“1992-2002”
A conference and discussion of the environmental movement in W.Va.
Where will West Virginia be in 1997? In 2002?
That will be the focus of a day-long conference, Saturday, July 20, 10 a.m. to 5 p.m., at the state 4-H Camp, Jackson’s Mill, near Weston. Cost is $10, including lunch.
Norm Stoenstra and Tom Rodd dreamed up the day, sponsored by the W.Va. Environmental Council and a newly formed “think tank” in Morganstown, Mountaineer Policy Institute, so we can focus on a variety of questions —
What are the economic trends? Demographics? What are our options?
What will our friends and opponents be up to? What can we do now, and over the next decade, to get where we want to go? What can we learn from other states? How do we build for the long haul? What are we going to do in the 1992 elections?
Schedule
10 a.m. — Welcoming remarks and introduction, Cindy Rank, President, W.Va. Highlands Conservancy.
10:30 a.m. — “Green Growth: The Role of the Environmental Movements in Encouraging Sustainable Development.” Panel chair: Carla Dickman, Regional Research Institute, Panelists: Robert Haneman, Associate Professor of Geography and Geology at WVU; John David, Chairman, Social Studies Department, W.Va. Tech; Vegil Norton, Chairman, Department of Resource Management, WVU; Reif Martin, Chemist, W.Va. State, and convenor of Earth Day Symposium; Michael Wolcott, Assistant Professor of Forestry, WVU.
Noon — Sandwiches and conversation.
1 p.m. — “Who’s on First? What to do in the Ninety-two Elections.” Panel chair: Norm Stoenstra, W.Va. Environmental Council; Panelists: Joe Simoni, W.Va. ACE-AFSCME, MOVE; David Grubb, W.Va. CAG; Mark March, UMWA COMPAC; Paul Nyden, the Charleston Gazette; Barbara Fletcher, W.Va. NOW.
3 p.m. — “Power to the People: Possibilities and Pitfalls for Grassroots Activism.” Panel Chair: Tom Rodd, Mountaineer Policy Institute; Panelists: Caroline Carpenter, Benedum Foundation; Joe Stasko, Kentuckians for the Commonwealth; Diane Bady, Ohio Valley Environmental Council; Kim Long, activist and artist; John Alexander Williams, scholar, Appalachian Studies; Missy Wolverton, W.Va. Environmental Council.
For more information, to pre-register or to reserve a copy of the printed proceedings, write to: MPI, 164 High St., Morgantown, WV 26505; or call (304) 296-8611.

Summer Board Meeting
WVHC will piggy-back the Summer Board Meeting with “1992-2002.” Board Meeting will be Sunday, July 21, at Jackson’s Mill State 4-H Camp, beginning at 9 a.m.

Inside:
• Spraying Coalition, page 7.
• Minerals purchased in Mon Forest, page 6.
• Corps says no to filling wetlands, DOH appeals, page 7.
• Coal Field Water Protection Act, page 8.

The Highlands Voice
Published Monthly by the W. Va. Highlands Conservancy
Vol. 24, No. 6, June 1991

Sawdust pile leaches cyanide
BUCKHANNON — Reports of cyanide leaching from a massive sawdust pile in southern Upshur County have caused a lot of concern for area residents and timber industry proponents.

Water samples taken in March from below the Rosewood Lumber Company mill in Cleveland (on Route 20 near the Upshur/Webster county line) indicated 3.33 micrograms per liter of cyanide — a level 67 times the stream standard in West Virginia.

In late May, Water Resources chief Eli McCoy approved the plan to level out most of the sawdust pile in hopes of solving the toxic leachate problem. McCoy approved the plan after a visit to the Rosewood mill with Water Resources inspector Ed King, who first documented the problem.

A series of ponds are set in benches on a steep wooded hillside between the Rosewood Lumber Company mill in Cleveland and the Left Fork of the Right Fork of the Little Kanawha River; a high quality trout stream flowing through the valley below.

Rosewood created the ponds this past winter to treat what they believed to be very acid water running from the sawdust pile.

“Nobody really goes down there,” said John Lockwood of Rosewood Lumber. “But during hunting season one of our men was down there and he told us all those trees are dying.”

Rosewood installed four small ponds and, in some, began treatment with soda ash briquettes to counter the acidity.

An acrid odor greets visitors before they reach the black water of the ponds. Drifts of bubbles sit on the surface of the water. As the sun rises above the surrounding hills, activity in the pond becomes noticeable. Bubbles rise to the surface like a pot at a slow boil.

“It’s turned septic,” said Water Resources Inspector King, who seemed baffled by the situation.

He first inspected the area in January after a fisherman complained about problems in the stream below. Despite Rosewood’s ponds, the stream was clearly affected for at least a half mile downstream, he said.

“He had a sample of the water,” King said. “I thought it must be contaminated, but he insisted he had rinsed out the jar several times. It smelled, well, very pungent.”

Whatever caused the pungent smell was in the pond, King learned when he visited the site. Still, he was surprised.

“I’ve never seen this kind of leachate from a sawdust pile,” he said.

When the black water flowed over the hillside, leafless trees stand in sharp contrast to the spring green around them. On the far side of the pond, the bottoms of small pools of water are stained red. King estimated the flow at five to 10 gallons per minute running down the hill.

A fluffy grey-green white fungus covers the ground where water flows further down hill from the pond.

“It has the consistency of chicken fat,” King said as he donned rubber gloves to pick some up. “I don’t have any idea what it is.”

Water level is low in the pond closest to the stream, but the blackened water continues to flow down the hill, apparently from the bottom of the impoundment.

Acting on a hunch, King asked the lab to test for cyanide in those first samples he took.

“It was just a hunch,” the inspector said.

King’s training is as a chemist and he worked in the DNR lab before. He has been with WVHC since 1982.
So much for law and order

by Mary Pat Puck

IMAGINE, IF YOU WOULD, a marijuana grower standing before Circuit Court Judge Thomas Knolle...disputing whether he, or she, ought even be charged.

No nonsense. No promise that it will never happen again.

Instead, he argued that marijuana would be a boon to the depressed Upshur County economy.

Growing conditions are close to ideal. Instead, I’ll pay for counseling for the girl’s parents.

Cultivation is relatively easy. It would not require the fertilizer and pesticides that cause such problems in the growth of tobacco. Marijuana is also all a weed.

Direct spin-off in packaging and transportation would add to the jobs. Small paraphernalia manufacturers would set up nearby.

Secondary spin-off, inspired by the capital flowing into the county, would be tremendous.

It may not be your drug of choice, judge, but the demand is high. How can you stand in the way of free-enterprise and economic opportunity for the county?

There is little evidence that marijuana approaches the addictiveness of nicotine. Or that its use has the same devastating effects on health as tobacco, or alcohol, for that matter.

And for those still not interested in drug-related riches, we could have a rope factory — marijuana comes from the hemp plant, you know. First introduced to West Virginia during WWII, to supply rope for the war effort.

So, whaddya say, judge? What’s to lose?

OR, IMAGINE A YOUNG MAN accused of stealing a car — a perfectly maintained older model, which the owners, a older couple, kept in their garage. It has been several years since either of them drove, but occasionally on a Sunday afternoon they go out and sit in it and remember the fun they had driving about when they were younger.

This isn’t a crime, judge. It’s stealing. A car like that deserves to be on the road. It needs to be on the road.

Actually, I tried to buy the car from those old folks, but they wouldn’t sell. Offered them a good price for it, too.

If you look at one way, they’re the criminals. It is criminal to have a car like that and not drive it.

Really, judge, it’s not fair that old folks like that should have this car. It just isn’t fair. They don’t even drive.

OR, A WOMAN WAS ANXIOUS TO GET HOME ONETIME. She’s had a drink or two more than she should have after work. In dense fog, a block from home, she’d hit a child riding her bicycle home from Girl Scouts.

Really, judge, it’s a mistake — a great tragedy. I usually never drink when I’m driving. And I really like children, especially this one. I know I’ve bought Girl Scout cookies from her every time she asked.

It would be counter-productive to charge me with any criminal offense. No good would come of it. It would just compound the tragedy. Instead, I’ll pay for counseling for the girl’s parents. And I promise to buy Girl Scout cookies from her sisters from now on.

In fact, I’ll increase my orders.

BIZARRE, outrageous, ridiculous?

Of course it is. Yet, on another level, we accept, condone, even cheer, such lawlessness.

“Crime so many is not crime but simply a way of life. If laws are inconvenient, ignore them, they don’t apply to you” — a reflection on the general lawlessness of human beings, from a magazine’s journal in one of Dick Francis’ mysteries.

I ran into it over the weekend, as I indulged in a day of reading — just for fun. Curled up in a rocker, or out under a tree, British mystery writer Dick Francis can provide a terrific escape.
Dear Editor:

It’s hard to value what we experience every day. So whenever I have out-of-state visitors, I make a point to drive them out to Seneca Rocks along State Route 28.

My visitors are always amazed that I have such a stunning landscape virtually our back door — the bleached white cliffs, deep gorges, wind-carved rock formations, boulder strewn rivers.

Their oohs and aahs help me avoid taking such magnificent views for granted. I am reminded anew that West Virginia is one state which truly reflects its motto: wild and wonderful. Who would have it otherwise.

One of the proposed routes of the heralded Corridor H is along this stretch of Highway 28, and the very thought of it saddens me. Why sadden, one might ask? Now many more people will be able to discover and enjoy this view and come to appreciate the grandeur of West Virginia. Why be selfish? Why be protective?

Besides, think of the money tourists will bring with them. But I feel that a four-lane superhighway along Seneca Rocks will diminish the view of Seneca Rocks. There’s a four-lane view and a two-lane view, and once Seneca Rocks is a four-lane view, with green signs overhead saying SENECa ROCKS EXIT, TWO MILES, don’t it won’t be the same view anymore.

It will have been cheapened by having been made too easy, too accessible. It will be more tame, and being more tame, far less wonderful, similar to the way a chicken is less wonderful than a peasant, or a steer far less interesting than a wild buffalo.

I know from experience that when I’m traveling on an interstate highway, the quality of my involvement with the landscape deteriorates, becomes more passive and detached, less interested and intimate. My focus becomes straight ahead; the destination, not the journey.

Without the wrong of personal connection to the landscape will be the flood of city refugees such a superhighway will inevitably bring in our region with it. Already we are a state that is changing very fast. Farms are being broken up by the hundreds and sold off in small pieces. New buildings go up in a few days. The side of a mountain can be denuded of trees in a matter of months.

We are already changing very fast, but open a superhighway through the center of our state, and we will find ourselves quickly stampeded by the rate of change, to the point that our unique character will be jeopardized.

Our local banks will become branches of city banks, our locally owned restaurants will be squeezed out by the influx of plastic chain restaurants. Everything will become more and more generic.

And three of our state’s greatest qualities – our spaciousness, our special local flavor, and our wildness — will be lost forever. Ironically the people streaming in will discover her the very things they were trying to leave behind: crowed, crime, lack of individualism, suspicion of neighbors, noise, pollution, all of it.

Certainly it is not in the nature of West Virginia to close its doors to immigration, as fellow state, Oregon, has tried to do. We are too generous a people to say, stay out, we don’t want you. But an enlightened state policy must ask: whom do we want to come here, to be house neighbors, and whom do we not want? Because there’s not room for everybody.

Right now we have an excellent winnowing device in our two-lane highways. Those who can’t take the time, or who lack the intelligence or spirit of exploration, to find their way to West Virginia on wellkept two-lane roads, we don’t really want here anyway.

This is not a reactionary stance. I’m not suggesting we go back to horse and buggy days (though I can appreciate the Amish for questioning progress as an illusion). Rather this is a genuine conservative outlook which believes when things are deteriorating around you (as they clearly are in our cities), staying where we are is the best way to move forward.

In 10 years, if we don’t spoil our landscape (including our social landscape) in our greed for a sudden “higher standard of living,” our state will be the gem of the East. It already is, but because we take it for granted we remain in the darkness about its true value and our need to protect it.

On the other hand, in a super-highway off Seneca Rocks, for example, it’s only a matter of time before one will be viewing this natural wonder through the ubiquitous golden arches as part of the foreground.

Not everything that current political “wisdom” promotes is for the people’s best interest. All change, growth in and of itself, is not necessarily for the better, especially change that is so rapid that it cannot be integrated into old forms and traditions.

I am convinced that small town West Virginia off exit ramps of a superhighway will never be the same again. Will never be as interesting, as unique, as colorful, as independent, as self-reliant, as West Virginian ever again.

I think that’s the whole country’s loss.

James L. Rahal, Instructor
Shepherd College, South Branch

Hiking Guide made for a great trip

Dear Folks,

Thank you very much for putting out your beautiful book on the Monongahela NF. We have just returned from three days at Otter Creek and found we knew virtually everything we needed to know to get in and out. We did get lost at one point, however, and would like to make a couple of suggestions for the next edition of your book.

I have described the area where we found difficulty to the ranger in great detail, and his is taking measures to correct the problem, but one small bit of information in your book would have kept us from going astray, and that is that: there is a metal FS sign-in box at the junction of Monore Run Trail and McGowan Min trout.

If I had known that, I would not have mis-taken a similar-looking spot further south on McG Min trail for the Moore Run Trail. The spot is supposed to be a water-erly turn (while proceeding north on McG Min), but it is more like a tide, so I went east.

The ranger told Wood said, said he would get it on right away, but it would still be helpful to know that there is a box at the proper spot (it is Manual), since that spot is 1/4 mile in from the FS324 entrance, where you expect the box to be) so there would be no mistaking another spot for it.

My other comments are more general. First, please call AAA your new P.O. Box address, because forwarding time has expired on your street address and that is all the AAA book lists.

Fortunately I found your book at a backpacker’s stopover I would not have gotten in time for our trip because of the delay in finding your address.

Third comment — I guess for most of the areas you describe, you use only the topo maps, but for Otter Creek you include a very clear map of the whole area (better than the FS pamphlet one), but the trail numbers are not on it, only the names, so it’s a little hard to use in that way. Otherwise, keep up the good work!

Sincerely,
Red Knight
Oberlin, OH

July Voice Deadline
July 10

Letters, articles, reflections and reports are always welcome (read that: desperately so). Whether a report on a wonderful canoe trip, reflections on a quiet walk in the woods, or a book that moved or informed you, or the latest of many efforts to assure that our special places remain special, your voice is a great place to share your insights with people who share your values.

Send items for publication to:

Mary Pat Peck
36 Meade Street
Buckhannon, WV 26201.

from Page 2

If laws are inconvenient, ignore them.

SAWMILL OPERATORS, timber industry advocates and state regulators alike are horrified at the notion that criminal or civil penalties might attend the discharge of cyanide from a sawmill pile into waters of the state.

The owners are cooperative. They didn’t mean to do it. What value will it serve to bring charges?

No matter that they had not adhered to the voluntary guidelines for sawdust disposal — voluntary guidelines that industry officials insist are far more useful than regulations. No matter that the non-compliance was the cause of the toxic discharge and that the discharge was a violation of state and federal law.

No matter that the discharge violated the law. They are cooperative, and they didn’t mean to do it.

If laws are inconvenient, ignore them.
“I’ve never seen a room with so many shirts and ties. They’re all here. This is big news; the best attended — everyone of us is more concerned — they hire more and more lawyers to counter us. They are paid hundreds of dollars per hour to ask you to lower our standards.”


Sixteen others, from suit and tie lawyer Stuart Caldwell with the Tri-State Building and Construction Trades Council, to Matthew Bennett and Christopher Schmill (wearing cut-off jeans) with the Student Environmental Action Committee (SEAC) all appeared and the AlaKasha, West Virginia.

Most advocated a zero discharge standard for dioxin, citing the already heavy concentrations of dioxin in the Ohio, Kanawha, Pocatello, and lower Potomac river fish populations.

Judging by the applause given most of the those who spoke in favor of the lower or zero discharge levels, about three-fourths of the sixty or so people present agreed.

None of the industry advocates of higher dioxin discharge levels received cheers or applause.

Such an outpouring of public sentiment was previously unheard of at hearings of the Water Resources Board, Stenstrom said.

Perhaps the most welcomed environmental speaker was attorney Caldwell, who said he represented “over 45,000 tradesmen and their neighbors worried about your rule possibly increasing the amounts of carcinogens from 5 to 8 1/2 times the present levels” in adjusting discharge levels from the present “low water mark” to the “harmonic mean flow” in a new proposal level.

Of the change in flow-level proposal, Caldwell said, “Call it what it is; call it the rule to increase the risk of cancer in WVA.”

Industry’s seven spokesmen called current levels “unnecessarily stringent’ and talked of West Virginia being in “a competitive position with other states.”

“We cannot be more restrictive than other states. Safety does not require the absence of all risk,” said industry attorney David Flannery.

This writer was most confused by Dr. R.B. Reger, who identified himself as a “research professor of occupational medicine.” Reger first said that dioxins are associated with liver function impairment, cancer, and the mutation of cellular DNA.

Reger started out by saying that no particular level of dioxins are advocated, but ended up saying that dioxin levels of 1.000 times EPA recommendations is acceptable!

This writer believes that Reger’s testimony was an effort by industry to totally confuse the board members so they would be receptive to the less-confusing, but none the less one-sided, industry propaganda which proceeded Reger’s testimony.

Steven Schatzon and Dr. Russell Koezen, who represent Apple Grove Pulp and Paper, spoke of their support of “appropriate” water quality standards. Such support exhibited a very “flexibility” in determining risk levels and dioxin discharges, they said.

A “pathway review” suggests that dioxin may not be a carcinogen at all, Koezen said.

“It must be clear to all of us that there is no right or wrong number for dioxin,” Schatzon said.

The point was made, on one side of environmental protection included Vance Packard, who writes and publishes a unique and unconventional tabloid, National Sacrifice.

We have “compromised enough on our river systems,” Packard said.

Even now, he continued, he can’t fish as much as he’d like on the Ohio River. “It’s stinky, and I don’t know of a contamination of fish, and listed seven fish that no longer live in the Ohio River because of industrial contamination.

Donnie Gillespie of Mason County gave board members several articles from West Virginia and the Alabama Journal that detail the spilling of Alabama and Florida rivers by pulp and paper mills.

Apple Grove Pulp and Paper: Timber in West Virginia

Fact Sheet #11, Ohio Valley Environmental Coalition P.O. Box 970 Pocahontas County, West Virginia

West Virginia Timber: A History

In 1870, more than 10 million acres of virgin forest covered West Virginia. By 1900, much of the commercial timber was owned by out-of-state companies who promised jobs and prosperity to local communities selected for saw mills.

Their promises amounted to fraud. "Paper profits," writing of his youth in the backwoods of Kanawha County, pointed out that residents "initialisation later turned to "bitterness and charge" at the devastation caused by unregulated timbering.

The long interval between the welcoming of "progress" and dissatisfaction that followed made removal of logging damage appear hopeless.

As the peak of logging activity in 1909, 83 hand mills and 1441 other operations existed in the state. With the growth of the timber industry, laws were passed to protect the mostly out-of-state companies.

From 1879 to 1912, more than 85 percent of the total timber land in the state had been logged. Much of the remaining forest was destroyed by fires, as the few remaining logged areas formed a tinfoil of over-liver branches and tree tops.

According to Roy Clarkson, "Throughout the state lumbering and its insidious camp follower, fire, reduced the grandeur of the original forests to a rubble of smoking stumps and barren stone.

By 1920, the virgin forest was gone. Many acres of pastures were converted, but more typical was an ugly, deteriorating land quality through erosion and silted streams. Once a land of beauty, West Virginia had become a place of ugliness. An economic bust followed the boom as mills ran out of fodder for their saws and closed. Previously bustling logging communities turned into ghost towns.

West Virginia Timber: Today

After more than 50 years of regrowth, West Virginia’s forests are ripe again for harvest and the rate of logging is increasing. The question becomes, have we learned our lessons from the past?

Environmentalists argue that West Virginia’s current regulatory structure cannot prevent the overcutting and environmental damage which plagued the earlier logging boom.

No specific laws in West Virginia deal with timber operations per se. Based on history, such laws are necessary. Other major timber producing states have enacted comprehensive forest practice laws and the industry in those states prospers. Both the West Virginia timber industry and West Virginia Division of Forestry Director Bill Gillespie oppose mandatory timber laws and regulations.

Timber and Apple Grove Pulp and Paper

Timber regulation in West Virginia is especially pressing with development of the proposed Apple Grove Pulp and Paper mill along the Ohio River in Mason County. Apple Grove would be the largest pulp and paper mill in North America. To feed this mill, between 50,000 and 100,000 acres of trees, mostly hardwoods, would be required yearly.

Greenpeace International and local activists have questioned whether this type of mill is needed, given the abundance of pulp products and the growing demand for recycled rather than virgin paper. Current regulations are out of date, do not consider the damage to rivers, water or air quality against a logging boom or from environmental damage from pollutants emitted during the pulping process.

Few laws exist to regulate the pulp plant, that’s why they are coming to West Virginia.

Virgin pulp mills are notorious producers of dioxins, some of the most toxic chemicals ever created (See OVEC Fact Sheet #11). As an indication of toxicity, the U.S. EPA standards for dioxin discharges into water are 0.013 parts per quadrillion. In layman terms, that equals 1.3 cents per $1,000 million.

Apple Grove developers have requested that West Virginia regulators increase dioxin discharge standards into water by 100 fold.

West Virginia Timber: The Future

It is clear that West Virginia’s sawing forests will be increasingly logged, yet many regulators and legislators resist the idea of requiring registration of logging jobs and use of Best Management Practices by the industry. Sustained-use multiple-use values of forest resources must also be considered.

Regulations were proposed in 1991, but failed. A soil erosion and sediment control bill, which languished in the legislature for 18 years, also failed.

According to R. B. Reger, “It takes a decade to get timber laws, the state’s timber and half of the soil will be gone forever.

Sources


Clarkson, Roy. 1964. Tumult on the Mountains. McLaren Printing, Parsons, WV.


While much of industry’s propaganda centered around risk assessment, Brian Hagenbuch of Ohio Valley Environmental Coalition told Water Resources Board members, "Risk assessment is not an exact science; it is a government method for permitting discharge of toxics.”

No new dioxin-producing industries should be permitted, Hagenbuch added, and those presently operating about "should be required to put in five years.

Connie Lewis of the League of Women Voters said the lower levels of dioxin recommended by EPA are "the most defensible."

Water is a basic need,” said Christopher Schmill of Student Environmental Action Coalition. The issue in the hearing, he added, is "short-term stratification versus long-term sustainability.”

Matthew Bennett, also of SEAC, opposed dioxin discharges above the EPA recommendation. Bennett advocated zero discharge. Citing the present level of pollution in the Ohio River, Bennett said, "This is a matter of life and death."

See Dioxin, page 5
Rosewood

fore taking the job as field inspector. His hunch combined the damage from the very acidic water flowing down the hill. As for Lockwood, the fact that Rosewood cut a fair amount of cherry

“I knew that if cattle or goats or whatever came with cherry leaves they can die,” King said.

At the mill about a week before McCoy’s meeting with company representatives, the mill operator was reluctant to permit entry to see the sawdust pile, which King estimated at 30,000 cubic yards in size.

“I was advised not to let you,” John Lockwood said when asked for permission to see it.

The pile grew to its present proportions in the last three years, Lockwood said, when the charcoal plant in Parsons stopped taking sawdust.

During that time someone has set fire to the sawdust pile three times, Lockwood said. He believes those fires, plus whatever smoldering that remains in the massive pile, is responsible for the toxic leachate.

Few foresters credited reports of cyanide coming from a sawdust pile. At a workshop two years ago foresters were assured that nothing toxic comes from a sawdust pile, said Bob Whisnkey, assistant administrative forester for the Forestry Division of the West Virginia Department of Agriculture.

“I seriously doubt it if it is from the breakdown of any of the wood,” said Whisnkey. The forester even doubts if the chemical analysis is accurate, but if it is, Whisnkey, he doesn’t believe it is from the sawdust.

“I’m sure it will be tracked out that there’s something in that pile other than wood,” Whisnkey said. He guessed that toxic drainage from a sawdust pile would only result if old batteries or vehicles were covered up by sawdust.

Initial response was the same from Dr. Doug Gardner, wood chemist at West Virginia University’s Division of Forestry.

“My first thought would be to ask what was on the site before they put the sawdust there,” Gardner said. A small amount of cyanide might be a by-product of combustion, Gardner said, but it would probably be too small.

The wood chemist changed his mind after checking a book on extractives from Eastern hardwoods. Cynogenic glycosides are present in the tissue of the Prunus species, which includes cherries and almonds. Under acid conditions free hydrogen cyanide could be leached from sawdust and bark.

“I wouldn’t have thought it,” Gardner said. “It’s none of those things you wouldn’t think would happen — unless you sit down and think about it away.”

While admitting a problem, John Lockwood does not believe the stream has been severely degraded.

“We caught fish in there last week below where this is coming in,” Lockwood said. “Four or five nice ones.”

DNR sampling showed dramatic decrease in acid-sensitive stream life downstream, King said. In mid-May, the Mountaineer Chapter of Trout Unlimited decided not to stock trout downstream because of the condition of the stream.

Rosewood intends to resolve the problem, Lockwood said.

“Whatever it is, we’re going to take care of it and make it okay,” he said.

They have stop adding sawdust to the pile, since they were contacted by DNR, Lockwood said. They have also begun hauling out some of it. At that point they had taken out 80-100 cubic yards, he said, and will continue to haul it away.

His father, Raymond Lockwood, secretary-treasurer of the company, is coordinating the clean-up.

“I think the problem will be taken care of by spreading out the pile,” the senior Lockwood said.

The problem is soluble, he said, but the entire clean-up will take some time, he said. In a proposal to the state, he estimated it would take until October to finish the job of moving the 30,000 cubic yard pile, but he believes the toxic run-off can be eliminated before that.

With Water Resources’ permission, Raymond Lockwood intends to have workers cut through the middle of the pile and put in culverts. The company has located about at least seven wet-weather springs along the fence where the sawdust will be spread and they are prepared to install culverts to channel water under the pile, rather than through it.

Like his son, Raymond Lockwood believes the water toxicity is related to fires in the pile, but he can’t account for the presence of cyanide.

“As far as I know, there’s nothing to produce cyanide,” John Lockwood said.

“I’m as much an environmentalist as anyone,” Lockwood said. “This thing is a disaster, but we’re going to take care of it. We have to.”

In addition to scattering the sawdust, Rosewood will monitor water several times and check on water quality in two wells at the community of Cleveland just downstream, said Raymond Lockwood.

“I figure we’ll have it taken care of by October,” Raymond Lockwood said. “Maybe sooner if we put a little more shovel into it. I think we can solve the problem (of toxic runoff) sooner.”

When he initially discovered the problem, King ordered Rosewood to stop storing sawdust. They now haul it to the Kingsford charcoal plant in Parsons.

Water Resources Chief Eli McCoy does not anticipate assessing any civil or criminal penalties against Rosewood. The company will have to dismantle the sawdust pile, stop the discharge, and sample the stream three times between now and October.

“We have no interest in simply being punitive,” McCoy said. “No one’s happy about this, but the DNR is not out to put the wood industry out of business.”

McCoy believes that the stream will quickly recover once cyanide and the extremely acid water are no longer pouring into it.

With the winter and spring rains we should see a return of aquatic life. It will rapidly repopulate from upstream, he said.

Raymond Lockwood was pleased with the outcome of his meeting with McCoy and others from Water Resources.

“If everyone does what they say it’ll do there will be no problems,” Raymond Lockwood said.

Dioxin

Bill Ragette of Putnam County advocates a zero discharge level, allowing to present dioxin levels in fish, Ragette said, “They (industry) try to tell us how to cut our fish — how to eat it — so that they can make more profit.”

Keith Taylor, President of the Isaac Walton League, spoke of already too heavy dioxin discharge into the Ohio River.

He also talked about the conflicting claims made by Apple Grove’s parent company, Alabama Pulp and Paper, about the potential for environmental pollution from facilities like that proposed for Apple Grove.

(Taylor has promised this writer a full text of his remarks with details of his claims about the conflicting claims — see next month’s Voice for more about this.)

The Ohio River is already heavily polluted said Miny Woolverton, who works for W.Va. Citizen Action Group.

She urged the board to “hang tough” in spite of political pressure she was sure they must endure.

WVHC President Cindy Rank, coming across as one dispensing motherly advice, told the board WVHC supports the EPA recommended limits, but that she preferred zero discharge of dioxins. Zero discharge would promote better technology, she said, echoing earlier statements that industry should be forced to use technology of the 1990s, instead of the 1950s.

Perry McDaniel, president of the W.Va. Environmental Council, urged “less stringent” standards that the EPA recommendations. McDaniel, who was at one time a forester, said the pesticide 2,4,5-T was banned years ago because dioxin was a by-product of the production. Despite protests that 2,4,5-T was a vital, inseparable product, McDaniels said alternatives were developed.

Paper products can be manufactured without chlorine and dioxins, said McDaniels, Woolverton and others. They believe it is just a matter of requiring the use of more modern technology.

In summing up the positions of the 16 speakers who favored lower or zero dioxin discharge limits, W.Va. CAC Environmental Coordinator Norm Streeter perhaps said it best.

“We do care... We’re looking at a holistic approach... Industry is ok if they play by our rules, not by the rules they set and ask us to make for their benefit.”

According to the Water Resources Board Chairman, a final proposal and rationale document is to be formulated in mid-August.

from page four

WATER RESOURCES INSPECTOR ED KING tanned rubber gloves to check out a fungus growing where water flowed down the hill.

DEAD TREES in the path of toxic water stand in sharp contrast to the spring green of surrounding trees.

from page one

The Highlands Voice, June 1991 – Page 5
Another view of Greenbrier River Trail permit process

Dear Editor:

The recent (May 1991) Highlands Voice article regarding the West Virginia Trail Alert mentioned that further delays to the rehabilitation of the Greenbrier River Trail are being attributed to the Corps of Engineers (Corps) and the U.S. Fish and Wildlife Service (Service).

As stated in the article, the Corps is requiring a permit for the project because it no longer qualifies as emergency work associated with the 1985 flood. I would like to shed some light on the pre-permit situation and why the Service is concerned with the proposed work.

The Greenbrier River Trail is in the Federal Reserve area, meaning that West Virginia Division of Parks must maintain the trail as a railroad right-of-way to be in compliance with P.L. 94-210, the Railroad Revitalization and Regulatory Reform Act. If not, ownership of the right-of-way would revert to adjacent landowners.

The Division of Parks held a meeting on May 17 to discuss their proposed project with state and federal resource and regulatory agencies. Nineteen sections of the trail, ranging in length from 500 feet to 5350 feet, would require the placement of rock fill out into the Greenbrier River an average of 17 feet.

In order to do this, all riparian vegetation (trees, shrub, etc.) would be grubbed and cleared for approximately 7.6 miles of Greenbrier River shoreline. Many of the areas shall be filled with where 1985 flood waters have accrued deep holes that are excellent fisheries habitat. Other sites consist of moderately to well-vegetated riparian/wetland plant communities that have reclaimed the once flood-damaged shoreline.

Federal guidelines (Section 404 (b) (1) of the Clean Water Act) require that non-water dependent activities requiring the placement of fill in waters of the United States (rivers, streams, lakes, wetlands, etc.) can only be permitted if the proposed activity is the least environmentally damaging alternative.

The U.S. Fish and Wildlife Service is keenly aware of the recreational importance of the Greenbrier River Trail and the requirements of the Rails Revitalization and Reform Act. The Service is also aware of the tremendous biological and recreational importance of the Greenbrier River and its associated fish and wildlife habitat.

Our job is to evaluate fish and wildlife impacts associated with projects requiring federal permits and provide our assessment of those impacts to the permitting agency.

The Division of Parks' proposed construction methods are the least costly but could cause significant damage to this high quality resource. At the May 17, 1991 meeting, I asked the Division of Parks to consider alternative methods of railroad rehabilitation that would not require the permanent alteration of nearly eight miles of riparian, nearshore, and instream fish and wildlife habitat.

Official Department of the Interior-Fish and Wildlife Service comments will be submitted in response to the anticipated Corps (Huntington District) public notice for the project in accordance with the provisions of the Fish and Wildlife Coordination Act and the Clean Water Act.

Anyone with concerns regarding this project is encouraged to comment on the public notice when it is circulated. The Service remains hopeful that fish and wildlife resources can be protected while allowing for the rehabilitation of the trail.

John F. Schmidt
Fish and Wildlife Biologist

The fifth edition is 320 pages and includes:

• classic West Virginia hiking areas like the Allegheny Trail, Otter Creek, Spruce Knob, Blue Bend, Dolly Sods and more;
• detailed descriptions of 164 hiking trails covering 780 miles;
• 60 maps;                                                                                                                                                                                                                                       • 39 black and white scenic photos;
• hiking and safety tips;                                                                                                                                                                                                                      • conservation concerns.

To order your copy of the Monongahela National Forest Guide send $9.95 to:

Summer Board Meeting, 9 a.m., July 21, Jackson's Mill State 4-H Camp

The West Virginia Highlands Conservancy
P.O. Box 306
Charleston, WV 25321

Please include $1.50 for shipping and handling. West Virginia residents include $0.60 sales tax, ($1.145, or $12.05 in W.Va.)

I have included a ______ check or ______ money order for the amount of $____ to the WVHC for ______ copy(ies) of the Monongahela National Forest Guide.


by Bruce Sundquist and Allen de Hart

with the cooperation of the Monongahela National Forest staff and numerous hikers

I was down in McDowell County recently, where a Philadelphia man wants to build one of the five biggest landfills in the country. Now, the line being peddled by the dump's supporters is that no one down there is against it. That, in fact, they're actually eager to become the trash can of the East. The area's delegates and senators, and even the governor have been spouting this lie as well.

Well, as Gomer Pyle used to say, "Surprise, Surprise." The people down there not only oppose the mega-dump, they're hot about it. They've discovered that Philadelphia guy hasn't been quite straight with them. Now there's a shocker.

It seems that instead of dumping "household garbage only," the plan is to dump incinerator ash, residual waste and sewage sludge. McDowell folks have a shorter word for that last stuff, and even those who wouldn't mind being used as a trash can draw the line at being used as a toilet. They've also discovered that the big promises of jobs, which have soared to 400, may actually be only 25.

The McDowell folks are also worried about "the foot in the door." After all, once the dump's in, it could ask the DNR for permission to take hazardous waste. Now, I'm not saying the Caperton administration would ever say yes, but under a Governor like Arch Moore, a small cash payment and all bets are off!

And if this dump is supposed to attract more development, how come the FBI, with its 2,500 jobs, says it won't come to Charleston if a landfill 1/10 the size of the McDowell dump expands? McDowell folks see that this would be a cap on all future development, not an incentive.

And, from what I've heard, McDowell's elected officials are in for a surprise of their own. I hope they recall that the supporters of a huge nuclear dump for McDowell are all out of office, or in jail. The voters don't like to see one bit of the delegates and senators tell one story at home and a very different one in Charleston, like when they say "everyone wants it" but then they fight tooth-and-nail to stop a referendum vote on it.

I wonder why they wouldn't want people to vote on it? Could it be that there actually is opposition down there? Could a majority be against the dump? Surprise, Surprise.
Corps denies DOH request to fill wetlands, VanKirk appeals Corridor H decision

CHARLESTON—West Virginia Division of Highways (DOH) officials want to split the difference when it comes to avoiding wetlands in the stretch of Corridor H between Buckhannon and Elkton.

State Highway Commissioner Fred VanKirk said he will appeal the U.S. Army Corps of Engineers’ rejection of a permit to place fill in one of two sizable wetlands along the route. VanKirk, instead, is suggesting changes in the original plans that would reduce to 18 acres, the 37 acres of wetlands which would have been impacted with the original alignment.

A meeting between the Corps of Engineers, DOH, and state and federal resource agencies is set for July 10, according to E. Raymond Borerger, chief of the Regulatory Branch for the Corps in Fallsburg. Earlier this month, Colonel Harold F. Alvord, district engineer for the Corps of Engineers, denied the DOH request to fill wetlands in the path of the Appalachian Corridor.

“I have determined that the placement of fill into the wetlands in connection with the proposed highway construction is contrary to Section 404 (d) (1) guidelines and that practicable alternatives exist,” Alvord informed VanKirk in a letter dated June 4.

“I support construction of this highway and recognize the benefits to the citizens of West Virginia,” Alvord said.

He promised the Corps cooperation in expediting the permit process for a project that will complete the Corridor H highway.

VanKirk now proposes to relocate the road around wetlands associated with a beaver dam along Laurel Run near Parsons in Barbour County just north of the Randolph County line. He wants to maintain the original alignment through sections about three miles long just past Keeling Mill Road.

The alternate plan DOH developed, but does not want to use to avoid the first wetlands past Keeling Mill Road, would require relocation of seven homes, VanKirk said.

“The original alignment appears to meander through much of a long narrow wetland area. DOH is willing to modify one Secondary road crossing, VanKirk said, to move it out of the wetland. The slopes of some fills might also be modified to reduce the impacts.”

These wetlands are shrub swamp and forest land, said John Schmidt of the U.S. Fish and Wildlife Service. This type of wetland is characterized by saturated soils, rather than standing water, Schmidt said, and the biological diversity of these particular wetlands is very good.

Although VanKirk has affirmed a willingness to mitigate the damage by creating new wetlands, Schmidt questions whether it is possible.

“If we've never seen it,” Schmidt said about successful construction of a shrub swamp/forested wetland, “If it weren’t the beaver dam, well, that's the easiest kind to replace.”

The present situation stems from changes in federal law since plans for the highway were drawn up more than a decade ago. When funding again became available, DOH simply took the plans off the shelf.

“In July 1989 we went out there discussing this because of the wetlands in Buckhannon bypass,” Schmidt said. “At that time the understanding was ‘we’ll work this out here, but show us the rest of the alignment so we can look at it and anticipate any further problems.”

Six months later, when all the agencies really got out for a field review of the alignment between the bypass and Elkton, they discovered 42.42 acres of wetlands.

In May 1990, DOH provided the exact same alternates with alternatives to going through the wetlands, including alignment shifts and construction adjustments. Compared to the total cost of the original alignment, the best alternative would have cost about 7 percent more, Schmidt said.

“DOH showed us an alternative which would avoid 90 percent of the impacts,” Schmidt continued. “We came away feeling we worked out the problems in advance. Then in the fall 1990, DOH submitted an application to the Corps to fill 37 acres of wetlands.”

Schmidt is frustrated that the alignment continues to be a problem. “DOH has worked with us on numerous projects. They know our position. They know our statutory responsibility,” Schmidt said. “Wetlands are high quality fish and wildlife habitat.”

DOH’s decision to ask for a permit to fill even though other alternatives existed “didn’t seem like an effective use of resources,” Schmidt said.

“We’re all the losers,” he continued. “The delay takes the road out of construction for more time and the wetlands issue gets put in a bad light. It’s a shame. We over here in Elkton would like the road built.”

This has been almost two years since the first problems surfaced with wetlands in the Buckhannon bypass, Schmidt said. If DOH had started looking along the Buckhannon to Elkton route for alternatives that would comply with the law, the road could be under construction today, he said.

Bob Neill of the permit section of the Corps of Engineers agreed.

“We take our great pride in denying this permit,” Neill said. “We didn’t want to deny this permit, but we didn’t have an alternative. It didn’t comply with the law.”

Spraying Coalition to document spraying abuse in West Virginia

The Coalition (between the West Virginia Environmental Council and West Virginia Greens) to examine herbicide/pesticide spraying in West Virginia is now maintaining a database to record spraying abuses. A two-page spraying incident form is available to citizens who have been affected by herbicide or pesticide spraying.

If you have been the victim of indiscriminate careless spraying, please join us in recording your story. Lifestyle disruptions, medical conditions, livestock or crop damage are examples of adverse spraying events. The Coalition’s goal is to force a re-examination of spraying in West Virginia.

For a free copy of the documentation form, call or write Spraying Coalition, 1324 Virginia St. E., Charleston, WV 25301, 346-5891.

WV Department of Highways wants to fill these wetlands located along the proposed route of Corridor H between Buckhannon and Elkton. U.S. Army Corps of Engineers has ruled the wetlands must be avoided, since practical alternatives exist.

West Virginia needs a timbering bill

As you may be aware, the State of West Virginia does not have any regulation over the timbering of trees. The removal of trees can result in enormous damage to our ecosystem. Consider the following facts:

* The number one pollution source to West Virginia streams is soil and sediment runoff.
* Approximately 90% of West Virginia streams can’t sustain fish habitat due to pollution sources.
* A primary source of sediment pollution is logging.
* There are more miles of logging roads in the United States than Interstate Highways.
* West Virginia loggers have no regulations over runoff control, road-bed grades, land restoration requirements, etc.

Consequently, it is imperative that the State of West Virginia pass a "timbering" bill in order to protect our natural ecosystems — namely the forests and the streams.

for more information, contact Matt Evans at 346-5891.

See Timber bill, page 8
Coal Field residents want water protection

**Questions and Answers from the Citizens Coal Council**

This year, the Citizens Coal Council, a nationwide organization of citizens groups in America’s coal fields, is asking Congress to enact the Coal Field Water Protection and Enforcement Act. When we decided we needed a new law, we knew this would raise new questions. Here are our answers to the most important questions.

**Is this new law needed?**

Absolutely. The Department of Interior’s Office of Surface Mining itself admits that the current law doesn’t adequately empower the agency to protect water supplies. Yet, it is a virtual certainty that any form of coal mining — strip mining, conventional underground mining or the new “longwall” method — threatens water. Federal mining law currently regulates land reclamation with far more power and clarity than it does protection of water supplies. We know that there are thousands of unremediated water violations across the country which occur every year.

**How is water threatened by mining?**

Strip mining can destroy or pollute wells and other forms of surface and ground water. Underground mining can disrupt or pollute aquifers and ground water, as well as create cracks that swallow or diminish both standing and flowing surface water supplies.

**Do we need more regulation of the coal industry?**

There are between 25,000 and 30,000 unabated violations of federal and state mining laws registered in the so-called “Applicant/Visitor System” that is run by the Office of Surface Mining. This statistic stands as testament to the need for more aggressive and continuous enforcement oversight of the industry. We see further reason for stronger measures to control law-breakers in the coal industry in the recent national scandal over fraudulent coal dust testing.

As Labor Secretary Lynn Martin commented, “I am appalled by the flagrant disregard for law designed to protect coal miners against disabling lung disease that is represented by the widespread tampering we have uncovered. We are talking about tampering with people’s lives.”

**How will this legislation affect the United States’ energy independence?**

It won’t. Efficiency doesn’t have to be reckless. We reject the notion that we must choose between productivity on one hand and safeguards for people and the environment. This “red-herring” raised by industry every time issues of health and safety are discussed. We believe protection of water resources is compatible with productive and efficient development of the United States’ coal resources. We cannot and must not trade life-sustaining water for sloppy coal mining practices.

**How many coal mining operations will be affected by this legislation and what will it cost?**

No good coal mining operation will be hurt by this legislation. Any coal operator who treats his neighbors and their water with the respect and dignity they deserve will have no trouble at all in complying with the mandates of the Coal Field Water Protection and Enforcement Act of 1991.

This law basically says that coal operators must respect people’s water rights. If their operations harm people’s water, they must restore or replace that water to the condition it was before mining began.

This bill is a Good Neighbor policy, codified into law. Listen again to what Labor Secretary Martin had to say: “I’m pro-business, but good people in good businesses want to have corporate responsibility.”

This bill also would make state and federal regulators do their jobs more vigorously by providing strict penalties for any regulator who fails to enforce the law. The recent coal dust testing scandal, as well as dozens of other similar problems, point out the need to hold law enforcement officials to a high standard of ethical conduct.

**Who supports this bill?**

Dozens of citizens’ organizations in the coal fields nationwide initiated the drive to create this bill. It is truly a product of grassroots democracy at its finest! The list of supporters among civic, labor, church and environmental organizations is growing daily and is available.

**Water Protection Action Week, July 13-18**

Citizens Coal Council will launch the fight for the Coal Field Water Protection and Enforcement Act during Water Protection Action Week, July 13-18, by campaigning for passage among lawmakers in Washington, D.C.

“We’re tired of streams and well dries up. We’re tired of swim, unnatural colored, polluted water. We’re tired of government regulators who don’t regulate. We’re tired of government enforcement officials who don’t enforce. We’re tired of being told the truth of our problems. In the finest tradition of our country’s grass roots democracy, we’re not taking this campaign public by fully exercising our First Amendment right to petition our government for the redress of grievances. And we’ve got plenty of grievances!!! Come, join us, and we will make our voices heard for our homes, our families, our communities and for future generations.”

For more information on Water Protection Action Week activities in Washington, contact Wil Collette or Lucy Birken at the Washington office of the Citizens Coal Council (see above.)

**Membership Benefits**

- 1-year subscription to *The Highlands Voice*.
- Special meetings with workshops and speakers.
- Representation through WVHC efforts to monitor legislative activity.

The West Virginia Highlands Conservancy is a non-profit organization. Your contribution is tax deductible. Please keep this for your records.

**July Voice deadline:**

**July 10**

**Timber bill**

— from page 7

Pasing any kind of legislation in West Virginia, environmental or other­wise, is not an easy task. Many West Virginia legislators are not convinced that current logging practices are damaging our ecosystem. Therefore, Trust Unlimited is attempting to compile a book of photographic evidence which will help convince our legislators that “Best Management Practices” should be mandated in West Virginia.

When you go fishing, backpacking, hiking, bird watching, etc., Trust Unlim­ited is asking you to take your camera along and take pictures of the logging operations that you can access. These pictures, along with some nar­rative background information, will be compiled into a formal presentation to be used during the next legislation session.

If possible, please mail as much as you can, with a copy of the logging location in possible — the county it’s in, any towns, roads, or streams it’s near, etc., and the dates you took the photographs. If you can provide us with negatives, that would help also, since we will need to make duplicates for our presentation. And finally, don’t obey the law when taking pictures: many timber leases are posted.

You can send or deliver your pho­tos to any MCTU officer, or, if you wish, you may send them to:

**Matt Evans, 102 Baker Ave.**

Clarksburg, WV 26301

With your photographs, we may be able to convince enough legislators to pass a badly needed logging bill. Thanks for your help.