



Reporter

Citizens Coal Council

Summer 1999

Safe homes, clean water & a healthy environment in the coalfields



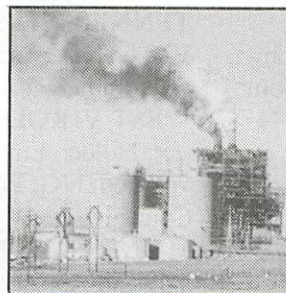
Linda Brock, KY, at Kayford Mountain, WV, massacred by Addington. (Johnson)

Working together to save our mountain life

This and more stories from
the grassroots start on page 12

**Dirty, cheap and
out of control!**

pages 6-7



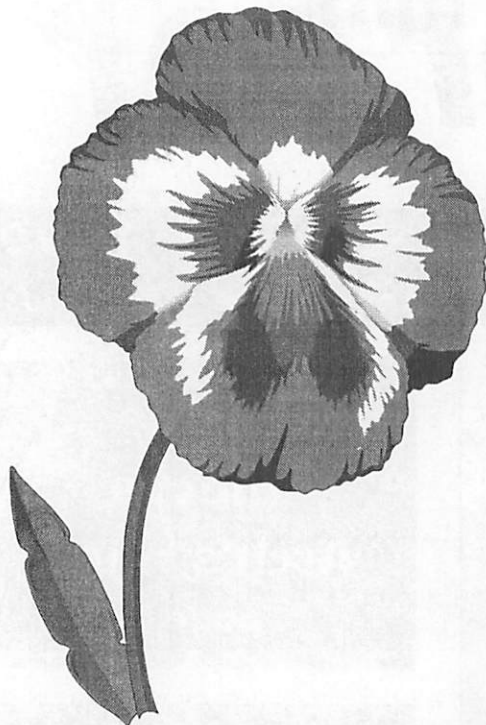
**Judge
blocks
Arch's mine**
page 3

**Jobs
and
environment**
page 20

Inside →

Judge blocks Arch mine	3
Citizens win lawsuits	4
Jobs and Justice campaign gets boost	5
The dirty cycle of coal	6-7
Powering down	8
Feds turn over secrets	9
Editorial	10
Cartoon	11
Grassroots news	12-19
Jobs and environment	20
Meet new CCC members	22
Get smart: join CCC & order information	23

Thanks and a posy to those who helped with this issue!



Ingrid Alt, Patricia Bragg, Bev Braverman, Linda Brock, Doyle Coakley, Charleston Gazette, Mimi Filippelli, Laura Forman, Janet Fout, Larry Gibson, Jean Haley, Jerry Hardt, Steve Hinchman, Anna Johnson, Nick Johnson, Patty & Toby Marsh, Mike Mechau, Amy Mondloch, Jill Morrison, Don Mottley, Ruth Nichols, Ellen Pfister, Rich Rudin, Glenn Sugameli, Bill Reed, Jeff Stant, Vivian Stockman, Jason Tockman, Larry Tuttle, Morris K. Udall Foundation, John Wathen, Brian Wright, Paul Zogg, and all our OSM friends.

CCC Offices and Staff

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

Washington D.C: Jane Kochersperger, Communications, 110 Maryland Ave. NE, Room 408, 20002 202/544-6210; fax: 202/544-7164. E-mail: citzcoal@essential.org

Editor: Carolyn Johnson; **Associate Editor:** Dennis Short; **Contributing Editor:** Jane Kochersperger.

CCC publishes the **Reporter** and mails it 3rd class from Denver, CO. Please send letters, clippings, cartoons, & photos to the Denver office.

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.

Wanda Hodge, Tennessee Chair

Jason Tockman, Ohio, 1st Vice Chair

Ernest Diswood, Diné, NM, 2nd Vice Chair

Jack Scott, Colorado, Treasurer

Daymon Morgan, Kentucky, Immediate Past Chair

Norman Benally, Diné, AZ

Doyle Coakley, WV

Wyona Coleman, PA

Freda Harris, At Large

Don Mottley, IN

Ellen Pfister, MT

Barney Reilly, VA

Richard Stout, IL

Gwen Thompson, ND

John Wathen, AL

Shirley Willie, OK

CCC Member Groups

ALABAMA: Alabama Environmental Council

COLORADO: Crystal Valley Environmental Protection Association, San Juan Citizens Alliance, Southern Colorado Citizens United for Responsibility to the Environment, Western Slope Environmental Resource Council

IDAHO: People's Action Coalition

ILLINOIS: Citizens Organizing Project

INDIANA: Bridge Alliance, Friends and Families in the Ireland Field, 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: Dineh 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, Friends of Dysart Woods

OKLAHOMA: Pittsburgh Co. Mineral & Surface Owners Association

PENNSYLVANIA: Alice Water Protection Assoc., Concerned About Water Loss due to Mining, Concerned Citizens of New Castle Township, Mountain Watershed Association, People United to Save Homes

TENNESSEE: Save Our Cumberland Mountains

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

WEST VIRGINIA: WV Highlands Conservancy, WV Organizing Project, Holden Environmental Assoc., Coal River Mountain Watch

WYOMING: Powder River Basin Resource Council, Wyoming Outdoor Council

MULTI-STATE: Center for Environmental Equity, Commission on Religion in Appalachia, Diné Mining Action Center, Environmental Health Network, Ohio Valley Environmental Coalition, Southwest Center for Biological Diversity, Tri-State Citizens Mining Network

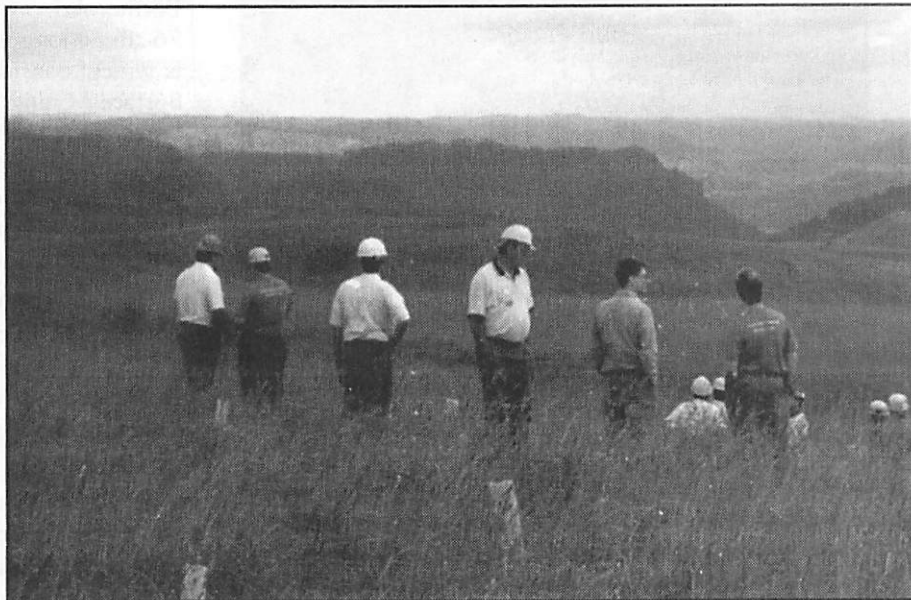
Judge blocks big Arch mine

In March, a federal judge temporarily halted the largest mountaintop removal mine in West Virginia. In a 47-page opinion, Chief U.S. District Judge Charles Haden ordered state and federal regulators to withhold permits for an Arch Coal mine near Blair until he decides whether the WV Department of Environmental Protection (DEP) has ignored the requirements of the federal coal law and the Clean Water Act.

The decision was part of a larger suit filed last summer by the **West Virginia Highlands Conservancy** and West Virginia citizens against DEP and the U.S. Army Corps of Engineers. In December, the plaintiffs settled their suit on the Clean Water Act issues. The settlement required the Corps and EPA to study mountaintop removal permits that fill more than 250 acres of stream drainage, but it exempted the 3,100-acre Spruce Creek addition to Arch's huge Dal-Tex mine.

The plaintiffs argued that Arch reduced its Spruce Creek permit simply to avoid strict environmental scrutiny and intended to apply for more permits after work had begun. The judge agreed and also questioned whether DEP had violated the federal coal law by failing to require mines to restore the land to its approximate original shape.

Before deciding, Judge Haden toured the area by helicopter. He wrote: The "flyover of all mountaintop removal sites... revealed the extent and permanence of environmental degradation this type of mining produces....Some mine sites were



A federal judge ordered a halt to Arch Coal's mine expansion. Most of the planted trees have died on this "reclaimed" part. (Bill Reed, WVHC)

20 years old, yet tree growth was stunted or nonexistent." Unless the decision is overturned on appeal, Arch cannot begin work at the Spruce Creek mine until the suit against DEP is resolved. That case is expected to go to trial this summer.

In response, Arch Coal's President Steven Leer said Arch would shut its mine, lay off 350 workers and send its equipment to other mines in Wyoming and West Virginia. He claimed Arch had taken "every possible step" to obey the law but "the plaintiffs have constantly refused to accept our efforts." [See also the editorial on page 10.] ♦

Short-term settlement, long-term struggle

The settlement of the lawsuit against the Army Corps of Engineers led to a debate among activists fighting against mountaintop removal mining. CCC asked West Virginia Organizing Project leader Patricia Bragg, a plaintiff in the suit, for her reaction.

I have no illusions this settlement is a short term solution to the damages plaguing communities such as Blair, but as a plaintiff in this case, I have every intention of fighting as hard as necessary to save Blair and my own community. After all, our state is made up of hard-working, family-oriented people with a deep love and respect for our land. West Virginia is not the coal industry.

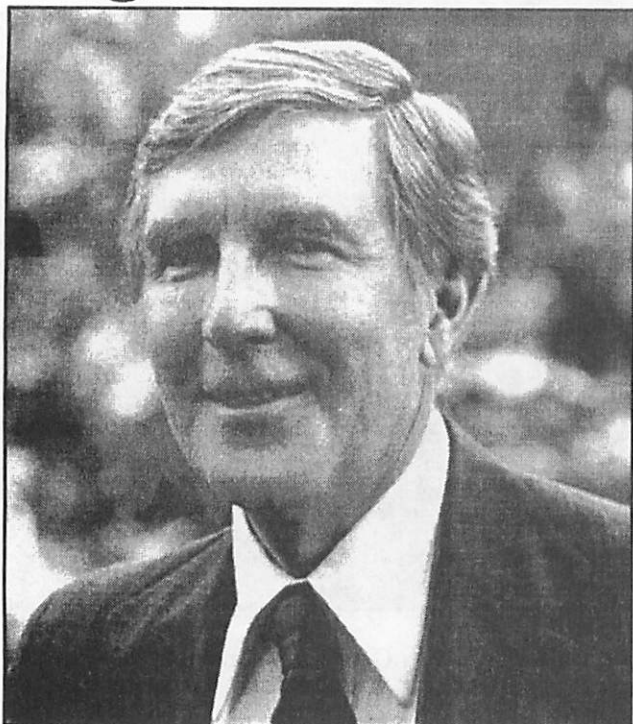
The agreement will change the process for applying for new mining permits; state and federal agencies must now enforce the agreement. Our battle is far from over with the

state Division of Environmental Protection (DEP) and we will go on fighting DEP for the rights of our coal field residents.

I'm not against mining, but I am against the damages our people are expected to endure to have the coal industry in our state. Our communities are dying; no one knows what it's like to look down from an airplane and see your beloved mountains leveled and think today it's Blair, tomorrow it may be my community. We know it's happening to us now.

We are proud to be West Virginians and we are proud to live in the hollers and hills our ancestors left in our care. I appeal to all citizens, let's stop this travesty. Become active in the mountaintop removal campaign and demand changes in the policies that threaten to destroy our Appalachian culture. Be the difference between victory and defeat; make your voice heard. Scream it from the mountaintops. ♦

Congressional leader remembered



Morris K. Udall Foundation

Former Arizona Congressman Morris Udall died at the age of 76 after a long illness in December. Fondly known as "Mo," he is widely considered the "Father" of the federal coal law, the Surface Mining Control and Reclamation Act. In 1977, Udall became the new Chair of the House Interior Committee and used that position to win congressional passage of the federal coal law. For the next 13 years, he protected the Act by using his power as committee chair to beat back the coal industry's repeated attempts to weaken it.

Udall is also remembered for his leadership on other issues during his 30-year congressional career such as protecting millions of acres in Alaska as national parks and wilderness areas. In 1967 he was one of the first House Members to oppose the Vietnam War.

Udall's wit and unfailing courtesy lent grace to even the toughest political battles and charmed — or at least disarmed — his opponents. He had a wonderful sense of humor and laughed at himself, often and publicly. In 1976, during his run for the Democratic nomination for President, a reporter heard one of Udall's speeches and said he was "too funny to be President." And so he was, losing to Jimmy Carter.

Udall is one of many who championed citizens rights and led the Congress in bringing federal regulation to the nation's coalfields. All coalfield citizens have reaped benefits from his legacy. ♣

Citizens win subsidence, blasting damage cases

\$220,000 awarded to Alabama homeowners

In November, an Alabama jury awarded Blinda and Ron Kirkland both compensatory and punitive damages after the Pittsburgh and Midway Coal Company (P&M) longwall mined under their home and caused subsidence damage.

P&M admitted it caused subsidence damage but argued the amount was less than the jury awarded in compensation. The jury awarded the punitive damages because it found P&M knowingly violated the homeowners' rights when it caused the subsidence.

The jury found that property rights in Alabama include the right not to have your land subsided. Thus, in order for a coal company to legally mine beneath a surface owner's land, it must have both the mineral and subsidence rights.

Citizens trying to protect their homes from underground longwall mining have long argued no industry should have the right to knowingly destroy property. This victory in Alabama may give them a new tool to stop coal companies from destroying homes, water supplies and the environment with underground mining. ♣

WV homeowners get \$517,000, more cases filed

In March, a West Virginia jury awarded \$517,000 to 41 families to pay for blasting damages to their property caused by a mountaintop removal mine. Although the money pays for almost 100 percent of the blasting damages, the jury decided not to require Burco Resources or Wind River Resources Corp. to pay punitive damages for being a nuisance to residents. The companies have six mine permits from the state that cover about 2,500 acres in Boone County.

Ben Sutter, attorney for the families, has also filed similar blasting damage cases for 20 residents of Lincoln County and 15 residents of Mingo County who live near mountaintop removal mines operated by Pen Coal and Magnet Coal.

Sutter told the *Charleston Gazette*, "People are not just going to stand around and watch their homes be destroyed."

D. C. Offutt, who represented the coal companies, criticized Sutter and other lawyers who file damage cases. He told the *Gazette*, "They're trying to feed on this public sentiment against mountaintop mining." The verdict, he said, "represented public perceptions" about the mines, "not the reality." ♣

Jobs & Justice campaign gets boost

CCC's *Jobs and Justice* campaign reached a milestone in February when the Clinton Administration announced it would, for the first time, ask Congress to increase the Office of Surface Mining's (OSM) annual budget by \$25 million to clean up abandoned mines and acid-polluted streams.

The Administration also committed to seek future increases until the amount spent each year for cleanup equals the amount collected in the Abandoned Mine Land Trust Fund. This is a major goal of CCC's campaign. The Fund now contains over \$1.7 billion.

In a press release, CCC Chair Wanda Hodge welcomed the Administration's changed policy on the cleanup budget. "We have had occasions to criticize the performance of Interior Secretary Bruce Babbitt and Kathy Karpan, Director of the Office of Surface Mining, so we're pleased to now commend them for taking a positive step for the environment in the coal fields."

Hodge said, "The money is badly needed to repair the damage from the 9,730 old mine sites still left. It will be used to restore health to communities with landslides, polluted water supplies, erosion, and deadly old mine shafts." Since 1977, 424 people — half of them children — have died at abandoned mine sites.

Acid water from old coal mines is the biggest source of water pollution in Appalachia and has damaged or destroyed over 12,000 miles of streams in the Appalachian and Midwest states.

Beware: String Attached

Babbitt and Karpan tied a string to their request, however, when they asked Congress to allow states to spend the money for cleaning up all types of mine sites — gold, silver, uranium, etc. — and to drop the priority system requiring states to fix the health and safety problems of coal sites first.

CCC and Congressman Rahall (D-WV) asked Congress to approve a spending increase of \$123 million over last year, for a total cleanup budget of \$270 million. We also opposed the string and urged that the careful priorities worked out by Congress be kept.

CCC began its *Jobs and Justice* campaign in August 1997 to create jobs cleaning up old coal mine sites. It aims to spend all the money collected each year (about \$300 million in 1999) and to begin spending down the balance of the AML Trust Fund. Each \$20,000 spent on cleanup creates 1 job in the coal fields, which still suffer from high unemployment. Private construction and landscape companies do the cleanup work under contract with a state agency or OSM. ♣



This western Pennsylvania stream is one of thousands that have been polluted by acid and toxic metal drainage from abandoned coal mines. The Mountain Watershed Association, a CCC member group, is campaigning hard to clean up their area. You can contact the Association for more information at Box 408, Melcroft, PA 15462; mawasysop@heli-con.net or 724/455-4200. (Carolyn Johnson)

What you can do to help...

Clean up old mines!

CCC members have convinced Congress to add more than \$20 million to the cleanup funds over the past two years. *We can do it again this year — your letters count!*

Write a letter to Congressman Regula and send a copy to CCC in *support* of CCC's and Congressman Rahall's requests for \$270 million in funding for Abandoned Mine Land cleanup. Tell him you *oppose* changing the cleanup priorities. Send your letters to:

Chairman Ralph Regula
Interior Subcommittee, House Appropriations Committee
Room B-308
Rayburn House Office Building
Washington, DC 20515

Energy from coal: dirty, cheap and out of control

CCC members live with the daily abuse from coal mining and coal bed methane production. Blasting pounds homes, streams flood, wells dry up or the water runs red, black, stinks, or even explodes near coal bed methane gas wells. Homes crack apart and farmlands sink into ruin after underground longwall mines subside the land. East and West, graves, sacred areas, family homeplaces and even entire mountains disappear under the onslaught of stripmines.

Industry supporters try to hide or dismiss the abuses endured by coalfield residents. They tell us:

"These impacts serve the greater good. Gosh, mines and pump jacks aren't pleasant neighbors but necessary to provide the enormous amounts of clean,

cheap energy used by 300 million Americans. Without small sacrifices, we wouldn't have the energy that makes and keeps our nation great. Why, we would be forced back into the Stone Age and lose all those jobs!"

The utility companies and their coal suppliers spend millions of dollars each year on ads, high-priced lobbyists, 'independent' scientists and studies to convince you that energy from coal is 'clean and cheap' and there are no good alternatives.

Starting with this issue, CCC will take a close look at these claims and the true costs of coal-based energy — from mining and drilling to burning to dumping the waste — and what you can do. ♣



Power plants release millions of tons of air pollution



Some pollutants form acid rain that kills forests, lakes and streams



Highly toxic mercury falls in rain or snow and poisons fish and people



Mining 1 billion tons of coal each year destroys homes, water, and land

The high cost of coal

From mine to power plant to waste dump, all phases of the coal industry damage and destroy homes, health, land, water, air and wildlife.



Each year, power plants produce 100 million tons of waste full of toxics; it is dumped in mine pits & pollutes groundwater

Power plants still belch air pollution

by Nick Johnson
Colorado Public Interest Research Group

Legal loopholes and a free ride from EPA let the electric utility industry hold the record as the nation's largest polluter

In 1977, Congress changed the Clean Air Act to cut down on two air pollutants that harm human health — sulfur dioxide (SO₂) and nitrogen oxide (NO_x). Both these gases create soot and smog in both urban and rural areas and the acid rain that is destroying forests from Colorado's Rocky Mountains east to Appalachia and New England.

Congress gave the electric power industry a big loophole when it exempted 400 of the oldest coal-fired power plants — most built in the 1950s and 1960s — from requirements to reduce SO₂ and NO_x. The industry lobbied for the loophole, claiming the old power plants would "soon" be closed and so it would be wasteful to invest in expensive cleanup equipment.

Only one problem: Congress didn't say when "soon" would come, and most of the old power plants are still belching out soot and smog. Some produce up to 100 times more pollution than a modern plant with air pollution controls.

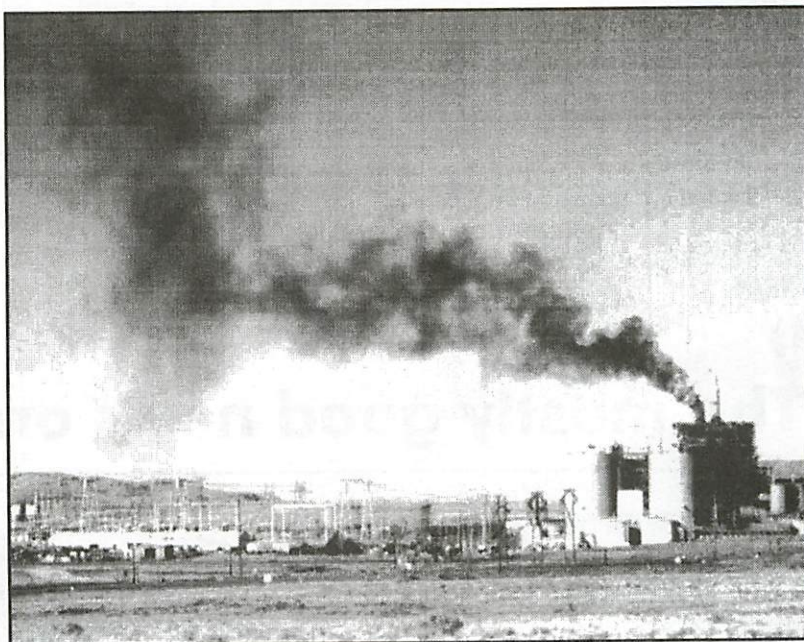
The electric power industry is the largest industrial polluter in the U.S., and the 400 dirtiest power plants are responsible for most of this pollution. Smog from the old power plants has even created a visible haze and fouled the air around the Great Smoky Mountains and Grand Canyon National Parks.

Mercury and Carbon Dioxide

In addition to sulfur dioxide and nitrogen oxide, coal-fired power plants also pump huge amounts of carbon dioxide and highly toxic mercury into the air. Carbon dioxide is the main culprit behind climate change and global warming. Both cause serious health and environmental effects.

All coal contains mercury that burning releases to the air. Rain and snow wash it into our waterways, poisoning fish and other aquatic life. Exposure to tiny amounts of mercury is so deadly (the cause of thousands of "mad" hat makers who died horrible deaths in the 18th and 19th centuries) that state and health officials have warned against eating fish from over 50,000 of the nation's lakes and streams.

The Environmental Protection Agency (EPA) has the legal authority to set standards for mercury pollution, as well as carbon dioxide, but has not done so. EPA issued rules for waste



Four Corners, one of the 400 power plants in the nation that still belches out millions of tons of air pollution each year. Arizona Public Service owns this plant at Farmington, NM. It burns coal from BHP's huge strip mine on the Navajo Nation. (C. Johnson)

incinerators and mercury ore processing plants but has given a free ride to the coal-fired power plants, the largest source of mercury pollution. Why? EPA claims the cost of meeting standards would be just too high for the industry to meet.

The U.S. Public Interest Research Group (PIRG), a national environmental and consumer watchdog group founded by Ralph Nader, is leading a campaign to clean up dirty power plants, which CCC has endorsed. PIRG is urging Congress to take two actions:

- Make all power plants meet the strictest pollution standards for nitrogen oxide and sulfur dioxide; and
- Set strict limits for mercury and carbon dioxide. ♣

What you can do to...

Clean up the power plants

Write your Senators and Representative. Tell them you want clean air *now* and urge them to support the two actions recommended by PIRG.

Send letters to:

The Honorable _____	The Honorable _____
US Senate	US House of Representatives
Washington DC 20510	Washington DC 20515

News & Updates

Powering Down

A Less is More Proposal

much of the destruction of Appalachia, the group is asking persons of all faiths to abstain as much as possible from using electricity and other fossil-fuel energy on the first Friday of each month.

The Catholic Committee of Appalachia has joined the effort to address the harmful impacts of coal mining and our reliance on fossil fuels. Recognizing that the demand for electricity generated by burning coal drives

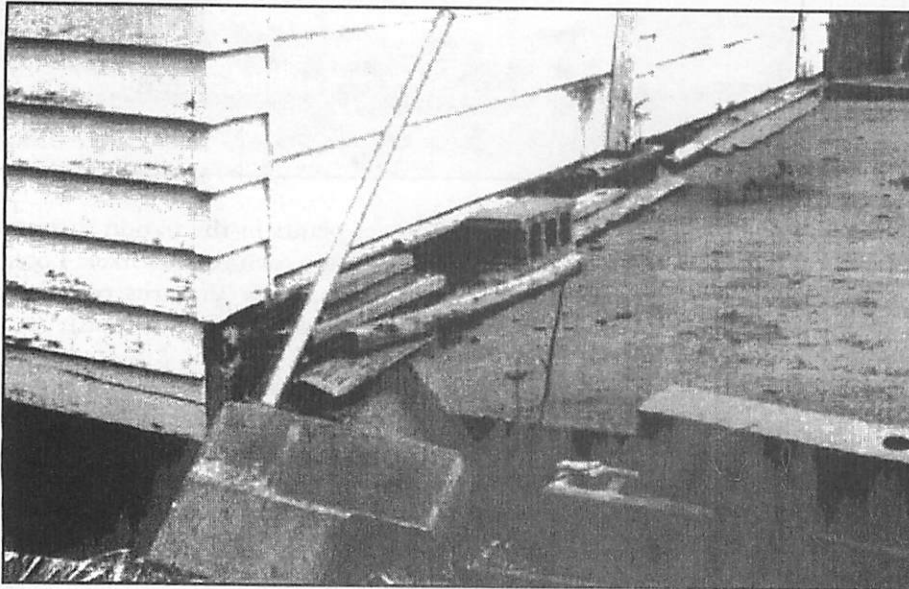
A committee brochure explains, "Many hunger for ways to bring (their) decisions and actions into line with their moral principles." Observing a monthly "power down" day of jubilee shows respect for all life and solidarity with people whose lives are impoverished by exploitation of their natural resources.

The brochure lists such simple acts as turning off the TV or radio, going without air conditioning, not using a computer, or sharing a one-pot meal with neighbors as actions that help re-create our community and re-connect with the natural rhythms of sunrise and sunset.

To learn more about the the committee or to get a copy of its "Powering Down" brochure, please write:

Catholic Committee of Appalachia
PO Box 662
Webster Springs, WV 26288 +

The mostly good news on subsidence rules



Over 1.8 million citizens in Pennsylvania, Ohio, Kentucky, West Virginia, Illinois and other states face the prospect of having their homes damaged by subsidence from underground coal mines, as happened to this home in West Virginia.

In 1992, the Citizens Coal Council and its member groups convinced Congress, over the objections of the coal industry, to pass a law requiring coal companies to repair or fully compensate homeowners for their damage and to replace lost, damaged or polluted water supplies. Most of the industry's legal challenges to the law have failed. (Photo: Richard DiPretoro)

An April decision by the federal Appeals Court in Washington D.C. upheld the rights of 1.8 million citizens to their property and drinking water and rejected most of the challenges to OSM rules brought by the National Mining Association (NMA). Major points of the decision are:

- Underground mines must minimize damage to homes when planning operations that will cause subsidence. NMA had claimed its coal company members could ignore or even maximize subsidence damage that might collapse homes above a longwall mine.
- Mine operators must repair or fully compensate homeowners for lost property value caused by subsidence even when the operator had obtained a damage waiver before the 1992 federal law was enacted if the waiver payment was less than the amount of damage.

- OSM's rules are not a "taking" of the coal industry's property rights. NMA argued that OSM had to give the coal industry a blanket exemption from its duty to repair or compensate for damage in order to protect the industry's constitutional rights.

- Rejected the presumption that any damage within the angle of draw was caused by subsidence unless disproved by the mine operator.
- Rejected the requirement for industry to make pre-subsidence surveys of all property within the angle of draw.

Glenn Sugameli of the National Wildlife Federation and Tom Fitzgerald of the Kentucky Resource Coalition were the attorneys for citizen interests in the case. For further information, contact Glenn at 202/797-6865 or Tom at 502/875-2428. ♣

CCC wins public information from OSM

In March, CCC obtained information confirming that supervisors in the Office of Surface Mining (OSM) had provided financial rewards and bonuses to two Denver-based employees for their work in helping "resolve" complaints of violations against the citizens who filed them. (See "shhh — OSM's secret awards" in the Spring 1998 issue of the *Reporter*).

OSM gave the information to CCC in order to settle a Freedom of Information Act lawsuit the Council filed against OSM in the US District Court. Paul Zogg of Boulder, CO, represented CCC.

In response to the CCC's February 1998 request, OSM had refused to turn over information explaining the reasons for 21 performance and service awards totaling more than \$21,500 given to employees Billie Clark and Mike Rosenthal.

After CCC filed suit in December, OSM chose to turn over its records on the awards given to employees Billie Clark and Mike Rosenthal before the case went to trial. As part of the settlement, OSM also paid CCC nearly \$5,200 for all its attorneys' fees and court costs.

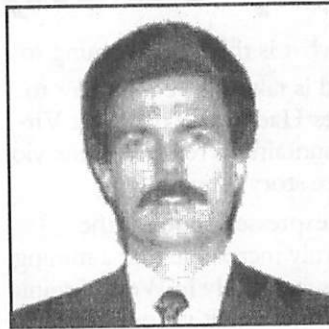
"These awards are a slap in the face to citizens who have repeatedly had their complaints denied or derailed by Clark and Rosenthal."

Norman Benally, CCC board member from Arizona, said, "These awards are a slap in the face to citizens who have repeatedly had their complaints denied or derailed by Clark and Rosenthal. We long thought OSM used taxpayer money to reward Clark and Rosenthal for shielding the coal companies from citizens who have asked OSM to protect their property and environment. How can we as citizens get fair treatment of our complaints when OSM employees know they may well get personal financial bonuses and awards if they rule against us?"

In June 1996, Council members charged Clark, former chief of Federal and Indian Lands, with refusing to enforce the law and uphold the rights of Navajo citizens in New Mexico. Rosenthal is an OSM Mining Engineer who has frequently drawn criticism from citizens affected by mine blasts.

The information released by OSM as a result of the settlement shows:

- For their work in "resolving" citizen complaints, Rosenthal received 4 awards from OSM supervisors totaling \$1,410 in 1994 and 1997; Clark received 3 awards totaling \$500 in 1994.
- In 1994, Rosenthal received a \$100 performance award for his work in "successful resolution of the citizen complaint on blasting issues associated with the Black Mesa/Kayenta Mining complex in Arizona." This award cited his report in which he claimed that Peabody's blasting damage to Navajo



Our tax dollars at work: OSM gave cash awards to employees Billie Clark, left, and Mike Rosenthal, right, for "resolving" citizens complaints against the citizens who brought them and for the coal companies. (OSM photos)

homes was actually the residents' fault because their homes were not built to meet building codes commonly found in urban and suburban areas. (The federal coal law prohibits coal mines from causing blast damage to any occupied dwelling, regardless of its condition or construction method).

• In May 1997, Rosenthal received a \$910 award and bonus for his "investigation and testimony" in connection with the civil lawsuit brought by CCC members Ann and Jim Tatum of Trinidad, CO, against Basin Resources for subsidence damage to their home caused by Basin's underground mine. Rosenthal testified on behalf of the coal company despite a long-standing OSM policy forbidding agency employees from testifying on behalf of any party in a civil case. Rosenthal told the judge that in more than 30 investigations of citizens complaints, he had never ruled for a citizen. The Tatums won their case (see "Citizens win ..." Spring 1998 *Reporter*). ♣

OSM official steps down

Rick Seibel stepped down in January as regional director of OSM's Denver office after three years of criticism from CCC, its member groups and allies for failing to protect Native Americans from mining damage in Arizona and New Mexico. One ally, Support Native Resistance, held 5 lively protests at Seibel's home from April through December of 1998. (See the Spring and Fall 1998 *Reporter*.)

OSM Director Kathy Karpan named Seibel her special assistant and replaced him with Brent Wahlquist. ♣



Rick Seibel (C. Johnson)

Goodbye, Arch, & good riddance

Gadzooks, a mine shut down, what is the world coming to!?!

Arch Coal shut its mine and is taking its equipment to Wyoming. Federal judge Charles Haden said the West Virginia state permit for Arch's mountaintop removal mine violates the federal mining law. (See story on page 3.)

Steven Leer, head of Arch, expressed shock at the judge's decision. "We feel it is truly incredible that a mining process that has been practiced successfully in West Virginia since 1977 without any indication of negative long-term environmental impact has suddenly been deemed unfit for continuation."

Leer, who brags that Arch is now the nation's second largest coal producer, was shocked because Judge Haden violated the Eleventh Commandment of Coal: No government official makes a Big Player coal company close a mine. Certainly not after the regulatory agencies, the US Office of Surface Mining (OSM) and the West Virginia Department of Environmental Protection, have allowed Arch to repeatedly violate the law and make the lives of West Virginia families a living hell.

Arch blasted homes apart and destroyed everything that makes a life. It scalped the mountains down to nubbins, dumped millions of tons of rocks into stream valleys, and flattened communities like Blair, WV. Apparently, Leer wants us to believe these are short-term, positive environmental impacts.

Isn't Leer Smart Enough?

Isn't Leer smart enough to figure out the risks of abusing people and breaking the law? Don't Arch's high-priced lawyers tell him?

We think Leer is truly shocked. After all, Big Players pay to place themselves above the law. Law-abiding behavior is for the little folks to fret about. Arch has shelled out plenty for lawyers, lobbyists, campaign expenses, and membership dues to the mining associations, but the payments shrink to chump change compared to Arch's tens of millions in profits.

Of course Leer is shocked. He invested in a free ride and he expected a steady return on that investment. He expected Arch could continue giving only a wink and a nod at the mining and clean water laws. He chose to make a business decision to violate the laws.

Running Downhill Without Moral Brakes

Leer has been running Arch downhill without any moral brakes. Once started, he has to run harder and faster to make sure everyone who could enforce the law has been bullied or bought off. Leer failed. He didn't foresee citizens banding together to resist Arch's tyranny and convincing a

judge, unbribed and unbullied, to back them. He didn't have a Plan B ready.

Remember the names of these courageous citizens who are standing up to Arch: Patricia Bragg, James Weekley, Sibby Weekley, Harry Hatfield, Carlos Gore, Linda Gore, Cheryl Price, Jerry Methena, and the West Virginia Highlands Conservancy.

Union Does Arch's Dirty Work

Leer, like all bullies, is now trying to avoid responsibility for Arch's actions. After the judge's March decision, Leer asked the mine workers to do Arch's dirty work: distract public attention from the company's outlaw behavior and the years it spent stomping on the people who live near its mines. The United Mine Workers union has complied and is now trying to turn the issue into one of preserving union member jobs.

By taking up Arch's defense — Union President Cecil Roberts called the citizens "radical environmentalists out to destroy mining jobs" — the union adopted the divide and conquer tactic long used by coal companies to block its organizing drives. Even worse, by taking up Arch's defense, Roberts and the union lost their moral compass; there's no virtue in preserving jobs that involve destroying peoples' lives and communities.

If Leer truly cared about the workers and their communities, he would never have risked their jobs by bullying the residents and mining outside the law.

The agencies are so anxious to let Arch continue mining, they now promise some mixture of better enforcement, new policies, improved mining techniques, and citizen monitoring. We must view these promises through the lens of our bitter experience.

OSM and the WV Department of Environmental Protection have shown countless times that they lack the will to enforce the laws designed to protect citizens and their environment, regardless of who heads either agency. Arch's long record of rape and plunder gives ample proof the company respects no legal or ethical limits.

Bullies Never Get Enough

There's no compromise with bullies; they never turn over a new leaf. Bullies have a basic character flaw that cannot be fixed with new policies, better enforcement or citizen monitoring. Bullies never get enough and always demand more. They understand only all-out victory or utter defeat.

We must stop the violence and pain brought to our coal-field communities by bullies like Arch. It's time to end this sordid history. It's time to hand Arch an absolute defeat and say good riddance. ♣



The West Virginia Hills - a parody

By Jean Y. Haley, Moundsville, WV

*Oh, the West Virginia hills,
How eroded and how mined,
With their summits hewn to Hades
Like the Devil Satan's kind.
Is it any wonder then
That my heart with sadness fills
As I weep once more with loved ones
Seeing West Virginia's Hills.*

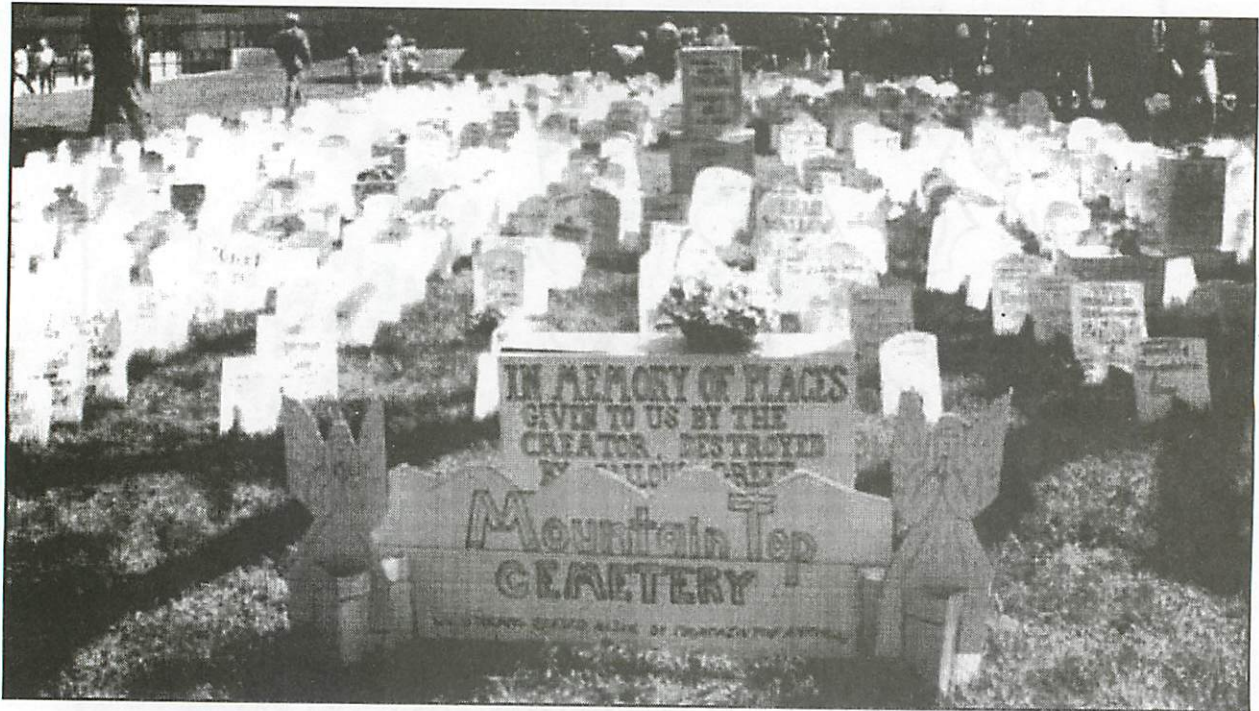
*Oh the hills, top-removed hills,
How I loved the West Virginia Hills.
If o'er sea or land I roam,
Still I'm crying for my home
'Mid the saddened, topless
West Virginia Hills.*

Jean Y. Haley



ACTIONLINE

Rallies for the people and the land



OVEC member and artist Carol Jackson created this cemetery on the grounds of the state capitol for the 900 WV streams and communities destroyed by mountaintop removal strip mines. (C. Johnson)

Over the last six months, the **Ohio Valley Environmental Coalition** (OVEC) has done outstanding organizing for the campaign against mountain massacre stripmining. It has organized mine tours, protests and ever-larger rallies in West Virginia to recruit supporters and inform people about protecting people and environment.

In April, 1,000 people from across the country came to the WV capitol to celebrate Earth Day at a "Rally for the Mountains." They heard rousing speeches, Appalachian music and poetry and exchanged information about efforts to protect mountains, streams and communities from mining damage. The event was sponsored by OVEC, the **West Virginia Highlands Conservancy**, the **Coal River Mountain Watch**, the **Citizens Coal Council**, and other groups.

Linda Brock, former chair of CCC and a member of **Kentuckians For The Commonwealth**, told the crowd, "In Kentucky, we are fighting to save our mountains and we are fighting to save the mountains of West Virginia, Virginia, Ohio and Tennessee. A victory for one of us is a victory for all and we will all win because we are working together."

OVEC erected a "Mountaintop Cemetery" created by Carol Jackson with 900 tombstones for the streams, mountains and communities damaged by mountaintop stripmines.

In January, over 600 people came to a rally at the state capitol. Author Denise Giardina urged the crowd to take back their state from King Coal. "The coal companies came here and stole our land, killed 100,000 miners, polluted our streams and have the nerve to tell us they should be able to destroy our mountains because they create jobs. Well, the Mafia creates jobs, drug cartels create jobs, and pimps create jobs the same way — by exploiting the people they employ."

Last December, OVEC members braved icy weather at the US Office of Surface Mining (OSM) in Charleston to protest OSM's failure to regulate stripmines. Santa Claus delivered lumps of coal to field office director Roger Calhoun. Laura Forman said, "He has shown no backbone on mountaintop removal. We can't trust regulators to do their job."

The work of OVEC and other CCC member groups is turning the tide. In a recent poll, 53 percent of West Virginians said they oppose mountaintop removal stripmining. ♣

Indiana fights ash dumps for clean water

The Hoosier Environmental Council's (HEC) long-running campaign to control the dumping of coal fly ash is now being waged at both the state and federal levels. In April, the Citizens Coal Council joined the federal campaign because the dumping of 80 million tons of ash annually now affects many coalfield citizens. A growing number of utility companies are dumping the toxic ash in stripmine pits across the country.

HEC members have found that ash from coal-fired power plants contains concentrated heavy metal pollutants such as lead and arsenic and must be strictly regulated to prevent groundwater pollution.

State Rules Make Violations Impossible

In November, Indiana officials adopted a proposed rule that would allow dumping of coal ash into unlined stripmine pits. According to HEC's Jeff Stant, "The rule is worse than having no regulation. It legalizes what we have shown is illegal under current mining rules. The proposed rule makes it impossible for anyone to be in violation of coal combustion waste rules."

The proposed state rule:

- Allows utilities to dump massive amounts of ash containing toxics into landfills and stripmine pits where the ash comes into direct contact with groundwater.
- Contains no groundwater contamination level that, if exceeded, would require clean up.
- Doesn't hold mining or utility companies financially responsible for clean up if groundwater is polluted.

"It's unjust, it's unethical, it's what wars are fought over, and there will be a war fought over this."

After state officials announced the proposed rule, 40 HEC supporters occupied the governor's office for more than two hours, demanding to meet with the Governor Frank O'Bannon. After a meeting was arranged with the Governor's chief of staff and HEC, the protesters marched to the Department of Natural Resources, shouting "Frank O'Bannon, we won't budge, we don't want your power plant sludge!"

"This is just another part of the coal and utility companies attempt to profit from electrical deregulation," said Stant. "States are falling over themselves to make their coal and electricity produced from coal the cheapest, and citizens and the environment will bear the costs. It's unjust, it's unethical, it's what wars are fought over," declared Stant. "And there will be a war fought over this."



A crane scoops ash from a settling pond at the dump for the Wabash River Station power plant owned by the Cinenergy utility company. The dump is near the city of Terre Haute, IN. (HEC)

EPA Takes a Hike

In April, the US Environmental Protection Agency (EPA) released a report to Congress with a staff recommendation that EPA *not* set national standards to protect groundwater and leave all decisions to the states. This means disposal of millions of tons of waste directly into groundwater at coal stripmines.

- This is the electric utilities report to Congress, not EPA's. EPA relied on industry and pro-coal state officials for data on ash pollutants and the risks from toxics in the ash; it ignored many examples of serious groundwater damage.
- It took 17 years and a lawsuit to force EPA to publish the report written in techno-jargon, but EPA wants to give citizens only 45 days to comment. Citizens must convince EPA officials to adopt strict standards for disposal. ♣

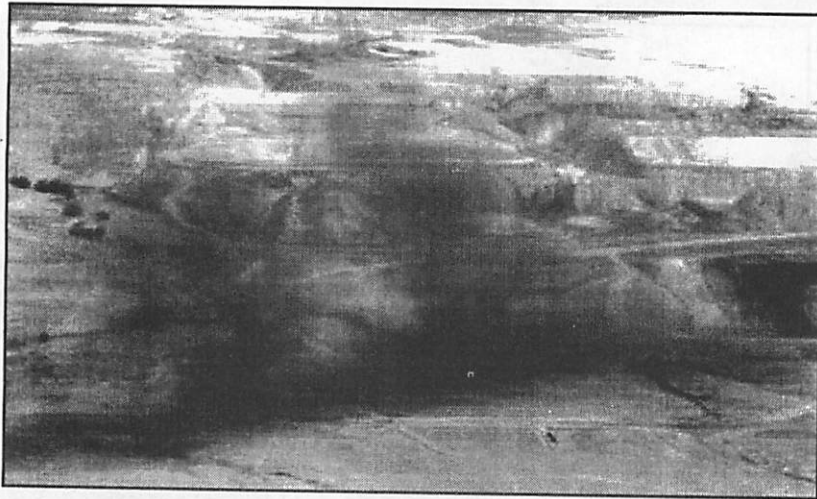
Please lend a hand to...

Protect our water!

Write a letter to EPA chief Carol Browner and ask her to adopt strict national standards to protect groundwater near dumps for power plant ash.

Carol Browner, EPA Administrator
Attention: Tim Fields, Office of Solid Waste
401 M St., SW
Washington, DC 20460

Wyoming Council and Arch Coal tangle



Aerial photo of a blast at Arch Coal's strip mine in Wyoming. Toxic nitrogen gases are affecting residents up to 5 miles away. Arch doesn't notify residents and schools of blasts and the dangers. (C. Johnson)

East or West, Arch Coal behaves the same — badly — toward its neighbors and the community. The Powder River Basin Resource Council is now keeping a close eye on Arch's Black Thunder mine in Wyoming, the largest strip mine in the country. Arch sets off gigantic cast blasts that

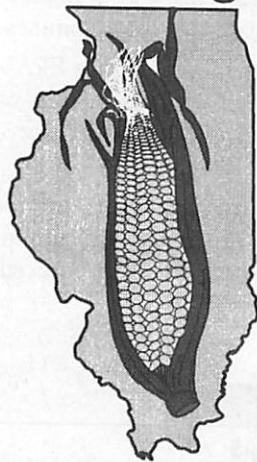
contain a quarter of the amount of explosive power of the nuclear bomb that leveled Hiroshima in 1945.

In January, one of Arch's blasts shook homes and rattled windows in the community of Rochelle Hills, five miles from the Black Thunder mine. Soon after the explosion, a huge cloud of strong-smelling orange smoke surrounded the home of LuAnn and Dennis Borgialli, members of the Council. Hours later when the Borgiallis' daughters returned from school, the cloud still surrounded the home.

The orange cloud contained nitrogen gases that can cause lung damage and even death. Council members have repeatedly complained to state and federal officials about the toxic clouds produced by Arch and other mines in the area. The Borgiallis said Arch goes to great lengths to minimize the exposure of mine workers but has not notified area residents and the schools of upcoming blasts and the dangers.

Both state and federal coal laws prohibit a mine from causing impacts outside the permit area. In February, the US Office of Surface Mining gave a notice of violation to Cyprus Amax after its Eagle Butte mine blasted a nitrogen gas cloud into the Rawhide Village community and across a state highway. The state mining agency had refused to write the violation. ♣

Illinois fights for farm land



In November, 1998, the Illinois Department of Natural Resources told the Silvercreek Construction Co. it must make 41 changes to a permit application before the state can grant a permit to open a strip mine on prime farmland. The decision pleased members of the Citizens Organizing Project (COP) who had opposed the permit.

COP leader Anna Johnson said, "All 41 changes are expensive and complicated. We hope this means Silver Creek won't be mining in Knox County." Silver Creek is still working on revising its application.

The state's decision came after an informal conference that allowed interested parties to ask questions about the company and the permit. Johnson said, "The informal conference gave us the chance to ask hard questions and get answers." She recommends that CCC member groups use the informal conference if your state has such a process. "You have the chance to ask questions, get answers and ask more questions." ♣

North Dakotans get windy



A survey conducted by the Dakota Resources Council (DRC) and allies showed 69 percent of state residents believe wind power should be developed and promoted to reduce the use of coal and oil.

DRC members at the Sisters of Sacred Heart Monastery have already done so by erecting two commercial wind turbines at the monastery. After nearly two years of operation, the turbines are proving their worth. The monastery's electricity bill dropped over \$12,000 during the first year and, of course, no air pollution was produced, unlike the millions of tons pumped from the state's coal-fired power plants.

State officials continue to promote coal over wind power. A Denmark company announced it would open a wind turbine blade factory in North Dakota but, for now, none of the blades will be sold locally because there is no market for them. The factory will employ about 130 people, about 20 percent of the total coal mining jobs in the state. The coal industry association lobbied successfully this year to kill a mild resolution in the state legislature to study wind energy. ♣

Kentuckians save 'Big Black'

Thanks to members of **Kentuckians For The Commonwealth** (KFTC) and hundreds of school kids, the upper part of Black Mountain, the state's highest peak at 4,139 feet, is now protected from mountaintop stripmining.

In May, members of KFTC's Harlan County Chapter signed an agreement with nine coal companies that set terms for protecting the upper elevation of "Big Black," as local residents fondly call it.

"I've spent most of my life on Black Mountain," said long-time KFTC leader Hazel King. "This does the heart good. It's what makes life worth living."

The agreement to protect Black Mountain came after a year-long campaign by KFTC members. Local school students played a big role in the campaign and even testified before a state legislative committee. In December, KFTC filed a lands unsuitable for mining petition with state regulators asking them to ban all types of strip mining above 3,000 feet.

The active campaign and petition prompted the coal companies to negotiate a settlement. Governor Paul Patton helped the process by pledging to pay both coal and timber companies for giving up their claims to mine or cut timber.

"We feel like we accomplished more by negotiations than we would have by pursuing the petition," said Gary Short, chair of KFTC's Harlan County chapter. "With this agreement, Black Mountain will be forever saved." ♣



The dynamic duo of Tom FitzGerald and Hazel King. Fitz heads the Kentucky Resources Council and was KFTC's lawyer on the agreement protecting the upper part of 'Big Black' from mountain massacre. (C. Johnson)

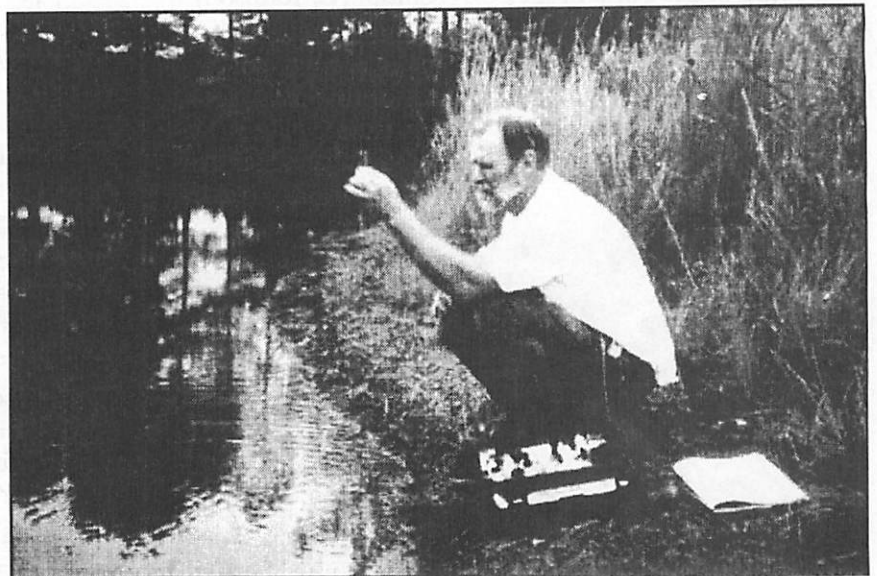
Don't mine under Alabama's Warrior River!

John Wathen, a leader of the **Alabama Environmental Council** and CCC board member, is spearheading a campaign to stop the Drummond Coal Co. from longwall mining beneath the Warrior River in Tuscaloosa County. Residents want to convince the state to protect the river.

If the state grants Drummond a permit, it would be the first longwall mine to operate under such a large river. Wathen says the mine would pass under an area with geological faults that pose a risk of permanent damage to the river from unpredictable subsidence. Randall Johnson, head of the state mining agency, has said the mine could lower the river banks by two feet.

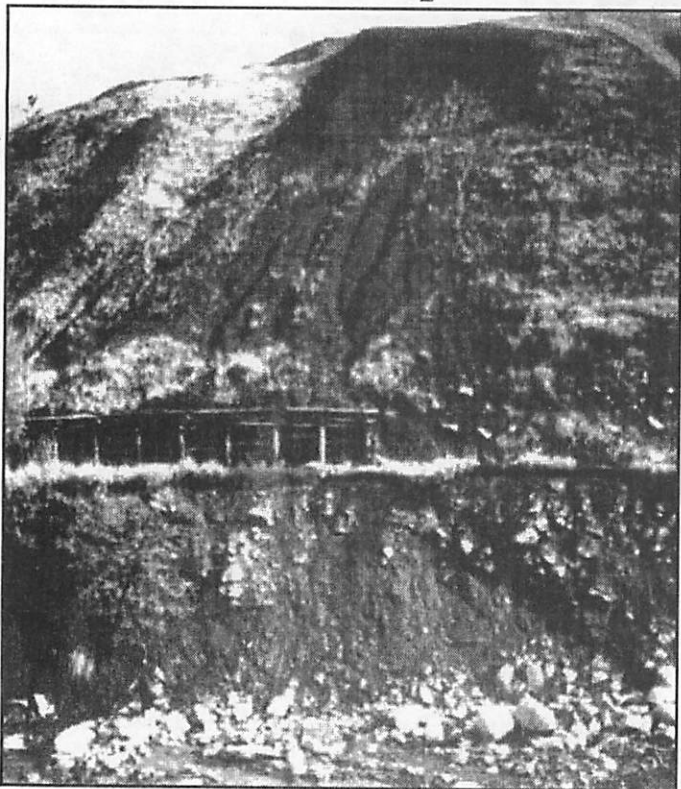
In January, an abandoned underground mine in the area collapsed and caused an impact that registered 4.0 on the Richter scale.

"This could be an environmental nightmare," said Wathen. "The idea of Drummond assuring us that nothing bad will happen is like the fox guarding the hen house." ♣



John Wathen tests water quality at a mine. He is working to keep a mine from longwalling under the Warrior River. The Alabama Environmental Council named John the Conservationist of the year in April. (H. Snow)

Crystal Valley monitors Colorado cleanup



Mine owners left huge piles of coal refuse to erode into a stream when they declared bankruptcy. Colorado allowed the mine to carry a bond for millions less than the cost of reclamation. The owners have sued the state for spending too much of the bond money on cleanup. (C. Johnson)

In 1994, Mid-Continent Resources filed for bankruptcy and forfeited the reclamation bond on its Coal Basin mine to the state of Colorado and the US Office of Surface Mining. Members of the **Crystal Valley Environmental Protection Association (CVEPA)** had long warned state and federal officials that the company was going under and its bond was millions of dollars short of covering the cost of reclamation. Neither agency took action to raise the bond.

CVEPA members have closely watched state efforts to reclaim the mine site and have been pleased with the work. "The state has done a good job with limited resources, we're pleased with their progress," said CVEPA's Mike Mechau.

Now Mid-Continent is attacking the state efforts. Last Spring, president Bob Delaney formed a new corporation that bought all the mine holdings from a bankruptcy trustee and then sued to block the state's reclamation efforts. The suit alleges the state agency wasted money trying to revegetate steep slopes and will waste more money reclaiming roads and other structures.

Mechau isn't buying Delaney's charges, "For 35 years, Mid-Continent never cared about the environment or reclamation when they owned the mine. Now they want to stop the state when we are finally seeing progress."

CVEPA members speculate Mid-Continent wants the state to skimp on reclamation efforts so there will be some money left over to pay off its debts. The group has hired an independent reclamation specialist to assure the site is properly cleaned up and will press officials to assure Mid-Continent pays for the work. ♣

Alliance greases the wheels



Citizens prompted cleanup of this old mine site. (Mottley)

Late last year, **Bridge Alliance** members led by CCC board member Don Mottley met with Indiana officials from two state agencies to look for a way to clean up an abandoned mine site in southern Indiana.

Since 1993, citizens have urged state officials to clean up the abandoned coal washing facility, but no action took place until Mottley and other citizens became directly involved. They publicized the need for cleanup and led a tour of the site.

These actions prompted the state to begin work on the 37-acre site and to apply to the US Environmental Protection Agency for money. The state has already removed 10,000 tires and eight 55-gallon drums containing pitch, paint and oil.

State officials told Mottley they hope to accept bids to do more cleanup. Local residents want the site converted into a recreational area. According to Mottley, "If we citizens hadn't brought the agencies together and shown our support, that site would still be there untouched. It's like the old motto says, *the squeaky wheel gets the grease.*" ♣

Pennsylvanians work for clean water

While the federal government sits on over 1.2 billion dollars in the trust fund set up to pay for cleaning up abandoned mines, citizens work overtime to find ways to restore clean waterways in their local communities.

The **Mountain Watershed Association (MWA)** in western Pennsylvania is one group leading this effort. At least eight major sources of acid mine drainage pollute the Indian Creek watershed where most MWA members live and the group is currently working to clean up four of these.

They aim to restore the health of the watershed and foster economic development through environmental cleanup that will further attract new business such as tourism and recreation.

Members have worked with local, state, and federal officials; environmental and community groups; technicians and charitable foundations to develop restoration projects and project funding. To date, MWA members have raised over \$300,000 for environmental restoration.

Beverly Braverman, MWA Director, says the greatest impact of their work is, "giving people an opportunity to



Beverly Braverman of the Mountain Watershed Alliance and her son Ross visit one of the major sources of acid mine drainage near their home in western Pennsylvania. The group has raised over \$300,000 for cleanup. (C. Johnson)

"Before we became active, most people just accepted living in a polluted environment and they thought they couldn't change things. Now people see they have power working together and we are getting things done."

become involved in the health of our community. Before we became active, most people just accepted living in a polluted environment and they thought they couldn't change things. Now people see they have power working together and we are getting things done." ♣

[See the article on page 5 about what you can do to help get more money budgeted for cleaning up old mines.]

SOCM wins important victory for clean water

In December, members of **Save Our Cumberland Mountains (SOCM)** won an important victory in their ongoing campaign to protect the watershed of Fall Creek Falls State Park in eastern Tennessee.

Last year, SOCM appealed a permit issued by the US Office of Surface Mining (OSM) to Skyline Coal's Big Brush Creek #2 mine, arguing the stripmine could produce new sources of acid mine water pollution and the company's water monitoring plan was inadequate. The mine is located just outside the park's watershed. Skyline, a subsidiary of Ad-dington Enterprises, wants to mine within the watershed.

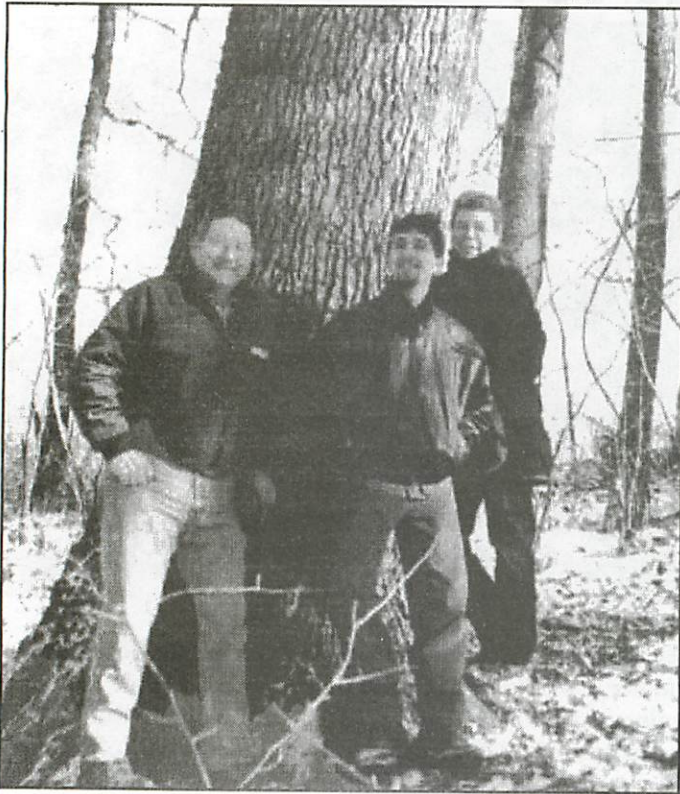
An administrative judge with the Interior Department agreed with SOCM: Skyline must locate new water monitoring sites in places where acid or other pollutants will likely be detected, and any future changes in the mine's water monitor-

ing plan will require OSM to obtain public comment before deciding whether to approve them.

SOCM says any mining done in the area of the park will produce acid pollution and the only way to prevent this is to not allow mining. Forcing Skyline to use new water monitoring sites will hopefully detect any acid pollution before it becomes a large problem and strengthen SOCM's argument that only forbidding mining within the park watershed will protect the park. ♣

For more information about SOCM's lively campaign to protect the area around Fall Creek Falls State Park from mining, write: Save Our Cumberland Mountains, Box 479, Lake City, TN 37769; 423/426-9455; e-mail address: socm@tdsnet.com

Ohioans win Dysart Woods campaign



Enjoying a hike in one of Ohio's last old-growth forests are Floyd Simpson, Friends of Dysart Woods, Jason Tockman, Buckeye Forest Council, and Jane Kochersperger, CCC staff. (Carolyn Johnson)

Members of the **Buckeye Forest Council (BFC)** and **Friends of Dysart Woods** have earned a big victory celebration. After years of hard work they have won protection for Dysart Woods from longwalling and subsidence.

In November, Lisa Morris, chief of the Ohio Division of Mines and Reclamation, declared over 600 acres of land around the old-growth forest off limits to longwall underground mining. Dysart Woods is one of the last tracts of virgin forest left in eastern Ohio.

The Council filed the original petition, asking the state to declare a much larger area around the woods off limits to all coal mining. Members of both groups campaigned to build public support with rallies, organizing, media work and support from CCC member groups.

The agreement leaves open the possibility for room-and-pillar underground mining under the woods, although this is not likely. The Ohio Valley Coal company has applied for permits around the woods and has said it would not use room-and-pillar mining, arguing it could not make a profit.

According to Jason Tockman of BFC, "We're pleased with the decision. It eliminates any immediate threat to the woods and gives us most of the protections we wanted."

Council members know there's more work to protect the forest. Ohio Valley has appealed the state's decision, arguing mining would not impact the trees. As reported in the *Athens News*, Bob Murray, President of Ohio Valley, "has argued that a few feet of subsidence wouldn't hurt the old trees and might even be good for the soil." BFC intends to intervene in this appeal and is working with the state. ♣

Montanans have a better idea

When times are tough, operators cut back on reclamation work to save money. "Human nature resists paying for a dying horse."

The strip pit at Western Energy's Rosebud mine stretches 14 miles and has been open and unreclaimed for years. Although all mines are supposed to reclaim the land as they mine, the Montana mining agency gave variances to Western Energy.

Last winter, the state proposed new rules that would allow the company to continue ignoring its duty to reclaim. The **Northern Plains Resource Council** objected. Ellen Pfister, CCC board member for Montana and former CCC chair, told the state in sharply worded comments that its proposed rules were designed to "cover ongoing, long-term violations of the current regulations."

Part of the Council's concern is shared by many other western citizen groups: huge strip mines don't carry a enough

reclamation bond to cover cleanup costs if they go out of business. When times are tough, operators often cut back on reclamation work to save money. "Human nature resists paying for a dying horse," said Pfister.

In its comments, the Council proposed a unique solution to assure mined land is reclaimed. Operators would have 180 days to backfill and grade each acre of mined land. For each acre not filled and graded, the state would charge a late fee equal to the cost of complete reclamation. If this fee is not paid, the state would shut down the mine.

After the fee is paid, anyone could submit a bid to the state to complete the unfinished reclamation. Funding would come from the late fees.

The state adopted most of the rules proposed in March although OSM has yet to decide if the rules meet the standards of the federal mining law. Pfister said, "we're keeping an eye on what happens." ♣

Two groups picket Addington office

Four days before Christmas, members of **Kentuckians For The Commonwealth** and the **Ohio Valley Environmental Council** picketed the office of Addington Enterprises in Ashland, KY. Shouting "Addington's a Grinch," members demanded that Addington stop damaging homes near its 6,500-acre Starfire mountaintop removal mine and stop mistreating its union workers.

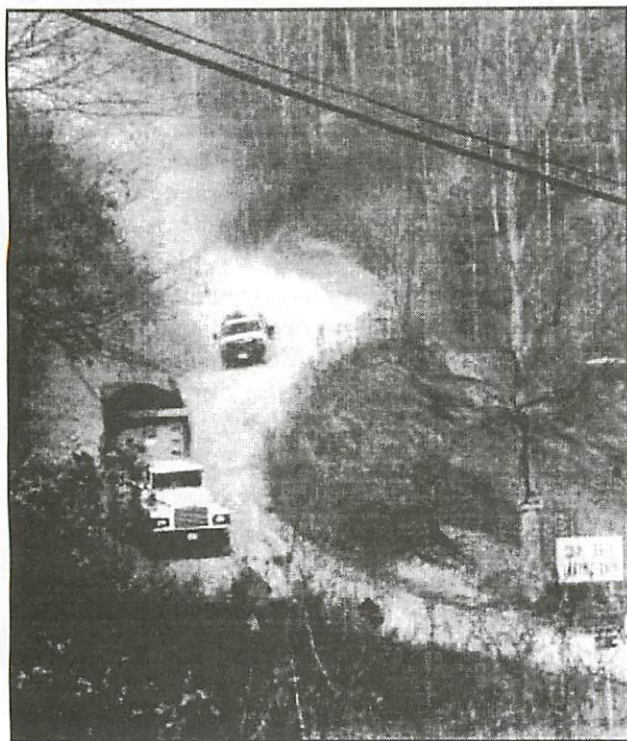
KFTC says Addington's heavy blasting has damaged homes and damaged or destroyed water supplies for as many as 750 households. Members have complained for three years to OSM about company coal trucks illegally hauling coal on a county road and creating dangerous driving conditions.

"They've blasted everything in my home," said Daisy Luster. "They went on my land without permission. They've destroyed my water. All my neighbors are in the same situation."

In November, the Office of Surface Mining (OSM) finally ordered Addington to stop hauling coal on the Perry County road that had been plagued by dust and mud problems after members filed many



Janet Fout and Carlos Gore and other members of the Ohio Valley Environmental Council joined Kentuckians For The Commonwealth members to picket the offices of Addington coal company. (OVEC)



Trucks from Addington used this alternative route after OSM banned the use of an unpermitted road, but the company quickly stopped, closed the mine and laid off the workers. (KFTC).

citizens complaints, picketed OSM's office in Lexington and the Addington office in Hazard.

After a US Department of the Interior judge upheld OSM's November order for Addington to stop using the road, Addington soon closed its mine and laid off the workers.

Luster said, "We didn't have anything to do with the mine shutting down. They had another road and used it a week or two. All of a sudden they just quit and closed down the mine."

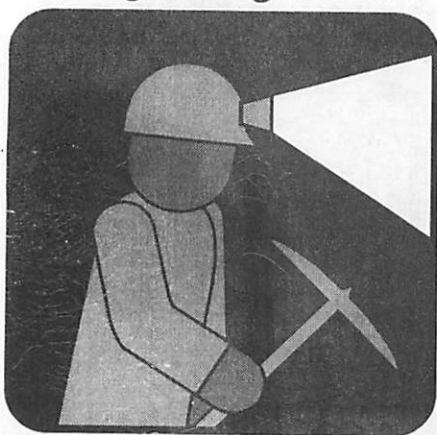
Some miners picketed at the homes of KFTC members who had been active in the fight against Addington. Local officials of the United Mine Workers union urged their members to stop picketing KFTC members, explaining that Addington is responsible for the dust and mud problems and KFTC members are only trying to protect their homes.

Addington Refuses to Keep Mine Open

To show solidarity with the union miners, KFTC offered Addington a plan that allowed the company to temporarily use the Perry County road and keep the mine open while an alternate road is built. Addington refused the offer and is keeping the mine closed while it appeals the judge's decision.

Some KFTC members believe Addington is keeping workers idle to break the union and continue pitting neighbor against neighbor. Pauline Stacy said, "What Addington has done is unfair to both the community and their own workers."

Addington bought the mine last year from Cypress-Amax and has a reputation of laying off union miners. ♣

Shining the light on...

Jobs and environment

When a coal company starts yelling, "You radicals are against jobs," that's a sign the company is feeling the heat from your citizens group and will attack you.

If your group hasn't faced this

charge, you will eventually. You should begin now to spread your message that you want good jobs that benefit the entire community. If your group has already heard this accusation and you haven't laid the ground work to combat it, your work will be more difficult.

In this special two-part *Toolbox*, we give you information to use when charged with trying to destroy jobs. The next *Reporter* will feature some actions you can take to show support for good jobs in coal mining communities.

Leaders must counter this 'jobs or the environment' argument because public officials and citizens deciding whether or not to support your effort can be easily swayed by it.

Don't Look at Us!

In West Virginia and Kentucky, citizens have coal companies on the run with big, coordinated campaigns against 'mountain massacre' mining. Instead of cleaning up their act as the law requires, companies like Arch Coal try to direct attention away from their actions by accusing citizens of being against jobs. Unfortunately, public officials and many citizens believe industry arguments. This prompts officials to act on behalf of industry and pits neighbor against neighbor:

- In West Virginia, Arch repeats its message that the issue behind mountain massacre is: "Not whether mountaintop removal harms the environment, it's about creating jobs and cheap energy."
- In Kentucky, Addington Enterprises recently laid off workers after citizens convinced the Office of Surface Mining (OSM) that Addington was illegally hauling coal. Instead of using another available road, Addington kept its workers off the job and created conflict between workers and citizens.
- In March 1996, an OSM inspector issued a violation to Peabody Coal's Black Mesa mine in Arizona that shut down a conveyor belt. Instead of fixing the problem, Peabody laid off 300 workers. Scared OSM managers overturned the violation and issued an apology to Peabody.

In every case, companies can mine within the law and protect the environment and worker safety but have chosen not

to do so. If an operator chooses to shut a mine, he has made a business decision. Closing is not caused by inspectors doing their job or citizens protecting their environment or workers forming a union.

Coal Mining and Poverty

Does coal mining create jobs and prosperity? No! CCC researched the 1990 census data for 120 coal producing counties across the country. All but two counties in Wyoming had a poverty rate above the national average, and for most counties, the more coal produced, the higher the rate of poverty. That's not prosperity in anyone's book.

Coal companies are also using fewer workers to dig more and more coal. CCC researched the number of miners employed over the last 20 years and found a steady decline; in 1978, there were more than 240,000 miners working, while today the number is about 80,000.

Coal companies view workers as a nuisance that can strike, get sick or killed and cost money. Most seek ways to avoid complying with health, safety and environmental laws and invest in machinery to replace workers (especially union workers), because they make more money and have more control.

Replacing workers with bigger machines and explosives means more coal mined faster. Where a strip mine once lasted 15 years, today's mountaintop removal operations can mine the same coal in five years with fewer miners. Companies will one day likely operate longwall underground mines with just one technician above ground using a computer and no miners working below ground.

So why is the jobs argument so powerful? In many communities, coal mines have always operated and are often the most visible means of employment. Most public officials promise to create jobs in their campaigns for office. Finally, most coal field communities are facing high unemployment and they need all the jobs they can get.

To overcome such powerful forces, groups must be active in working out a message to counter the jobs argument. The following are points you can use for your message.

Our Homes Are the Fruit of Our Labor

No industry, company or individual has the right to destroy your home, pollute the environment or make your life unbearable just so they can make a profit. Only the coal industry thinks they have the right to destroy a home when they mine beneath you, blast your home apart when they strip mine or bury streams when they fill valleys.

For many of us, the reward for a lifetime of hard work is to own the home where we raised our families. Our home

Organizing Toolbox

represents a lifetime of saving and we don't want it damaged or destroyed. Mine workers have the same dream and it's important to talk to them about our shared dreams.

No Job Is Sacred

No one has a right to a good job if it comes at the cost of another's suffering. When a company lays off miners, we are ready to work together to find alternatives. We may only find low-wage jobs, but many of our members are working these same jobs.

Replanting Isn't Enough

No coal company has a right to mine. Companies that chop off mountaintops or mine through streams often say, "Sure it looks bad now, but wait until it's reclaimed." Just because a company can get something green to grow on an area doesn't give it the right to mine. Planting or other 'reclamation' methods after mining has ended are no substitute; they don't make it okay for a company to damage the community and environment during mining. A mining company must meet all the environmental standards of the federal coal law, both during and after mining. If it can't, the area must be off-limits to mining.

Remember Who's Responsible

When we work to protect our homes and environment, we are only asking coal companies to mine within the law. When inspectors cite companies for violations, they are doing their job to enforce the law.

Citizens or regulators don't force companies to lay off workers. All we ask is that companies act within the law, just as we do. If we are pulled over for speeding on our way to work, we don't cry to the cop that it wasn't our foot on the pedal. We don't threaten to walk off our job because we got a ticket. We pay the ticket, get back to work and pay more attention to the speed limit.

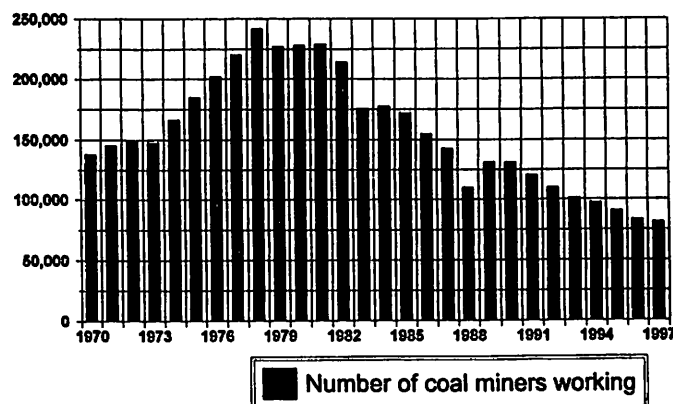
What's Left After the Coal Goes?

After the coal is mined, communities are often left with a scarred landscape, polluted water, an unemployed work force and even more poverty. Attracting new business in these conditions is difficult or impossible. Agriculture and tourism are often the alternatives to mining for rural communities, and a spoiled landscape means neither of these is possible. There's an old saying that goes, "If nothing grows on it, it must have been mined."

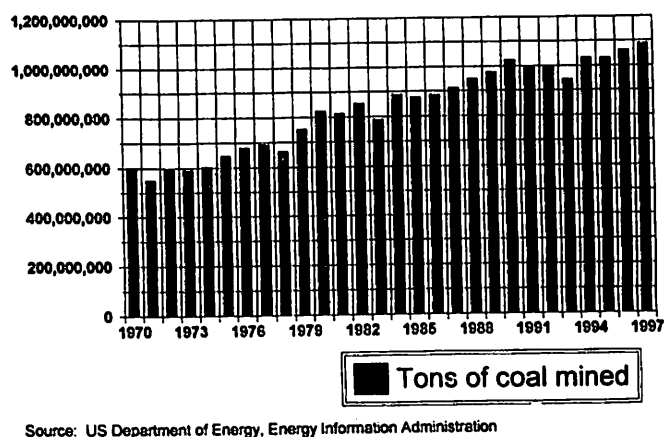
No One Should Die for King Coal

Figures from the US Mine Safety and Health Administration show that coal mining jobs continue to be dangerous. Miners are killed and contract black lung disease every year in underground mines. For workers at stripmines — long-thought to be a much safer mining method — the chance of

The number of jobs in the nation's coal fields continues to fall



The tons of coal mined from the nation's coal fields continue to rise



developing silicosis (a very dangerous type of lung disease) after working 20 years is 61 percent. When mine owners cut costs, worker safety is often the first to go.

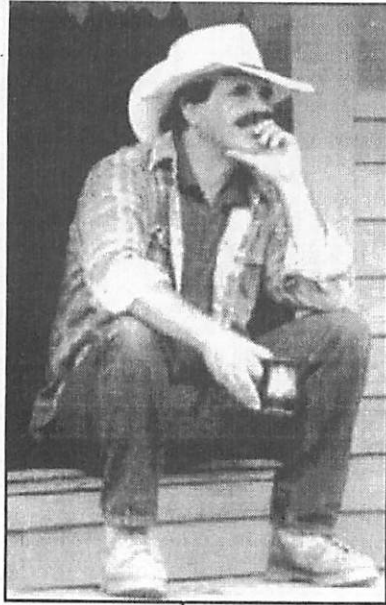
We Choose Both — a Healthy Environment and Jobs That Build Our Communities

CCC members work hard to assure that coal companies protect our homes and the environment. We are not willing to sacrifice our homes, land and water so the owners of mining corporations can make a profit and the employees can keep their jobs. We have a right to live in a healthy environment

We want to create jobs that last longer, pay a fair wage, and are healthy for the environment and the worker. These are the kinds of jobs that benefit our entire community. To do this, companies need to use fewer huge machines, hire more workers and mine over a longer period of time. ♣

Meet four new CCC member groups

Western Slope Environmental Resource



Rich Rudin, Paonia, CO, fears more underground mining will damage water supplies used for irrigation. (Family album)

tion. If industry estimates of expanded production come true, coal trains could leave the area at a rate of one train nearly every two hours. These trains would halt traffic on a state highway and other public roads at more than 40 locations. ♣

Contact: WSERC, P.O. Box 1612, Paonia, CO 81428 970/527-5307; e-mail: steve@wserc.org or tara@wserc.org

Friends and Families in the Ireland Field is a new group aimed at protecting this southwestern Indiana community from a proposed strip mine. Members worked with CCC's Indiana board member Don Mottley and joined CCC to increase their power and get assistance.

Solar Sources Inc. has asked the state to permit a 2,400-acre mine. Ireland members are concerned about impacts to water resources, blasting damage to homes and farms and the company's plans to use the mine as a huge dump for millions of tons of coal combustion waste.

Members have a strong start by organizing big crowds at all public meetings. They are working with technical experts to study the permit application and with CCC members who have years of experience with the dirty tricks of coal companies. ♣

Contact: Friends and Families in the Ireland Field, 7714 W 580 North, Otwell, IN 47564, 812/481-9951; e-mail: billfort@juno.com

Council was organized in 1977 to monitor underground coal mining in western Colorado under the new federal coal act. Members have also worked on timber, land use, and water issues and now find themselves in a new coal boom, including an attempt by Addington Enterprises to expand its mine.

Three mines in the area want to expand operations using longwall mining. Members are concerned about impacts on water resources, timely reclamation, new construction and increased train traffic in this area full of farms, ranches and outdoor recreation.

The Center for Environmental Equity (CEE) is based in Portland, Oregon, and works with citizens and organizations to protect public lands, water and wild places from the environmental impacts of 'hardrock' mining of non-coal minerals such as gold. It advocates replacing the federal 1872 General Mining Law that allows mining companies to claim public lands for mining and convert it into their private land.

CEE pushes for tough regulation of the mining industry, including strict environmental protection, mine site reclamation and adequate bonds to guarantee environmental restoration. It points out that the US mining industry produces the largest amount of hazardous waste.

The Center shares CCC's preference for action and grassroots organizing to win and publishes excellent materials for community-based activists. CCC members will benefit from the Center's experience and we are glad to have new representation in West. ♣

Contact: Center for Environmental Equity, 610 SW Alder, #1021, Portland, OR 97205 503/221-1683; fax: 503/221-0599; e-mail: cee@teleport.com

Southern Colorado Citizens United for Responsibility to the Environment (SoCURE)

SoCURE leaders founded the group to protect their homes and environment west of Trinidad, CO, from the coal bed methane gas industry that has rapidly expanded throughout southern Colorado.

SoCURE members organized and petitioned Las Animas County, state and federal officials to control the harmful impacts, particularly water pollution. When these efforts failed, SoCURE sued the gas developer, Evergreen Resources, for violating the Clean Water Act. SoCURE members had checked state records and found Evergreen had over 100 gas wells that were discharging polluted water, but the company had filed "no discharge" reports with the state.

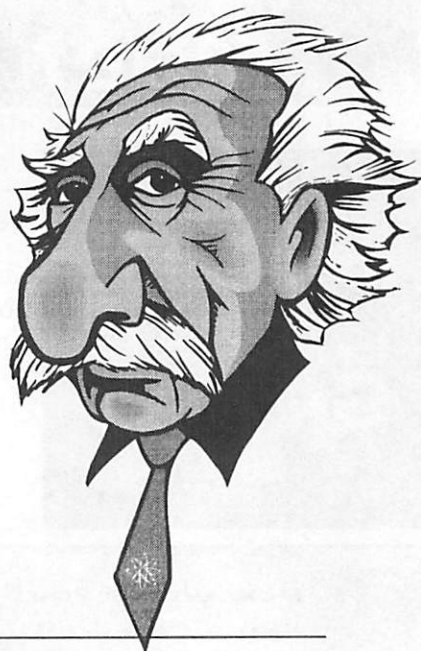
The suit forced EPA officials to investigate and they found violations of clean water rules. However, Evergreen also reacted by filing a SLAPP (Strategic Lawsuit Against Public Participation) suit against SoCURE members, charging them with trespassing (for taking pictures of the wells) and slander. (SLAPP suits are meant to scare citizens from speaking out against corporate practices, and they're unconstitutional. However, they are expensive to fight and can frighten citizen support. See *Reporter* article in Fall 1995, p. 15).

SoCURE members have not backed down and are fighting back. They've joined CCC and are now part of a larger movement with members who have successfully beaten SLAPPs. ♣

Contact: SoCURE, P.O. Box 148, Boncarbo, CO 81024; 719/846-0836; e-mail: mikek@rmi.net

Einstein says,

**"You get smarter
when you join CCC"***



*** 8 smart reasons to join CCC:**

1. We're more organized than the Mob.
2. We don't make you do any dippy stuff or wear a weird hat.
3. We're the only national group with a labrador retriever as a full-time volunteer who cleans up streams.
4. We have fun. (Smart! You figured that out by now.)
5. We get results.
6. The coal companies can't stand us (so that tells you something right there).
7. We believe building membership means building power. **We need YOU to help win justice for the coalfields.**
8. **You will get:** 10 percent off any information ordered when you join; a year's subscription to the Reporter; and the backing of all CCC members and allies.

Name _____
Address _____

City _____ State _____ Zip _____
Telephone _____

Membership Amount: _____ \$250; _____ \$100; _____ \$50;
_____ \$25 Low income or student: _____ \$15
_____ I support the purposes of CCC.

Enclose your check or money order and mail to:

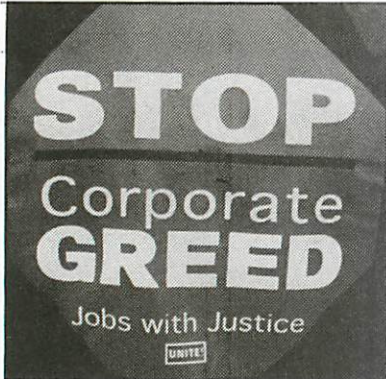
Citizens Coal Council
1705 S. Pearl St., #5
Denver, CO 80210

Contributions to CCC are tax deductible

Please send me the following information

	Each	Quantity	Total
Strip Mining Handbook: A Coal Field Citizens Guide	\$5.95		
How to Protect Your Land and Water from Underground Mining	\$2.00		
Yes, Virginia, We Still Mine and Burn Coal in the US (factsheet)	5/\$1.00		
The Campaign for Jobs and Justice in the Coal Fields (factsheet)	5/\$1.00		
New! Working with Churches (factsheet)	5/\$1.00		
How to Target the Company (factsheet)	5/\$1.00		
SLAPP Threats and Lawsuits (factsheet)	5/\$1.00		
Shear Madness (US News & World Report on mountaintop removal)	\$2.00		
Postage and handling: \$5.00 or less = \$1.00; \$5.01 to \$10.00 = \$2.00; \$10.01 to \$15.00 = \$3.00; \$15.01 to \$20.00 = \$4.00		P & H	\$
Total Enclosed			\$

Meet the folks of CCC



Top left: One of the tee shirt messages worn by participants at the April rally for the mountains at the state capitol in Charleston, WV.

Right: The CCC board gave awards for outstanding work on behalf of coalfield citizens to, from back left: **Ellen Pfister**, Montana board member and past chair of CCC; **Tom FitzGerald**, attorney, heads the Kentucky Resources Council and represents citizens; **Vina Reilly**, Virginia, helps lead CCC's *Jobs and Justice Campaign* to clean up abandoned mine sites; and **Walt Morris**, attorney in Charlottesville, VA, represents citizens. From front left: **Linda Brock**, Kentucky board alternate and past CCC chair; **Barney Reilly**, Virginia board member and past chair of CCC, helps lead CCC's *Jobs and Justice Campaign*; and **Cindy Rank**, West Virginia board alternate, helps lead the work against mountaintop removal stripmining.

Left: **Marianne Reid**, **Leslie Beck** and **Ann Gomben** of Southern Colorado Citizens United for Responsibility to the Environment, took part in a lively January rally at the Colorado capitol to educate legislators about the impacts of coalbed methane gas well drilling. (Johnson and Short)

Citizens Coal Council
1705 S. Pearl St
Denver, CO 80210-3158

RETURN SERVICE REQUESTED

Non Profit Org.
U.S. Postage
PAID
Permit No. 152
Denver, CO