Out of state garbage returns

by Andrew Maker

A newly formed group called the West Virginia Landfill Association has filed suit in an attempt to have much of West Virginia's solid waste law declared unconstitutional. This lawsuit seeks to eliminate all Solid Waste Assessment Fees. We will lose our right to a referendum on Class A landfills. The work counties have put into Comprehensive and Stinging Plans will be wiped out. The 30,000 ton cap on Class A landfills will be eliminated. Solid Waste Authority stringing and expansion approval will be eliminated. The Landfill Closure Assistance Program will be eliminated.

At the Chairman of the Summers County Solid Waste Authority, I know the impact that elimination of our fees would have. In Summers County, we would have to fire two employees, and our Prisom Pick-up Program, our recycling efforts, our Open Dump Clean-Up Program, close our office and more.

To assist the State in its defense of the law, 30 Solid Waste Authorities representing 35 West Virginia Counties have intervened in the lawsuit. The Intersecting Solid Waste Authorities are chipping in anywhere from $100 to $2,500 each to a fund we're calling the Solid Waste Legal Defense Fund. We've hired Constitutional Law Professor Robert Hruby of the WVU College of Law and Charleston Attorney Larry Harless, an Expert in the Federal Courts.

Recently, the Landfill Association has been forced to admit that it really has only two members:

Northwestern Disposal Co. in Wood County and Meadowfill in Harrison County, both of which are owned by Mid-American Waste Systems of Columbus, Ohio. Originally claiming at least seven members, the Association later told the court it had four members, two of whom announced that they had been included in the lawsuit against their will and resigned from the group.

It turns out that Mid-American has been in court a lot in other states. They paid a state record $300,000 fine in Indiana for medical and asbestos waste violations at their landfill there. They were fined $52,000.00 for correction of water contamination at an elementary school in Jackson Township, Ohio. The Ohio EPA fined Mid American $3,000.00 for hazardous waste cleanup. They also owed Ohio $29,000.00 in delinquent fees. Records of the Securities and Exchange Commission reveal that Mid-American gets into legal battles at many of its landfill sites.

Contributions by Solid Waste Authorities, individuals and groups like the West Virginia Haulers Conservancy have made our defense of our hard won solid waste laws possible. Ad usual, we are being forced to defend every step forward that we take towards sound environmental policy here in West Virginia.

Decision soon on Corridor H route

West Virginians can expect to hear this month which route will be chosen for Corridor H, east of Elkins.

Even before the comment period had ended February 20, rumors were drifting out of the Capitol that a decision had been made.

A four-lane highway and part of the Appalachian Corridor System, Corridor H was planned to connect I-79 in West Virginia with I-81 in Virginia. It has been on the drawing boards for close to 20 years.

A section from Weston to Buckhannon has been complete for several years and recently by-pass Buckhannon was completed and Buckhannon to Elkins sections put under contract and construction.

The decision expected soon is on the most controversial portion of the highway. Any route will take the road through the Monongahela National Forest and over will be costly, since it must go through the mountains.

An attempt a decade ago to route the highway essentially along Route 33 east of Elkins was abandoned in the face of widespread environmental opposition and a major fish kill at the Bowden Fish Hatchery.

Through the efforts of W.Va.'s senior senator, Robert Byrd, the project is back on track. Sen. Byrd secured money for the Buckhannon by-pass and Buckhannon to Elkins sections even though both went through isolated wetlands in the area.

In light of Byrd's determination to see the road built, many environmentalists last November joined with business, taxpayer and sportsman groups in the North for Corridor H Alliance.

While the concerns were different for some groups and individuals, Alliance members shared opposition to any southern route, since those routes would cut through the middle of the Forest, cross a number of rivers being studied for Wild & Scenic, and destroy habitat of many of West Virginia's threatened and endangered species.

In addition, southern routes would be $50-700 million more expensive than the most expensive northern routes. Gathering strength through the comment period was a new No Build movement that questioned the benefit of the road and urged state officials to "Fix local roads" and upgrade roads to improve east-west access.

W.Va. must "match" federal funds with 20% of the cost. The state's 20% of the $1 billion+ project could repair and maintain many miles of local road, critics say. Rumors indicate that Scheme D might be chosen since it goes north around the Forest and then south through Meadowfield. Few people expressed any support for D.

Spring Review
April 23 -25, 1993

to coincide with the
Great Greenbrier River Race

a relay race for canoe, bicycle, and running
(we hope to field several teams, so get your team together soon and call to sign up)

A wide variety of accommodations are available, but make your reservations soon by calling Mary and Gil Willis.

For more information, call Donna Borders, 428-4746
Winds of change

Since the last issue of the VOICE, fall has long since passed and Thanksgiving, Christmas and New Years have come and gone as have the reflections and sentiments normally associated with those seasons.

Now warm and powerful winds melt the snow and whip into a frenzy the long arms of trees that cover the hillsides. The swaying forms have changed from gray-black to red-brown as winter’s annual tug-of-war with winter...

Winds of change are also sweeping both state and nation in an attempt to force the spring, and yet, I drag my feet, not yet sure of what the spring will bring, not yet willing to greet it with open arms and gay abandon.

I can’t help but wonder if the hopes of Arkansans and Tennesseans will really have a chance to bloom into a lush and colorful array of financial sanity and physical well-being for both people and planet, or if they will be unceremoniously dashed upon the rocks of the entrenched forces of power and greed.

What makes it especially difficult to dream of better days ahead is our experience here in West By God as we attempt to address the multitude of environmental issues that concern WVHC members near and far.

In Canaan Valley, development as well as significant and permanent ORV (off road vehicle) damage continues while we slowly (but hopefully) inch ahead toward future designation for what remains of the valley as a National Wildlife Refuge. (Meanwhile, greatly flawed ORV legislation plods its way through the state legislature.)

In that same section of the state and spurred on by the apparent inevitability of construction, we are reluctant participants in the Corridor H debate, joining with other groups and individuals who want to keep the road on the least expensive course, that will provide the greatest benefits to the most communities with the least amount of harm to people and environment (i.e. the northern route). In mining policy we are fighting a back-sliding of monumental proportions that will not only leave unretreated hundreds of miles of acid mine drainage damaged streams, but will also create more sources of acid under the pretext of assumed that guaranteed limited-perpetual treatment is possible and acceptable.

Our much touted Ground Water Protection Act is falling prey to the obstinate course of regulation which has left us with little hope for the strong protection measures anticipated by the act, especially where current activities are causing pollution.

As the state cleans up its image by closing the book on the infamous DOE (Division of Energy) brainchild of Arch Moore, the newly created DEF (Division of Environmental Protection) is taking on the look of the good old wolf in sheep’s clothing. Where aggressive across the board environmental PROTECTION is needed, the defining legislation is emblazing an insidious and pervasive emphasis on a BALANCE of the kind that invites political power and influence — a scenario all too familiar in W.V., but hardly a posture that will see her kindly into the next decade.

The list goes on, but stop .......

So, what is the point of all this moralizing?!!

One simple message: Don’t be fooled into complicity ...Laugh and play and sing and dance and have fun, for without that dimension we will surely fade and fall. But know that in this time of great opportunity, the challenges are equally as great and action by Conservancy members will be needed on many levels.

--- from the heart of the mountains ---

by Cindy Rank

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The Highlands Voice is published by the West Virginia Highlands Conservancy, P.O. Box 396, Charleston, WV 25331. Articles sent to the editor and other information for publication should be sent to the editor, 36 Meade St., Buckhannon, WV 26201.

The Highlands Voice is printed on recycled paper.
Dear Editor:

I am working on a book which deals with HUNTING IN AMERICA, emphasizing hunting on private lands. One important aspect which has come to my attention in my research is the conflict, at times violent, between hunters and landowners. Many of the landowners are farmers or ranchers who resent the annual invasion of their properties, others fear for crops or livestock, yet others are simply concerned about accidents on their land for which they might be held liable. Many of the hunters are city-based, landless individuals who consider it their right to utilize state or federally owned resources, like wildlife, wherever they are found. Rural law enforcement often ignores the situation.

Landowner/hunter conflicts escalate dramatically each Fall during hunting season and we can only begin to understand the dynamics of the interactions once we have tangible information on hand. It is the goal of my research to compile such information. It is my personal hope the book may be of value in formulating solutions to the conflict.

With this letter, I would like to invite your readers, rural, urban and suburban, hunters and non-hunters, farmers and ranchers to write to me with any "hunting stories" they may have experienced or heard about. Also, newspaper clippings of local incidents will be very helpful. All information will be treated confidentially for the purpose of presenting a clear picture of the landowner/hunter relationship only. The names of informants or individuals featured in a story may be given or withheld in the final publication, according to the informant’s choice. Already published news reports will be documented as such.

Please send your stories and other pertinent information to:
Vera Ninoz, PO Box 885, Athens, Georgia 30603.

Thank you very much for your help.

Vera Ninoz

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Dear Editor:

I would like to add another voice supporting a moratorium on logging in the Monongahela National Forest, as outlined by Bill Ragette in his excellent article in the Summer issue of the Voice.

Although even proposing such a moratorium will undoubtedly be viewed as sacrilege by the wood-products industry (which, sadly, must indeed call the shots), all we are really talking about here is removing that industry from the welfare rolls, and requiring those to be full participants in the free-market process instead of gorging themselves at the public trough.

While it may be true that some job dislocations would have to take place, by the same token all the jobs are inevitable in any case, principally because the land and ecosystems they have shown over and over again that they regard their employees mainly as fodder for the corporate company’s profit and then discarded.

This, paradoxically, is one of the most compelling economic reasons for a logging moratorium on public land, for then it would be necessary to manage private forest lands in a truly sustainable fashion. This would be done primarily by careful selective cutting using less mechanized and more labor-intensive methods of harvesting, which would actually create jobs, and then turning those trees into finished products right here in the bicoregion, creating yet more work.

Freeing public forests thus would help to foster a local economic and cultural base with deep strong roots that could be dependent upon support a healthly community for generations to come.

The other major objections to a logging moratorium, euphemistically referred to by the government bureaucracy as ‘improving’ game species habitat, and ‘increasing’ biodiversity must come to be seen as ludicrous principals upon which to base proper forest management.

As Bill Ragette points out, not only in there already an overabundance of game species already, but we could easily healthy forest areas, but the greater number of species found in some clearcut areas. Some logical basis for ascertaining the true health of an ecosystem. This is especially true since almost all of the inroads produced by clearcutting are vastly overreinforced in all eastem forest regions, while old-growth forests (which are what natural evolution has determined is the healthiest long-term vegetation on the landscape) are vanishingly small and are becoming more and more isolated and endangered by exploitive consumption.

Our citizen-owned lands represent the only possibility we now have for restoring even a modicum of ecological balance here in the Allegheny and the southern Appalachian range. The very survival of many species dependent on old-growth habitat is now threatened unless we finally have the wisdom to free at least the relatively small amount of public forest lands in the east from human domination, and indigenous species are certainly not all that are endangered, because no amount of money will buy us the clean air and pure water that the Forest gives us if we destroy it, nor can we replace the precious soil washed away from clearcut areas.

All of the foregoing, it seems to me, represent strong reasons to support a logging moratorium on public land, but I will not persist in trying to justify wild forest preservation by it economic or environmental or recreational benefits to humankind. The very idea that all things must somehow serve a human need, that they must have a ‘use’ to our culture in order to be spared (occasionally) from utter degradation is not only an arrogant and ignorant perversion that is resulting in the destruction of the earth, it is resulting in our own cultural destruction as well. The only proper justification for wild forest preservation is freedom, freedom for all beings, whether they are ‘useful’ to homosapiens or not.

Our enslavement of the Earth has caused our own impoverishment behind walls of consumption, and whatever freedom we will ever have is now dependent first on our giving freedom back to the Earth.

Sincerely,
Robert Stough

---

Dear Editor:

Just got your “Voice,” Summer 1992 and object to your use of the War/Ragette cartoon on the cover (or pasting it, I believe, for that matter). I think you ought to stay out of politics, especially partisan politics.

Tom Staley
Member

Ed. note: It is sorry that Mr. Staley did not like the nameplate on the Summer 1992 edition of the Voice, the Summer edition was headed by a Voice nameplate from the past—that one from December, 1981 when the Voice was only edited by Judy Frank.
WTI on the fast track - Burn, Baby, Burn

by Frank Young

How can developments of the world's largest hazardous waste incinerator, that has taken 13 years to permit, design, build and test be called a "success"?

Well, more has taken place toward placing in operation Waste Technologies Industries' (WTI) hazardous waste incinerator at East Liverpool, Ohio during the past 12 months than during the previous 12 years, since the facility was first publicly proposed.

According to its investors and advocates, the WTI incinerator is a modern, safe, efficient plant for the "disposal of" materials regulatory agencies call "hazardous waste." But according to Greenpeace, the Tri-State (Ohio-West Virginia-Pennsylvania) Environmental Council and others, the incinerator will be a major health hazard and will do nothing to encourage reductions in the amounts of hazardous waste produced.

The battle on both sides is highly pitched.

The plant's investors and promoters cite the $100 million WTI says it has already spent on the as yet unused facility and what they claim is a bonanza of "economic development" sure to result from the plant's operation. But plant opponents claim WTI's claims of safety are hogwash and are driven by the motive of profits from payments for the "disposal" of hazardous materials incinerated at the plant.

WTI says that its incinerator will dispose of wastes by a carefully controlled, monitored combustion process that will result in known discharges from its incinerator. But plant opponent Terri Swearingen, with the Tri-State Environmental Council, told a crowd of an estimated 1,200 WTI protesters outside the plant on Nov. 22, 1992 that what will occur inside the plant should it ever become operational, would be more like a bonfire. "An, amount of hazardous materials would be burned in an atmosphere of "getting rid of it as quickly as possible to make room for more" without much regard for the short- or long-range health effects of the by-products of this incineration for human and other life down wind from the plant," she said.

Swearingen and many other incinerator opponents have been arrested (some of them up to five times) for acts of civil disobedience in connection with incinerator demonstrations. All the arrests were for misdemeanor charges, such as trespassing and "unlawful entry" into Ohio EPA offices in Columbus, Ohio and Washington, D.C.

The charged "unlawful entry" was made during regular office hours of the agencies. The charges in connection with the demonstrations at the Ohio EPA offices in Columbus were later dropped. Swearingen and the others involved believe the charges were trumped up because the state decided its action in approving WTI's permit was flawed and would have been a key issue involved in prosecute charges against the protestors.

Joy Allison of Chester, W.Va., another active opponent of the WTI plant, says her greatest frustration has been trying to find out how the U.S. EPA permitting process works, compounded by the lack of cooperation from EPA officials in determining how and why a variety of EPA regulations have been ignored.

She does not mince words.

"The EPA does not protect the people from the pollution, it permits pollution and protects polluters," Allison says.

The EPA process served only the needs of industry, according to Allison, and does virtually nothing to see that what industry does is protective of the environment.

This charge of permitting before protecting is a familiar one to observers of the regulatory process throughout many areas of governmental oversight.

The incinerator itself is a somewhat impressive, although imposing, gleaming new white structure on the banks of the "A" River on an otherwise bleak stretch of the river in the old industrial town of East Liverpool, Columbiana County, Ohio. It is directly across the river from Chester, W.Va.

Located in a mixed industrial/residential area of town, one can look across the top of the incinerator's smokestack from an elementary school located just 1,100 feet away on a hillside. The incinerator was built within the known flood plains in an area known for "air invasions" on many days during the year. Air invasions cause stagnant, pollution laden air to remain near the ground, sometimes for days and even weeks in the valley. Considering the topography, atmospheric conditions and other land uses in the immediate area, this writer would be hard pressed to disagree with those observers who contend that it would be very difficult to find a less desirable location for a hazardous waste incinerator.

East Liverpool has been in industrial decline for several years and suffers from high unemployment and the associated malaise. There are those who contend that it is no accident that this location was chosen for this incinerator. After all, they ask, would anyone want a facility in a booming, affluent community?

Two events seem to support this theory.

First, WTI first leased the land for construction of the hazardous waste incinerator in May 1981 from the Columbiana County Port Authority, a publicly funded economic development agency which had acquired the land by eminent domain with applicable law.

According to Alonso Spencer, an East Liverpool resident and an active opponent of the WTI facility, WTI could not get and keep a valid permit to operate without this sale.

Just as ownership of the land was a legal hurdle, so too is the ownership of WTI. Just who owns WTI was and is still a mystery.

In January 1980, Stephens, Inc. of Little Rock, Ark., formed WTI to build and operate the regional hazardous waste incinerators. According to a March 22, 1992 report in the Cleveland Plain Dealer: "Records, and Stephens officials, say the company has been — but is no longer — financially connected to the Bank of Credit and Commerce International (BCCI), a politically influential international banking firm that has pleaded guilty to racketeering, criminal fraud and conspiracy. Don Brown, a Stephens official, and former East Liverpool resident, contacted city officials in January 1980 and said the company wanted to build a waste-to-energy plant..."

On May 8, 1992, the New York Times reported: "The investor who started the project in 1980 was Jackson T. Stephens, chairman of Stephens, Inc., one of the nation's largest investment banking companies, in Little Rock, Arkansas. Mr. Stephens has raised $100,000 for the Clinton-Gore campaign..." Stephens has also contributed $2 million in credit to the campaign through a bank purely owned by his family, and has extended $12 million in financing for the WTI incinerator through BCCI-connected Union Bank of Switzerland and J.P. Morgan.

In February 1992, the U.S. EPA added the Columbiana County Port Authority to WTI as a co-permitter, without the request or consent of the Port Authority. Three months later, on May 22, 1992 the EPA Region V of the U.S. EPA permitted WTI to operate the incinerator without the request or consent of the Port Authority.

So, as of May 1992, WTI had an operating
WVCH intervenes in Monongahela Forest appeal

by Bill Nagette

'Free the Monongahela Coalition' has recently appealed the USFS decision to clearcut hundreds of acres and implement a new management practices on 5719 acres of the Monongahela National Forest. This area, called the Stillwell Opportunity Area (OAA), is located on the Marlinton Ranger District. It includes the north half of Buckley Mountain and is bordered on the north by State Route 39, on the east by Bumpass and Mill River on the west. Monday, Thursday and Lost House run drain 90% of the OAA into the Greenbrier.

The decision by the Supervisor of the Monongahela includes 290 acres of clearcuts, 100 acres of herbicide treatments to kill 1mple, maple and red maple, planting 100 acres of oak seedlings wrapped in white plastic tubes, six twelve one acre openings in forest interior habitat, 4.2 miles of construction and reconstruction, building 119 fish habitat structures in Monday, Lost Run, a 19 acre permanent savenab, designating 5% of the area as scattered stands of 'old growth', etc. One third of the oldest stand of trees (130 yrs.), which lies across the very head of Stillhouse Run, will be removed.

The Decision Notice claims that the project will lose 568 to boot. This does not include the costs of developing the EA for the project and other contains sections on problems with forest fragmentation, levels of biodiversity, indicator species, habitat corridors, oak and gypsy moth, nutrition loss, forest floor ecology, trout populations as an indicator of water quality and species diversity. Did you know that oak mink binds to

This project developed from a three OA decision released over a year ago. The Eastern Mountain Forest and Conservation Project (EMFCP) and I appealed that decision. The

WITI, continued

permit, originally issued in June 1983, which did not name the new owner (Von Roll) as the permittee. Said permit had been amended to include the Port Authority, which apparently wanted no part of the permit or the responsibility for operations. But, in a May 21, 1992 letter to Vice-President Dan Quayle, Von Roll president D.J. Blake Marshall admitted that even these permits were "now invalid."

Marshall told Vice-President Quayle that the WTI-Von Roll dilemma (having a $140 million facility with no valid permits) "underscores the need for the same measures you have taken to balance the nation's regulatory process."

Three weeks later, on June 10, 1992 WTI's proponents met the Vice-President Quayle's Council on Competitiveness, presumably to ask that the Council bypass the regulatory process and intervene on behalf of Von Roll and WTI.

On July 7, 1992, EPA Region V officially requested ownership information from WTI. In a letter to Marshall (Von Roll president), EPA said: "It is unclear who is responsible for day to day operations at the Facility, who is responsible for the financial assurance and other regulations (liability insurance, etc) required under 40 CFR Part 264, and who has authority to sign on behalf of the Facility and bind the Facility." Just but two days later, on July 9, EPA issued a 180-day temporary authorization permit.

It is in WTI's interest to have the 1983 issued permit revalidated, rather than new permits, because the location of the incinerator in relationship to schools and residential areas will not meet current siting requirements which were established in 1984, six years before construction of the facility began.

The EPA licensing process for WTI was so botched that Senator Howard Metzenbaum, D-Ohio, said: "...everyone involved in this undertaking should be called to resign from government.

Law Crompton, administrator of EPA's public affairs office, did resign on Oct. 13, 1992. He took a job with WTI-associated company, Waste Management Inc., as senior vice-president of communications and government relations. Several months earlier, while still at EPA's Washington office, Crompton had 12 WTI opponents arrested for "unlawful entry" after they arrived for a scheduled meeting with EPA officials to talk about illegality in the permits EPA granted WTI.

Who owns WTI? All we know is that a sign on the fence around the incinerator facility reads, "WTI--A Von Roll Company." WTI officials are tight-lipped. They will only say that the incinerator is safe and legal. Apparently the question of legality is in serious doubt. Is it safe? EPA takes the position that it is if the permittee says so.

Recent efforts in the U.S. District Court to get an injunction against test burns at the plant have revealed little about EPA's "risk assessment."

But one such assessment talked about a "hypothetical" beef farm located a short distance from WTI's facility. It said that if one were to consume beef exclusively from this hypothetical beef farm located near the incinerator for several years, the likelihood of contracting cancer from dioxin contamination would be "greatly increased."

Likewise, the risk assessment spoke of a "hypothetical" school located in close proximity to the facility and the effects of long-term exposure of students to emissions from the facility.

WTI activist Joy Allison reminds us that she owned such a beef farm near the facility and that a real elementary school sits only 1,100 feet from, and on a level with, the top of the incinerator's smokestack.

"If we're going to have only hypothetical people, then let's have only a hypothetical incinerator," says Allison.

What happens next? Who knows?

If the U.S. District Court prohibits the test burns on the basis of legal defects in the present permits, the permitting process might have to begin again. That could be problematic for WTI because the plant does not meet current siting requirements. The company would likely appeal such a decision and litigation would be extended. If the court does not prohibit the test burns, hazardous waste could be incinerated at the facility by the time you read this. But there is still another wild card.

During the 1992 presidential election campaign, then Vice-President Al Gore said he would hold Clinton-Gore administration a WTI hazardous waste incinerator would not be permitted. Gore called the WTI incinerator a "graveyard." In early December, then Vice-President elect Al Gore said that the Clinton administration would not permit operation of the WTI incinerator until a full investigation of the permitting process for the facility was conducted by the General Accounting Office.

But Gore and Clinton have been strangely silent on the WTI matter since taking office. Some observers say that the Clinton-Gore commitment to environmental responsibility is on the line with the WTI matter. Others suspect that the administration is letting the judicial process run its course. The administration could administratively revoke the permits if the courts do not issue an injunction to prohibit WTI's operation, but that could set the stage for court action by WTI for court relief from such a revocation. Some believe that after 12 years of Reagan-Bush appointments of federal judges, a sustainable court decision against WTI will be difficult to attain.

LOGGERS HAVE LEFT A FEW TREES IN THIS NATIONAL FOREST TO

BID FAREWELL TO THE ENVIRONMENTAL PRESIDENT

reprinted from the Charleston Gazette
What's wrong with the current ORV bill?

ORV specialist Beth Little comments on the ORV bill facing the state legislature.

1. The only public lands protected from ORV trails are state parks, forests and wildlife management areas. Not only is the Mon Forest not protected, but the current bill would grant state funds for building ORV trails on federal lands, including the Mon Forest.

2. Montour Park, where several miles of ORV trails through a major portion of a county park, including three picnic shelters, is behind a gate locked to all but members of a private ORV club, names another issue. The current ORV bill provides for grants to private organizations to build trails on public lands managed as public trails? Would they be open to the public?

3. Provision for public input in the locations of ORV trails is either vague and inadequate or nonexistent, depending on the final version after the amendments are collated.

4. Funding is split into two funds, one for development, buying or leasing land and building trails, and the other (management) for everything else: developing and administering the plan, paying the director and recreation managers, law enforcement, education, recreation, environmental protection, etc. The management fund - at 1/4 to 1/3 the development fund - total too small.

5. The bill "encourages" the inclusion of primitive and low road standard trails for which there are many thousands of miles in WV in the ORV trail systems. Because of strong opposition, language would be added to require public input (the only place in the bill where it was clearly mandated) before designating these roads as ORV trails, but many citizens are extremely alarmed about this.

6. The entire tenor of the bill, and the way the commission has been conducted, is the "promotion" of ORV use, rather than its regulation. Examples: in the findings, it says, "the establishment of environmentally sound trail systems for ORV use and responsible use of such vehicles and increase tourism in WV." This is a classic find that finds that appropriate management of ORV trails will reduce irresponsible use of such vehicles.

7. The composition of the commission to draw up the management plan is seven representatives plus six citizen members representing ATV's, motorcycles, snowmobiles, sportsman's and "the Legislature and a citizen at large. There is no provision for someone to represent conservation or environmental concerns.

8. Nothing in the bill provides any way to address the severe problems created by the Blackwater 100 or any similar event that is held on private land.

9. Further problems with the development fund. It takes money from the road fund and every dollar from that fund will lose us 4 or 5 dollars in matching federal funds. The development fund is perpetual, but can only be used to build trails. At some point, there will be enough trails, but it will take new legislation to eliminate this fund. In the current bill bonds can be issued for trail development for 5 times the projected annual revenues from the development fund, which would total about $1,000,000 in 1993. This means a $5,000,000 debt a time we are all concerned about massive government debt.

An environment will not be desecrated; that area will be protected for the benefit of the people; that future generations of West Virginians will not be deprived of this outstanding natural wonder.

Although this section of the New River flows through federally-owned property within the U.S. Army Corps of Engineers Bluestone Project, in the last decade it has been threatened with logging, damming, and development. These administrative efforts either desecrate or destroy; that area is now a sign of true environmental protection. This is the kind of protection that is needed.
WVRC continues citizen suits to force strip mine reg compliance

During the past year the West Virginia Highlands Conservancy has initiated four citizen's complaints with the federal Office of Surface Mining. In each of these, the Conservancy contends that the state Division of Environmental Protection is not carrying out its responsibilities to enforce the requirements of the West Virginia Surface Coal Mining and Reclamation Act. The federal Office of Surface Mining has a duty to oversee West Virginia's enforcement of the law. When, as here, West Virginia is not enforcing the law adequately the Office of Surface Mining has the authority to take enforcement action.

The mines involved are:— larosa Fuel Company, Inc. mine in Upshur County. Although mining was completed over ten years ago, the site continues to discharge acid water to tributaries of the Middle Fork or Buchanon Rivers. West Virginia officials have previously approved release of the reclamation bond on the site and have taken no action to require that the discharge of acid mine drainage to these streams be eliminated.— National Mines and affiliated companies mines in Wyoming and McDowell Counties. West Virginia officials have continued to issue permits to National Mines and companies affiliated with it in spite of numerous problems with the affiliated companies. Companies affiliated with National Mines had uncorrected violations which should have prevented any National Mines affiliate from receiving new permits. Some of the affiliated companies have failed to submit required hydrologic data in the permitting process. Others have received approval from West Virginia officials to mine in such a way as to produce a gravity discharge of acid water from the mines.

— Payna Mining in Wyoming County. This is a large surface mine which is not complying with regulations concerning spoil removal and the requirements for mountain top removal operations.— Affiliates of the Pintson Coal Company mines. Both federal and state law prohibit giving additional permits to companies if those companies control other mines which have had a permit revoked in the past or are have uncorrected violations at other mines. In its complaint the Conservancy contends that mines owned or controlled by the Pintson Coal Company have uncorrected violations that should have blocked Pintson Coal Company and its affiliates from receiving additional permits.

The Office of Surface Mining has investigated each of these complaints. Each is currently working its way toward resolution either through a settlement negotiated among the Conservancy, the Office of Surface Mining, and the company involved or through a hearing and appeal process.

Funding the Critters

The Nongame Natural Heritage Committee was formed to secure stable and adequate funding for the Nongame Wildlife, Endangered Species and the Natural Heritage Programs within West Virginia Division of Natural Resources. The committee consists of representatives of professional organizations, sportsmen's groups, industry and environmental groups; including the Highlands Conservancy.

When the Nongame Wildlife Program began in 1981, it received $167,000 from a checkoff box on state tax forms. It was such a good idea that a variety of other interests also sought, and got, a spot on the tax return. With all the competing interests, by the time the checkoff options on income tax forms were phased out in 1991, the source of annual income had dwindled to $15,000. Currently, the program is minimally funded by sales from the wildlife calendar, belt buckles, T-shirt, lapel pins and other memorabilia; plus proceeds from a $60,000 pollution settlement. A few people working in this program are responsible for managing threatened and endangered species, habitat protection and environmental education. Legislation will be introduced this session of the state legislature to fund these programs with a 0.1% increase in the Land Transfer Fee. A similar bill died in committee in the 1992 legislative session, but support for the bill is increasing. The bill is now being rewritten to incorporate a ceiling of $200,000 to $500,000 for the fee, to prevent it from having a serious impact on the real estate industry. Letters of support for the bill are needed.

from stump creek

Friends. In the course of our daily work as environmental activists, let's not forget our strongest ally in our actions and words, our connection and interdependence with the rest of life. We now have evidence that we have identified SEPARATION from the rest of life and from each other (in that order) as the major problem that we face. Many scientists have been saying this for ages, Deep Ecologists and Biocentrists understand this, more and more religious leaders are picking up this theme as well (Replenish the Earth by Lewis G Regenstein).

Individually each of the issues we are concerned with is important in its own right yet some can actually be separated from this common issue; CONNECTION. In linking ourselves and our concerns to the welfare of other life forms which are ultimately also impacted by environmental degradations, we are able to distance ourselves from the potential criticism of our concerns being simply an alternative form of human separated self-interest. Until we begin to express our interdependence and connection with the rest of life in our actions and words, we will necessarily remain a part of the core problem that Al Gore identified.

Photosneeded for new hiking guide

Supplies of Monongahela National Forest Hiking Guide are running low and authors Allen De Hart and Bruce Sundquist are in the midst of preparing a new (sixth) edition. The scouting work is essentially complete and is already clear that the sixth edition will represent a major improvement over Edition 5. The number of changes that have been made to the trails on the Monongahela National Forest since 1988 will amaze everyone who compares the new and old editions of the Guide.

The need at this point is for photographs for the new edition. WVHC will pay $10 for a photo used in Edition 6, and $5 for the use of a color transparency used on the front cover of the guide. If one or more of your photos is used, you will also receive a free copy of Edition 6.

For black and white reproductions, black and white glossy prints are preferred. Color prints from color negatives are also acceptable if we can borrow the negative of photos selected for printing. Color slides lose a lot in conversion to a black and white halftone, but if the subject matter is of particular interest, we will use it. The most pressing need is for photos taken in the southern half of Monongahela National Forest.

Send photos to Bruce Sundquist, 210 College Park Drive, Monroeville, PA 15146-1532. Photos will be returned.

Seven thousand copies of Edition 5 were printed over two printings. We plan to do 5,000 in the first printing of Edition 6.

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by Bruce Sundquist and Allen de Hart

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

The fifth edition is 320 pages and includes:

• classic West Virginia hiking areas like the Allegheny Trail, Oconaluftee, 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 Hiking Guide send $9.95 to:

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 ($11.45, or $12.05 in W.Va.)

I have included a _____ check or _____ money order for the amount of $________ to the WVHC for _____ copies of the Monongahela National Forest Hiking Guide.

Name: ____________________________
Address: ________________
City: ________________
State: ________________
On the Pulse of Morning

by Maya Angelou
(read by the poet at President Bill Clinton's inauguration, Jan. 20, 1993)

A Rock, A River, A Tree
Hosts to species long since departed,
Marked the mastodon,
The dinosaur, who left dry tokens
Of their sojourn here
On our planet floor.
Any broad alarm of their hastening doom
Is lost in the gloom of dust and ages.

But today, the Rock cries out to us, clearly,
Forcefully.
Come, you may stand upon my
Back and face your distant destiny,
But seek no haven in my shadow.
I will not you more hiding place down here.

You, created only a little lower than
The angels, have crouched too long in
The bruiting darkness,
Have lain too long
Face down in ignorance.
Your mouths spilling words
Armed for slaughter.
The Rock cries out today, you may stand upon
me,
But do not hide your face.

Across the wall of the world,
A River sings a beautiful song,
Come rest here by my side.

Each of you a bordered country.
Delicate and strangely
Marked
A Rock, A River, A Tree
The singing River and the wise Rock.

Yet, today I call you to my riverside,
If you will study war no more. Come,
Clad in peace and I will sing the songs
The Creator gave to me when I and the
Tree and the stone were one.
Before cynicism was a bloody tear across your
Brow and when you yet knew you still
Knew nothing.
The River sings and sings on.

Today, the first and last of every Tree
Speaks to humankind. Come to me, here beside the River.

You, who gave me your first name, you Pawnee,
Apache and Seneca, you
Cicero Nation, who rested with me, then
Starving
Other seekers—desperate for gain,

I am the Tree planted by the River,
I, the Rock, I the River, I the Tree

A Rock, A River, A Tree
Hosts to species long since departed,
Marked the mastodon,
The dinosaur, who left dry tokens
Of their sojourn here
On our planet floor.
Any broad alarm of their hastening doom
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