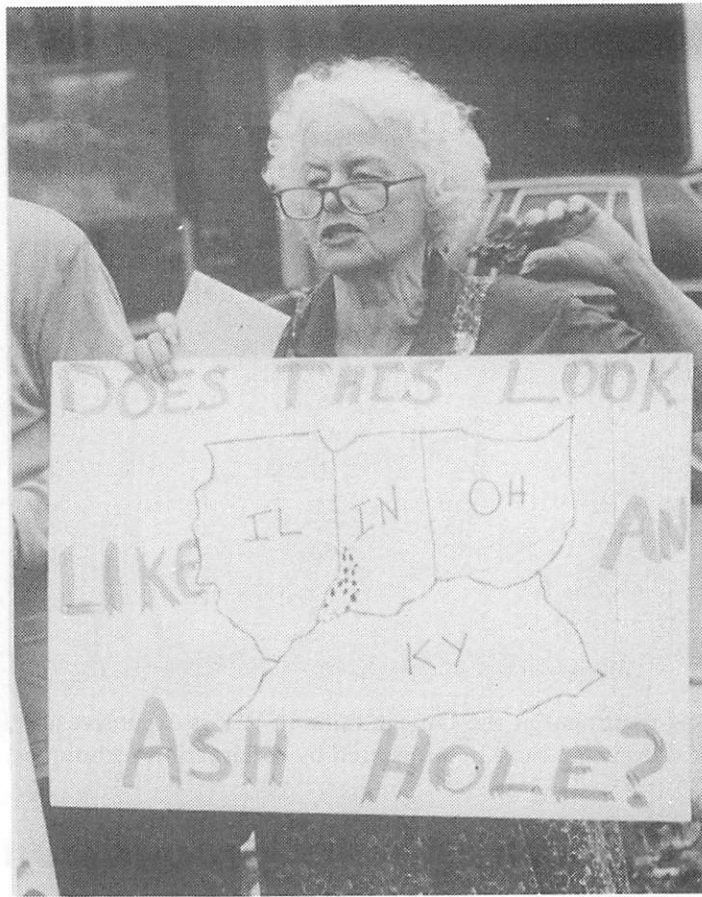
The protesters accused OSM of ignoring the potential hazards associated with unregulated ash dumping that concern Illinois and Indiana citizens (See Spring 1996 *Reporter*). HEC and COP members point to a Department of Energy study warning that radioactive elements and toxic heavy metals are present in coal and become concentrated in the ash after coal is burned in power plants.

Johnson said OSM refuses to acknowledge these hazards and is relying on its own study that says ash dumping doesn't pose a threat to the environment. She said the presence of radioactivity was "poo-pooed away by OSM."

Johnson and Tom FitzGerald of the Kentucky Resources Council were the only citizen representatives slated to speak at the forum.

HEC member Jeff Stant said Indiana strip mines are becoming dumps for the region's power plants. He fears other states will follow suit and weaken their rules to lower waste disposal costs for the utilities. Stant said Illinois mine owners have already started losing contracts to Indiana owners who can guarantee lower costs because of the state's weaker ash dumping rules.

Citizens from Illinois and Indiana fear that OSM's capitulation to state regulators and industry is turning the nation's heartland into a future superfund site. ♣



Jane Johnson demonstrates against dumping toxic ash from power plants in strip mine pits. (Lamere, *Daily Egyptian*)



Indiana strip mines like this one are targeted to receive 90 million tons of coal ash from power plants. (Andy Knott)

Indiana wins a first

Hoosier Environmental Council (HEC) members scored a recent victory in their long battle to prevent Indiana strip mines from becoming ash dumps for coal-fired power plants (see Spring 1996 *Reporter*).

In February, for the first time, a state board decided to limit ash dumping when it changed the permit for Foerisch Construction's strip mine. HEC members are confident this will set a precedent for future permits.

This permit is one of many HEC is contesting in its campaign against ash dumping. Since 1994, half a million tons of ash have been dumped in Indiana and the state plans to permit at least 90 million tons.

The board halved the amount of ash to be dumped — to 4 million tons — and the state will hold the reclamation bond until the ground water returns to pre-mining levels. The company also must list the dump on county records so future property owners will be informed and monitor 33 ground water contaminants, 25 more than state law requires. ♣

Acid drainage isn't Hitler's fault



Acid treatment at the Omega mine in WV is expensive and long-term. Acid drainage can't be prevented by reclamation techniques. (Collette)

Virginians hit the ground running

With their usual energy, the **Dickenson County Citizens Committee (DCCC)** sprang into action after the CCC board approved a five-year campaign to "Clean Up the Coal Fields" last November. (See related story on page 3.)

In January the members traveled to Pittston Coal's headquarters in Lebanon, VA, to meet with company officials. The members acknowledged their past differences with Pittston and discussed the need for cleaning up abandoned mine lands (AML). Both DCCC and Pittston saw a common interest in convincing the federal government to spend more for AML clean up.

DCCC members have also begun circulating a petition pledging support for more AML funding. They are



DCCC members are building support for cleaning up the coal fields. (Reilly)

winning endorsements from local officials, labor unions and the religious community. ♣

What's Hitler got to do with acid pollution? Nothing. But the questions haven't stopped coming at the **West Virginia Highlands Conservancy** since OSM released a video last year.

The video script leaves many people with two wrong impressions: most acid mine drainage is caused by old mines from the World War II era and modern day mines don't cause acid.

Richard DiPreto, Conservancy staff and an expert on acid problems, wrote an article debunking the two myths that we have adapted here:

An old coal field tale goes like this: "Much of the legacy of acid mine drainage (AMD) in Appalachia was created during World War II when, for the sake of the war effort to defeat Hitler, coal companies were forbidden to do any sort of reclamation."

The "forbidden to do reclamation" part may be true but doesn't account for much of the AMD problem. Little or no reclamation was done at that time anyway. The vast majority of AMD affecting northern West Virginia rivers is from abandoned underground mines where reclamation makes no difference.

Some people still believe AMD results from bad mining practices, rather than being an inevitable result of mining in certain coal seams. This perpetuates the myth that mining may again rise in parts of WV and props up the value of coal reserves.

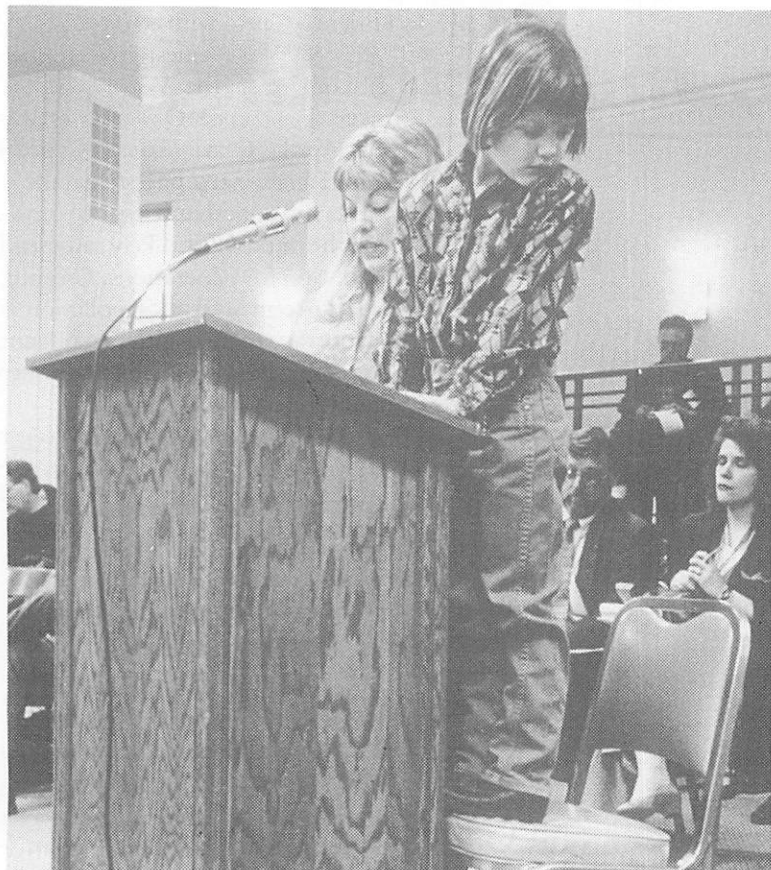
Much of the mining causing intense AMD today was done after the war. A significant percentage happened after coal mining regulations (SMCRA) were passed in 1977. And today, underground mines in many West Virginia counties and elsewhere are creating new sources of AMD for the future. WWII lasted for only 3 1/2 years and accounts for a small percentage of AMD sources. Of that, reclamation could not have prevented any new AMD.

Any source of AMD can be shut off with enough money. But the coal industry is so competitive and has so much overproduction capacity that effective acid prevention methods during mining would price AMD-producing coal seams out of the market.

So, the coal companies now responsible for new AMD sources, such as Anker Coal and MAPCO's Mettiki, go on mining, hoping for a technical or political fix when their time of need comes.

Of course, the public is really assuming the risk because if the fix is too expensive, the companies will simply walk. ♣

North Dakotans in war for health



Teona Hager, 6, peers down before testifying for clean air with mom Gail Withey at the ND legislature. (*Bismarck Tribune*)

In a war that promises to be long and dirty, **Dakota Resource Council (DRC)** members are fighting the coal industry's efforts to weaken state air quality standards.

For 26 years, the state's emission limits for sulfur dioxide (SO₂) have been stricter than the federal limits. Now the trade association for mining and utility companies, the Lignite Energy Council, claims its members can't live with the stricter standards. It threatens to close down mines in the state and import out-of-state coal for the power plants if the standards aren't changed.

DRC member Corrine Walz told the real story when testifying at the state air pollution council. She said the proposal is an attempt, "to undo our state law and force us to breathe even dirtier air." Walz cited studies linking high asthma levels to ND counties with power plants.

Sulfur dioxide gas is produced when coal is burned and is very harmful to asthma sufferers.

DRC and the Lignite Council backed opposing bills in the state legislature. At the February hearings, DRC members poured on the heat by packing the hearings and presenting many witnesses, including children, doctors and former Governor Art Link.

Two weeks later, Gov. Ed Schafer announced the state Health Department had flip-flopped and "compromised" with the coal industry on a bill to lower the standards. Gail Withey, DRC board member, said, "This agreement isn't a compromise, it's a surrender."

DRC's next step is for members to collect 12,000 signatures to put the issue to a state-wide vote in the November 1998 general election. ♣

Colorado battles secret corporate polluters

The **Western Colorado Congress (WCC)** recently joined a coalition of labor, citizen, and environmental groups to petition the EPA to take over enforcement of the state Clean Water Act. WCC says the Colorado Environmental Self Evaluation Act, known as the environmental audit law, prevents the state from enforcing the Clean Water Act against large corporations.

This 1994 state law allows polluters to hide information from the public and avoid penalties. Nineteen states have similar laws and comparable bills are working through other state legislatures and the U.S. Congress.

Pam Kautter, WCC board member, says these laws should be called "environmental secrecy laws" since they are written by corporate lawyers to hide



Pam Kautter, WCC board member.

information and shield companies from punishment for polluting.

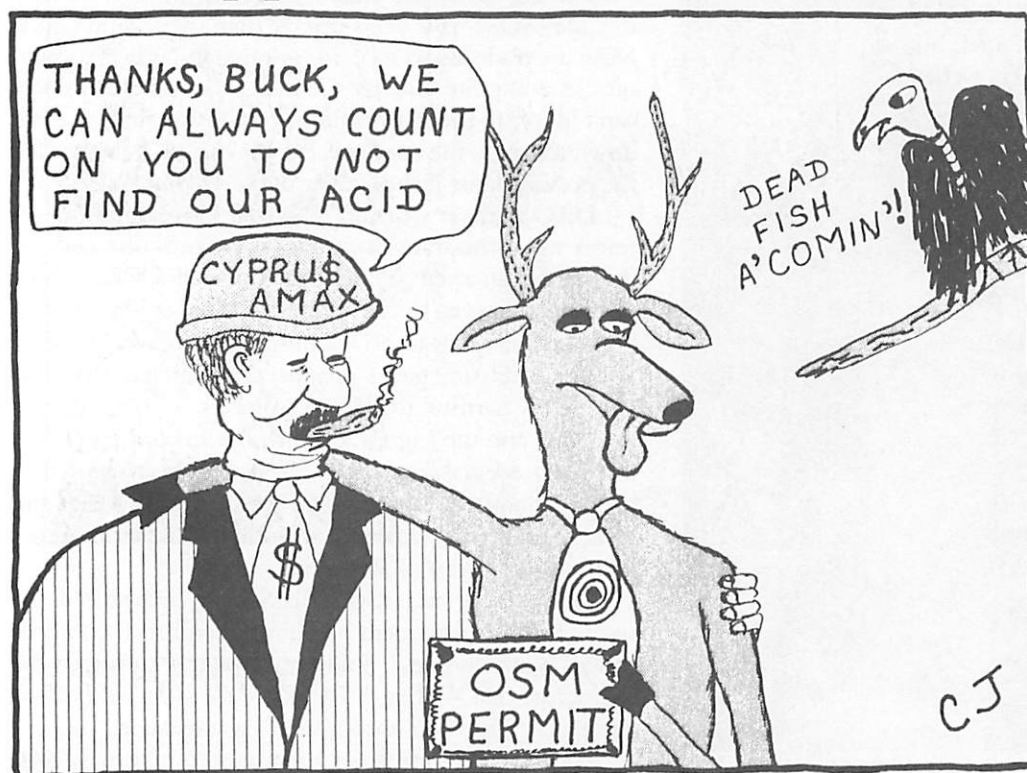
The Coors Beer company lobbied to pass Colorado's law after receiving state fines for water pollution violations.

Colorado's law is particularly abusive, allowing companies to keep information secret simply by stamping internal documents "environmental audit reports" and to avoid civil or criminal penalties by identifying, reporting and cleaning up violations. Employees ("whistle blowers") who disclose audit reports can be fined \$10,000 and be liable for damages the corporation suffers from disclosure.

WCC is campaigning hard and recently persuaded the *Denver Post* to publish a guest editorial by members Pam Kautter and Jerry Swingle. ♣

For Shame **The Bad Actors**

Cyprus-Amax, the acid king



In April, OSM issued Cyprus-Amax a new permit to strip mine in eastern Tennessee, despite knowing the mine would likely cause acid pollution for generations. Creating a long-term source of pollution is an outrage to most citizens, but not for Amax which has polluted water and blasted homes for years.

❖ In 1976, Amax tried to get a 10,000 acre mine permit in the area, knowing the huge strip mine would produce acid pollution from the toxic Sewanee coal seam. The state denied the permit because Amax also intended to destroy permanent streams.

❖ Like a multi-headed snake, Amax returned in 1987 and began getting smaller permits through its subsidiary — Skyline Coal Company. Amax's permit applications to OSM downplay the potential for acid pollution by including only core samples from the Sewanee seam that show little or no toxic

Buck Miller, the polluter's friend

Tennesseans fear Amax will apply for permits to mine in the watershed of Fall Creek Falls State Park. Their concerns are justified because mine companies have a friend in George "Bloody Buck" Miller, OSM's Knoxville Field Office Director.

❖ In 1993, despite warnings from citizens and his staff, Miller let the Sugar Ridge Coal Co. blast within 150 feet of I-75. Brian Agular, 16 years old, was killed when flyrock hit his parents' car. Brian's mother noted bitterly: *"I hold OSM equally responsible and guilty as the mining company in my son's death."*

❖ In 1990, OSM issued a violation to an Amax mine for polluting the Gladly Fork Creek. After nearly two years of continuing pollution, Miller's office finally ordered the mine shut down.

❖ Since 1992, Miller has overlooked several violations for acid pollution to keep Skyline Coal Co. operating in Sequatchie County.

Wanted: A Knoxville Field Office Director strong enough to enforce the law. ♣

"I hold OSM equally responsible and guilty as the mining company in my son's death."

material present.

Amax's mines are near the watershed of Fall Creek Falls State Park, a natural treasure. Citizen groups like Save Our Cumberland Mountains and others are trying to have the park's watershed declared off limits to mining, believing Amax will try to mine within the watershed if not stopped. Citizens cited the company's long-standing refusal to comply with state water quality laws and permit standards to support their petition.

❖ For seven years beginning in 1988, Amax's blasting made life unbearable for residents of Daylight and McCutchanville, Indiana. According to Freda Harris, "Amax's blasting left our homes a mess. It was a nightmare." Amax denied causing damages but were forced to settle out of court with the residents and two churches.

Wanted: Cyprus-Amax to stop polluting eastern Tennessee. ♣

Fact: Coal mining has destroyed over 12,000 miles of our nation's streams with acid pollution. Acid kills fish and other stream life.

MoneyPolitics

Babs' Loot

Last year Rep. Barbara (Babs) Cubin (R-WY) sponsored a bill in Congress to weaken OSM oversight and slash citizens rights. It failed, but this year she's back and bigger than ever as chair of the Energy and Mineral subcommittee that directly oversees OSM.

Cubin expects to reintroduce her bill. Her friends in the coal business, some from as far away as South Carolina and Texas, hope she succeeds and donated big bucks to her campaign. Some of Babs' booty from coal, utilities and railroads:

Atlantic Richfield	\$2,000
Arch Mineral Co.	1,750
Basin Electric Power	1,000
National Mining Association	5,830
Cyprus Amax Minerals Co.	4,500
Kennecott Co.	1,000
Kerr-McGee	1,000
Peabody Coal Co.	2,500
Carolina Power & Light	1,500
Ashland Inc.	1,000
Texas Utilities	2,000

(Source: Federal Election Commission). ♣

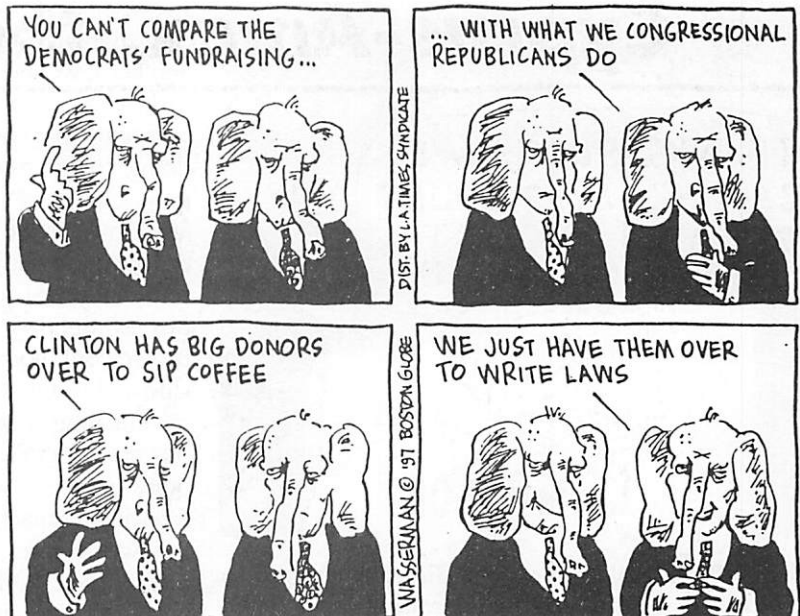
Robbing WV kids

A lawsuit filed in November claims the West Virginia Tax Department is failing to levy sufficient taxes on holders of large coal leases. The suit, filed by a coalition of labor unions, teachers, citizens groups, and environmental organizations, argues the agency favored coal companies at the expense of the public schools.

A brief filed by lawyer, and CCC member, Patrick McGinley accuses the agency of using a flawed tax assessment system that overvalues the small coal tracts owned by farmers and individuals while grossly undervaluing large tracts held by coal companies. McGinley says the agency denied resources to educate public school children while lining the pockets of large coal operators.

Recent examples include a coal tract sold for \$26.4 million that was appraised for only \$6.3 million; another sold for \$4.9 million but was appraised for only \$ 931,000.

State schools receive about two-thirds of their funds from property taxes and, like many poor rural areas of the country, West Virginia's schools lack sufficient funding. Ironically, a resource for the state's children is right under foot. Just taxation would be a first step to improve the future of children in the West Virginia coal fields. ♣



Show me the money!

Coal companies want the coal mining law weakened, utilities look forward to deregulation, and both want to gut new clean air rules. Lawmakers, however, don't come cheap.

Coal and energy industry campaign contributions in the last election cycle totaled nearly \$1.3 million. This figure doesn't include the millions of dollars collected by companies from their directors, executives and employees and delivered all together as a "bundle."

Direct donations went to GOP candidates over Democrats by a margin of nearly 5 to 1. The "soft money" given by special interests was almost evenly split between both parties.

You can find out who bought your Senators and Congressperson by calling the Federal Election Commission at (202) 219-4140 for a free record of who gave to them. ♣

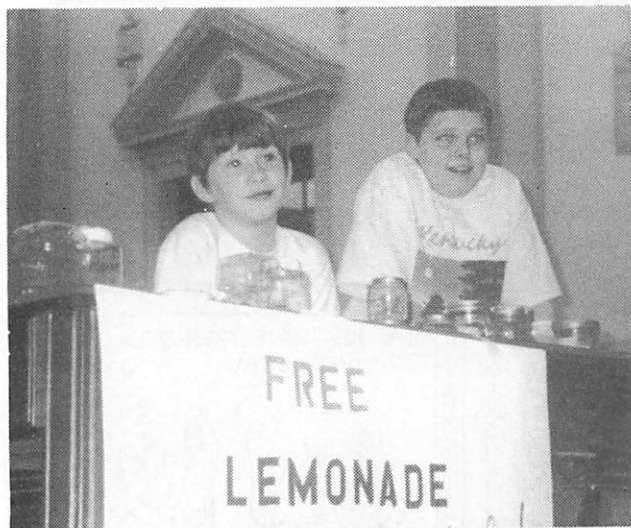
What you can do to...

Clean up the me\$\$

Write a letter to the editor of your local newspaper in favor of banning donations to candidates and political parties from coal companies and other special interests. Elected officials always read the letters section to find out what issues most concern people. Give 'em an earful!

Organizing Toolbox by CCC Staff

Group spirit and winning



Bradford Lyons and Michael Chaffins took part in an action to get clean water in their community. (KFTC)

Because coal field campaigns are long and hard, we should make every effort to ensure people enjoy doing them. Some may exclaim, "Enjoy! How can we be expected to enjoy something so serious as fighting to protect our homes, land and water?"

Pursuing a serious goal doesn't require us to avoid enjoying ourselves as we work to achieve it. Other parts of our lives

have enjoyable activities while we pursue serious long-term goals, such as raising our children well and learning a new skill or improving an old one.

We don't wait until the end, when all our children have turned 21, to enjoy the process of raising a family. Just as our families celebrate the many milestones and achievements along the way to adulthood, so should citizen groups recognize and celebrate the victories during their campaigns.

Celebrating Our Victories

Campaign milestones include such achievements as developing new leaders, recruiting members, carrying out a successful action, turning out lots of members for an event, and getting the TV station to run a good story.

Celebrating victories along the way is so important to developing a positive group spirit that groups who neglect to do so often don't win their goals. Winning is contagious and each victory celebration keeps members motivated for the long-term campaign.

The actions we do during the campaign should also be fun and enjoyable. Don't go empty-handed to any meeting or public hearing. Most groups bring flyers, posters, picket signs, and fact sheets to get their message out. T-shirts, buttons or big sticky badges with the group name or campaign slogan also carry the message and unify the members.

Here are other props you can use to liven up your action while getting the message out:

- **Dry Ice.** Confront the opponents of "right to know" or open records laws with bubbling containers of water and a chunk of dry ice. They will shout, "What the heck's in that!?" "Oh, so you think you have the right to know?"
- **Balloons.** Groups fighting power plants can use balloons to show how wind could carry pollution into the community. Balloon actions will get you publicity and coverage on the site where you release them and, if you play it right, elsewhere. Try leading a press tour as you follow the balloons on their travels. Attach a card to the balloons: "This balloon was released at the site of a coal fired power plant. Just as this balloon landed here, so will toxic emissions. Concerned? Call Citizens Against Air Pollution (333-3333)."
- **Dirty Water.** Kentuckians For The Commonwealth and other groups have enlivened their campaigns by confronting public officials with polluted water. Children invite officials to drink "free lemonade" from glasses filled with the water. When they refuse, citizens demand clean water that everyone will drink.
- **Include community institutions** in your actions. Some groups use religious services as part the action. If your issues include coal trucks cruising through your neighborhood, how about holding a church service right in the middle of the road!

Energy Attracts People

Members can come up with their own great ideas for tactics when the door is open. Leaders shouldn't be so solemn that members feel out of line when they think of creative ways to deliver the message.

Some groups are so concerned about having a dignified image, in being unemotional, that their meetings and actions are about as energizing as a funeral. And they wonder why people don't come back, why only a few do all the work, why they feel like they're losing.

The general rule is energy attracts energy. People are more likely to come to the next group event if they liked the last one. ♣

Some groups are so concerned about having a dignified image that their meetings and actions are about as energizing as a funeral. They wonder why people don't come back, why only a few do all the work.

Hey, don't cheetah yourself!

join CCC and get every issue

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_____ \$100; _____ \$50; _____ \$25

Low income or student: _____ \$15

_____ I support the purposes of CCC.

_____ *Reporter* magazine only, \$20 per year.

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Thank you!

Contributions are tax-deductible

[CCC's member lists are confidential by law]



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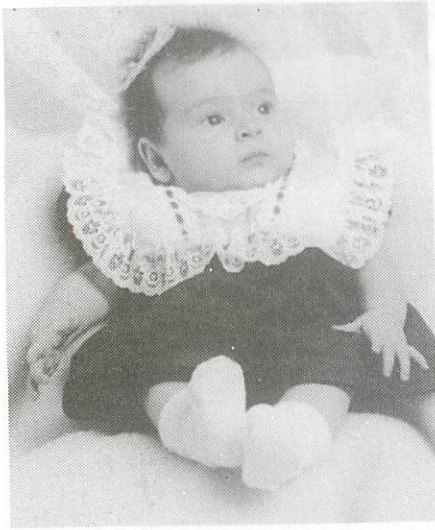
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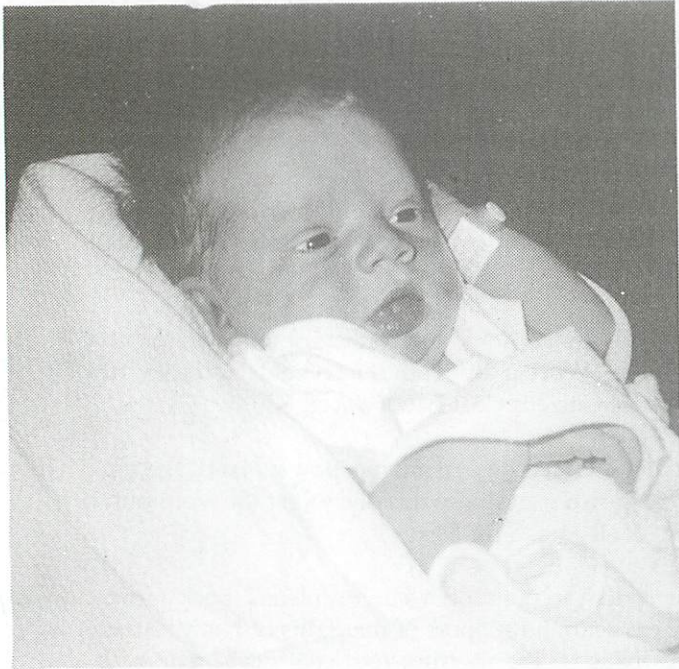
Meet the folks of CCC



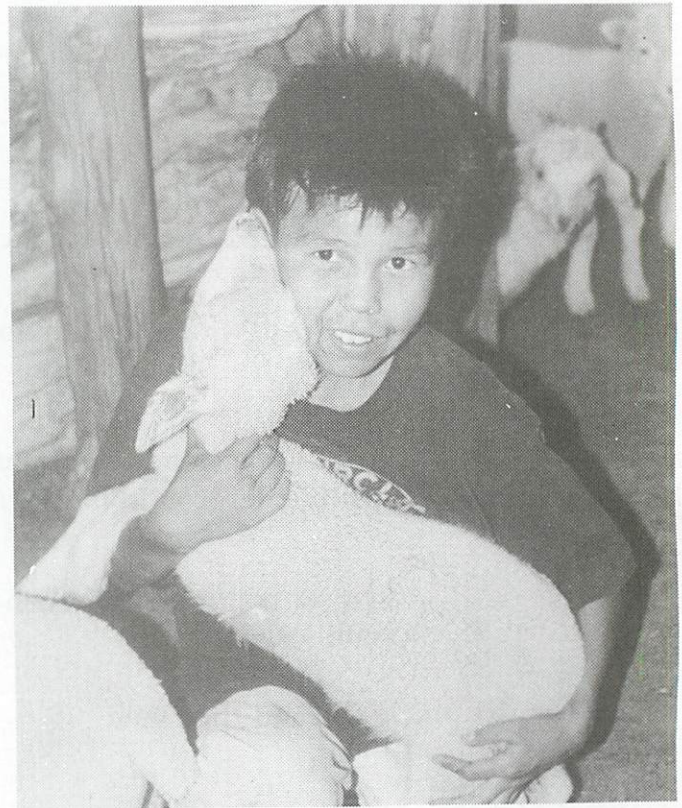
*"Lo, the winter is past, the rain is over and gone;
The flowers appear on the earth;
The time of the singing of birds is come..."* Song of Solomon, 2:10-12

Top left: **Rebecca Susan Podrosky**, daughter of Mimi Filippelli and Joseph Podrosky of Eighty-Four, PA. She's the newest member of the **Tri-State Citizen's Mining Network** in which Mimi is a leader. Below left: Born on Easter Sunday, **Bradley Tyler Wells** is the newest grandchild for Linda and Rick Brock of Woodbine, KY, of the **Kentuckians For The Commonwealth**. Below right: **Leon Lake** cuddles a lamb at the home of **Marie and Daniel Benally**, his aunt and uncle, on Black Mesa, Arizona. He is the son of Marie Lake and his family belongs to the **Dineh Alliance**.

(Family Album)



(Family Album)



(Carolyn Johnson)

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