The social crisis in Appalachia

Part 3: Environmental disaster and private profit

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This article is the third of a series on the history, economy, social and environmental conditions in the Appalachian region of the United States. Part 1 was published on July 22, part 2 on July 24, part 4 on July 30, and part 5 on August 3. *World Socialist Web Site* reporters recently visited the coalfields of southeastern Kentucky and southwestern West Virginia and interviewed residents on their conditions of life. Accompanying interviews and related material are posted in four parts here: 1 | 2 | 3 | 4 | 5.

Millions of dollars worth of coal heaped in uncovered train cars pass through impoverished Appalachian towns each day, covering the ground and coating buildings and automobiles with coal dust. The enormous wealth produced in the region is owned and controlled by a few large companies and individuals, while the majority of the population lives from day to day, many without basic necessities.

In the pursuit of greater profits, the coal industry has expanded its surface mining operations in the coalfields region. Since 1999, coal operators have acquired surface mining permits on some half a million acres in Kentucky and West Virginia, primarily in the coalfields region. This has boosted extraction rates with the employment of far fewer workers, while worsening the environmental health and public infrastructure. The political establishment and regulatory agencies from the federal level down, along with the trade unions, have facilitated this state of affairs.

Surface mining has increased dramatically in West Virginia since the 1970s and 1980s when coal miner strikes shook the industry. In 1982, 19 percent of total mining tonnage was the product of surface mining; by 2006, the proportion had reached 42 percent. In all, some 1.2 million acres—one in 10 acres, a cumulative land area the size of the state of Delaware—have been surface mined in the region, according to data from the Natural Resources Defense Council.

Mountaintop removal is a form of large-scale surface mining that involves blasting away trees, topsoil and up to 1,000 vertical feet of ridges to expose deep-running coal seams. Millions of tons of debris are dumped into adjacent valleys, blocking natural stream paths and increasing runoff. These extensive "valley fills," along with logging operations that have denuded hillsides, have worsened flash flooding and left valley towns more vulnerable to mudslides. Silt runoff has also filled creek and riverbeds, making overflows much more frequent with heavy rains.

These operations often take place in close proximity to residential areas, including towns where a large percentage of residents were once employed in mining.

On June 12 of this year, several counties in southwestern West Virginia were hit by flash floods, prompting disaster declarations and the deployment of the National Guard. The Federal Emergency Management Agency (FEMA) opened three "Disaster Recovery Centers" in three of the affected counties on July 6, three weeks after the disaster.

The June floods were the latest of a series that have struck coalfield towns in the past few years. The *World Socialist Web Site* spoke to many residents who said they were certain that recent mountaintop removal operations had exacerbated the floods. However, political and environmental officials deny a firm link between the disasters and mining operations.

Scores of residents in Gilbert, a small Mingo County community, and neighboring towns were living in trailers that had been brought in by the FEMA after floods last year. FEMA camps lined the highways in bare, unshaded gravel lots. Residents said families circulated through the camps on a waiting list, with some making repairs on their flood-damaged homes only to be hit with new damage the following year.

On a perfunctory visit to the region, Democratic Governor Joe Manchin commented to reporters, "It's a shame to come to the same areas every few months and see the damage over and over again."

A June 14 report in the *Charleston Gazette* related that Manchin told reporters, "[H]e could not attribute the cause of the flooding solely to mountaintop removal mining," and that because "there is no direct correlation," communities would have to focus on "mitigation" efforts.

This tack effectively absolves the coal industry of legal responsibility and shifts the financial burden away from the coal operators onto public agencies and residents themselves. Many flood victims have no insurance; in the aftermath of other recent floods, residents have seen flood insurance skyrocket to thousands of dollars a month.

Residents have little legal protection against such devastation. After major floods in 2001, some 1,400 survivors filed a lawsuit against coal and timber companies; this was secretly settled in December. A similar lawsuit recently been filed by 20 Mingo County families against four mining companies is likely to be settled the same way. The coal industry views legal proceedings largely as a cost of doing business.

A landslide on June 15 in Mingo County, caused by a mine operated by an Alpha Natural Resources subsidiary, resulted in mud and debris being washed against two homes and over a road. Such slides are so common as to barely rate a mention in the local papers, though their impact on the quality of life for residents is incalculable.

The state's regulatory agency, the Department of Environmental Protection (DEP), does little to enforce its requirements that strip-mining operations adequately assess the impact their activities will have on surface water runoff and contamination of local water supplies. Federal regulations, overseen by the Department of the Interior's Office of Surface Mining, are crafted to be largely voluntary and self-enforced.

The danger of flooding has been created through decades of extraordinarily reckless mining practices. Federal Office of Surface Mining (OSM) data indicates that mountaintop removal valley fills destroyed an estimated 724 miles of Appalachian headwaters from 1985 to 1991, and more than 1,200 miles between 1992 and 2002. Regulators approved 1,600 valley fills from 2001 to 2005, estimated to have buried another 535 miles of streams. All of these operations were undertaken in violation of federal protections on headwaters, yet the government took no action against the coal companies on any of them. Instead, the OSM loosened regulations on what constituted "fill" so as to allow for sediment and toxins to be dumped in streambeds. At every level, the thrust of policy has been to conform the law to the practice of the violators.

Mercury, lead, cadmium, arsenic, manganese, beryllium, chromium, and many other toxic and carcinogenic substances are all contained in coal. Mining and coal preparation at processing plants release large amounts of these particulates into the groundwater every year with impunity. At prep plants, the coal is washed with other chemicals, producing a toxic byproduct known as "slurry." The slurry is held in massive impoundment ponds or underground, including in old mine shafts, where it poses a significant risk of leaking into the water supply.

Hundreds of billions of gallons of coal slurry are held in impoundment ponds throughout the coalfields region. The region has suffered several major spills of slurry or thicker coal sludge after dam breaks. Most recently was December 2008 coal ash spill at the Tennessee Valley Authority's Kingston Fossil Plant in Roane County, Tennessee, which released 1.1 billion gallons of waste across 300 acres and into nearby rivers.

In 2000, over 27,000 Martin County, Kentucky, residents had their water supply contaminated by a sludge spill at least 30 times the size of the Exxon Valdez oil spill after a Massey Energy impoundment collapsed into mine shafts and spilled into the Tug Fork river below. The federal Mine Safety and Health Administration fined Massey only $5,600 for the disaster.

In the 1972 Buffalo Creek Disaster, a slurry flood from the Pittston Coal Company impoundment in Logan County, West Virginia, sent 132 million gallons of waste into the valley towns below, killing 125 people, injuring over 1,200 and rendering the remaining 4,000 residents homeless. Widespread protests followed calling for the prosecution of coal bosses for murder and outlawing strip-mining, which combined with militant strikes by miners over job safety, black lung exposure and for improved living standards.

A number of studies have reported high arsenic levels in the water supplies of coal mining areas. Surface and private well water have chemical contamination profiles that indicate contamination with coal slurry.

The West Virginia state Department of Environmental Protection unveiled a proposal in May to set the legal limit of "total dissolved solids" (TDS) at 500 milligrams per liter in streams and waterways, double the federal recommendation. The department studies leading up to the proposal were prompted by complaints beginning in 1998 about unpleasant odors and tastes in drinking water drawn from the Monongahela River, and a massive fish kill in Dunkard Creek on the border between West Virginia and Pennsylvania last fall.

Coal mining is a major source of TDS. The dissolved solids under the proposal include chlorides and sulfates, which at high levels can be dangerous to aquatic life and cause unpleasant odors and tastes in drinking water. At the same time, DEP announced plans to weaken the state's legal limit for iron in trout streams, from 0.5 parts per million to 1.0 parts per million.

Citizen and environmental advocacy groups have filed a lawsuit against Massey and Arch Coal subsidiaries in the state for allowing excessive levels of selenium to contaminate the water supply. Selenium is a naturally occurring mineral that is released in excessively high levels as runoff and as a byproduct of coal processing. Patriot Coal, coal giant Peabody Energy's newly spun-off Appalachian operation, has been charged with similar violations by federal Judge Robert Chambers at its massive Hobet 21 mountaintop removal operation.

In June, Chambers ordered a hearing, set for August, to consider issuing an injunction against the operation. In a 55-page opinion, the judge also pointed to the role of the state Department of Environmental Protection (WVDEP) in delaying the enforcement of standards on selenium. Chambers stated, "Hobet's track record of non-compliance and the WVDEP's history of acquiescing to deadline extensions and other modifications to ease permit requirements suggest compliance is not likely without intervention on the part of this court." In January, the federal Environmental Protection Agency approved an expansion of the Hobet operations.

Even small amounts of selenium have been found to cause reproductive problems in aquatic life. A June 18 *Charleston Gazette* report cites the work of biologist A. Dennis Lemly, who found that the Hobet 21 operation has left the Mud River "on the brink of a major toxic event." Lemly has identified that Mud River fish are suffering substantial deformities, including curved spines and both eyes on one side of the head. "If waterborne selenium concentrations are not reduced, reproductive toxicity will spiral out of control and fish populations will collapse," Lemly stated.

Coal companies have been using "streamlined permits" issued by the Army Corps of Engineers in Appalachia—almost 80 percent of permit approvals since 1997—to get around the Clean Water Act. Such permits were supposed to apply only to "minor activities that are usually not controversial" and that would have only "minimal cumulative adverse effects on the environment." The *Gazette* notes that mining operators have been permitted to purchase streams as long as they follow the formality of submitting in writing "a general plan" to minimize adverse effects. With this process, "There is far less regulatory scrutiny, or public notice and comment, than if companies go through the more rigorous individual permit process."

As a result, hundreds more miles of streams have been filled with debris and toxic waste. The Corps is now halting the streamlined process. However, the Corps has joined with the coal industry in filing a notice that they would appeal a court order to halt streamlined permits for strip mines in the southern coalfields of the state.

Residents of Williamson, situated on the Tug Fork River, told the WSWS that the city warned them not to drink the water or brush their teeth with it over six months ago, and that they never saw a subsequent announcement lifting the advisory. In nearby Matewan, residents related a similar situation, telling the WSWS that they had been told not to eat fish taken from the river. Some houses had no water available, Williamson residents said, because waste being stored in old mine shafts had leached into the groundwater.

Any improvement in water quality is made at the expense of the population. West Virginia American Water is seeking to raise rates by 15 percent to recoup the $50 million it spent on improved water lines and treatment plants beginning in 2008. If regulators approve the request, customers' bills would increase by an average of $6.32.

The coal industry is buffered from any such costs. A new analysis of tax data by the West Virginia Center for Budget and Policy found that the coal industry cost the state budget $97.5 million more than it paid in taxes and other revenues. The analysis factored in government outlays for inspections, the extensive damage to roads and bridges by coal trucks, and tax breaks. The report found that in 2009, the coal industry paid $307.3 million in severance, business, and corporate income taxes. The state devoted $174 million in tax credits and subsidies, and expended another $113.7 million to regulating mining and repair of the state-subsidized coal-haul roads.

Coal operators in Kentucky enjoy a similar disparity. According to the Mountain Association for Community Economic Development, the coal industry accounts for $528 million in state revenues and $643 in expenditures, including $85 million in tax incentives for "the mining and burning of coal." The report notes that the figure does "not include the many externalized costs imposed by coal including healthcare, lost productivity resulting from injury and health impacts, water treatment from siltation caused by surface mining, water infrastructure to replace damaged wells, limited development potential due to poor air quality, and social spending associated with declines in coal employment and related economic hardships of coalfield communities.”

To be continued

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