

THE HIGHLANDS VOICE

West Virginia Division
Library

Published monthly by the W. Va. Highlands Conservancy

Vol. 15 No. 8 September 1983

WVHC Sues DNR to Obtain Public Documents

HUNTINGTON—On Thursday, August 18, the West Virginia Highlands Conservancy filed suit against the W.Va. Department of Natural Resources (DNR) to compel the release of agency documents to the public concerning an abandoned mine which may constitute a serious threat to public safety and environmental quality.

The suit, filed in Kanawha County Circuit Court, names DNR Director David C. Callaghan, and the DNR's Water Resources Division Chief, David Robinson, as defendants. The suit was brought under West Virginia's Freedom of Information Act (W.Va. Code 29B-1-1 et seq.) which assures the state's citizens access to public documents.

The Lochgelly Mine, abandoned in 1974, is owned by the New River Company of Oak Hill, W.Va., and is located in northern Fayette County.

The expansive mine has filled with iron-polluted water to great heights and pressures. A similar filling of the mine in 1978 resulted in a dangerous "blowout" which damaged a private home and devastated Laurel Fork, southern West Virginia's best trout stream. Presently, the mine contains several billion gallons of water under high pressure, remains unstable and threatens further blowouts with the possibility of causing extensive environmental damage to Laurel Fork and surrounding private property.

In May, DNR denied the Conservancy access to the engineering reports and investigations used by DNR to evaluate the mine's threat to environmental quality, public safety and potential remedial actions. Conservancy Mining Committee Chairman John Purbaugh made a written request to DNR for the documents which was denied in writing by Robinson on May 18.

The New River Co. also refused to provide documents to the Conservancy when requested in July.

DNR had been pursuing legal action against the New River Co. in Fayette County Circuit Court to compel the safe draining and effective treatment of water from the mine. On April 24, however, DNR and New River Co. entered into a settlement order, based on the withheld engineering reports, which allows the company to drain 10,000 gallons per minute from the mine in violation of existing state water quality statutes and regulations.

Conservancy President Larry W. George said, "The Department of Natural Resources has violated the fundamental legal right of our state's

citizens to gain access to public documents and monitor the decision making process of state government. The Department's refusal to release these documents has made it impossible for the Conservancy and the general public to evaluate and participate in DNR's enforcement activities and proposed remedies."

George is a Huntington attorney and former member (1978-82) of the State Water Resources Board which issues the water pollution control regulations enforced by DNR.

The suit asks the Circuit Court for a declaratory judgement stating the public is entitled to the withheld

documents as a matter of law. The court also is requested to order Director Callaghan and Chief Robinson to provide the documents to the Conservancy and to pay the Conservancy's legal fees on the grounds they willfully and intentionally violated the Freedom of Information Act.

Fall Review: A Good Time For All!

The West Virginia Highland Conservancy's 17th Annual Fall Review will be held Friday September 30 and Saturday and Sunday, October 1 and 2, at Camp Pioneer near Beverly, W. Va.

This year's Review begins on Friday night at 7 p.m. with registration. At 8 p.m. Conservancy members and guests will be shown the movie "Region and Change." This movie examines the conflicts inherent to land use changes with land development and protection.

Saturday highlights the three-day event with several interesting activities planned.

Starting at 9 a.m., Conservancy members will be able to participate in one of four scheduled tours of the Highlands and surrounding areas. The tours are:

Tour No. 1, Laurel Fork Wilderness Hike a leisurely hike through wooded sections of West Virginia's newest and least well-known Wilderness Area. Wear sturdy walking shoes and comfortable clothes. 4-5 hours.

Tour No. 2, Highlands Resort Feature Tour visit Tory Mountain, Timberline and Land of Canaan Resorts and White Grass Ski Touring Center. A first-hand look at these new

developments on our highlands summits. Car tour with short walks. 5 hours.

Tour No. 3, Canaan Valley Wetlands
(Continued on Page 4)

PROGRAM

FRIDAY, Sept. 30:

7 p.m.—Registration and refreshments
8 p.m.—Film: "Region and Change"

SATURDAY, Oct. 1:

8:15 a.m.—Breakfast

9 a.m.—Assemble for Tours

Tour 1—Laurel Fork Wilderness Hike

Tour 2—Highlands Resort Feature Tour

Tour 3—Canaan Valley Wetlands

Tour 4—Mining Activities on Shavers Fork River Watershed

6 p.m.—Dinner

7 p.m.—Featured Speaker: Hon. Harley O. Staggers, Jr., West Virginia's Second District Congressman

8:15 p.m.—Panel Discussion: The Changing Face of our

Highlands: Resort Development

SUNDAY, Oct. 2:

8:15 a.m.—Breakfast

9 a.m.—WVHC Annual Meeting

9:30 a.m.—WVHC Board of Directors Meeting



Conservancy members Don Gasper, Jim McNeely and John Purbaugh discuss mining operations in the Monongahelia National Forest with Mower Lumber Vice-President Ralph McDonald. Mower owners Enviro-Energy. Listening to them is U.S. Forest Service Ranger Ben Miller.

From the President

By LARRY GEORGE

SHAVERS FORK

On July 30th, the WVHC Board of Directors toured the mining operations of Enviro-Energy, Inc. on Shavers Fork to evaluate their impact and compliance with environmental regulations. The tour followed our announcement on July 27th that the Conservancy stood ready to negotiate a settlement of litigation against Enviro-Energy to halt mining. Both the announcement and tour brought the Conservancy front page coverage in many of the state's newspapers.

The offer to negotiate resulted from the Board's May 8th decision to modify the Conservancy's position from that of opposing mining across the board, to advocating measures to mitigate mining's impact. This new approach was based on the belief that Enviro-Energy had the legal right to recover privately held minerals, that mining could proceed in an environmentally sound manner and the obvious fact that three mines have operated on Shavers Fork since 1980.

Shortly before the tour, the Conservancy presented Enviro-Energy Vice-President Ralph McDonald with a proposed mitigation agreement which would provide for improved treatment of mine drainage, monitoring of wildlife and fishery populations to detect the effect of mining, better noise control and, most importantly, a permanent limitation on the extent of total mine sites and roads existing at any given time. Many of those subjects were previously addressed in a 1980 temporary agreement between Enviro-Energy and the W. Va. Department of Natural Resources aimed at limiting mining's impact on Shavers Fork and surrounding Federal lands. The Conservancy proposal would build on and refine the DNR effort, add the U.S. Office of Surface Mining as a party, and make the agreement permanent.

Enviro-Energy officials are now reviewing the Conservancy proposal and we are awaiting their comments. In the meantime, the WVHC will maintain all lawsuits and administrative appeals aimed at halting mining until an agreement is entered. Our pending litigation, in addition to our formal intervention in the federal permitting process for all Enviro-Energy mines, leaves the WVHC in a good bargaining position to obtain an effective mitigation agreement. The Conservancy will be represented in these resolutions by Shavers Fork Chair Bard Montgomery, WVU Law Professor Patrick McGinley and W. Va. Tech Chemistry Professor Don Brannon.

The Conservancy's July 30th tour revealed that mining on Shavers Fork is presently conducted in a professional, environmentally sound manner at all

existing mines. Enviro-Energy officials accompanied the tour and were cordial and forthright in responding to our questions. Although the aesthetic and pristine nature of Shavers Fork has undoubtedly been impaired, we can at least minimize the land use and water quality impacts. The Conservancy proposal would achieve these goals.

Last spring, the W. Va. Department of Natural Resources gave Enviro-Energy one of its coveted Mine Reclamation Awards for exemplary environmental protection at the Shavers Fork mine sites. I believe its a fair statement that today's high standards for these mines are primarily the result of the Conservancy's decade-long campaign to protect Federal lands within the Shavers Fork Basin.

MILTON ZELERMYER

Mountain Stream Monitors recently appointed Milton Zelermyer as their Organizational Director on the WVHC Board of Directors. Milton replaces longtime Conservancy participant Rick Webb who will be pursuing graduate studies in environmental science at the University of Virginia. Milton is a former resident of Braxton County, West Virginia and is a 1982 graduate of the West Virginia University College of Law and a member of the West Virginia State Bar. Milton presently serves as a law clerk to the West Virginia Supreme Court of Appeals and has long been active in water quality and surface mining issues.

CONSERVANCY STAFF

Since its creation in 1967, the Conservancy has relied almost entirely on volunteers to conduct its various activities. The minor exceptions to the rule have been the Membership Secretary, Voice Editor and a field organization consultant for the Cranberry Wilderness campaign, who have all received minimal compensation. Although we have operated successfully and efficiently, more or less, for the past seventeen years on this basis, the administrative burdens of the Conservancy are taxing available volunteers.

Therefore, I am interested in learning the membership's views on whether the Conservancy should retain a part or full-time compensated staff member. Under one option, such an individual would concentrate on administration, membership development, finances and possibly legislative work under the supervision of appropriate officers. Volunteer Conservancy members would still continue to carry responsibility for work on issues and weekend programs. I am very interested in your views on this and other staff concepts and encourage all members to inform me of their opinions.

"The Highlands VOICE" (ISSN 0161-9896) is published monthly by the West Virginia Highlands Conservancy, P.O. Box 506, Fairmont WV 26554. Distribution is to Conservancy members. A reentry permit to mail at

second class postage rates is pending at Elkins WV. Main entry is at Fairmont WV.

POSTMASTERS should address Forms 3579 to: P.O. Box 506, Fairmont WV 26554.

Roster of Officers & Board Members

BOARD OF DIRECTORS

President: Larry W. George
9 Crestridge Drive, Huntington WV 25705 (736-1325)
Secretary: Lois Rosler
633 West Virginia Ave., Morgantown WV 26505 (296-5158)
Treasurer: David Elkinton
Rt. 5 Box 228-A, Morgantown WV 26505 (296-0565)
Membership Secretary: Linda Cooper, Elkinton
Rt. 5 Box 228-A, Morgantown WV 26505 (296-0565)
Past President: Jeannetta Petras
P.O. Box 506, Fairmont WV 26554 (534-5565)

REGIONAL VICE-PRESIDENTS

HIGHLANDS: Joe Rieffenberger
Rt. 1 Box 253, Elkins WV 26241 (636-4559)
PITTSBURG: Jean Rodman
32 Crystal Drive, Oakmont PA 15139 (412-823-8938)
CHARLESTON: Perry Bryant
1324 Virginia St. E., Charleston WV (344-8710 home, 364-5891 work)
WASHINGTON, D.C.: Linda Ann Winter
P.O. Box 27, Washington Grove, MD 20880 (301-969-3793)

DIRECTORS-AT-LARGE

(Terms Expire January of 1985)

Glen Davis: 85 Ward Avenue, Elkins 26241 (636-4714)
Frank Pelurie: P.O. Box 5193, Charleston WV 25311 (345-8256)
William P. McNeel: 1118 Second Ave., Marlinton WV 24954 (799-4369)
Joe McNeely: P.O. Box 2, Athens WV 24712 (425-1295 or 425-9838)
Tom Michael: Rt. 2, Box 217, Lost Creek WV 26385 (623-3447)

DIRECTORS-AT-LARGE

(Terms Expire January of 1984)

Geoff Green: Rt. 1 Box 79-A, Burlington WV 26710 (289-3565)
Sayre Rodman: 32 Crystal Drive, Oakmont PA (412-823-8938)
Skip Deegans: 126 W. Washinton St., Lewisburg WV 24901 (645-1656)
John Purbaugh: Rt. 1 Box 107, Kenna WV 25248 (968-9024)
Bardwell Montgomery: 512 Kanawha Blvd. W., Charleston WV 25302 (344-1997)

ORGANIZATIONAL DIRECTORS

KANAWHA TRAIL CLUB: Charles Carlson
Box 131, Charleston WV 25231 (925-7264)
NATIONAL SPELEOLOGICAL SOCIETY, Virginia Region: Sara Corrie
501 Ridgewood Road, Huntington WV 25701 (523-2094)
NATURE CONSERVANCY: Max Smith
Rt. 12 Box 154, Grafton WV 26354 (265-4237)
SIERRA CLUB, Potomac Chapter: John Ostrowski
805 W. Burke St., Martinsburg WV 25401
POTOMAC APPALACHIAN TRAIL CLUB: Jeannette Fitzwilliams
13 W. Maple Street, Alexandria VA 22310 (703-548-7490)
PITTSBURGH CLIMBERS: Sayre Rodman
32 Crystal Drive, Oakmont PA 15139 (412-823-8938)
W. VA. SCENIC TRAILS ASSOCIATION: George Rosler
633 W.V. Ave., Morgantown WV 26505 (296-5158)
GEORGE M. SUTTON AUDUBON SOCIETY: George H. Warrick
1709 South Davis Ave. Elkins WV 26241 (636-5896)
CANAAN VALLEY ALLIANCE: Joe Long
26 Lake Shores Dr., Cross Lanes WV 25313 (776-2505)
W.VA. COUNCIL OF TROUT UNLIMITED: Don Brannon
P.O. Box 38, Charlton Heights WV 25040 (779-2476)
W.VA. MOUNTAIN STREAM MONITORS PROJECT: Rick Webb
P.O. Box 1853, Elkins WV 26241 (636-7218)
KANAWHA VALLEY CHAPTER TROUT UNLIMITED: Mike Gitzow
1112 Summit Dr., St. Albans WV 25177 (722-2228 or 747-4464)
BROOKS BIRD CLUB: Mary Moore Rieffenberger
Rt. 1 Box 523, Elkins WV 26241 (636-4559)
KYOVA CHAPTER, TROUT UNLIMITED: Frank Akers
1601 Sycamore St., Kenova, WV 25530 (453-1494)

COMMITTEE CHAIRS

AIR QUALITY COMMITTEE: Don Gasper
4 Richie Street, Buckhannon WV 26201 (824-6211)
CANAAN VALLEY COMMITTEE: Linda Cooper Elkinton
Rt. 5 Box 228-A, Morgantown WV 26505 (296-0565)
HIGHWAY COMMITTEE: Geoff Green
Rt. 1 Box 79-A, Burlington WV 26710 (289-3565)
MINING COMMITTEE: John Purbaugh
Rt. 1 Box 107, Kenna WV 25248 (968-9024)
SHAVER'S FORK MANAGEMENT GROUP: Bardwell Montgomery
512 Kanawha Blvd. W., Charleston WV 25302 (244-1997)
OIL AND GAS COMMITTEE: Tom Michael
Rt. 2 Box 217, Lost Creek WV 26385 (623-3447)
PUBLIC LANDS MANAGEMENT COMMITTEE: Charles Yullif
657 Alton Street, Morgantown WV 26505 (599-5057)
WATER RESOURCES COMMITTEE: Frank Pelurie
P.O. Box 5193, Charleston WV 25311 (345-8256)

VOICE EDITOR

Brian Farkas, 162 Frame Rd., Elkview WV 25071 (965-5058)

A Tour of Mines

By JOHN PURBAUGH

From the helicopter, DLM Coal Company's surface mine (DLM is the company that sued Rick Webb and Mountain Stream Monitors for libel) on the Buckhannon River watershed in southern Upshur County looks reclaimed.

The hills have been restored to approximately their original contours and the area has been revegetated. But, encircling the otherwise dormant site, reflecting several muted hues of red, brown and bluegreen, are 20 active water treatment ponds.

The colors indicate something chemical is occurring in these ponds—the neutralization of highly acid seepage from the reclaimed fills and the precipitation of iron and manganese into the ponds.

This is it: perpetual acid mine drainage with an annual treatment cost of one million dollars, and, according to DNR Director David Callaghan, the state only holds a \$200,000 bond on this site.

Across the ridge, Island Creek Coal Co. is trying hard to "learn from the experience of our neighbor DLM," said chief mining engineer Hans Naumann.

An earnest man, Naumann is the narrator for a DNR sponsored, nine-stop bus tour of Island Creek's sprawling 35,000 surface acre Tenmile complex. Inspecting several different mitigation methods developed by a joint WVDNR-industry acid minedrainage complexity technical advisory committee, tour members are shown an incredible scene where two shovels, a backhoe, an endloader, a bulldozer and 12 huge trucks are engaged in an area-mining method to control acid seepage. The machines work to place non-toxic overburden down as a pad, over which will be placed successive layers—of first—limestone or phosphate (known acid overburden), then a cover of either clay or polyvinylchloride (PVC) sheeting. These layers will then be covered by topsoil and revegetated. (see diagram A.)

At another site, we see test plots where different combinations and thicknesses of materials have been placed in the fill, and the quantity and quality of water seeping through them is measured.

The PVC covering is still experimental, but certainly not untried. DLM has covered 40 to 50 acres with PVC in an attempt to reduce the rate of acid seepage from their fills. One likely proposal for DLM's problem of "big treatment cost, little bond" will be that they cover the remaining hundreds of acres with PVC, slowing the acid seepage—and the company's treatment costs—enough to get back their bond.

If it appears strange that a company would spend a million dollars annually on treatment, and a couple of million dollars on a plastic cover just to get back a \$200,000 bond, remember, there is another factor in the equation. If DLM defaults on its obligation to maintain water quality at the site, and forfeits its bond, they will not be able to obtain other permits to mine coal in West Virginia.

The tour of Island Creek's Tenmile complex—often billed as the largest

proposed surface mine east of the Mississippi—continued with a trip to a large valley fill. This fill was constructed during the early states of the Tenmile project using DNR reclamation specifications; a rock core is built to route drainage down the filled valley without causing erosion. (see diagram B.) The rock core also has served as a drainway for acid-laden groundwater seeping through the fill requiring chemical treatment in a pond below.

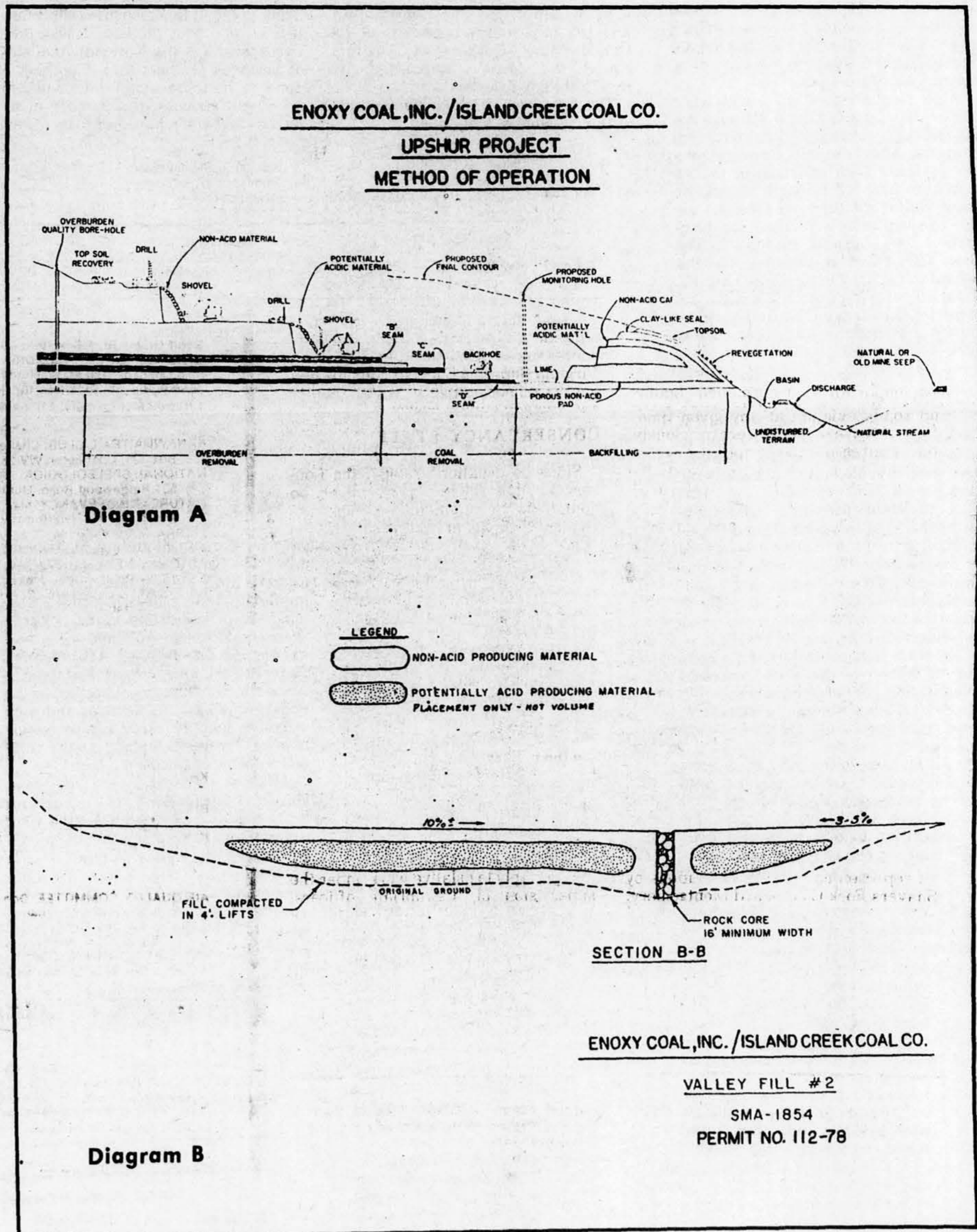
The recurrent acid drainage problems here have received much atten-

tion for good reason. The Tenmile complex is smack-dab in the middle of the area unsuccessfully sought to be declared unsuitable for mining in a petition by the West Virginia Rivers Coalition.

DNR's reputation is now on the line: if the combination of experimental techniques underway at Tenmile do not work better than the previous disaster at DLM, the mineability of billions of tons of Kittanning series coal in the Buckhannon and Middle Fork

River watersheds will be jeopardized. DNR Director Callaghan expects results, of whatever kind, within a year to 18 months.

The annual DNR reclamation division interagency evaluation tour visited 10 surface and two deep mine sites in Raleigh, Fayette, Upshur, Lewis and Harrison counties. I attended the entire week's tour and must compliment the agency for its willingness to display new techniques, including both successful and problem sites.



Acid Rain Legislation: Which Bill to Choose?

By LINDA WINTER

Debate over the acid rain issue seems to be moving away from the question of "should we control it?" to "what legislation will control it at the least cost?"

The White House Office of Science and Technology Policy, on June 27, proposed that: "additional steps should be taken now which will result in meaningful reductions in the emissions of sulfur compounds into the atmosphere, beginning with those steps which are most cost-effective in reducing total deposition." While admitting there were gaps in the scientific information available, the policy group maintained the risks of further environmental damage outweighed the risks of acting on limited information.

Acid precipitation is formed when sulfur dioxide (SO₂) and nitrogen oxide (NO_x) gases, emitted by industrial sources and automobiles—respectively—react with moisture in the atmosphere and fall to earth as rain or snow. Sulfur dioxide and nitrogen oxides are byproducts of fossil fuel combustion. Coal-burning utilities in the Ohio Valley are responsible for the highest out of SO₂ in the United States. About 30 percent of the NO_x in the atmosphere is generated by coal-burning utilities. Automobiles and other mobile sources, however, contribute the largest percentage of NO_x in the atmosphere.

On June 29, the National Academy of Sciences issued a report on the causes of acid rain. The report stated that a one-to-one relationship exists between what goes up as sulfur dioxide and what comes down as acid rain. The panel of eight scientists could not distinguish between local and long-distance sources of sulfur dioxide in the 31 states bordering, or east of the Mississippi River. Researchers are reasonably certain that a 50 percent reduction in SO₂ emissions will yield the same reduction in acid rainfall.

The NAS has estimated that more than \$5 billion in damages from acid precipitation occurs each year to aquatic systems, timber, agricultural crops, buildings and other man-made structures.

Legislation to control acid rain is pending before Congress and generally falls under three main categories:

- Accelerated research bills.
- Bills calling for reductions in SO₂ emissions in 31 eastern states.
- Bills calling for reductions of both SO₂ and NO_x in 48 states.

The accelerated research bills have been proposed by several members of the West Virginia delegation. A House bill, sponsored by Rep. Nick Joe Rahall II (HR 1405) is co-sponsored by Reps. Bob Wise, Harley O. Staggers, Jr., Alan B. Mollohan and more than 16 other representatives. This bill calls for an accelerated study of the causes and effects of acidic deposition during a five-year period and provides grants for mitigation at sites where harmful effects have occurred on ecosystems resulting from high acidity.

In the text of the bill, it states, the causes and effects of acidic deposition as well as the effectiveness of available measures to control acidic deposition

and the effect of such controls on the environment should be more fully understood before undertaking complex and potentially costly efforts to further control of SO₂ and NO_x emissions.

Senator Robert C. Byrd has sponsored a bill (S 454) which is identical to Rahall's. Senator Jennings Randolph has authored a similar bill (S 766) which also provides for the limitation on increases in SO₂ emissions from existing major stationary sources until after the proposed five-year period for accelerated study of the causes and effects of acidic deposition.

In a letter to the Conservancy, Richard L. Trumka, president of the United Mine Workers of America, stated the UMWA supported the Byrd/Rahall legislation.

The following chart compares some of the major acid rain bills:

Bill No.	Sponsors	Annual Reduction in Emissions	Time Period	No. of States Affected
HR 3400	Reps. H.A. Waxman (D-CA)	10 million tons in SO ₂ & NO _x	by 1933	48, though 95% of SO ₂ reductions would occur in 31 eastern states
	Jerry Sikorski (D-MN)	4 million tons in NO _x	by 1955	
HR 132 S	Rep. Judd Gregg (D-NH) 145 Sen.	10 million ton in SO ₂	by 1993	31 eastern states (D-ME)
S 768	Sen. R.T. Stafford (R-VT)	8 million ton in SO ₂	by 1995	31 eastern states
S 769	Sen. R.T. Stafford (R-VT) & Sen. Gary Hart (D-CO) Sen. D. Durenberger (R-MN) Sen. G.J. Humphrey (R-NH)	10 million ton in SO ₂ & in further 2 million in SO ₂	by 1993 by 1998	31 eastern states

The Waxman/Sikorski bill (HR 3400) is the leading legislation in the House on acid rain, with more than 80 co-sponsors. Most of the technology control costs would be paid from a fund supported by a one mil (one thousandth of a cent) per kilowatt-hour fee on non-nuclear power generation nationwide. It is estimated that this will amount to an increase of less than 75 cents per month per household.

By subsidizing the costs for pollution control equipment, HR 3400 encourages utilities to reduce emissions with technology controls rather than switching to lower sulfur fuels. By spreading control costs over 48 states, it softens the regional impacts on utilities by preventing higher electricity rates in the Midwest.

Senator George J. Mitchell's bill (S 145) would force the most fuel switching and higher electricity rates in the Midwest. Estimates of the cost of this control program run from \$2-to-\$3 billion per year. Environmental groups maintain the bill falls two million tons short of the National Academy of Sciences' recommendation for a 50 percent cut in SO₂ emission.

Senator Robert T. Stafford (R-VT) authored a comprehensive clean air bill (S 768) identical to the legislation approved by the Senate Environment and Public Works Committee last year. Although the bill retains much of the existing Clean Air Act, it weakens key provisions of the law and it allows increased pollution from smelters.

The bill introduced by Senators Stafford, Hart, Durenberger and Humphrey, (S 769) calls for the largest reduction in SO₂ emissions of any congressional proposal. It would mean a

50 percent reduction in SO₂ emissions in the 31 eastern states. Environmental groups, however, maintain that its time frame should be reduced by 3-5 years.

Senator John Glenn (D-OH) intends to introduce a bill which would set up a federally administered fund to finance acid rain controls based on a .3 cents /KWh tax on all users of electricity generated from fossil fuel powered plants in the 31 eastern states. The fund would be used to help fossil fuel plants pay for installing costly pollution control equipment such as scrubbers.

EPA's acid rain task force emphasized that none of the control options are likely to result in a measureable reduction in acid precipitation in less than five years. Yet the National Academy of Sciences predicts that if nothing is done to halt the acidification of our lakes and streams, the number of affected lakes could double by 1990.

There are already more than 200 lakes in the Northeast that have become lifeless.

Controlling acid rain will be costly, but studies show that control of acid precipitation will be cheaper than accepting the more than \$5 billion in damages each year from acid rain. It is believed that control of acid rain can occur without the loss of mining jobs in the high sulfur coal areas of the east.

The billion dollar question is: Do we have time to wait until technology gives us a cost-effective means of controlling acid rain? We do know that no action means continued pollution and, costs to repair the damage will accelerate in future years.

The West Virginia Highlands Conservancy has not yet taken a position on this complicated and controversial issue.

Fall Review. . .

(Continued from Page 1)

descend Canaan Mountain to the vast 3,000 acre wetlands of Canaan Valley. Glimpse native vegetation and wildlife habitat including beaver pond areas, wind swept vistas and tundra. Sturdy shoes, wind breakers. 5 hours.

Tour No. 4, Mining Activities on Shavers Fork River Watershed the site of much controversy, visit areas of underground mining activity and note sensitive land features where disturbances threaten water quality and prized trout fisheries. 4-5 hours.

After a barbecue spare rib feast, Harley O. Staggers, Jr., second-district representative, will address the Conservancy on environmental issues concerning West Virginia. A question and answer period will follow the Congressman's address.

Later that evening, a panel discussion on: The Changing Face of Our Highlands: Resort Development will be held. Judy Deegans will moderate this

discussion. Serving on the panel are: Chip Chase, director of White Grass Ski Touring Center, Rafe Pmerance, president, Friends of the Earth, Walter Helmick, Pocahontas County Commissioner and Walt Pomeroy, regional vice-president, National Audubon Society.

The Conservancy's annual meeting will be held on Sunday at 9 a.m. The WVHC's Board of Directors will meet following the annual meeting at 9:30 a.m.

Directions to Camp Pioneer are easy to follow: Go to Elkins and take 219 & 250 south to Beverly. This is about eight miles. In Beverly, turn left at the old bank building (Files Creek Road). Go 1½ miles and take first right turn to Camp Pioneer. Watch for signs off Files Creek Road.

So, plan on coming to the Highlands and enjoy this beautiful country in its splendid fall colors.

MOVING? ATTACH OLD LABEL HERE

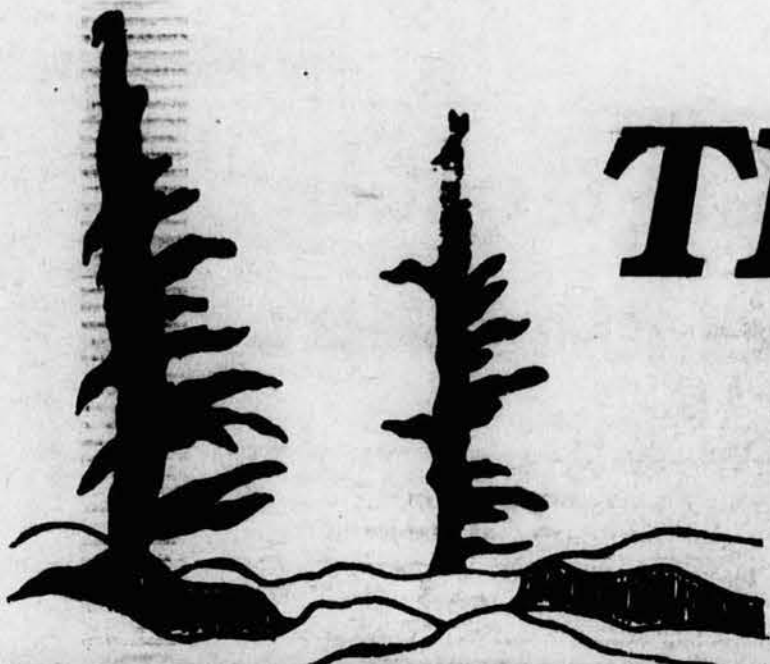
New Address: _____

W. Va. Highlands Conservancy

SEND TO:

P.O. Box 306

Fairmont, WV 26554



THE HIGHLANDS VOICE

Library
West Virginia University

dup
WVC

Published monthly by the W. Va. Highlands Conservancy

Vol. 15 No. 9 November 1983

Who Is In Control

By LINDA ELKINTON

The U.S. Army Corps of Engineer is charged by Congress with protecting swamps, marshes and other wetlands of the country. From the public notice issued by the COE on applications for activities in wetlands, one would think protection for these vitally important areas was unmistakably insured. The public notice procedure in the COE's review process invites comments from interested parties. This is designed to make doubly sure important factors are not overlooked in the review of applications. The public notice form for each application states:

"The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economic, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety production and in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230)".

As intensive gas well drilling in Canaan Valley has proceeded over the last two years (numerous wells have been drilled, 10-15 in number, some dry holes, some very productive wells), concern has been voiced; violations have occurred; but drilling has continued.

The Conservancy has been among those voices. Our correspondence responding to a COE public notice for issuance of an "after-the-fact" permit for land disturbance due to Berea Oil and Gas Corporation activities in Canaan wetlands and the COE's response provides example of the status, merit

and degree of protection presently available to wetlands.

Below is a summary of WVHC/COE's exchange regarding Berea's gas drilling activities in Canaan Valley. Responses to our concerns were made by Albert L. Zupon, chief of Operations Division. His responses were made in a Sept. 9, 1983 letter.

Concern

"The effects of the placement of concrete solutions into underground voids are routinely performed during drilling operations at State Park/Cooper No. 2 and perhaps each and every other drilling site in the Canaan Valley. The effects of these solutions of on ground water in particular, merits thorough review".

Response

Concrete is a mixture of cement and coarse aggregates. Chemically, concrete is predominately a mixture of calcium, silicone, and aluminum oxides. The aggregates used are normally sand and/or gravel sized natural stone. The aggregates take no part in this setting process, but are simply enclosed and held in place by the paste of cement and water. In setting, the various calcium and silicate compounds in the cement take up water to form the binding hydrated calcium silicates.

The compounds present in concrete are among the most abundant on earth and the composition of cured concrete is like that of the natural strata of the area. Once set, concrete is chemically inert and innocuous and there is no reason to suspect that the underground concrete grout would produce leachates that would in any way affect surface or groundwaters in the area.

During the relatively brief setting process, however, it is likely that some alkalinity and some calcium salts would leach from the grout. The quantities, however, would be negligible and any effect that they would have on the generally soft and somewhat acid local water would likely be beneficial.

Concern

"The effect of the disposal of waste material from drilling operations on roadways and in wetlands, as in the case of the pre-existing pond on property now owned by Gas and Grub (involving a separate "after-the-fact" permit recently reviewed by your agencies). Additionally, reference is made in their current application to an "upland disposal site". Is this an of-

ficially permitted site? Why are not all of their waste materials disposed of at such a site instead of being hauled to any of a variety of locations at the request of private individuals who may or may not be aware of their hazards to wetlands, water resources and perhaps groundwater?"

Response

Regulations of upland fill sites or solid waste dumps are by definition clearly and totally outside of the Corps of Engineers' Section 404 Permit authority. The only way we could possibly become involved in this issue

Continued on Page 3

Senior Vice President Wanted

The West Virginia Highlands Conservancy, Inc., is seeking an Editor for its monthly publication, **The Highlands Voice**.

The Editor holds editorial and supervisory responsibilities for the **Voice**, coordinates volunteers in submission of materials and supervises commercial layout and printing. Applicants should have a background in writing and a knowledge of natural resources issues in the State. This position is compensated at One Hundred Dollars (\$100.00) per month plus expenses.

The **Voice** has been published since 1972 and is West Virginia's leading natural resources publication presenting both hard news and analysis of a wide variety of conservation issues affecting the state and nation. The **Voice** also functions at WVHC's primary medium of communication with its members and subject matter content tends to reflect issues of interest to the organization. Publication has been monthly since 1972 in an eight page

tabloid format and circulation is approximately 800.

The WVHC is a statewide volunteer organization created in 1967 and comprised of approximately 700 individual and 24 organizational members. The Conservancy has been a leader in the protection of Canaan Valley, Grand Canyon, National Recreation, surface mining issues, wild and scenic rivers and National Forest policy.

The Editor is a member of the WVHC Board of Directors and is expected to attend quarterly Board meetings. Personal interest in the organizations goals is desirable and preference will be given those able to make an expected commitment of at least two years.

Please provide your resume to: Larry W. George, President, West Virginia Highlands Conservancy, No. 9 Crestridge Drive, Huntington WV 25705, (304) 523-8451 or 763-1325.

EPA's Acid Rain Proposal

By LINDA WINTER

While acid rain legislation is still pending before Congress, Environmental Protection Agency Administrator William D. Ruckelshaus is reviewing proposals on the most cost-effective way to deal with the acid rain problem.

A proposal which is reportedly most favored by Ruckelshaus is on which "targets" 3 to 4 million tons of emissions reductions in 10 to 12 states to control acid deposition in the sensitive New England areas.

A chairman of the National Academy of Sciences panel that wrote a recent report on acid rain said a targeted approach could be used as an experiment to determine what level of reduction would lead to reduced acid deposition in a specific area.

This would be achieved by focusing

on the fossil fuel power plants with the largest amount of sulfur dioxide (SO₂) and nitrogen oxide (NO_x) emissions.

This plan is designed to reduce emissions, according to a formula, in New York, Ohio, Pennsylvania, West Virginia, six New England states and, perhaps, Indiana and Michigan.

The plan to clean up the dirtiest power plants would be coupled with a cap on emissions in the remaining states east of or bordering the Mississippi River. It also would stress stepped-up monitoring to trace trends in acidity as a result of the reductions.

Several options are being considered for payment of the cost through general revenues or a nationwide emissions tax. The annual cost of the 10 to 12 state targeted plan is estimated at \$1 to

Continued on Page 3

From The President

By LARRY W. GEORGE

PROPOSED BY-LAWS ADOPTED

On October 1, 1983 the Conservancy's new By-Laws went into effect following a membership referendum which gave the proposed By-Laws an overwhelming 92 percent approval. The new By-Laws were printed in their entirety in the September, 1983 issue of **The Highlands Voice** together with a compilation of the significant changes in Conservancy organization and procedures.

The most readily apparent may be found in the Roster printed in this **Voice**. We have eliminated the four Regional Vice Presidents and established three new offices: Senior Vice President, Vice President for Federal Affairs and Vice President for State Affairs. Perry Bryant will continue his tasks of representing the Conservancy in the Legislature and before state agencies by serving as State Affairs V.P. Linda Winter will also retain her role in Washington by serving as Federal Affairs V.P. and maintaining our contacts with the Federal Government and National environmental organization. As announced elsewhere in this **Voice**, we are also seeking an individual to serve as Senior Vice President and I encourage those interested to contact me prior to the Board of Directors meeting on January 15, 1984.

The new By-Laws will serve the Conservancy very well for years to come and the Board of Directors and I are quite pleased the membership decided to adopt them.

ACID RAIN POSITION

At its October 2nd meeting, the WVHC Board of Directors adopted a Comprehensive position on proposed Federal legislation to control acid precipitation in support of the Sikorski-Waxmen bill (H.R. 3400) with certain modifications. H.R. 3400 would tax retail electrical service nationwide at 1/10 cent per kilowatt-hour to establish a Federal fund to pay 90 percent of the construction cost to install scrubbers at the 50 coal-fired utility plants with the greatest sulphur dioxide emissions.

The Sikorski-Waxman requires a ten million annual reduction in the present twenty-four million tons of sulphur dioxide emitted annually from coal-

fired power plants in thirty one eastern states. The Conservancy supports an increase in the mandated reduction from ten to twelve million tons annually, thus achieving the 50 percent decrease in sulphur dioxide emission recommended by the National Academy of Sciences. The Conservancy also supports amending H.R. 3400 to require a utility to compensate for any sulphur dioxide emission increases at specific facilities with compensating reduction at the same plant or other coal-fired plants.

We have spent nearly a year evaluating legislation proposals, monitoring developments in Congress and attempting to assess the impact of acid rain controls on our state. This delay has resulted from, first, the Conservancy's decision to await an opportunity when we could truly influence our Congressional delegation, and secondly, the fact that West Virginia has more at stake than nearly any other state in the acid rain debate.

The environmental efforts of acid precipitation upon West Virginia have been substantial including the impairment of many of the state's finest trout streams. However, the economic and social impacts of acid rain controls upon West Virginia could be devastating in such controls inhibit the use of our state's high sulphur coal and potential result in the loss of several thousand coal mining jobs. It is against this background that the Conservancy has chosen carefully in supporting a specific acid rain bill.

I believe, as does our Board of Directors, that the Waxmen-Sikorski bill will protect the jobs of West Virginia coal miners while securing an effective clean up of sulphur dioxide emissions and reduction in acid precipitation.

NEW ACID RAIN COMMITTEE

The Conservancy's former Air Quality Committee has been renamed the Acid Rain Committee and will be chaired by Linda Winter, WVHC Vice President of Federal Affairs. Linda's duties in Washington have already made her our key individual on Capitol Hill in addressing acid rain legislation and her appointment as Chairperson will consolidate these two posts to more effectively pursue our federal legislative goals.

Join the

Highlands Conservancy

NOW!

"The Highlands VOICE" (ISSN 0161-9896) is published monthly by the West Virginia Highlands Conservancy, P.O. Box 506, Fairmont WV 26554. Distribution is to Conservancy members. A reentry permit to mail at

second class postage rates is pending at Elkins WV. Main entry is at Fairmont WV.

POSTMASTERS should address Forms 3579 to: P.O. Box 506, Fairmont WV 26554.

Roster of Officers, Board Members & Committee Chairs

BOARD OF DIRECTORS

President: Larry W. George
9 Crestridge Drive, Huntington WV 25705 (736-1325)
Senior Vice President: Vacancy
Vice President for State Affairs: Perry Bryant
1324 Virginia St. E., Charleston WV (344-8710 H, 346-5891 W)
Vice President for Federal Affairs: Linda Ann Winter
P.O. Box 27, Washington Grove MD 20880 (301-869-3793)
Secretary: Lois Rosier
633 West Virginia Ave., Morgantown WV 26505 (296-5158)
Treasurer: David Elkinton
Rt. 5 Box 228-A, Morgantown WV 26505 (296-0565)
Past President: Jeannetta Petras
P.O. Box 506, Fairmont WV 26554 (534-5595)

EX-OFFICIO BOARD MEMBERS

Membership Secretary: Linda Cooper Elkinton
Rt. 5, Box 228-A Morgantown WV 265505 (296-0565)
Voice Editor: Vacancy

DIRECTORS-AT-LARGE

(Terms Expire October of 1984)

Glen Davis: 85 Ward Avenue, Elkins 26241 (636-4714)
Frank Pelurie: P.O. Box 5193, Charleston WV 25311 (345-8256)
William P. McNeel: 1118 Second Ave., Marlinton WV 24954 (799-4369)
Joe McNeely: P.O. Box 2, Athens WV 24712 (425-1295 or 425-9838)
Tom Michael: Rt. 2, Box 217, Lost Creek WV 26385 (623-3447)

DIRECTORS-AT-LARGE

(Terms Expire October of 1985)

Geoff Green: Rt. 1 Box 79-A, Burlington WV 26710 (289-3565)
Jean Rodman: 32 Crystal Drive, Oakmont PA (412-823-8938)
Skip Deegans: 126 W. Washinton St., Lewisburg WV 24901 (645-1656)
John Purbaugh: Rt. 1 Box 107, Kenna WV 25248 (988-9024)
Bardwell Montgomery: 512 Kanawha Blvd. W., Charleston WV 25302 (344-1997)

ORGANIZATIONAL DIRECTORS

KANAWHA TRAIL CLUB: Charles Carlson
Box 131, Charleston WV 25231 (925-7264)
NATIONAL SPELEOLOGICAL SOCIETY, Virginia Region: Sara Corrie
501 Ridgewood Road, Huntington WV 25701 (523-2094)
NATURE CONSERVANCY: Max Smith
Rt. 12 Box 154, Grafton WV 26354 (265-4237)
SIERRA CLUB, Potomac Chapter: John Ostrowski
805 W. Burke St., Martinsburg WV 25401
POTOMAC APPALACHIAN TRAIL CLUB: Jeannette Fitzwilliams
13 W. Maple Street, Alexandria VA 22310 (703-548-7490)
PITTSBURGH CLIMBERS: Sayre Rodman
32 Crystal Drive, Oakmont PA 15139 (412-823-8938)
W. VA. SCENIC TRAILS ASSOCIATION: George Rosier
633 W.V. Ave., Morgantown WV 26505 (296-5158)
GEORGE M. SUTTON AUDUBON SOCIETY: George H. Warrick
1709 South Davis Ave. Elkins WV 26241 (636-5896)
CANAAN VALLEY ALLIANCE: Joe Long
26 Lake Shores Dr., Cross Lanes WV 25313 (776-2505)
W.VA. COUNCIL OF TROUT UNLIMITED: Don Brannon
P.O. Box 38, Charlton Heights WV 25040 (779-2476)
W.VA. MOUNTAIN STREAM MONITORS PROJECT: Rick Webb
P.O. Box 1853, Elkins WV 26241 (636-7218)
KANAWHA VALLEY CHAPTER TROUT UNLIMITED: Mike Gilzow
1112 Summit Dr., St. Albans WV 25177 (722-2228 or 747-4464)
BROOKS BIRD CLUB: Mary Moore Rieffenberger
Rt. 1 Box 523, Elkins WV 26241 (636-4559)
KYOVA CHAPTER, TROUT UNLIMITED: Frank Akers,
1601 Sycamore St., Kenova, WV 25530 (453-1494)

COMMITTEE CHAIRS

ACID RAIN COMMITTEE: Linda Winter
P.O. Box 27, Washington Grove MD, 20880 (301-869-3793)
CANAAN VALLEY COMMITTEE: Linda Cooper Elkinton
Rt. 5 Box 228-A, Morgantown WV 26505 (296-0565)
HIGHWAY COMMITTEE: Geoff Green
Rt. 1 Box 79-A, Burlington WV 26710 (289-3565)
MINING COMMITTEE: John Purbaugh
Rt. 1 Box 107, Kenna WV 25248 (988-9024)
SHAVER'S FORK MANAGEMENT GROUP: Bardwell Montgomery
512 Kanawha Blvd. W., Charleston WV 25302 (244-1997)
OIL AND GAS COMMITTEE: Tom Michael
Rt. 2 Box 217, Lost Creek WV 26385 (623-3447)
PUBLIC LANDS MANAGEMENT COMMITTEE: Charles Yuill
657 Afton Street, Morgantown WV 26505 (599-5057)
WATER RESOURCES COMMITTEE: Frank Pelurie
P.O. Box 5193, Charleston WV 25311 (345-8256)

Control...

Continued from Page 1

is if it were determined that the disposal sites were not actually upland and the waste was not placed as waste but to create land along waters of the United States. Otherwise, the appropriate regulatory responsibility would be with the disposal elements of the West Virginia Department of Natural Resources.

Concern

"The effect on human, wildlife, and aquatic life; groundwater and wetlands from gases discharged into the air and their settling to the ground when wells "blow-off" spontaneously or are "blown-off" for hours at a time when pressure has built to uncontrollable levels".

Response

Natural gas consists of a mixture of primarily methane gas with lesser amounts of ethane, propane, nitrogen, and butane and sometimes trace amounts of hydrogen sulfide and other gases. Some of the older abandoned and uncapped large gas wells are significant fire safety hazards and may also generate polluting liquid wastes such as oil or mine acid. However, except for some occasional and usually faint and localized petroleum and hydrogen sulfide odors in the immediate vicinity of the wells, we are not aware of any gaseous pollution problems from any modern drilling operations in the region and have no reason to suspect that the operation in question will generate gases that will adversely effect humans, wildlife, aquatic life, groundwater or wetlands.

Concern

"The effects of noises associated with drilling operations, "blow-offs", separators and fans after drilling has ceased and gas is flowing from the wells, on water, aquatic, human and economic resources. Of particular concern here is the effect of the increases of both background noise and short term drilling noises are having and will have in the future on land values and aesthetic qualities. Canaan Valley's remoteness from the sounds and sites of a more industrial setting and its highly-prized quiet, restful, pastoral setting are of enormous and inestimable economic value. These values are being increasingly compromised by these activities. Land owners and the public need to be informed of these types of trade-offs associated with drilling operations in such a confined and noise free area."

Response

The ORPOP-F 83-37, permit application site is adjacent to the Route 32 Bridge crossing Little Blackwater River. This is both an exceptionally beautiful area and a popular access point for people who visit the area for bird watching, trout fishing, wilderness hiking and other pastimes where the quality of the experience can be significantly degraded by even minor industrial noise distractions. However, the noise problems with well drilling operations are typically of short duration and the aesthetics of the immediate site vicinity are already seriously compromised by highway distractions.

We have fully evaluated the impacts of the permit applications mentioned in your letter and determined that the permits requested should be issued.

Rain Proposal...

Continued from Page 1

\$2 billion dollars. These costs are substantially less than the estimated costs of congressional proposals to reduce emissions by 10 to 12 annually.

Sen Robert T. Stafford (R-Vt.) has stated that an emissions reduction of 3 to 4 million tons is inadequate and he maintains a 50 percent reduction in annual SO2 emissions in 31 states is needed, as recommended in the recent Na-

tional Academy of Sciences report. A co-chairman of the National Clean Air Coalition stated that the time for an experimental 2 to 4 million ton reduction in emissions has passed.

Ruckelshaus is expected to make a recommendation to the administration within the next few weeks on which acid rain plan he favors.

Senior Vice President Wanted

The Conservancy is seeking an individual to serve in the newly created post of Senior Vice President. This office assumes the duties of the President when he is unable to act and serves a two year term concurrent with the President. An individual assuming this post would serve until October, 1984 when an election will fill it for a full two year term.

The Senior Vice President will have an active role in administering the

WVCH's affairs and in assuming responsibility for special Conservancy projects. The existing nine month term will be filled by vote of the WVHC Board of Directors on January 15, 1984 following nomination by Conservancy President Larry W. George.

Interested individuals should contact: Larry W. George, President WVHC, 9 Crestridge Drive, Huntington WV 25705, (763-1325 H, 523-8451 O).



Rep. Harley Staggers, Jr. shakes hands and talks to Conservancy members following his speech at the Fall Review. Staggers discussed environmental issues confronting the state during his talk.

Perry Bryant Elected To Hazardous Waste Advisory Committee

Perry Bryant, Environmental Coordinator for the West Virginia Citizen Action Group, was elected chairman recently of the West Virginia Hazardous Waste Advisory Committee. Joe Barta, of the West Virginia Manufacturers Association, was elected vice chairman.

Bryant's overriding concern as head of the advisory group is finding a stable funding base for the state's hazardous waste management program. "To date," he said, "the state has not provided sufficient funds for West Virginia to take over management of the federal program. I believe everyone on the committee wants to see the state's industries operate under one set of regulations, rather than under both state and federal regulations."

Most of the regulations necessary for the state to assume control of the program have been promulgated, Bryant said, and should be adopted by the legislature during the 1984 session. However, resources to run the program continue to be the major concern. This concern also needs to be addressed in the 1984 session, Bryant believes. Currently, the committee is exploring the possibility of establishing a state super-fund to take care of emergencies and to fund the hazardous waste program.

Formed in February 1983, the Hazardous Waste Advisory Committee advises the Director of the Department of Natural Resources on issues relating to the state's hazardous waste management program. Members of the commit-

tee represent various people of the state: citizens, public interest groups, industry and public officials.

Bryant credits former Chairperson Sandra Kerbow, of the League of Women Voters, with getting the committee off to a good start. "Sandy was instrumental in the early development of the advisory committee," he said. "She leaves behind a solid foundation on which we can continue to build."

In addition to Bryant, Barta and Kerbow, members of the Hazardous Waste Advisory Committee include:

Citizens: Kermit McKeever, Charleston; Ralph Haden, Parkersburg; and Dr. James Gidley, Morgantown.

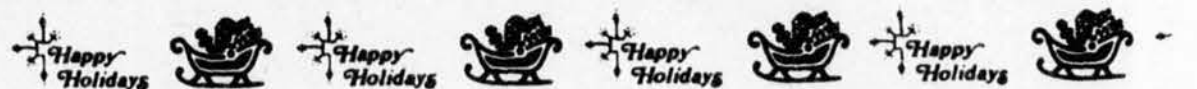
Public interest groups: Jenni Vincent, Citizens Holding Onto a Clean Environment, Fairmont; and Frank Akers, Sierra Club and Highlands Conservancy, Kenova.

Industry: Charles Olson, Chemical Leaman Tank Lines, St. Albans; and Dick Cook, Oil and Natural Gas Association, Clarksburg.

Public Officials: Andrew Kondik, Hancock County Emergency Services, Weirton; Zellet Law, West Fork Soil Conservation District, Clarksburg; Stan Mills, Cabell-Hunting Health Department, Huntington; and Harold Kirby, Governor's Office of Economic and Community Development, Charleston.

Vacancies currently exist in the citizen and industry category. Anyone interested can contact Perry Bryant or Claudia DelGuidice, Public Information Office for the Division of Water Resources.

Give "Voice" for Christmas this year



Agreement Reached:

An oil and gas well drilling company has paid \$10,000 to settle stream pollution lawsuit brought by Highland Conservancy members Tom and Judy Rodd.

The Rodds filed the suit in 1982 against J&J Drilling Co. of Buckhannon, WV, after drilling wastes from several [J] sites had polluted Sandy Creek, a tributary of the Tygart River.

The creek runs through the Rodd's 40-acre farm, where they and their children have lived for six years. Sandy Creek is a high-quality stream with an abundance of fish and other wildlife.

"We originally filed the lawsuit for two reasons," Tom Rodd, a staff attorney for North Central West Virginia Legal Aid, said.

"First, the drillers seemed to ignore DNR actions and small fines for pollu-

tion. We wanted to get the court to order the drillers to stop polluting the stream. The company came into court and said they were stopping all drilling for a while, so the judge just said we could come back into court if future pollution threatened."

The second goal of the lawsuit, Rodd said, was "compensation for the damage to our property—the stream where it flows by our house—and for our personal outrage and loss of enjoyment and use when they dumped their junk into the creek on several occasions."

"We also asked for punitive damages, because we believe the company was reckless. We feel the amount they paid to settle the suit was fair compensation. We hope it hurt a bit to pay it."

The driller resumed operations

about a year after the lawsuit, Rodd said. But, the company's attitude had changed.

"At one well site, they built two substantial ponds, instead of one flimsy one," Rodd said. "When runoff from a thunderstorm threatened to wash out a pond, like it did a year before, they came speeding up the hollow with bulldozers and diverted the runoff."

"When they were done with drilling, they hauled out the drilling wastes in tanker trucks. They were careful not to let a drop get into the creek," Rodd said.

An important part of the lawsuit, the Rodds said, was discovery of the drilling company's records of other pollution incidents and lawsuits. The Rodds, and their lawyer, Tom Michael (chairman of the Oil and Gas subcommittee of the Conservancy) had to go before the judge of the Preston County Circuit Court twice to force the disclosure of the company's records.

"We found out that they are a multi-state, multi-million dollar company, with a substantial record of water pollution and other environmental damage," Rodd said.

"Just last year, in Pennsylvania, J&J Drilling paid a \$17,000 consent judgment to the Pennsylvania Department of Environmental Resources for a number of illegal stream pollution incidents," he said.

"We're delighted to be about to show that private enforcement of environmental protection law can work," Rodd said. "Our lawsuit was just one part of a continuing community stream protection effort. With every pollution incident or threat, people around here have been calling the alw, calling drillers and inspectors, writing letters, nosing around and checking up at the well sites."

"Our neighbors Dave and Donna Haggerty were especially active in monitoring drilling sites and reporting violations," Rodd reported.

Rodd said the efforts of the Conservancy, Mountain Stream Monitors and the Department of Natural Resources were instrumental in winning the suit against the company.

"We hope our successful lawsuit will help assure that any further drilling will be performed without damage and pollution to this stream."



Christmas Gift Thought

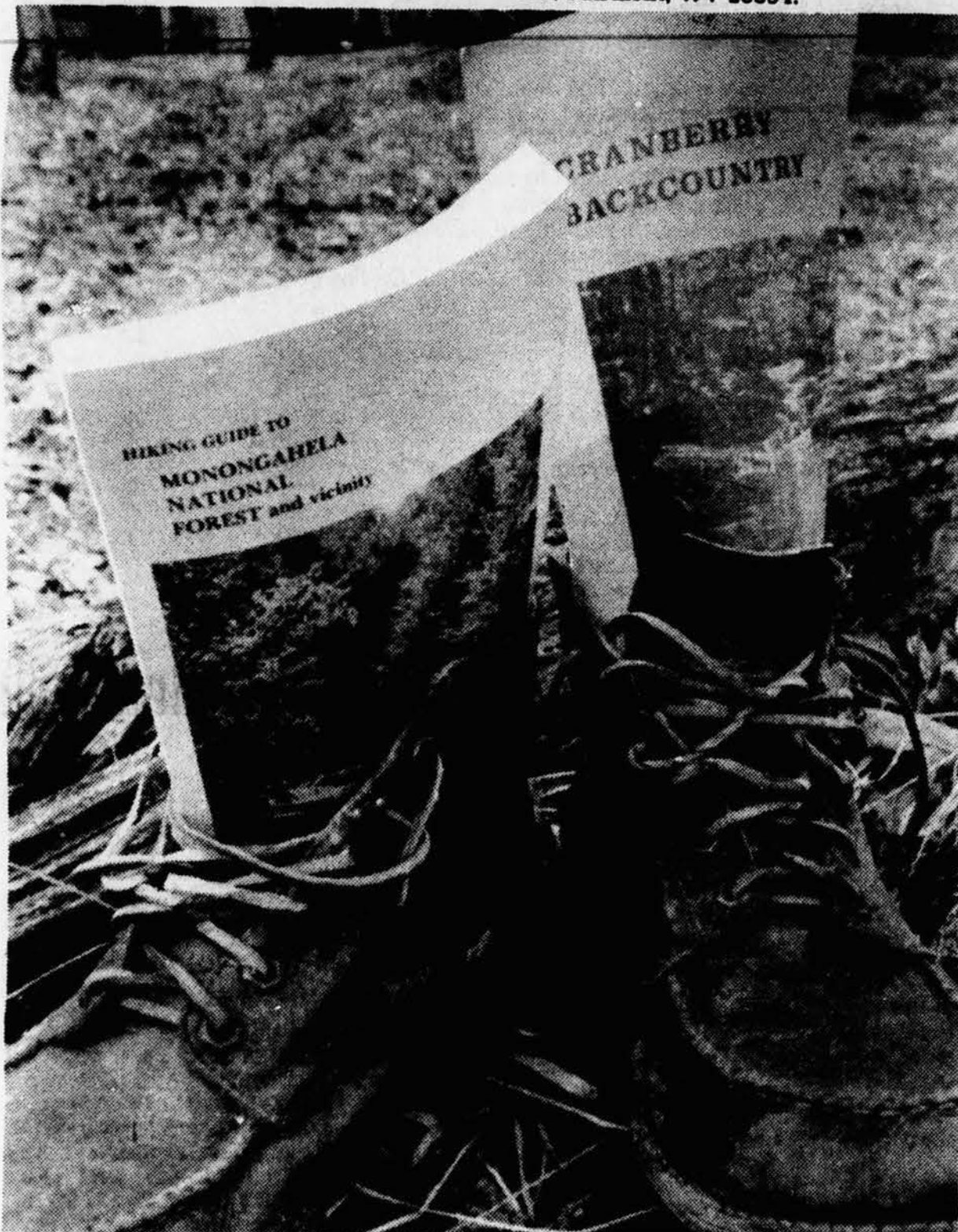
Monongahela Guide

The Conservancy's new and improved Monongahela National Forest Guide has been completed and is now on sale.

This updated version includes 50 pages of trail updates and new infor-

mation on Otter Creek, Dolly Sods and Cranberry Backcountry.

The guide only costs \$7- (postage paid) and can be obtained by writing to the Highlands Conservancy, P.O. Box 506, Fairmont, WV 26554.



Skin Creek Festival Success

By LINDA WINTER

The 6th annual Skin Creek Festival, held September 24-25 in Vandalia, West Virginia, was a complete success.

The event, sponsored by the Upper West Fork River Watershed Association (UWFRWA), was to get people into the valley to see for themselves the beautiful farmland and homes that would be destroyed if the dam is constructed.

UWFRWA has been waging a battle with the Corps of Engineers and lawmakers on Capitol Hill to stop construction of the Stonewall Jackson Dam project.

The association easily made their point during the weekend.

At an old building set up as an office, T-shirts, hats and buttons were sold with the message, "Not by a Dam Site." Bumper stickers and fact sheets were distributed and petitions to stop the dam were circulated.

A 300 pound hog was raffled off as a fundraiser for the organization and at final count, 1,118 tickets had been sold.

Weather for both days was perfect and helped draw out the estimated 15,000 people for the weekend. Live old-time music played almost constantly. Attractions included hay rides, a turkey shoot, pony rides and a chain saw cutting contest. Eight parachutists from Fort Bragg, NC made several

jumps from an army helicopter. Farm equipment was displayed and sold, about 30 tables were set up for selling crafts and a museum displaying local antiques was housed in a nearby church.

Seventy five gallons of molasses were made from a sorghum mill, 1300 lbs. of corn were ground at the grist mill and a cider press produced many gallons of delicious fresh cider.

Congressman Bob Wise (D-WV, 3rd) showed up around 5:30 Saturday evening. He praised the efforts of the Watershed Association, and asked the crowd to consider what the \$205 million spent on the dam project would not do the the third district. "It won't be spent on improving the public school system, it won't be spent on raises for teachers and public employees, it won't be spent on improved sewage treatment facilities, and it won't be spent on creating jobs for residents of the 3rd district. What that money will accomplish is disruption of the lives of 1800 people who live in this valley."

When asked if the Association would sponsor the festival again next year, Peg Ormsby said, "Yes." "There was a good turn-out not only because people came to have a good time, but also because they care about the issue and they clearly don't want the dam."

MOVING? ATTACH OLD LABEL HERE

New Address: _____

W. Va. Highlands Conservancy
 SEND TO: P.O. Box 506
 Fairmont, WV 26554