

## The coal slurry disaster of 2000

# The story behind the water crisis in Martin County, Kentucky

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The residents of Martin County, Kentucky, like those in so many cities, towns, and communities across America and the world, do not have access to clean water. Since the beginning of the year the economically distressed former coal mining county on the border of West Virginia has seen frequent and long-lasting water service interruptions, the result of dilapidated and deteriorating infrastructure. The water that does come out of the pipes is foul-smelling and irritating to skin and eyes and is often contaminated with heavy metals and carcinogens.

The water poses such a health risk that the water bills sent out by the county include a warning that it could cause an increased risk of cancer, as well as liver, kidney, and central nervous system damage. Despite this, residents are facing a possible 50 percent hike for contaminated water.

After extracting untold billions from generations of coal miners, the energy giants have largely abandoned eastern Kentucky, like the rest of the Appalachian coalfields, and left behind nothing but economic and environmental ruin. Coal industry employment in Martin, Harlan, Pike and other eastern counties, which was 40,000 in 1980, fell to 3,896 in 2017, the lowest level since 1898. Barely 300 miners are working in Martin County.

The polluting of Martin County's water supply can be traced to the environmentally destructive practices such as mountaintop removal mining, which routinely pollute local ecosystems with waste and processing byproducts.

The coal companies were given a free hand to do this by the Democratic and Republican parties, which gutted regulations to boost corporate profits. Equally responsible was the United Mine Workers, which by the 1980s had abandoned any resistance to the corporations and isolated and betrayed critical struggles, including the 14-month strike by 2,000 miners against AT Massey in 1984-85. One of the centers of that battle was Canada, Kentucky, less than 50 miles from Martin County.

To this day residents of Martin County are still suffering from the consequences of the 2000 coal slurry spill, the largest environmental disaster in the history of the southeastern United States until that time. Despite evidence of criminal neglect by

Massey Energy, the company and its executives, including new CEO Don Blankenship, avoided any serious accountability because of a bipartisan conspiracy to exempt the company from oversight and sabotage the investigation of the spill.

BarbiAnn Maynard is a Martin County resident who has been fighting for the right to clean water since the 2000 disaster. She told the *World Socialist Web Site*, "Every time the water is up, the creeks that run from where the mines are into the river are a different color, somewhere between a brown and black. When I was young there were catfish in the creeks. Now there is nothing alive and there aren't as many animals around."

"The cancer rates and dementia rates around here are off the charts. We've had an environmental tax on our water and electric bills for about 10 years, even though it never got properly cleaned. Why did they charge the people—almost \$100 extra a month for 10 years—instead of the mine owners?"

Just after midnight on October 11, 2000, the bottom of a 72-acre coal slurry impoundment pond—owned by Massey subsidiary Martin County Coal—broke through into an abandoned mine below, releasing an estimated 306 million gallons of heavy black sludge. The total volume of the spill was nearly 30 times greater than that of the Exxon Valdez oil spill, which dumped roughly 11 million gallons of crude oil off the coast of Alaska in 1989.

The slurry, consisting of waste byproducts from coal processing, contained high levels of heavy metals, including mercury, lead, and arsenic, as well as other industrial pollutants. The sludge worked its way down two tributaries of the Tug Fork River in Martin County, where it polluted 100 miles of streams, creeks, and rivers, obliterating fish and wildlife in its path. One resident, describing the slow-moving black waste, told the Associated Press, "The sludge looked like a flow of black lava. We're not talking brown water, we're talking black, black lava just rolling."

Residents' yards were flooded with thick, black paste that had, according to news reports at the time, "the consistency of soft-serve ice cream." Over 27,000 people had their drinking water contaminated. Wildlife in Wolf Creek and Coldwater Fork was exterminated, including an estimated 1.6 million fish.

In the aftermath of the spill, Massey worked with government agencies to deflect blame and downplay the effects of the disaster. Dennis Hatfield, the president of the Martin County Coal, was dispatched to community meetings to tell residents that the slurry was not dangerous to humans or animals. A local school teacher, interviewed in Robert Salyer's documentary *Sludge*, stated that an EPA official told her students, "There wasn't anything harmful in that sludge spill, because there wasn't anything in it that wasn't on the periodic table of the elements."

Martin County Coal claimed in a November 29, 2000 court document that the spill was the result of "an act of God," a claim that drew widespread condemnation from residents whose water had been poisoned, whose yards had been choked with sludge, and whose home values had plummeted in the wake of the spill.

In fact, evidence soon revealed that the spill was the direct result of corporate negligence and cost-cutting. The federal Mine Safety and Health Administration (MSHA) convened an investigation into the disaster in late 2000. The investigation found the impoundment had experienced a previous leak in 1994. Both Massey and MSHA were aware an underground mine sat beneath the sludge pond, and the barrier wall at the bottom of the pond was not thick enough to safely contain the massive amount of waste.

After the 1994 leak, a MSHA official made a series of recommendations aimed at preventing another incident. However, Massey largely dismissed the recommendations, and MSHA did nothing to compel it to improve the structural integrity of the impoundment. Democratic President Bill Clinton, who had declared the "era of big government is over," had close relations to the mining industry and backed the removal of health, safety and environmental regulations.

To secure a permit to reopen the impoundment after the 1994 leak, Massey submitted a map to MSHA which falsely depicted a 70-foot-thick barrier on the slurry pond. Without verifying this, MSHA not only sanctioned the reopening of the facility; it greenlighted an increase in the volume of sludge. A 1997 federal survey declared there was only a "moderate" danger of breakthrough.

The post-spill investigation found that the barrier wall was much thinner than Massey claimed, in some places only 15 feet thick. Massey was fully aware of the danger and submitted false information, knowing MSHA would not question it.

In the waning days of the Clinton administration, a MSHA investigation team headed by mining engineer Jack Spadaro, the director of the National Mine Safety and Health Academy, was reportedly preparing to issue a report that included serious charges against Massey as well as criticisms of MSHA.

The inauguration of President George W. Bush brought the investigation to a halt. Bush, who received large campaign donations from mining companies, appointed David Lauriski, a former mining executive, head of MSHA and abruptly ordered

an end to the probe. To head the labor department, which oversees MSHA, Bush chose Elaine Chao—the wife of Mitch McConnell, the Republican senator from Kentucky, long known to be in the pocket of the mining interests in the state.

The final MSHA investigation report included only two of the eight citations that Spadaro's team had originally recommended. No mention was made of the map Massey had provided to MSHA showing inaccurate barrier wall measurements. The paltry \$110,000 fine levied by MSHA against Massey was further reduced when a Kentucky judge threw out one of the charges and reduced the other to only a \$5,600 fine in 2002. The previous year, Massey had reported total revenues of \$1.43 billion, or roughly \$5,400 every two minutes.

According to a report in the *Charleston Gazette*, Massey spent \$58.8 million in cleanup costs related to the spill, \$52.5 million of which was covered by insurance companies. The so-called "cleanup" left huge amounts of sludge still buried in the ground. Today, Martin County residents report the sludge still sits just beneath a layer of silt on the bottom of river and creek beds.

For his part, former Massey CEO Don Blankenship would serve only a one-year wrist-slap prison sentence for the 2010 Upper Big Branch mine explosion, which killed 29 West Virginia coal miners. Once again, MSHA, this time overseen by the Obama administration and headed former United Mine Workers safety director Joe Main, paved the way for the disaster by making it clear there would be no serious consequences for the maiming and murdering of miners.

The 2000 Martin County spill was eclipsed in size by the 2008 Kingston Fossil Plant spill, which dumped over a billion gallons of coal fly ash slurry into tributaries of the Tennessee River. Hundreds more impoundments around the country receive little to no oversight from government officials. Spadaro stated in a 2010 interview that three quarters of Kentucky's sludge ponds still sit atop old mine workings.

Late last year, the Trump administration chose David Zatezalo, another former coal industry executive, to head MSHA. Zatezalo's company, Rhino Resources, had been charged with violating numerous safety regulations and was fined \$44,500 in 2011 after a mine foreman was killed in a wall collapse in West Virginia.



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