

Reporter

Citizens Coal Council

Summer 2001

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



Coal sludge from Massey Energy damaged George Smith's property and thousands more in Kentucky and West Virginia. (Paul Justice)

Citizens shame Massey, bad corporate neighbor

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Yee-haw!
Grassroots
news & wins
pages 10-13

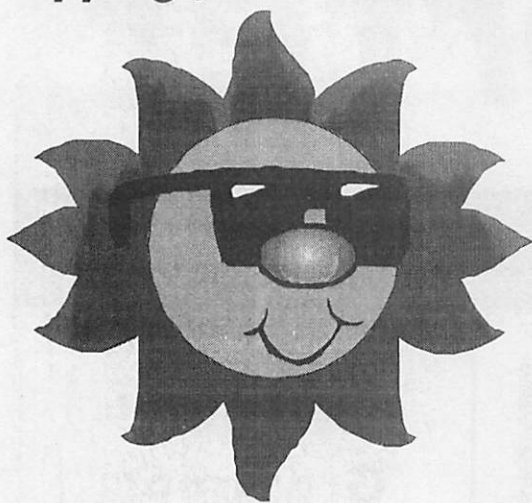
Bush: gimme
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It's Summer!

**Thanks for your photos,
clippings, and hot ideas**



Dianne Bady, Norman Benally, Judy Bonds, Travis Brown, Georgia Canfield, Doyle Coakley, David Cooper, Mimi Filippelli, Tom Fitzgerald, Dave Groubert, Donna Halstead, Jane Johnson, Paul Justice, Hazel King, Lisa Kleven of the DataCenter, Jane Kochersperger, Meg Moore, Charles Murray, Ruth Nichols, Raymond Profitt Foundation, Ulla-Brit Reeves, Dennis Short, Vivian Stockman, Spring Ulmer, Freda Williams, and our OSM and state regulatory agency friends — you know who you are!

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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 damage due to coal mining, burning, and waste dumping.
- Restore law and order by enforcing federal and state laws
- Help each other win our issues.

Coordinating Committee (Board)

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

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CCC Member Groups

ALABAMA: AL Envir. Council, Direct Action, Friends of Hurricane Creek

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: Friends & Families in the Ireland Field, Indiana Citizens Mining Council, Hoosier Environmental Council, Save Our Land & Environment

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 Chap. Tech. 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

TEXAS: Neighbors For Neighbors

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

WEST VIRGINIA: Citizens for Responsible Mining, Coal River Mountain Watch, Holden Environmental Assoc., Ohio Valley Environmental Coalition, WV Highlands Conservancy, WV Organizing Project.

WYOMING: Powder River Basin Resource Council, WY Outdoor Council

MULTI-STATE: Center for Environmental Equity, Commission on Religion in Appalachia, Environmental Health Network, Heartwood, Oil and Gas Accountability Project, Southern Alliance for Clean Energy, Center for Biological Diversity, Tri-State Citizens Mining Network

Bush energy policy pushes coal mines, power plants, & dirty air

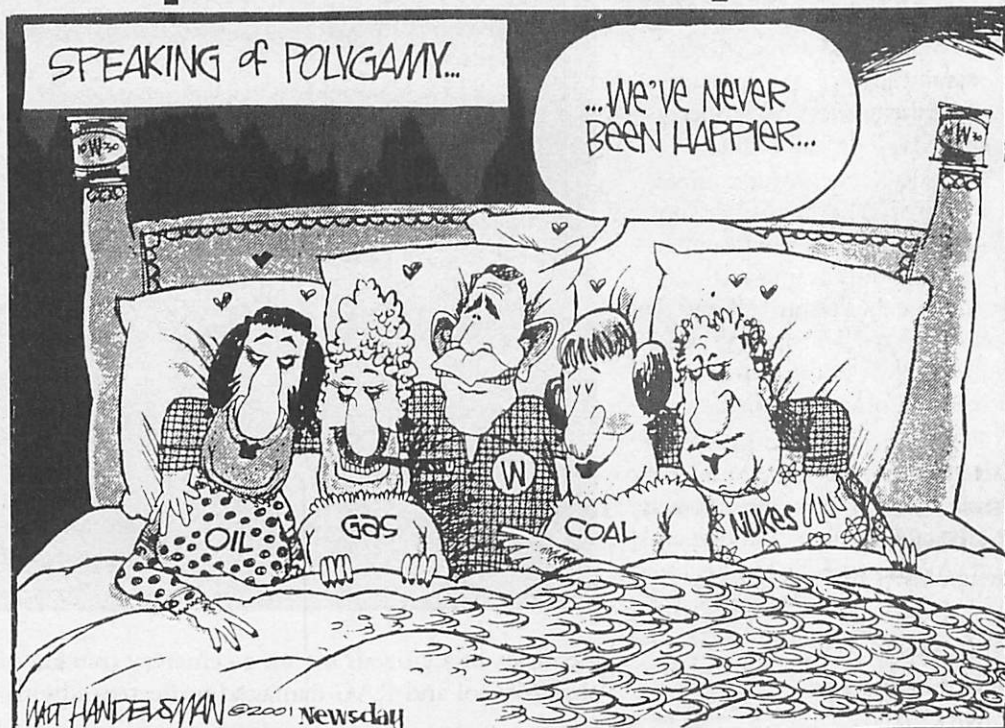
By John McCormick, CCC

President Bush announced his energy plan on May 17. It is not a plan but the energy industry's wish list drawn up by Vice President Cheney. One word describes it — *More!* More energy from coal, oil, gas and nuclear power.

If carried out, the plan will lead to more coal mines throughout the country, more leasing and mining of coal on public and Indian lands in the West, more coal-fired power plants, more air pollution, more power lines and pipelines, less citizen rights, and less investment in the efficient use of energy.

Mine, Drill, Burn

- **Lots More Power Plants.** Today, utilities burn 900 million tons of coal annually to produce 54 percent of the nation's electricity. The plan calls for building at least 1300 new power plants over the next 20 years, a new plant every week. Most would burn coal, coal bed methane gas, and natural gas.
- **More Dirty Air.** The President wants to set aside enforcement of the Clean Air Act for many of the older existing coal-fired power plants and let them to operate at full capacity without having to meet air quality standards.
- **More Mining in Appalachia for Cleaner Air in New England.** Since the Clean Air Act was amended in 1990, annual coal production from mountain range removal strip mines and longwall mines has doubled and even tripled in some Appalachian counties as electric utilities shifted from high-sulfur to low-sulfur coal to reduce sulfur dioxide pollution, which falls as acid rain in the New England states and New York.
Bush wants EPA to set "targets" to reduce the acid rain even more by lowering the sulfur dioxide, nitrogen oxides and mercury released by power plants. This would mean more mountain range removal strip mining and longwall mining in Appalachia.
- **Speeding Up Permit Approvals.** When he announced the plan, Bush ordered federal agencies to speed up issuing permits for power plants and power lines, giving



them approval to over-ride or ignore the rights of citizens and landowners to object to these projects.

- **Eminent Domain.** Bush wants Congress to pass a law so private land can be taken by "eminent domain" to build new power lines.
- **Drill, Drill and Drill.** Coal bed methane gas development on public lands in the Rocky Mountain and Great Plains states would increase even more than the current boom. Bush wants to open sensitive areas that have been off-limits or under strict controls to conventional oil and gas drilling, including coastal zones, roadless public lands and the Arctic National Wildlife Refuge.
- **Lip-service for Energy Conservation, Renewables and Efficiency.** The plan has a few words on energy conservation, renewable sources and efficiency. But those words mean nothing — Bush's budget proposes to slash the already small amount of federal dollars and employees in these programs. The plan ignores national fuel economy standards for gas-guzzling sport utility vehicles. Vice President Cheney said he would "revisit" this issue.

For more information: See the CCC analysis of the plan on our web page at www.citizenscoalcouncil.org. The plan is available as the "National Energy Policy" at www.whitehouse.gov/energy/ ♣

PA citizens protest mine damage

Consol, Rag undermine historic buildings

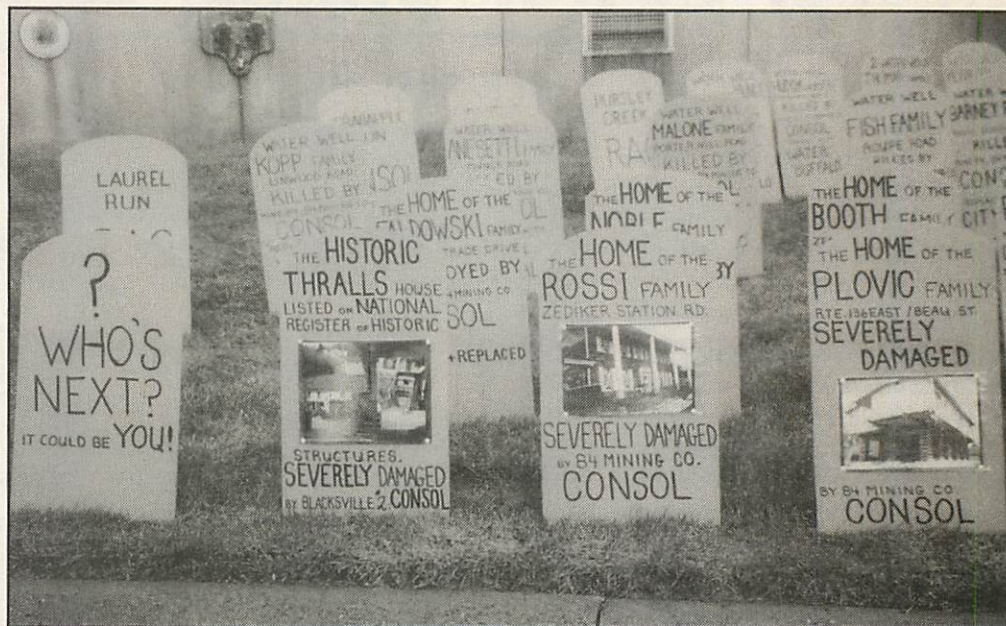
In January, Pennsylvania citizens held a rally and set up a cemetery showing the homes and property damaged by longwall mining.

Longwall underground mines have destroyed homes, water supplies, and altered the environment in western Pennsylvania and throughout the country. "Now they want to destroy our history," said Mimi Filippelli of the Tri-State Citizens Mining Network.

RAG Emerald Resources, a German company, has mined under the historic Thomas Kent farm owned by Tri-State members Laurine and Murray Williams. The farm is listed on the national Register of Historic Places. RAG unsuccessfully tried to remove the farm from the Register.

The federal Office of Surface Mining (OSM) has the final authority to approve plans to mine under historic structures. Bob Biggi, OSM field office director, approved RAG's plan after the company said it would "minimize" damage and mining would cause the farm to sink 24 inches. Instead, the farm dropped at least 42 inches and suffered severe damage, just as citizens predicted. Al Klein, OSM regional director, told CCC he wasn't aware of the damage, despite the news stories, and hadn't looked into it.

RAG is not alone in its desire to destroy an historic building. Consol Energy plans to undermine the Thralls



Pennsylvania citizens set up a cemetery outside of state offices showing the homes that Consol and RAG damaged or destroyed with their longwall mines. (Filippelli)

House, a Spanish-style home in Greene County, that is also listed on the National Register. Consol plans on using the same technology that RAG used.

Companies that want to mine under historic structures must take steps to minimize damage and restore the buildings to their original condition. This extra effort costs companies money and both RAG and Consol have fought to have the Kent farm and Thralls House removed from the national Register.

Citizens argue that the only way to protect homes from damage is to not mine below them. The destruction of the Kent Farm shows there is no technology that can protect a home from longwall mining damage. ♣

Two Pennsylvania leaders receive awards

Pennsylvanians recently honored two CCC leaders for their long-standing work to protect communities and the environment from the impacts of coal mining.

The Pennsylvania Wildlife Federation presented Wyona Coleman with its Gail Rockwood Public Service Award for her many years of volunteer service, leadership, and dedication to recruiting other volunteers. Wyona currently chairs the Tri-State Citizens Mining Network and has served as an officer on the CCC board of directors.

The American Association of University Women presented Peggy Clark a "Notable Women of Indiana County" award. Peggy is a founder of Concerned About Water Loss due to Mining and active in the Tri-State Citizens Mining Network. She also formerly served on the Citizens Coal Council board of directors and has helped lead the effort to stop longwall mines from wrecking home, streams and water supplies.

The Citizens Coal Council congratulates both Wyona and Peggy for their service to coal field communities. ♣

Study: Longwall mines destroying wetlands, streams

A new hard-hitting study by the Raymond Proffitt Foundation reports that longwall mines in southwestern Pennsylvania are destroying the state's wetlands and drying up streams and springs.

This destruction is continuing despite extensive state and federal rules that protect wetlands and water resources. By refusing to enforce the mining and water laws, the Pennsylvania Department of Environmental Protection is subsidizing coal-mining operations at the expense of taxpayers, surface landowners, and the environment.

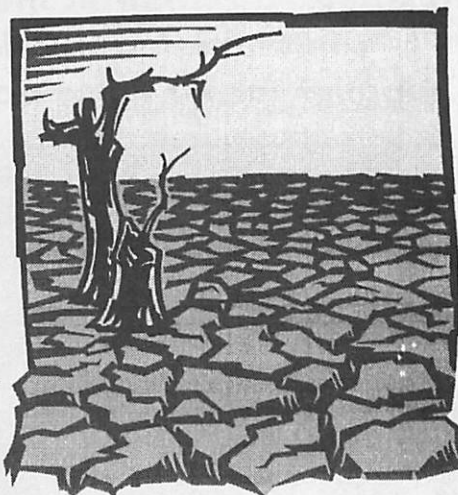
Longwall mining removes the entire seam of coal from a coal bed without leaving support pillars and causes immense damage due to subsidence of the surface. There are eight huge longwall mines in Pennsylvania, all located in Washington and Greene counties. These counties are also two of the most impoverished counties in the state despite sitting atop 8 billion tons of coal.

Longwall mining is illegally destroying these wetlands both through surface pollution (mining waste piles and fills) and from underground subsidence. Subsidence erases exist-

ing wetlands, springs and streams through cracks and fissures and creates new wetlands through depressions and holes. This completely alters the landscape and ecosystem while drying up the water sources for local residents. ♣

To get a copy of "Wetlands and Longwall Mining: Regulatory Failure in Southwestern Pennsylvania," contact:

The Raymond Proffitt Foundation
P.O. Box 723
Langhorne, Pennsylvania 19047-0723



Citizens spotlight Consol's damage to interstate

Consol Coal Company's longwall mines are wreaking havoc on the communities and environment of western Pennsylvania and northern West Virginia. Now travelers from across the country can experience subsidence damage first-hand on I-70 or I-79 because both interstates are extensively damaged by Consol's mines.

Last July, over 50 citizens from four groups that belong to CCC (Citizens for Responsible Mining, Mountain Watershed Association, People United to Save Homes, Tri-State Citizens Mining Network) and other groups held a rally next to I-70 in Washington, PA, to protest the danger.

Consol has not paid for the road repairs and, so far, the state has refused to make Consol pay, use less damaging mining processes, or avoid highway areas. Charles Murray of People United to Save Homes estimates that each time Consol mines under a section of highway, "it costs state taxpayers at least \$1 million to repair the damage. But the road isn't back to normal," only repaved, and is still hazardous because it now dips four feet where the mine passed below.

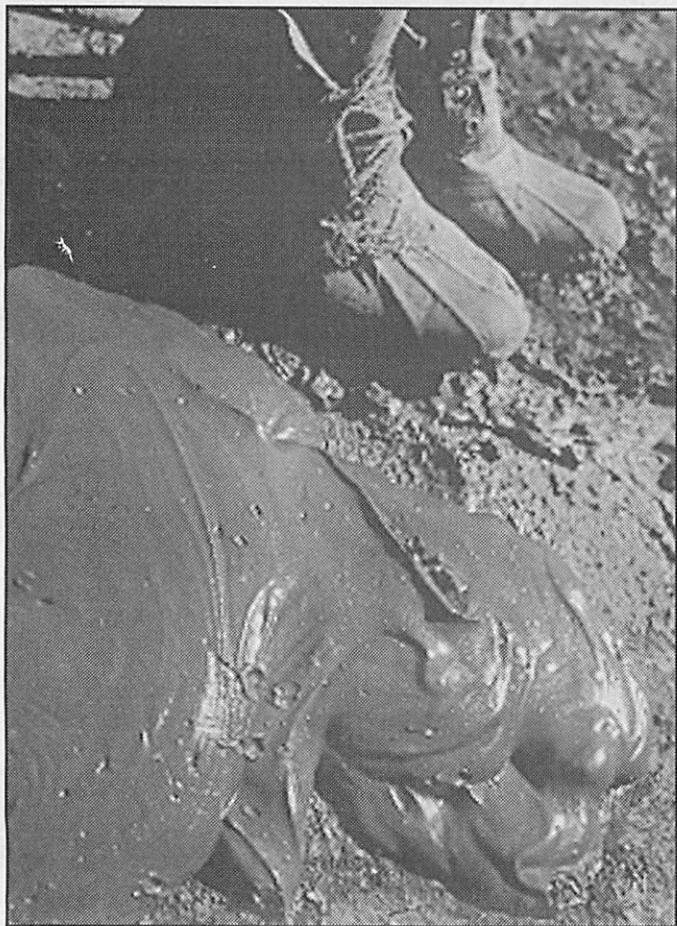
The groups are working to alert the public to the danger and the costs to taxpayers. ♣



Pennsylvania members held a lively rally on Interstate 70 in Washington, PA, to protest the danger of Consol's longwall mining under the highway. The subsidence caused by the subsidence dropped the road 4 feet. In another subsidy to Consol, state taxpayers pick up the \$1 million cost of repaving each section that drops. (Filippelli.)

Massey's sludge floods two states

'The thick, molasses-like sludge smothered all life in the rivers and contaminated public water supplies for 60 miles downstream.'



Sludge on Coldwater Creek, Kentucky. (Paul Justice)

On October 11, 2000, over 250 million gallons of black water and 155,000 cubic yards of coal sludge drained from a Martin County, Kentucky, coal slurry impoundment belonging to Martin County Coal, part of Massey Energy's mining empire.

The thick molasses-like sludge smothered all life in the Big Sandy and Tug Fork Rivers and contaminated public and residential water supplies 60 miles downstream on the Big Sandy and Ohio Rivers.

The spill released over 25 times the amount of waste as the 1989 Exxon Valdez oil spill. Fred Stroud, site coordinator at the US Environmental Protection Agency (EPA),

called it the worst man-made ecological disaster in the Southeast.

The sludge is a mixture of coal, rock dust and water left after preparing the coal for power plants. Companies such as Massey build a dam across a valley and dump the sludge — also called slurry — into the impoundment behind the dam.

The failed coal sludge impoundment is located next to the biggest mountaintop removal strip mine in Kentucky. Massey built the impoundment over a honeycomb of old underground mine workings. The bottom of the impoundment collapsed into the workings under the weight of the sludge, and the sludge flowed out the mine openings and into two creeks, smothering yards, gardens and homes with up to 10 feet of the sludge.

The Massey & EPA Whitewash

Massey officials and Art Smith, EPA cleanup head, repeatedly claimed that "everything in the slurry was below safe limits." Dennis Hatfield, president of Martin County Coal, reportedly told residents at a November public meeting they could eat the sludge without harm. The residents replied, "Here's a spoon, Dennis, just dig in!"

The federal Agency for Toxic Substances and Disease Registry published a study in March 2001 that found high levels of toxins in the sludge; some samples had copper, vanadium, manganese, barium, arsenic, and cobalt "above levels of health concern."

Massey officials claimed the flood was "unexpected and sudden." However a smaller spill occurred at the impoundment in 1994; at that time, federal officials ordered Massey to take action to prevent future floods and spills.

In 1999 Massey assured the Mining Safety and Health Administration that 75 feet of solid rock lay between the impoundment and the mines. A February 2001 study by the Kentucky mining agency found that the barrier between the mine workings and the impoundment was less than 10 feet thick at 47 points in the area that collapsed.

Massey, Not God, Caused the Flood

Massey lawyers called the spill an "Act of God." These are fighting words in coal country. After the 1972 Buffalo Creek Disaster that killed 125 people when Pittston's poorly built waste dam collapsed, Pittston officials tried to blame God. At Massey's stockholder meeting in April, president Don Blankenship admitted the flood was human-caused.

The state mining agency ordered the 72-acre impoundment permanently closed on Feb. 12th due to numerous violations.

In the wake of the damage, 217 residents and local businesses have already filed lawsuits against Massey. ♣

Did Massey clean up or cover up?

Dave Cooper, a CCC member from Kentucky, stood ankle deep in black sludge along the banks of Coldwater Creek to survey the damage from the flood. "It makes me sick," said Cooper, "this is a disaster for the communities living along this river and for the river itself. It will take years for Massey to clean this mess up, if it can be cleaned up."

Cooper has been a relentless watchdog, monitoring the damage and Massey's cleanup efforts since the flood occurred last October and reporting his observations to citizen groups.

In a visit to the site in January, three months after the flood, Cooper was appalled by what he saw. "They have cut down *every* tree, bush and blade of grass along the banks and scraped the creek banks raw into a V-shaped ditch that looks like something from a World War I trench warfare movie."

Cooper also found backhoes "cleaning up" by simply burying sludge under soil along the creek in an "out-of-sight, out-of-mind" approach to dealing with the toxic material.

EPA Defends Massey, No Fine

Massey agreed to reimburse the EPA for its costs in monitoring Massey's actions. At a March 28 public meeting in Inez, KY, EPA officials defended Massey's cleanup, saying that the company acted in "good faith." EPA also announced at the meeting that the agency had decided not to fine Massey for violating the Clean Water Act.

Residents were outraged when EPA officials claimed they had no knowledge of sludge being covered up by Massey or any other failures of the company's cleanup. ♣



Along Coldwater Creek, Massey cut down most trees and bushes, scraped the creek banks raw, buried the sludge under soil, then planted a quick-growing grass to green over the damage. (Andrew Taylor, CCC)

Other coal sludge and breakthrough disasters

The Massey sludge disaster in October 2000 is only the latest of recent disasters that took lives, severely damaged the environment or both. CCC staff compiled these examples:

October 1996: **Arch Coal's** impoundment in Lee County, VA, spilled a huge wall of coal sludge that polluted 30 miles of the Powell River, killed over 11,000 fish, and damaged sewer and public water systems. The U.S. Office of Surface Mining and the state mining agency took no effective action. "Arch did everything to cover up" what they did, said Beth Davies of the Coalition for Jobs and the Environment. Arch paid \$3 million in fines and penalties and was placed on probation. (CCC Reporter, May 2000, p. 19.)

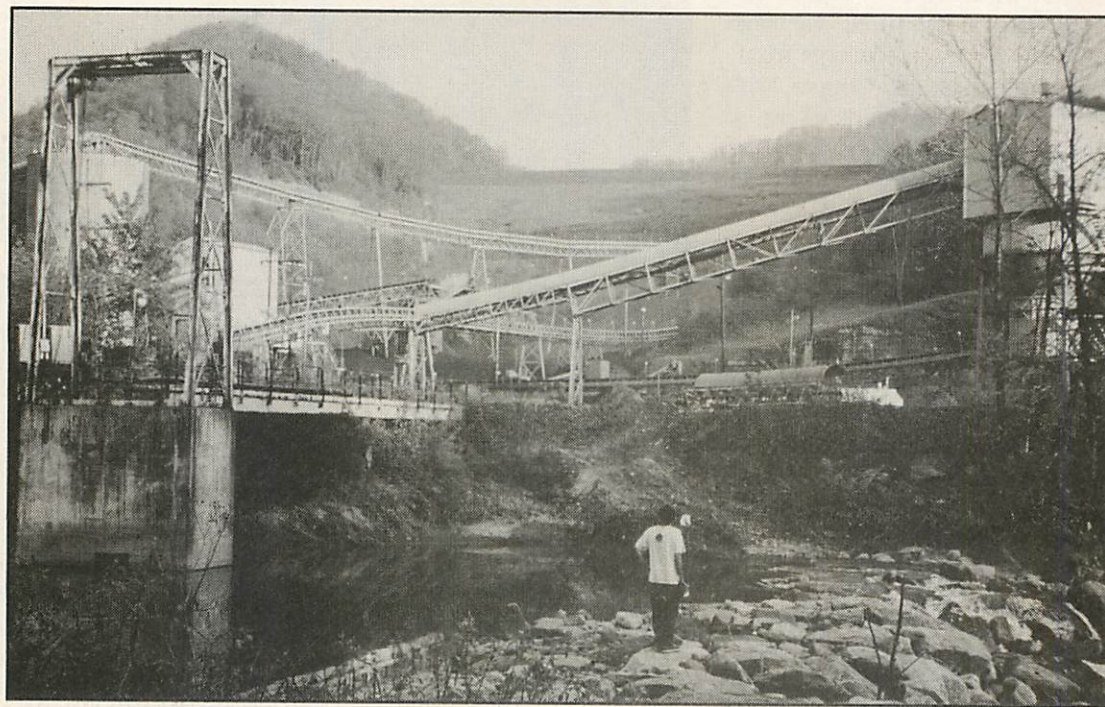
May 13, 1995: Tammy Givens was killed in Buchanan County, VA, when water in an underground mine broke through to the surface, destroying her home.

May 1994 - Coal sludge at the **Massey** impoundment in Martin County, KY, entered the underground mine workings. Since 1986, the state has fined Massey \$16,700 for violations at its sediment ponds and waste impoundment.

December 18, 1981: Nellie Ball Woolum was killed in Ages, Harlan County, KY, when the Eastover Mining Company's coal waste and slurry impoundment collapsed. Two homes were also destroyed and dozens of others were damaged. The disaster devastated an entire community. Eastover belonged to **Duke Power Company** based in North Carolina. Ms. Woolum had pleaded repeatedly with the U.S. Office of Surface Mining (OSM) to act, but the agency refused to take any effective action.

February 26, 1972: A **Pittston Corporation** coal waste dam failed, sending a wall of coal sludge and water down Buffalo Creek in Logan County, West Virginia. The flood killed 125 people and destroyed 1,000 homes. This tragedy fueled the national grassroots movement to persuade the U.S. Congress to pass the federal coal mining law (Surface Mining Control and Reclamation Act). President Jimmy Carter signed it into law on August 3, 1977.

Who is next, Whitesville?



Another face of mountain massacre strip mining in Appalachia: one of three Massey Energy slurry impoundments that threaten the people of the upper Coal River Valley. (C. Johnson)

The Martin County disaster haunts many Appalachian residents and with good reason: they know a sludge flood could hit their community. Massey's sludge dump in Martin County is one of over 220 in the region that the Mine Safety and Health Administration (MSHA) has identified.

MSHA lists many of them as having a high or medium risk for loss of life if a spill were to occur. The situation in Sylvester and Whitesville, WV — home of the **Coal River Mountain Watch**, a CCC member group — is just one dramatic example of how the Martin County or Buffalo Creek disaster could happen all over again.

Here are the facts on the Brushy Fork coal slurry impoundment, one of three coal sludge dumps owned by Massey Energy in the Whitesville area.

- Brushy Fork sits above Whitesville and the homes and schools that lie in the valley downstream. The state first permitted the impoundment for 270 acres and has allowed it to more than double to 645 acres; now it's the largest impoundment in southern West Virginia.
- Massey has mined the Eagle coal seam under at least 350,000 square feet of the Brushy fork impoundment; the same conditions as in the Martin County disaster.

- West Virginia DEP just renewed the permit for Brushy fork, allowing the pond to store nearly 5 billion gallons of slurry, 20 times more than the amount released at Martin County.
- No evacuation plan is available to the residents.
- In April millions of gallons of water flooded into Massey's new Ellis Eagle longwall mining operation near Brushy Fork because the new mine broke into a flooded abandoned mine shaft.
- Massey used the same consulting firm, Ogden Environmental, to design both the Brushy Fork impoundment and the Martin County impoundment.

Alternatives to Coal Sludge Dumps

There are well-known alternative methods for storing coal sludge or slurry. Slurry impoundments are rarely used in England and Europe because they are far too dangerous. Europeans use a dry storage method which could easily be used in the US to eliminate the threat from slurry impoundments. Pressers squeeze the water out for 25 cents per ton and the dry material can be stored in underground mines.

Reach Coal River Mountain Watch at 304-854-2182. ♣

Groups shame bad actor Massey

Massey Energy officials thought their first-ever meeting with company stockholders would be a time for back-patting and good publicity in coal-friendly Charleston, WV. Wrong!

On April 18, the **Citizens Coal Council** and its two member groups, **Coal River Mountain Watch** and the **Ohio Valley Environmental Coalition (OVEC)**, held a protest outside the meeting in Charleston, WV. Over 50 protesters came out in the snow to focus public attention on Massey as one of the nation's worst coal companies.

Keep the mountains, move Massey!

Protesters chanted "Keep the mountains, move Massey," dropped a large banner declaring "Massey Energy: Bad Investment, Bad Corporate Neighbor" and passed out hundreds of fliers in the downtown area and to stockholders when they arrived.

The protest highlighted the damage Massey has done to Coal River Valley towns like Whitesville, Sylvester, and Petrus (See above Article) and the sludge flood in Martin County, KY on Oct. 11, 2000 (see pgs. 6-7).

The *Charleston Gazette* welcomed company officials and stockholders with an article describing how Massey President Don Blankenship collected \$16 million last year in salary, bonuses, housing allowances and stock options. The

company owes over \$70 million to the workman compensation fund.

In the face of the public pressure, Blankenship announced he had reversed the company's position that the Martin County sludge flood was an "act of God." He said the flood came about because of "an engineering error." ♣

Citizens rip study panel

Government officials often avoid taking action by ordering a study, and now they're at it again. After the Martin County slurry disaster, Congress gave the National Research Council \$1.6 million to review the safety of slurry impoundments and told the Council to include impartial scientists, affected citizens and labor and environmental interests.

The Research Council ignored the instructions and appointed a 13-member panel loaded with representatives from the coal industry. All the consultants to the panel were also related to the coal industry.

For example, the Research Council appointed Barry Thacker to the panel; he is a coal industry consultant who helped design the failed impoundment in Martin County among others that have caused severe damage. Thacker told the *Charleston Gazette* there was no reason for coal industry consultants not to work on the dam study. He said, "Who else knows about these facilities?"

In March, CCC and the Kentucky Resources Council began publicizing the conflicts of interest and demanded that the Research Council drop the members with conflicts, add citizens and unbiased scientists and hold meetings with affected citizens.

Doyle Coakley, chair of CCC, criticized the Research Council for being anti-citizen and holding meetings far from the coal fields. "You've done everything wrong," he said.

In response, the Research Council reluctantly removed all the consultants to the panel but removed only two panelists: Thacker and Dean Hunt, a coal industry lawyer.

Angry Residents Take Control

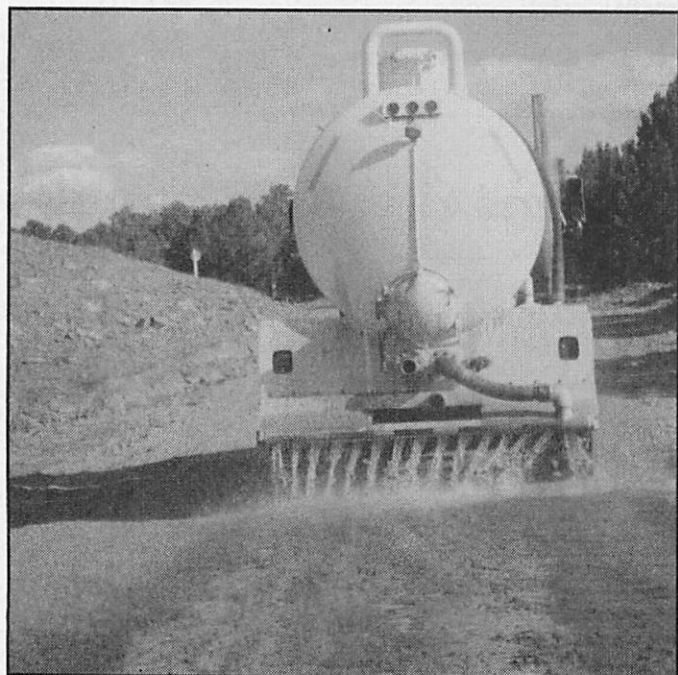
The Council also began holding some public meetings in the coal fields. At one meeting in Pettus, WV, 100 angry residents took control. Judy Bonds from **Coal River Mountain Watch** spoke for many frustrated citizens, "Every law concerning coal over the years has been written in blood, We're tired of those laws being written with our blood."

Winnie Fox, also a member of Coal River, ripped the coal companies, "The multinational corporations are the slave owners, they have made us become victims of our own natural resources." ♣

Who, what is Massey?

- Massey Energy Company became publicly owned last November and the stock is now bought and sold on the stock exchange.
- Many people don't know Massey has operations in their area. That's because it frequently uses the name of one of its 119 subsidiaries and partnerships. These are involved in everything from coal mining, corporate management, synfuel plants, petroleum fuels, venture capital, and mine maintenance to land development.
- Massey operates in at least 8 states including West Virginia, Pennsylvania, Tennessee, Virginia, Kentucky and Texas.
- Massey is openly anti-union; only 5 percent of Massey's total work force is represented by a union.
- Massey operations continue to cause blackwater spills and flooding: April 14, millions of gallons of water laden with heavy metals and high acid from a longwall mine in Raleigh County, WV; June 19, 30,000 gallons of blackwater from a preparation plant in Boone County, WV. ♣

Groups increase pressure to stop coal bed methane damage



Why are the roads wet in arid southern Colorado? Because that's one place methane developers dump waste water from their wells. Some companies pump thousands of gallons each day and dump the untreated water on the land and into streams. The water is toxic to plants and unsuitable for irrigation. (Carolyn Johnson, CCC)

Protect Wyoming's water!

In March, the **Powder River Basin Resource Council** and the **Wyoming Outdoor Council** petitioned the US Environmental Agency (EPA) either to make the state prevent coalbed methane developers from dumping polluted water on grazing land, hay meadows and into streams or to take away the state's regulatory authority under the federal Clean Water Act. Both groups belong to CCC.

The groups filed the petition after water tests showed gas developers were discharging water that exceeded the legal limits for sodium and heavy metals. The state then raised the limits at the industry's request; Gary Beach, head of the state water quality agency, continued to say publicly that "We do not want to be too hard on industry."

In response, EPA has pledged to study whether the water can be safely reinjected underground. ♣

Coloradans launch methane info campaign

Five groups that work in Colorado have joined together to write and publish 23 information sheets about coal bed methane development. The 2-page sheets contain bushels of useful information on a wide-range of environmental, legal and technical topics, including all the ins and outs of coal bed methane drilling; impacts on water; surface use issues; and the economic impacts.

Most of the information is basic to methane development across the country or could be adapted to other states. CCC members are welcome to read and download the information sheets at the following website address: www.206.165.212.14/cbmgas/.

Jenifer Morrissey from the East of Huajatolla Citizens Alliance led the project and earned her general's star by coordinating the participation of the **Oil and Gas Accountability Project**, **San Juan Citizens Alliance**, **Southern Colorado CURE**, the **Huajatolla Alliance**, and the **Citizens Coal Council**. ♣

Montanans to feds: Stop!

The **Northern Plains Resource Council** sued the US Bureau of Land Management (BLM) in federal district court on June 13 for leasing over 600,000 acres of coal bed methane in violation of four federal laws.

"BLM is a bureaucracy out of control," said Mark Fix, who chairs the group's methane task force. "They're in blatant violation of their own operating laws. Ask the BLM what the impacts will be on our communities. They have no idea. They've sold the farm out from under farmers and ranchers in southeastern Montana without even taking the time to review the buy-sell."

As an agency in the Department of the Interior, BLM is responsible for managing and leasing minerals owned by the public. Much of the publicly owned methane in southeastern Montana is overlain by private lands that are farmed and ranched.

According to the Council, BLM granted leases allowing companies to drill and extract the methane without analyzing the impacts on the water, community, environment and private landowners. Federal laws require the agency to analyze the impacts and devise protections *before* approving leases to develop. ♣

Citizens celebrate victories

Kentuckians defeat one mountaintop "scourge"

Citizens in eastern Kentucky are celebrating a big win after they persuaded the Governor on April 27 to declare 2,364 acres surrounding the Pine Mountain Settlement School as unsuitable for strip mining.

Roy Silver, of the **Kentuckians For The Commonwealth** (KFTC) and a leader in the campaign, said, "It's a great victory for those who want to preserve the Settlement school from the destruction from mining... mountaintop removal has become the scourge of the coal fields."

KFTC, the Kentucky Resources Council and many other groups organized support for the petition. At KFTC's request, CCC board members from across the country held a press conference at the school on April 21 and spoke about the national importance of protecting the school from damage by mountaintop removal strip mining.

The school is a nationally known outdoor classroom and environmental education center in Harlan County, KY, that serves over 4,000 students every year.

Nally and Hamilton Enterprises Inc. had proposed a mountaintop removal strip mine that would have operated as close as 100 feet from the school property. The area off-limits to mining includes all the mineable coal near the school. ♣



The CCC board held a press conference to announce CCC's support for the Pine Mountain petition. At center dressed in white, Laura Bass, Texas, and Wanda Hodge, Tennessee, spoke for protection. (KFTC)

SOCM scores a ten

Members of **Save Our Cumberland Mountains** (SOCM) celebrated a milestone this Spring. They have convinced ten Tennessee counties to pass SOCM's resolution calling for releasing more money from the federal Abandoned Mine Land fund to clean up old coal mines. Next the members have targeted five more counties to pass the resolution.

Landon Medley, chair of the SOCM stripmine committee said, "The passage of the resolution by Knox County sends a clear message to federal agencies....Tennesseans want these AML sites cleaned up."

Tennessee still has 283 abandoned mine sites, half with no clean-up work. Cleanup would cost \$40 million, but Tennessee receives only \$1.5 million dollars from the fund. ♣

Illinois group wins again

In March, the Citizens Organizing Project (COP) scored another big victory against Silvercreek Construction Co. Circuit Judge James Stewart ruled in favor of COP and fined Silvercreek \$75,000 for water pollution violations at its Bear Strip mine in Knox County. Judge Stewart also ordered Silvercreek to clean up the 195-acre mine.

This was an amazing victory because COP had asked for only a \$20,000 fine. "The citizens of Illinois should be very pleased that this company has been brought to Justice," said Jane Johnson of the Citizens Organizing Project.

The fine was assessed for an "egregious case in which pollution occurred" while the mine operated from June 1999 through January 2001 without a water discharge permit. Judge Stewart assessed the much higher fine because the company knowingly operated without a permit. He said, "I wonder if a \$20,000 penalty is sufficient to make them operate within the permit." ♣

News & Updates

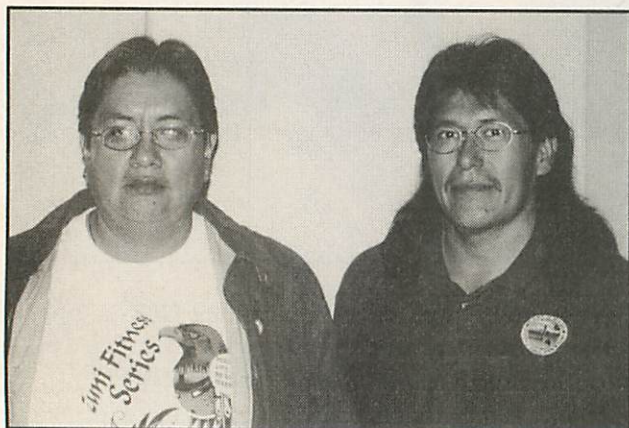
Zunis won't sacrifice for strip mine, railroad

Zuni Pueblo officials are leading the opposition to a strip mine and railroad in New Mexico proposed by Salt River Project, an Arizona utility company. The project would damage Salt Woman lake, a sanctuary sacred to five tribes: Zuni, Hopi, Acoma, Laguna, and Ramah Navajo.

At a June public hearing, Zuni Governor Malcom Bowekaty dropped a bombshell on state officials. He promised a war of lawsuits for violating religious freedoms to protect the sacred area. Others said they would not "sacrifice for cheap coal to serve Arizona or California."

CCC opposes the project as do these member groups: **Water Information Network, Center for Biological Diversity** and the **Zuni Mountain Coalition**.

Decisions are due in July from both the state and the Interior Department; as usual, OSM endorsed the project. ♣



Zuni Councilman Dan Simplicio and Governor Malcolm Bowekaty took part in CCC's corporate campaign workshop last fall and convinced CCC to oppose a proposed strip mine in New Mexico that would severely damage the Salt Woman lake area, sacred to five tribes. (C. Johnson)

Get the scoop on power plant waste and 'clean coal'



In February, CCC and its member group the Hoosier Environmental Council began publishing a newsletter on power plant waste issues to highlight citizen efforts across the country in fighting waste dumps. The May issue featured the shockingly high amounts of pollution from 'clean coal' power plants.

Interested? Contact CCC by email at ccc@netone.com or write to us at 1705 S. Pearl St., #5, Denver, CO 80210.

Kentuckians fight 'clean coal' proposal

It's the mother of all contradictions — "clean coal" — and it wants to come into eastern Kentucky.

Kentuckians For The Commonwealth (KFTC) is working to protect communities from a proposed "clean coal" power plant that would use what is called fluidized bed combustion technology to burn the coal. This method does not work miracles and clean up coal, the dirtiest fuel. Instead it concentrates toxins in the power plant waste and produces more of some types of air pollution.

EnviroPower wants to build a huge 600-megawatt power plant at the Starfire strip mine to burn coal and coal waste. The plant would release 1.7 tons of mercury into the air every year, more than all of the power plants in New York and New Jersey combined. It would add to the smog in Great Smoky Mountains National Park, which at times is more polluted than New York City.

EnviroPower is an affiliate of Addington Enterprises, a billion-dollar corporation privately owned by Larry Addington and his family. Addington is a big campaign donor and has given \$800,000 over the past three years that benefit, among others, Sen. Mitch McConnell of Kentucky.

For more information, contact KFTC members: Pauline Stacy, 606-378-2262, or Doug Epling, wdpli@mis.net ♣

Texans mess with Alcoa

Neighbors For Neighbors, CCC's feisty member group in Texas, is giving a huge migraine headache to Alcoa.

Neighbors has tackled the company's stripmining and dumping of power plant waste and now it has taken aim at its coal-burning aluminum smelter, the biggest air polluter in a state full of big polluters.

In 1997, the Alcoa plant released 10 pounds of pollution for each of the 21 million residents of Texas.

For 30 years, the plant has released enormous amounts of pollutants at levels well above health standards. The company used a legal loophole to avoid pollution limits.

Lawmakers intended the loophole to help older "grandfathered" plants to gradually comply, but Alcoa didn't bother.

Careful research by Neighbors members has triggered front-page headlines across the state and editorial support. They found company reports buried in state records showing Alcoa modernized the plant in the 1980s but ignored rules requiring rebuilt plants to install pollution controls.

The state environment agency and the US Environmental Protection Agency have promised to investigate.

Way to go, Neighbors! ♣

New groups join CCC

Oil and Gas Accountability Project

A year ago, we reported that the San Juan Citizens Alliance had created a support center to coordinate and support citizen efforts on coal bed methane gas development throughout the country. Now the center is fully independent under its new name, the **Oil and Gas Accountability Project**, and the Project has joined CCC.

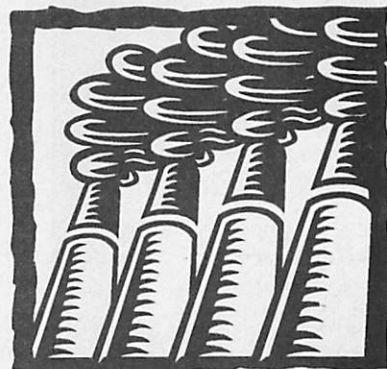
The coal bed methane gas industry is growing — and wrecking — communities from Wyoming to Virginia. Backers of gas development say it is the “clean alternative” to mining and burning coal. Citizens living among the thousands of wells that have been drilled in Alabama, Colorado, Virginia, Wyoming and other states know these claims are false. Coal bed methane gas development pollutes land and water resources, produces loud and constant noise, lowers property values, and causes explosions. Citizens often feel helpless when they learn they have no legal right to stop companies from drilling on their land.

The project provides technical and organizational assistance and helps coordinate strategies about coal bed methane gas development. It spreads the word about what tactics have and haven't worked for citizens.

For more information: P.O. Box 1102, Durango, CO 81302, 970-259-3353, email Gwen Lachelt: gwen@ogap.org. ♣

Alliance works to clean up TVA power plants

The **Southern Alliance for Clean Energy**, a new member group of CCC, is a coalition of groups in nine states that aim to clean up the Tennessee Valley Authority's dirty power plants. TVA burns coal to produce electricity in southern Appalachia; its power plants are a large source of air pollution damage in the East.



The Alliance works to convince TVA to clean up the plants and stop buying coal from mountaintop removal strip mines. Members have researched the mines supplying TVA and shown officials photos of the mine destruction.

“Initially TVA told us there was no way to tell if a mine was a mountaintop removal mine or just a regular strip mine,” said Ulla-Brit Reeves. “Now they realize mountaintop removal mines are hugely destructive and hopefully we can convince them to stop buying coal from these mines.”

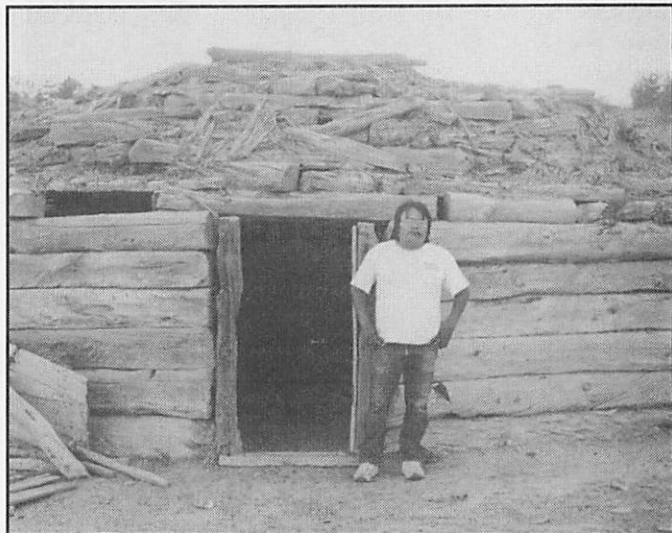
For more information: P.O. Box 1842, Knoxville, TN 37901, 865-637-6055, email: cleanenergy@tngreen.com. ♣

Diné on Black Mesa win some justice

Black Mesa Pipeline will pay a \$128,000 fine in a case with the U.S. EPA and Arizona Department of Environmental Equity for discharging almost 485,000 gallons of coal slurry into the environment over two and a half years.

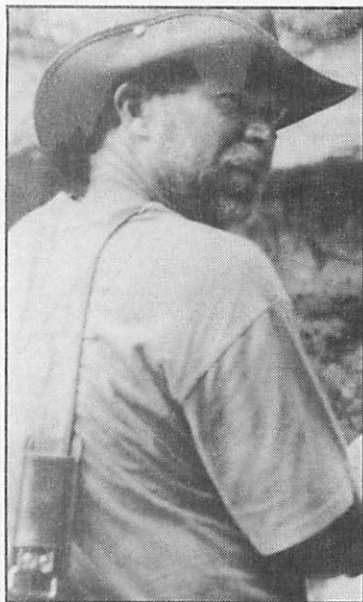
Black Mesa operates a 273-mile long pipeline from Peabody's Black Mesa mine on the Navajo Nation to Southern California Edison's Mohave power plant in Nevada. The US Office of Surface Mining (OSM) has refused to make the pipeline obtain a permit despite numerous complaints filed by residents with CCC's help. In fact, OSM has allowed the Black Mesa mine to operate for 24 years without a federal coal mining permit.

Norman Benally, CCC board member from Arizona, said, “People have complained about spills from the pipeline for years, but they were ignored. This fine is a victory in our campaign to expose the corruption, pollution and racism surrounding Peabody's strip mining operations. ♣



Norman Benally at a ceremonial hogan, one of many sacred sites Peabody has destroyed on Black Mesa. (CCC)

Meet CCC's **HOT** new staff

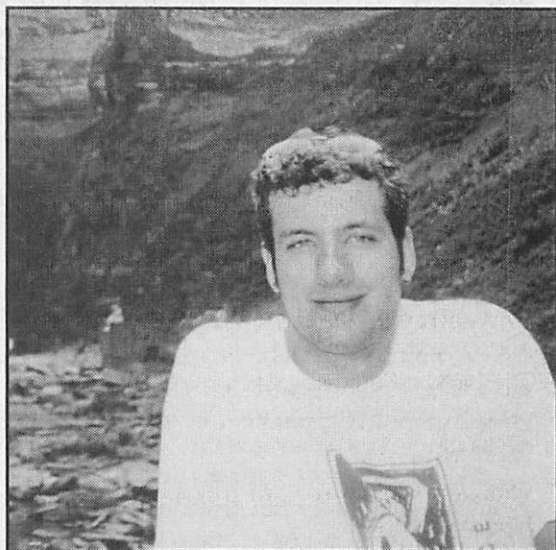


Bill McCabe joined the CCC staff on February 1 as field organizer in the central Appalachian states.

A West Virginia native, Bill taught in the public schools for 15 years and comes to CCC with years of experience as a top-notch and award-winning organizer with the teachers' union in West Virginia, Mississippi and Missouri.

He has long been active as a committed volunteer in coal field grassroots groups working for social and environmental justice.

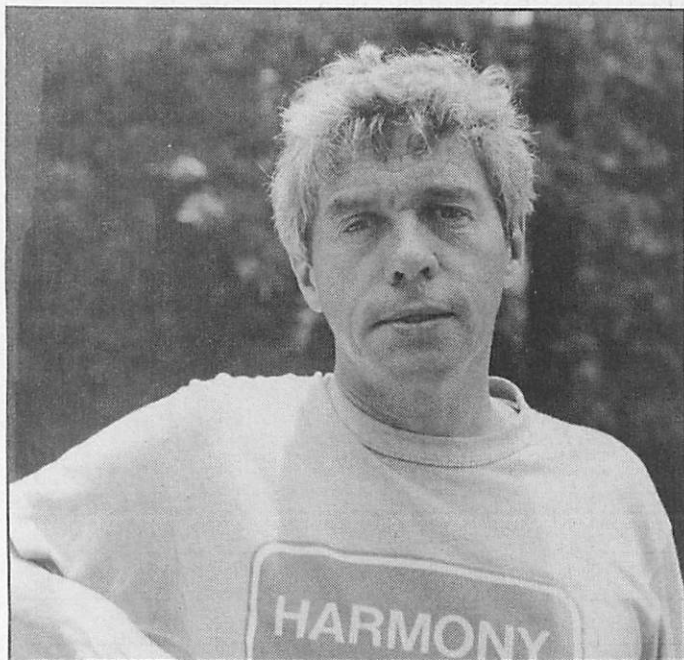
Bill is focusing his initial efforts on working with the CCC member groups in Ohio, Pennsylvania and West Virginia. Please contact him at 304-339-2523; by email at stop-coalcrimes@yahoo.com; and by snail mail: PO Box 261, Valley Head, WV 26294. ♣



Andrew Taylor joined CCC in January and will work to fill Dennis Short's shoes as the Program and Development Coordinator in the Denver office. Andrew graduated from Bucknell University in Pennsylvania in May of 2000 with a Bachelor of Science degree in Environmental Studies.

Andrew brings lots of great energy and experience to CCC. He grew up in Lancaster, PA, in a family of activists. At college he worked with and helped organize several environmental and social justice organizations and did field studies in the Pennsylvania coal fields.

Andrew spent 5 months in Australia studying social movements and mining impacts on indigenous Australians and indigenous land management practices. He has a special interest in environmental justice issues for indigenous people. ♣



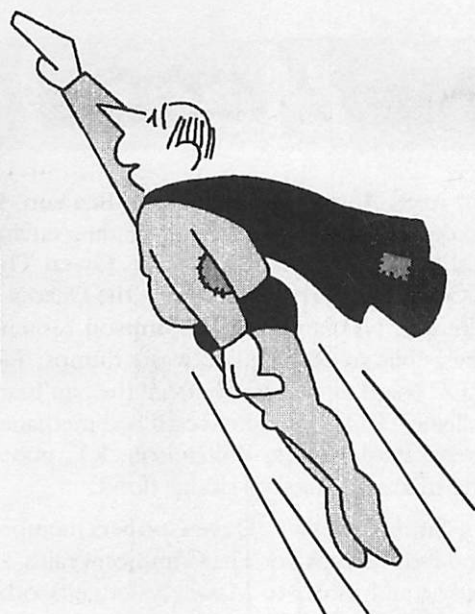
John McCormick, a long-time good friend of coalfield citizens, returned in March when he joined the CCC staff as communications coordinator and director of the Washington D.C. office. John brings a wealth of media and political experience from a long career focused on coal and other energy issues. He began 32 years ago in Ohio as a

student volunteer, then worked with the Black Mesa Defense Fund to spotlight Peabody's mining abuses on the Navajo Nation.

In 1972, he joined the Environmental Policy Center in Washington D.C. where he worked with the national coalition against strip mining and helped write and pass the federal mining law (SMCRA) of 1977.

John has since worked on a variety of energy-related issues including federal coal leasing policy, synthetic fuels from coal and oil shale, the Clean Air Act, and budget issues. Most recently he worked with Friends of the Earth on a successful campaign to convince Congress not to require States to deregulate the electric utility industry. ♣

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| Strip Mining Handbook: A Coal Field Citizens Guide | \$5.95 | | |
| How to Protect Your Land and Water from Underground Mining | \$2.00 | | |
| New! Waste from Coal-fired Power Plants (fact sheet) | 5/\$1.00 | | |
| The Campaign for Jobs and Justice in the Coal Fields (fact sheet) | 5/\$1.00 | | |
| Mountaintop Removal Strip Mining (fact sheet) | 5/\$1.00 | | |
| SLAPP Threats and Lawsuits (fact sheet) | 5/\$1.00 | | |
| How to Target the Company (fact sheet) | 5/\$1.00 | | |
| New! How to Deal with Bullies and Their Bully Tactics | 5/\$1.00 | | |
| 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 | | | |
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Meet the folks of CCC

At its April board meeting in Benham, KY, CCC recognized six citizens for outstanding environmental justice work. Standing from left: **Gwen Thompson**, CCC board representative from the Dakota Resource Council, ND, and **Ken Thompson** (absent) alerted the public to power plant waste dumps; **Jack Scott**, CCC board representative from the San Juan Citizens Alliance, CO, highlighted coal bed methane development; **Paul Justice**, Williamson, KY, photographed the effects of Massey's sludge flood.

Sitting from left, **Dave Cooper**, member of CCC and Kentuckians For The Commonwealth, alerted the public and media to Massey's sludge flood; **Landon Medley**, Chair, Strip-Mining Committee of Save Our Cumberland Mountains, TN, led the effort protecting a State Park from strip mining; **Anna Johnson**, Wataga, IL, CCC alternate board member from the Citizens Organizing Project, protected prime farmlands. (Carolyn Johnson, CCC)



An unholy trio swapped tall tales and who knows what else after eating barbecue at the April CCC board meeting. From left, Doyle Coakley of Cowen, WV, is the newly elected Chair of CCC. He got lots of advice from **Hazel King** of Kentuckians For The Commonwealth (KFTC) and **Vina Reilly**, Dickinson County Citizens Committee of Virginia. KFTC hosted the barbecue and organized field trips to Pine Mountain Settlement School and the TECO mine site. (Andrew Taylor, CCC)

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