

# **Reporter**

**Citizens Coal Council**

**Spring 2002**

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



For centuries Native Americans have gathered salt for ceremonial and daily use at the sacred Zuni Salt Lake in New Mexico. (Shiwi Messenger)

## **Zuni coalition hits high gear in Southwest**

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**Thanks for the photos,  
clippings, and ideas —  
you're the cat's meow!**



**Judy Bonds, Bev Braverman, Center for Responsive Politics, Mimi Filippelli, Ron Giles, Jerry Hardt, Ron Leef, Wells Mahkee and the Shiwi Messenger staff, Brad McLane, Marion Plovic, Barney Reilly, Cal Seciwa, Helen Stanford, Deana Steiner Smith, Sunny's China Cafe, Mike Szolek, Terri Taylor, Bob Tinstman, John Wathen, Edward Wemytewa, Brian Wright, and all our friends in the state and federal agencies, 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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Norman Benally, Diné, Arizona, Treasurer

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Sandra Higman, CO

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### CCC Member Groups

**ALABAMA:** AL Envir. Council, AL Rivers Alliance, 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:** Dineh 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



# Zuni coalition hits high gear

***"For decades, my family has lived with the destruction, pollution and hatred brought by strip mining. Peabody has destroyed graves, ceremonial sites, and the homes of my family members. I don't want to see the Zuni go through what my family and others in CCC have suffered." Norman Benally  
Black Mesa, Arizona***

The Zuni Salt Lake Coalition has hit gear in its campaign over the past six months. With citizen support across the country, the coalition has generated over 10,000 faxes, emails, postcards and phone calls in favor of stopping the Fence Lake strip mine in western New Mexico.

The unique coalition was formed last October by the Zuni Tribal Council, Citizens Coal Council, two of CCC's member groups — the **Water Information Network** and the **Center For Biological Diversity** — the Sierra Club and Zuni tribal member Cal Seciwa.

The coalition aims to protect the sacred Zuni Salt Lake and the associated tribal "sanctuary zone." Many tribes consider the Lake and entire area sacred, including Acoma, Apache, Hopi, Laguna, Navajo, and Zuni. For centuries tribal members have traveled ancient trails to gather salt from the lake for ceremonial and daily use.

## Strip Mine Would Drain Ground Water

Arizona's largest utility, the Salt River Project (SRP), wants to strip mine 18,000 acres of public and private land and build a railroad. These activities would drain the aquifer that feeds Zuni Salt Lake and disturb over 500 burial sites, places of worship and priceless ecological resources.

Cal Seciwa said, "I expect very few benefits will materialize for our Native people and communities if the mine should be approved by the Department of the Interior."

Norman Benally, CCC board member from Arizona, spoke at the November press conference in Phoenix announcing the coalition. "For over 30 years, my family has lived with the destruction, pollution and hatred brought by strip mining. Peabody has destroyed the graves of our loved



Representatives of the member groups in the Zuni Salt Lake Coalition held a strategy meeting in October. Standing from left: Jaime Chavez, Water Information Network; Brian Segee, Center for Biological Diversity; Andrew Taylor, CCC; Bryn Jones, Center for Biological Diversity; Cal Seciwa, Zuni Tribal member; kneeling: Andy Bessler, Sierra Club; Edward Wemytewa, Zuni Tribal government. (Carolyn Johnson, CCC)

ones, our ceremonial sites, and the homes of my family members on Black Mesa. I don't want to see the Zuni go through what my family and others in the Citizens Coal Council have suffered."

SRP buys coal from the Black Mesa mines and has been a close ally of Peabody's for over 30 years.

Citizen action combined with unfavorable media coverage has kept SRP from "quietly enjoying their mine," as one utility executive said. SRP has been trying to get the Department of the Interior to sign the federal mine permit behind closed doors.

Since October, Interior Secretary Gale Norton and Deputy Secretary Steven Griles have threatened to sign the permit on three separate occasions; each time they have backed off due to citizen pressure.

"There's enormous public interest in this mine. The Department of the Interior's holding of secret negotiations with SRP won't make that interest and opposition go away," said Brian Segee, Center for Biological Diversity. ♣

**For more information:** Andrew Taylor, Program Coordinator, Citizens Coal Council, 303-722-9119, ccc6@mind-spring.com



# Jobs and Justice Campaign

## Pennsylvania: streams run cleaner

Streams in Western Pennsylvania have run red for over 100 years thanks to coal mining. This has not daunted the members of the **Mountain Watershed Association (MWA)**. The association started its campaign to clean up the severely degraded Indian Creek Watershed in 1994.

They dreamed that one day there would be mitigation efforts underway at all 11 of the acid mine drainage discharge sites within the watershed. With a total price tag of over \$4.5 million the task looked overwhelming, but the dedicated members of the association now have mitigation efforts underway at seven sites, two of which are almost completed. Other sites are sampled monthly.

### Real Sense of Pride

Mike Szolek, MWA Vice President, has been volunteering on the project for over four years. "I watched it being built every day. It gives me a real sense of pride to see the water come out of the Sagamore project 85-90 percent clean. Where the water was once so acidic it burned your skin, it's now safe for school groups to enjoy the area and plant trees."

The association also identified other needs of the watershed including stream channel and stream bank restoration, headwaters protection and historical preservation.

MWA raises funds for the work from a variety of sources, including donations, government and foundation grants and has hosted some very creative and fun events. Anyone for cow pie bingo?

**For more information:** please call the MWA office at 724-455-4200 or email at [mwasysop@helicon.net](mailto:mwasysop@helicon.net). ♣

## Bush wants to slash cleanup funds

President Bush sent his budget to Congress in February and, like last year, again proposed to slash \$29 million from the Office of Surface Mining's budget for cleaning up the coal fields.

With the help of Senator Robert Byrd, D-WVa, citizens won restoration of the \$35 million Bush proposed cutting last year; the final budget was \$203 million.

### Not Tax Dollars

Cleanup funds don't come from taxes but from the Abandoned Mine Land Trust Fund, which now holds about \$2 billion dollars for cleaning up the thousands of old mines that were never reclaimed before the federal coal law was enacted in 1977.

Coal companies pay a fee into the fund on each ton of coal they mine. Money in the fund is earmarked for cleanups and can't be spent for other programs.

"The money is already there, but President Bush is short-changing our communities," said Barney Reilly of Virginia, who chairs CCC's Jobs and Justice Committee. "Please call your Senators and tell them we need this money!" ♣



**Acid mine water has long flooded basements and haunted the residents of Melcroft, PA. Money from the Abandoned Mine Land Trust Fund is needed to clean up these damages. (MWA)**

### What you can do to...

## Win more cleanup \$\$\$!

Call your Senators and ask them to support restoring \$29 million to the Office of Surface Mining's budget for cleaning up the thousands of old coal mines.

Reach your Senator by calling the Capitol Switchboard at 202-224-3121 and asking for your Senator's office. You can also call the Senator's office in your state.

If you need help to get this information, please contact CCC at 202-544-6210 or [citizcoal@starpower.net](mailto:citizcoal@starpower.net).



# Alabamans unite after floods

Alabamans are fed up with the state's fame for outlaw coal companies and lax enforcement of coal mining laws. Spurred by two mining-caused floods, citizens are taking action to change all that under the leadership of the **Friends of Hurricane Creek**.

They have waged a very successful radio, TV and newspaper campaign against the Black Warrior Minerals company and the state regulatory agencies that protect it.

On January 11, waste water and sediment spilled into Hurricane Creek near Tuscaloosa from strip mining operations owned by Black Warrior Minerals. John Wathan, Director of the Friends of Hurricane Creek and CCC board member, said the company's carelessness caused the spill.

Black Warrior, owned by Roger Perry, pumped water directly from the mine pit into a holding pond and left the high volume pump running unmonitored for 24 hours. The excess water caused the pond's spillway to collapse, flooding the creek with orange waste water and sediment twice within two weeks.



Acid water caused by the collapse of a mine spillway floods from Hurricane Creek into the Blackwater River spurred citizens to unite for cleanup and stronger enforcement. (John Wathan, Friends of Hurricane Creek)

## Citizen Actions Get Results

Thanks to the generosity of an anonymous donor, Hurricane Creek members hired a plane to fly them over the spill and take photos. When the state took no action, the citizens filed complaints and the company received three violations.

Members also found that the concrete used to build the spillway was not reinforced with the steel wire required by the mining permit. PERC Engineering designed the spillway and certified to the state mining agency that it was built according to the approved plan. PERC has also designed and built many other impoundments across the state.

"What they did was dangerous, and false information was used to certify that mine," Wathan said. "People who falsify certifications need to be out of the business, period. They've lied to the state, lied to the community."

The group convinced the state Attorney General and EPA to start investigating the construction methods and certifications of spillways across the state.

The public has united behind the efforts of the Friends of Hurricane Creek, and record numbers of volunteers attended the first stream cleanup after the floods. ♣

**For more info:** contact John Wathan, Friends of Hurricane Creek, fohurricane@simplecom.net or 205-507-0867.

## CCC welcomes the River Alliance!

The **Alabama Rivers Alliance**, CCC's newest member group, is uniting the citizens of Alabama to protect clean, healthy waters. In 1996 the Alliance, now grown to 50 groups, was created through the efforts of its predecessor, the Alabama State Rivers Coalition and many other groups throughout the state.

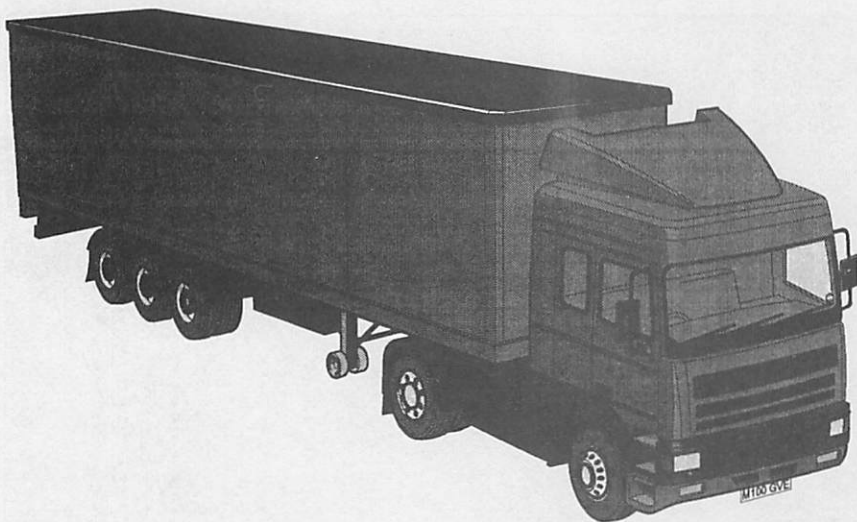
### Protecting Every Watershed

The Alliance works to protect whole watersheds through supporting policies for wise water use and land use planning. It is building a strong network of local organizations in every Alabama watershed and has more than tripled the number of grassroots watershed protection groups in the state. Another of the Alliance's outstanding achievement has been getting laws passed to clean up the most polluted rivers.

**For more information,** contact: Brad McLane at 2027 2nd Avenue North, Suite A, Birmingham, Alabama 35203, 205-322-6395, email: [bmclane@alabamarivers.org](mailto:bmclane@alabamarivers.org); check out their website at [www.alabamarivers.org](http://www.alabamarivers.org)



# Blood on the coal in West Virginia



**W**est Virginia citizens are outraged by the coal trucking industry's lawlessness and irresponsibility. Over-loaded and speeding coal trucks have killed at least 11 people in the last two years. Last September, an overloaded truck carrying 165,000 pounds that was unable to stop rear-ended and killed Mary Justice and Jimmy Nelson.

Groups have joined together to push the state legislature to adopt lower weight limits and better enforcement. Among those working for change are **Coal River Mountain Watch, Ohio Valley Environmental Coalition, West Virginia Organizing Project**, and **Citizens Coal Council**.

## Over 500 Attend Support Rally

Over 500 people came to a February rally at the State Capitol to support a bill sponsored by Delegate Mike Caputo. Judy Bonds of Coal River Mountain Watch spoke

at the rally and summed up the feelings of the audience, "Every law ever written about coal mining was written in blood; 11 innocent people have already paid with their lives, and the rest of West Virginians pay taxes to fix all the damaged roads and bridges."

Community, environmental, labor and professional groups, as well as the State Troopers Association, Fraternal Order of Police, and the Deputy Sheriff's Association also supported the rally.

Six county commissions, eight city councils, and the state chapter of the American Association of Retired Persons also adopted resolutions of support.

Although lobbyists for the mining and trucking industries claimed they had the votes to kill the bill in committee, they lost 16-9 in a stunning upset. This victory greatly cheered supporters and when the clock ran out before the bill could pass through all the legislative steps, they vowed to keep pressing for reform.

## Coal Officials Admit Trucks Illegal

K.O. Damron, Massey Energy's chief spokesperson, stated in one legislative hearing, "If you're able to comply with all weight laws, it's impossible to be competitive in West Virginia."

Other coal industry officials, including Bill Raney, head of the West Virginia Coal Association, admit that companies have run "illegal" for years.

State and local enforcement personnel are hampered both by "spotters" who watch for weight scales and police and by weak laws with low fines that don't provide enough "incentive" to drive legal.

## Overweight Coal Trucks Wreck Roads

A recent review of 1,075 trucks cited for running overweight on state roads showed coal trucks to be the heaviest of the violators. Of 537 coal trucks cited, the median weight was 148,800 pounds, double the limit for state highways. For the other 538 kinds of trucks, the median weight was 81,250 pounds.

One-fifth of the bridges in southern WV are structurally deficient and 25 percent of them are obsolete. According to the director of the WV Department of Transportation, upgrading the roads used by coal trucks would cost a whopping \$2.8 billion, money the state doesn't have. ♣

## New OSM Director

Jeff Jarrett, President Bush's appointee for Director of the U.S. Office of Surface Mining (OSM), took office in February. He is a former deputy secretary of the Pennsylvania Department of Environmental Protection and also has worked for both the Drummond Coal and Cravat Coal companies, as well as OSM.

Jarrett has said that Interior Secretary Gale Norton gave him one priority: to make the controversy over mountaintop removal disappear. Bad publicity on OSM's failure to enforce many sections of the federal coal law has haunted the agency and the Interior Department for over 20 years.

Jarrett is close to Norton's deputy, Steven Griles, a former National Mining Association lobbyist. ♣

**For more information:** contact Bill McCabe, CCC Field Organizer in central Appalachia, 304-339-2523 or by email at [stopcoalcrimes@yahoo.com](mailto:stopcoalcrimes@yahoo.com).



# KFTC to Corps: stop illegal permits!



A mountaintop removal strip mine in Kentucky; these mines are destroying the state's streams. (Kreider)

"We can't just sit back and allow our mountains to be flattened and turned to rubble and our streams buried with mine waste," said Patty Wallace, a member of the **Kentuckians For The Commonwealth (KFTC)**.

KFTC sued the U.S. Army Corps of Engineers after it gave a permit to Martin County Coal Company, a subsidiary of Massey Energy. The Corps permit allows this 3000-acre mountaintop removal strip mine to bury over 6 miles of streams with mine waste in 27 valley fills.

Massey Energy was responsible for the October 2000 coal sludge flood that destroyed 70 miles of river and caused damage costing millions of dollars in Kentucky and West Virginia.

KFTC's suit charges that the Corps has violated several federal environmental laws, including the Clean Water Act and the National Environmental Policy Act.

The **West Virginia Highlands Conservancy** ignited this fight in 1998 when it sued the WV Department of Environmental Protection for failing to enforce the federal mining and clean water laws. The state is allowing valley fills from mountaintop removal strip mines to bury hundreds of miles of streams.

**Did you know?** The Corps gave permits for building 5,858 valley fills, 4,421 of them in Kentucky. If all these are built, they would bury over 75,000 acres of streams and wetlands.

In October 1999 the Conservancy won in federal court when Judge Charles Haden wrote: "No effect on related environmental values is more adverse than obliteration. Under a valley fill, the water quality of a stream becomes zero. Because there is no stream, there is no water quality."

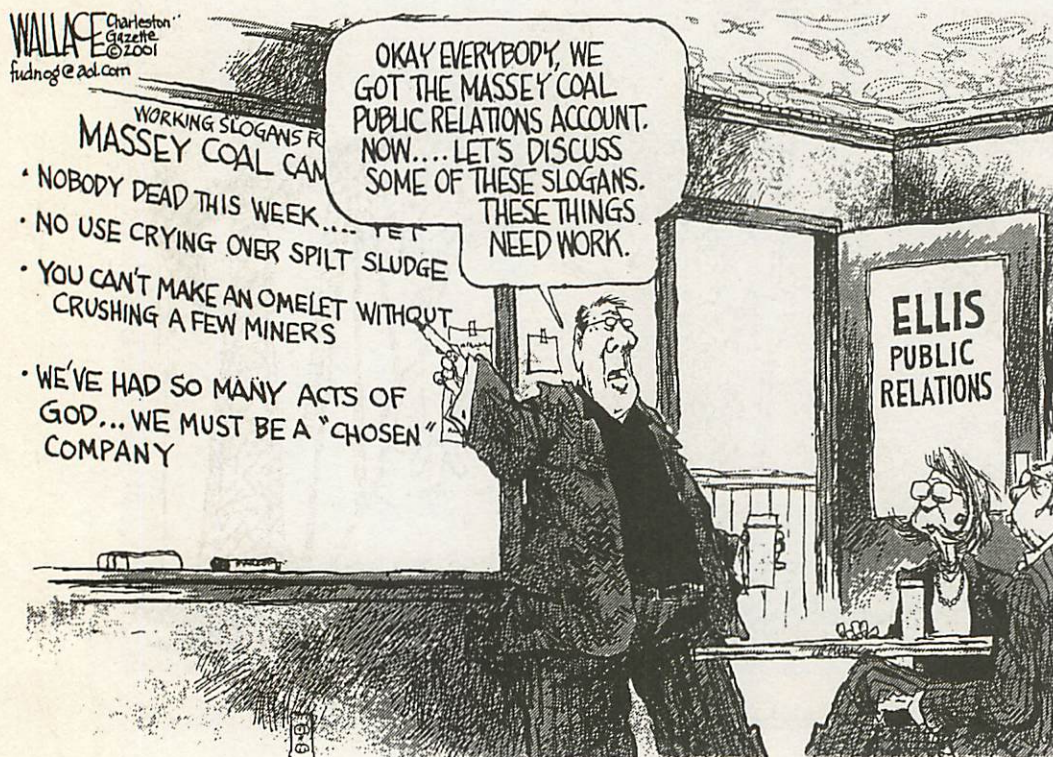
A federal appeals court set aside Haden's decision in April 2001 on the grounds that state officials could not be sued in federal court. The Conservancy appealed the decision to the US Supreme Court but it refused to hear their case.

Now KFTC is carrying the flame back to Judge Haden who has agreed to hear their case. This time the case was filed directly against the Army Corps of Engineers, a federal agency. ♣

**For information:** Jerry Hardt, KFTC, 606-349-4860; his email is [jhardt@foothills.net](mailto:jhardt@foothills.net).



# For the coal boys, it's April Fools' Day all year long



## ☛ Massey troubles

Business hasn't gone well for Massey Energy since it spilled 250 million gallons of toxic coal sludge in October 2000. Here are some of the lowlights:

Massey's stock fell 25 % between January 1 and March 31.

Massey appears to have lost \$ 7.5 million in contracts with Enron when Enron declared bankruptcy. (Here's a pair who deserve each other!)

Massey had to pay \$ 6.9 million in long overdue workmen's compensation to the state of West Virginia.

West Virginia has started cracking down on serious violations at Massey's mines.

[Sources: Charleston Gazette, CBS MarketWatch, Massey 2001 Annual Report to stockholders.]



## Caught with their pants down

### ☛ Is SRP EarthDumb?

The Salt River Project, sponsor of the proposed Fence Lake strip mine in western New Mexico (see page 3), claims it made a "significant" investment in renewable energy because the company is committed to more "EarthWise" or "environmentally friendly" ways to produce electricity. But

actions still speak louder than words. The company produces over 99.8 percent of the electricity it sells from coal, nuclear, gas and oil-fired plants. Only one-tenth of one percent — 0.12 % — comes from renewable resources like solar and hydropower.

That's not environmentally friendly in our book, that's "EarthDumb."

[Source: www.srp.com] ♣

### ☛ Better than Nature?

Steve Griles, speaking at a Republican fundraiser in Gillette, WY: "It (energy development in Wyoming) is restoring the environment and it is allowing us to have both a healthy, sound environment and the

recovery of energy that fuels this great country and the economy we have." Griles is Deputy Secretary of the Interior Department and a former coal industry lobbyist.

[Source: Casper Star-Tribune, Mar. 26, 2002] ♣

**"It is better to keep your mouth closed and let people think you are a fool than to open it and remove all doubt." Mark Twain**





## Big spenders against Mother Nature

As we all now know, President Bush's energy policy was written last year after months of secret meetings between administration officials and energy company executives. Citizens weren't welcome, but the policy called on them "for the good of the country" to sacrifice their communities, land, water, and tax dollars for more coal, oil and gas development.

Did you ever wonder about the price tag to attend secret meetings on energy? How much do special favors cost? Well, if you have to ask, you probably can't afford to go.

Thanks to the Center for Responsive Politics (check out [www.opensecrets.org](http://www.opensecrets.org)), we know the price some coal companies and their executives paid by making campaign contributions from 1999 to early 2002:

**Peabody:** over \$1,065,000 million to Republicans and \$28,750 to Democrats.

**Black Beauty:** over \$250,000 to Republicans.

**Salt River Project:** \$12,850 to Republicans and \$2,500 to Democrats

**Alcoa:** \$168,850 to Republicans and \$14,425 to Democrats.

**National Mining Association:** \$575,496 to Republicans and \$128,525 to Democrats. ♣

### OSM desperately seeking Earth Day — we can help!

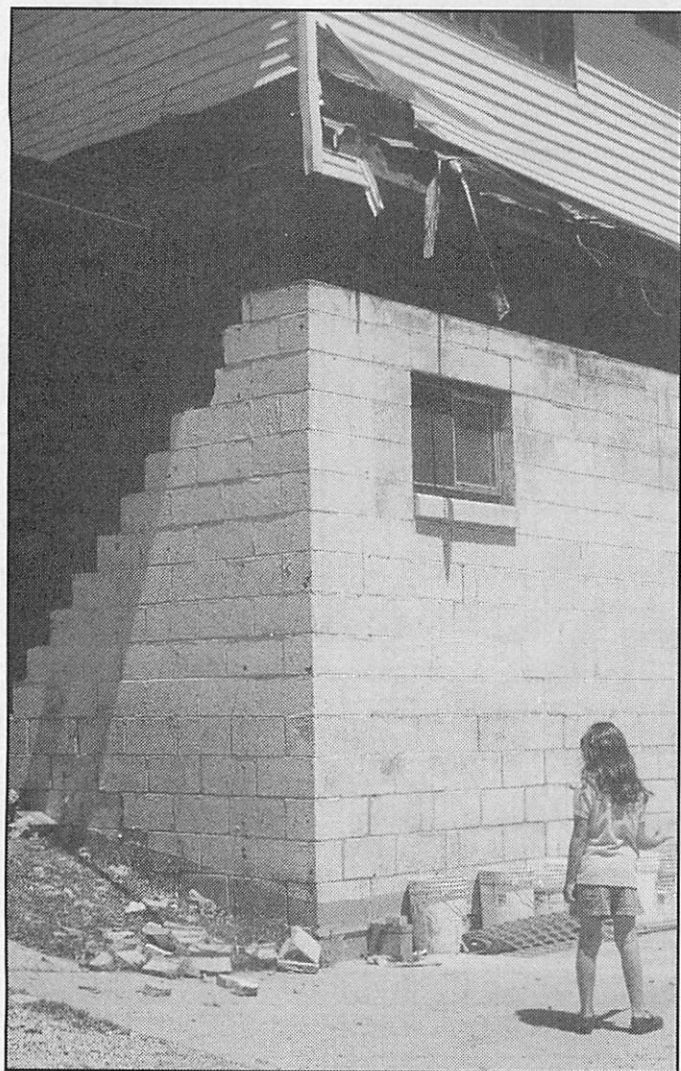
Jeff Jarrett, director of the Office of Surface Mining (OSM), has told his staff to get cracking for Earth Day on April 22, according to a March 27 email obtained by CCC.

The message from his assistant Michael Gauldin says: "The Director himself has directed us to find or create an event in northern West Virginia for that day. What he envisions is standing in a trout stream with the local Congressman, Shelly Capito, and surrounded by local citizens, talking about the success of an OSM/State/Local partnership in restoring the quality of life for local residents. This is an example of the kind of event we're looking for."

Just give a jingle, Jeff, and we'll surround you with local citizens who are angry about the dozens of natural trout streams outlaw coal mines continue to destroy in the state. ♣



# Pennsylvanians push for fairness



CONSOL Energy seriously damaged the Plovic home near Washington, PA, when it longwalled under their home just before Christmas 1997. The company paid for some repairs but refuses to fix the recurring problems. Marion Plovic has been a tireless supporter of passing a new state law. (Marion Plovic)

Led by the Tri-State Citizens Mining Network, Pennsylvania groups have launched a campaign to make coal companies pay for longwall mining damage. With their support, state Representative Bud George introduced the Coal Communities Fairness Act. This legislation would revise the current industry-biased mining law, Act 54, passed in 1994.

"For too long, citizens have been virtually powerless to prevent damage to their property from mining operations," said Wyona Coleman, Chair of Tri-State Citizens Mining Network. "This legislation will go a long way towards leveling the playing field. It's time to return fair play to our communities."

Other CCC members pushing for the bill include **Concerned About Water Loss due to Mining, Mountain Watershed Association, People United to Save Homes, and the Plovic family.** The lively campaign includes rallies, letter-writing and lots of publicity. In May, Tri-State members will be taking legislators for a tour of the damage that has been done by longwall mining.

Some key points of the Coal Communities Fairness Act include restricting longwall mining under historic properties, gas lines and water lines. The act also would force coal companies — not the taxpayers — to pay for damage to public property and make it easier for residents to report damage to their homes, while requiring coal companies to repair damage quickly.

## Even OSM Agrees Act 54 Too Weak

Act 54 was passed to ease the way for longwall mining with coal industry support. Citizens have contested Act 54 for the past eight years, and this past December the US Office of Surface Mining (OSM) found that the act does not measure up to the 1992 federal Energy Policy Act requirements and needs to be overhauled.

OSM ordered 47 sections of the Act to be rewritten including those requiring citizens to wait for six months before filing a complaint, setting a two-year time limit on property owner's requests for water replacement, and requiring surface property owners to pay for some water replacement costs. ♣

**For more information:** call Tri-State Citizens Mining Network at 724-228-2746 or send an email to [flip@nb.net](mailto:flip@nb.net).

## ...News Flash...News Flash...News Flash...

As we go to press, CCC has won its lawsuit in federal court against the Department of the Interior! CCC sued when the OSM issued a new rule that failed to protect homeowners, national and state parks, cemeteries, and historic properties from underground mining damage. **Hip, hip, hooray!**



# Colorado & Indiana citizens tackle blasting, power plant waste damage

**Primero, Colorado.** Since September, blasting, loading and trucking operations at Lorencito Canyon Coal Company's New Elk mine in southern Colorado are blanketing homes and roads with dust and threatening the health and safety of the residents. Lorencito is part of the AEI Resources (Addington) coal empire.

Although company officials promised to control the dust in order to get a county permit, they have not done so. Residents report serious breathing problems and the nearby state highway has become a dangerous "tunnel of dust" after blasts. One resident told the *Trinidad Plus* paper, "We all have to change the air filters in our cars once a month now, imagine what that does to our lungs!"

Residents are also concerned about the health effects of the blasting chemicals. One resident reported that a company blaster told him the chemicals are "bad for small children's lungs."

In January, CCC member Ron Leef got fed up with all this dust and went into action. He learned about his rights, talked with neighbors, documented the blasting, and got the local newspaper to run stories about the damage. He also contacted the state health department and wrote citizen complaints to the state mining agency.

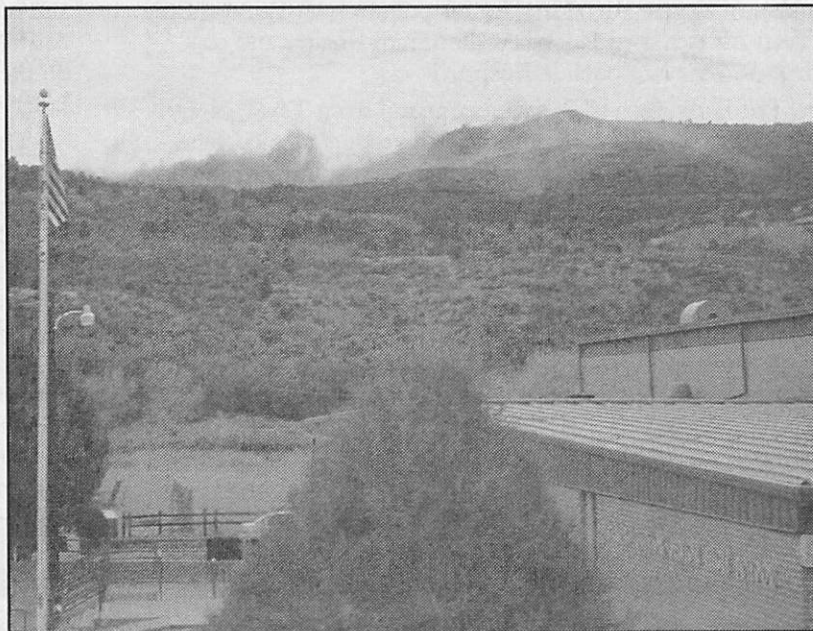
As a result of his leadership, the health department is investigating the air quality and the mining agency gave two violations to Lorencito on February 13. The company was cited for 34 blasts after sunset and failing to give written blasting notices to the residents and homeowners within one-half mile of the company's permit boundary.

Keep up the good work, Ron!

**Southern Indiana.** A thousand miles away the Hoosier Environmental Council (HEC), a CCC member group, is taking on Black Beauty Coal Company. Blasting at the Farmersburg mine has damaged dozens of homes in southern Indiana. Spanning 4 square miles in two counties, the mine has set off blasts as close as 1,000 feet from area homes and cracked the foundations, walls and ceilings.

The company has also dumped over 22 million tons of power plant waste directly into ground water at the mine and wants to dump 10 million tons more without drilling any additional wells to monitor water quality.

Brian Wright of the HEC staff is holding community meetings where citizens are organizing to oppose the destruction of their homes and water resources. Wright is



Clouds of blasting dust roll down on the high school from an AEI Resources strip mine west of Trinidad, CO. Residents are taking action to protect their health and safety. (Ron Leef)

working with citizens to document the blasting damage and they will soon begin a media campaign.

**For more info:** contact Brian Wright, HEC, at 317-685-8800 or by email at [hecw@indy.net](mailto:hecw@indy.net). ♣



Cracks caused by blasting in the foundation of the Warren home in southern Indiana. (Brian Wright)



# Texans give Alcoa heartburn

In January, both federal and states agencies issued notices of violation against Alcoa Inc. for air pollution violations of the Clean Air Act at its Rockdale aluminum smelter and coal-fired power plant outside Austin, Texas.

Prompted by CCC's member group from Texas, **Neighbors For Neighbors**, the agencies investigated Alcoa and found the company had illegally increased sulfur dioxide pollution at the plant by 35 percent since 1982.

Neighbors, along with Public Citizen and Environmental Defense, sued Alcoa for Clean Air Act violations on December 26, 2001. This lawsuit plus Neighbors' constant agitation prompted the agencies to finally take action.

Neighbors has waged a very successful media campaign and received the "Best Dragon-Slayer" award from the Austin Chronicle. Internationally they have appeared twice on the BBC, in multiple British papers and on Belgian and Japanese television.

The group is also fighting Alcoa's attempt to open a new 15,000-acre strip mine at the smelter. Alcoa wants to mine more than just coal; it plans to pump ground water from the mine and sell it to San Antonio, over 100 miles away. After a public hearing in early March where the company shipped in hundreds of employees, Neighbors member Hugh Brown observed that Alcoa employees seem to think that the company walks on water. "They forget that it's our water that they are walking on," he noted.

## Alcoa, Bad Corporate Neighbor

Through dedication and hard work, Neighbors volunteer Carita Simons has uncovered Alcoa's long history of environmental pollution, tax evasion, worker layoffs, and anti-union activities.

President Bush and Alcoa have enjoyed a cozy relationship since he was governor of Texas. Alcoa's law firm and lobbyist, Vinson and Elkins, successfully lobbied then-governor Bush to create a big loophole in Texas air quality laws to allow Alcoa to continue belching pollutants. Bush then appointed former Alcoa CEO Paul O'Neill to Secretary of the Treasury after the 2000 election.

During the election, Vinson and Elkins gave Bush over \$200,000, making it one of Bush's largest contributors. The firm also lobbies for Enron and other polluting corporations and wields significant political influence in Washington. ♣



Women members of Neighbors For Neighbors gathered for a photo during their 115-mile walk from central Texas to San Antonio. They made the trek to focus attention on Alcoa's plan to strip mine coal and deplete the ground water under several counties and sell it to the San Antonio Water System. (NFN)

# West fights coal bed methane development

In January, the US Bureau of Land Management (BLM) announced the largest coal bed methane development plans in U.S. history: over 61,000 new methane wells in Montana and Wyoming. The agency's Environmental Impact Statement (EIS) said the wells would change the existing rural landscape into a "rural/industrial landscape."

These facilities would impact 8 million acres of public and private lands and would entail building 17,000 miles of

new roads, 20,000 miles of new pipelines, 5,300 miles of utility lines and would use 1.4 trillion gallons of water.

The Northern Plains Resource Council, Powder River Basin Resource Council, Wyoming Outdoor Council, and the Oil and Gas Accountability Project are pushing Congress to set up basic rights and protections.

For more information, check these web pages: [www.powderriverbasin.org](http://www.powderriverbasin.org); [www.ogap.org](http://www.ogap.org); [www.northernplains.org](http://www.northernplains.org);



# OSM studies Massey flood, sorta

After Massey Energy's coal sludge flood in October 2000 in Martin County, Kentucky, the Office of Surface Mining (OSM) and the Mine Safety and Health Administration investigated the Massey flood; the National Academy of Sciences looked at the risks and alternatives of all coal waste impoundments across the country.

OSM's report, released on March 4, 2002, found Massey had used inaccurate mine maps and greatly overestimated the amount of solid rock between their Big Branch impoundment and an abandoned underground mine.

OSM found less than 15 feet of solid barrier between the impoundment wall and the underground mine, not the 70 feet claimed by Massey. The report said Massey "did not conduct any geotechnical investigation to confirm the width or to determine the composition" of the barrier.

## "We Don't Know."

OSM officials said, however, that they did not try to determine if the lack of a thick, solid barrier between the two

played a role in the breakthrough. "What we're saying is that we don't know," said Bill Kovacic, director of the OSM field office in Lexington, Ky. "To conclude that was a major factor was just something that we didn't get to."

Kovacic did not say whether OSM would try to find out if the lack of a barrier was a major factor. He also was silent on whether the agency would take action on the dozens of other coal waste impoundments built near or above underground mine workings that threaten communities and streams throughout Appalachia.

When Massey applied for the impoundment permit, its engineers were required to certify the accuracy of the mine maps; company officials were required to sign a sworn statement that the permit application was complete and accurate.

There were many warning signs before Massey's 2000 flood that the mine maps were incorrect and the Big Branch impoundment was poorly designed and built. In 1994 Massey had a smaller sludge flood at the same impoundment and MSHA then warned the company that the maps might be inaccurate. ♣

## Is Brent Wahlquist the one who really runs OSM?

The U.S. Office of Surface Mining (OSM) has had many leaders since 1977, and most have left after a year or two on the job. As directors have come and gone, many employees have told CCC that Brent Wahlquist is the person who really runs OSM. They say he has crafted many of the agency's policies that favor the coal industry at the expense of citizens and the environment.

An examination of the agency's decisions appears to back up some of these claims. For example, the *Charleston Gazette* reported in 1998 that memos written under Wahlquist's supervision supported the failure of West Virginia to enforce the basic legal standards at mountaintop removal strip mines.

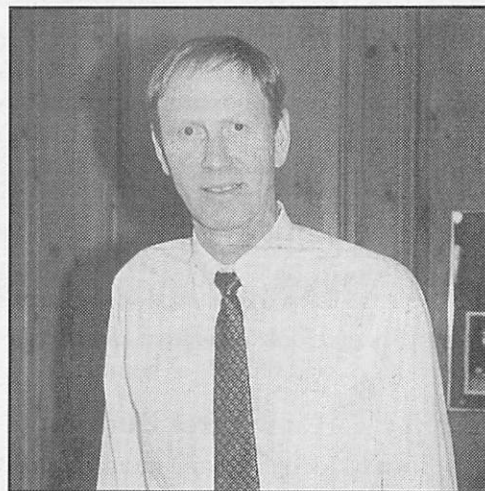
Now director of OSM's Denver regional office, Wahlquist apparently has helped western mines escape complying with the law by weakening standards without going through the required steps of public notice and comment. Companies like BHP and Peabody with large strip mines on Indian lands also benefit from several of Wahlquist's recent actions:

- BHP's Navajo mine in New Mexico is allowed to leave highwalls despite Congress' decision in the 1977 coal law that all highwalls must be removed.
- Peabody is allowed to leave mine roads without ensuring their long-term maintenance, contrary to the federal rules.

These changes and other weakened standards on grazing and erosion sponsored by Wahlquist apparently tie the hands of OSM inspectors so they cannot take the enforce-

ment actions required by the federal law. The changes will also probably prevent thousands of acres of Indian lands from being properly reclaimed.

Wahlquist joined OSM in 1983 after working for coal companies in Appalachia and the West. He is a close ally of Steve Griles, a former coal lobbyist who is now deputy Secretary of the Interior Department. ♣



Brent Wahlquist, director of OSM's Denver regional office. (OSM photo)



# How you can influence your US Senators and members of Congress

**Senators and members of Congress depend on the voters back home for their jobs. That's why they pay the most attention to what the folks at home say and do.**

Congress is in session. The President has given his State of the Union speech and his budget for 2003 has arrived. Committees are scheduling hearings on air pollution, energy development and spending bills, but Congress is already shifting into overdrive to hurry bills through the legislative process in this election year.

As grassroots groups plan their campaigns, many want to come to Washington in the springtime because they think that is where they can have the most impact on their issues.

## Changes in Washington

The days of easy access to legislators and staff have fallen victim to tight security and the tense atmosphere that pervades the federal government. That atmosphere makes it hard for citizens with even the best-laid plans to succeed in Washington.

Security everywhere on Capitol Hill is at the highest in memory. Tunnels from the House and Senate Office buildings are off limits to the public. The Capitol requires citizens to register if their destination is other than gift shops or the galleries. Committee hearings remain open and easily accessible but poorly attended by Committee members. Because of time pressures, hearings are canceled, rescheduled or postponed at a moment's notice.

The Hill is not an armed camp, but it is a tightly controlled security zone with limited public access. Even the American League of Lobbyists has called for easing restrictions that make it difficult to gain access to the legislative process.

It is sad that this wall of security has gone up in Washington at a time when it is more important than ever to persuade our legislators to listen to the needs of citizens.

So, let's step back and look at creative and effective ways we can influence our elected officials at home.

## Keep the Home Fires Burning

Groups can spend a lot of time and money trying to push their issues in Washington but often overlook the advantages of working their issues at home.

Senators and members of Congress depend on the voters back home to elect them and keep them in office. That's

why they pay the most attention to what the folks at home say and do.

Most of these officials come home several times a month to hold meetings, gain publicity, give speeches, shake hands, and raise campaign funds. They have offices and staff in the state or Congressional District to help keep them in touch and informed on the issues that concern citizens.

Meeting with a legislator at home doesn't have the glamour of going all the way to Washington but it is often far more productive. Schedules are looser outside Washington and there are fewer time pressures in district or state offices.

The easier access to home offices makes a big difference to groups with a limited budget. That's everyone! The offices are closer to your members and travel is cheaper and takes less time.

The staff in the state or district offices don't have the intense workloads of those in Washington, so you have a better chance of building a good relationship with them.

## More Media Attention at Home

Hundreds of press conferences are held each day in Washington and thousands of media alerts are sent out. This makes it hard for grassroots groups to be heard above all the competition.

The fact is, if a group isn't making news about an issue at home, then legislators aren't likely to pay much attention because they don't see it as influencing what voters think.

## Time to Take Names?

If, despite your group's best efforts, a legislator ignores you, then it's time to be creative to get respect and attention. Your job is to convince the legislator that ignorance is not bliss, and it will bring unwelcome publicity and cost her or him votes and money.

Rallies or protests at campaign fund-raising events can quickly educate legislators and the donors to their campaigns. Some of these donors are probably your adversaries.

Call the state offices of the political parties to find out the schedule of fund-raisers planned for candidates. An unsuspecting campaign committee or congressional office may also provide time and place information to you. ♣

**For more info or help:** Contact John McCormick, CCC's director of communications in Washington D.C. His address is: Citizens Coal Council, 110 Maryland Ave. NE, Room 408, Washington D.C. 20002, 202-544-6210; the fax number is 202-544-7164. Email him at [citcoal@star-power.net](mailto:citcoal@star-power.net).



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# The Spirit of Laura Forman



Laura Forman, 39, shortly before she collapsed and died on Dec. 10, 2001, while leading a rally at the U.S. Army Corps of Engineers office in Huntington, WV to protest mountaintop removal strip mining. Laura was an organizer for the Ohio Valley Environmental Coalition. The Corps allows mines to illegally dump millions of tons of mining waste into Appalachian streams. (Deana Steiner Smith)

We at the Citizens Coal Council mourn Laura's all-too-brief life and remember how well she lived it, gracing us with her love and drawing us into the warmth of her passion for justice.

Her heart over-flowed with an eternal spring of love for her husband Mike and son Donald, for all of us and for the earth we belong to.

Her love surrounded and nurtured us and still flowed on to embrace every homeless and sick animal in West Virginia, if only she could have found them all.

Laura was a top-notch organizer whose passion for justice gave us all strength and energy. You have to be tough and have a bedrock of optimism to organize for social change in the coal fields. She relished the challenge and believed to her core that we will stop mountaintop removal strip mines.

She loved nothing more than helping people speak their truths to an oppressor at a rally or protest. She must have been born marching and holding a poster. She knew how to inspire people, to hit bone with truth and do so with imagination and humor.

We must carry on, allowing her spirit to again give us strength and rekindle our passion. ♣

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