

FREE

# The Appalachian VOICE

April/May 2014

Tennessee  
Trilliums

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## Toxic Warnings

Recent Spills Underscore  
Lack of Water Oversight

War on Poverty • Southern Appalachian Loop Trail • Service Opportunities

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## A Note from Our Executive Director

Fifty years ago, President Johnson declared a “war on poverty” in America, and Congress passed legislation to increase support and economic opportunities for the poor. Appalachia was the “poster region” for this grand endeavor.

While there has been meaningful progress, too many Appalachian counties remain among the nation’s poorest. The reasons are many and complex, but a primary factor is the region’s over-dependence on the coal industry. It permeates virtually every facet of life, as the recent spills have revealed.

As coal continues its inevitable decline, the need for economic diversification is brought into sharp focus. People in Appalachia deserve opportunities to prosper in ways that preserve the region’s natural heritage so that it can be passed on to future generations.

Although there is no silver bullet, there are important steps we can take right now. As a new report by our Energy Policy Director Rory McIlmoil shows (see pg. 20), growing a strong energy-efficiency business sector in the region holds tremendous promise. Here’s what Rory found: families in the Southeast pay a higher percentage of their income for electricity compared to the national average, and they are primarily concentrated in some of the poorest rural areas. They often spend as much as 20 percent of their income on electricity, forcing some to make impossible choices between paying their electric bills or paying for other necessities.

If financing for energy efficiency improvements was made more available by electric utilities, families could benefit from major savings on their electric bills right away. In addition, investing in energy efficiency can create thousands of jobs and foster local businesses.

A “war on wasted energy” makes sense for many reasons, and it would provide a much-needed boost to communities in Appalachia and across the South who are most in need.

For our future,



Tom Cormons, Executive Director



## North Carolina to Set Precedent in Superfund Litigation

By Kimber Ray

In January, the Supreme Court agreed to hear arguments in a case that will impact victims of toxic Superfund sites across the country. The Superfund program, created in 1980, is a federal initiative designed to address the nation’s most high-priority hazardous waste sites. Long-term exposure to chemicals and heavy metals migrating from these sites can cause health effects including cancer, liver and kidney failure, and heart disease.

At issue is the legal deadline to file claims seeking compensation for these health impacts. The Superfund program’s “Discovery Rule” sets a two-year

deadline that begins once an impacted resident could reasonably link their illness to the Superfund site. This means that if a resident developed cancer decades after learning they were exposed to toxic waste, they have two years to file a claim. Yet in North Carolina, state law holds that claims can only be filed in the 10 years after the final act of contamination occurred at the site — even if residents were unaware that their health was being affected during this period.

The case now before the Supreme Court concerns a CTS Corporation Superfund site a few miles outside of Asheville, N.C. Because the outcome of the trial will affect claims against

the federal government by victims of contamination at a separate Superfund site — Camp Lejeune Marine Corps Base in North Carolina — the U.S. Department of Justice is providing defense in support of CTS.

From 1959 to 1986, the electronic manufacturing plant CTS of Asheville buried massive amounts of toxic waste underground, which infiltrated nearby soil, groundwater and drinking water sources. Although the U.S. Environmental Protection Agency has been aware of high levels of contaminants at the site since 1987, they did not alert the public until proposing the Superfund designation in 2011.

In response, community members filed suit against CTS for diseases allegedly connected to drinking water contaminated by the site. Last July, a federal appeals court ruled in favor of community members, but in February the Supreme Court announced that it would hear an appeal from CTS.

If CTS successfully argues that the deadline for legal claims should be set according to North Carolina limitations rather than federal Superfund limitations, the federal government will no longer be liable for compensating former residents of Camp Lejeune. The case will be reviewed April 23, and a final decision is expected by June.

## Appalachian States Debate Hemp Legalization

By Nolen Nychay

The legal hemp farming debate has come to Appalachia. The much-debated Farm Bill President Obama signed into law in February included a “hemp amendment,” which permitted the regulated cultivation of industrial hemp in states that have legalized hemp farming. Hemp is a cash crop in the cannabis family that, despite lacking most of the hallucinogenic THC found in marijuana, has been illegal to grow in the United States since the 1970 Controlled-Substances Act. U.S. imports of hemp and many of its 25,000-plus products, including building materials and biodiesel fuel, have an annual retail value of more than \$500 million, according to the Hemp

Industries Association.

Kentucky and West Virginia are currently the only Appalachian states with legal hemp farming, the latter restricting it to purely research purposes. Kentucky’s terrain and climate are well-suited for hemp, which contributed to the state being the country’s chief hemp producer during WWII. Kentucky plans to capitalize on the new law and initiate five hemp research programs that will identify medicinal uses, seeds best-suited for the region, prospective costs and logistics of a new hemp market, and whether hemp could effectively be used to remove ground contaminants from industrial sites. “We’re ahead at something that relates to economic development for once, so let’s pursue it,” said Kentucky

Agriculture Commissioner James Comer in a *USA Today* article.

Other Appalachian states are close behind. The South Carolina State Senate unanimously passed a bill in March proposing to legalize industrial hemp — a State House vote is expected later this spring. Legislation is also under review in Tennessee, and as of press time had passed subcommittees in both the State House and State Senate and is awaiting committee approval. “Our motivation for doing this comes from the desire to bring jobs back from other countries right back to Tennessee,” said Tenn. State Representative Jeremy Faison (R-Cosby) to news media company The Examiner.

## W.Va. Bill to Support Veterans in Agriculture

By Kelsey Boyajian

In March, the West Virginia House and Senate passed a bill to create the Veterans and Warriors to Agriculture program. According to State Senator Ronald Miller (D-Greenbrier), many returned veterans from active duty struggle to find employment.

Once signed into law by the governor, the program will provide veterans with opportunities for agricultural training in hopes of job creation, and up to 15 acres of land from the West Virginia Department of Agriculture for instruction.

## GET INVOLVED environmental & cultural events

### Water Lecture Series

**April 5, 26 & May 3, 10, 3-4:30 p.m.:** Learn about national water issues during the lecture series, “Water Troubles and Water Solutions: Western North Carolina Water in Context.” Lord Auditorium at Pack Memorial Library in Asheville, N.C. Free. Visit: wilmadykemanlegacy.org

### Spring Wildflower Pilgrimage

**April 15-19:** 64th annual event in the Great Smoky Mountains National Park includes nature walks, art classes and indoor presentations. Adults, \$50/one day, \$75/two or more days. Students, \$15/one or more days. Children under 12, free. Headquarters at Mills Conference Center in Gatlinburg, Tenn. Visit: springwildflowerpilgrimage.org

### WILDfest

**April 19, 11 a.m.-6 p.m.:** Kentucky’s only festival solely dedicated to wild and fermented foods features workshops and demonstrations, nature walks, storytellers, music and book signing by keynote speaker Sandor Katz. \$50. Cedar Creek Vineyards, Somerset, Ky. Visit: wildfestky.com

### Annual Spring Bird Walk

**April 19 & 26, May 3, 8 a.m.-9:30 a.m.:** Join a Saturday bird walk led by WV Department of

Natural Resources staff. Free. Meet at visitors center, Pricketts Fort State Park. Fairmont, W. Va. Visit: www.prickettsfortstatepark.com/events.html

### Pie Auction for RReNEW Collective

**April 23, 8 p.m.:** Fantastic pies for “auction” with open mic and music to benefit the RReNEW Collective, a southwest Virginia group dedicated to a sustainable future for Appalachia and ending mountaintop removal coal mining. Free. Appalachian Mountain Brewery. Boone, N.C. Email: kara@appvoices.org

### Outdoor KnoxFest

**April 26-27:** Experience Knoxville’s outdoor amenities from a bicycle seat, paddle board, canoe, trail, climbing wall, slack line and more. Most activities, including equipment rental, are free. Outdoor Knoxville Adventure Center, Knoxville, Tenn. Visit: outdoorknoxville.com

### Mount Rogers Naturalist Rally

**May 9-10:** Embark on informative adventures with ecology experts. Field trip topics include birding, trout fishing, geology, mushrooms, wildflowers and more. Registration \$8, dinner with \$13 prepaid reservation. Konnarock Community Center, Konnarock, Va. Visit: mountrogersnaturalistrally.org

### Container Gardening Workshop

**May 10, 10-11:30 a.m.:** Join a master gardener to learn how to select, plant and maintain a container garden. Bring container; plants and soil provided. \$25/members, \$30/non-members. West Virginia Botanic Garden, Morgantown, W.Va. Visit: wvbg.org

### Dominion Riverrock Festival

**May 16-18:** A weekend of outdoor sports competitions, with athletes participating in everything from bouldering to mountain biking. Festival musicians include Matsuyahu and the Infamous Stringdusters. Free. Brown’s Island. Richmond, Va. Visit: dominionriverrock.com

### Gathering in the Gap Music Festival

**May 17:** Celebrate old-time and bluegrass music in southwest Virginia. Includes performances, jam sessions, workshops and a song-writing competition. Special musical guest Grammy Award winner Rodney Crowell. \$20/adult, free/children under 12. Southwest Virginia Museum, Big Stone Gap, Va. Visit: gatheringinthegapmusicfestival.com

### West Virginia Vandalia Gathering

**May 23-25:** West Virginia’s premier folklife gathering celebrates its 37th year, featuring old-time and bluegrass music, baking contests, the Liars’

Storytelling Contest and food and craft vendors. Free. Cultural Center and State Capitol Grounds. Charleston, W.Va. Visit: www.wvculture.org/vandalia

### Rally in the Valley

**May 24, 7 a.m.-5 p.m.:** Oconee Forever’s annual event supports natural resource conservation. 30-mile and 60-mile bicycle rides through the countryside, followed by an 11 a.m. celebration with BBQ, craft beer and bluegrass. Registration for riders, \$30-\$40. Event only, \$20-\$25. Calyx Farms Event Center near Walhalla, S.C. Visit: oconeeforever.org/rallyvalley

### 33rd Annual New River Canoe Race

**June 7, 8:30 a.m.-4 p.m.:** Launch between 9 a.m.-1:30 p.m. children launch after 1 p.m. Awards at 3 p.m. Enjoy raffle, food, music and hiking. Sponsored by Friends of High Country State Parks. \$10/first race, \$5/repeat races, \$25/family boat. Register at Zalos Canoes in Jefferson, N.C., finish at New River State Park, Waganor Access. Visit: on.fb.me/11aErqt

View our full listing of environmental & cultural events at [appvoices.org/calendar](http://appvoices.org/calendar)



## About the Cover

The fleeting blooms of spring are a natural draw for photographer D. Rex Miller, who captured this photo of the painted trillium on a drizzling morning in Great Smoky Mountains National Park. Miller is a member of Appalachian Voices and a native of North Carolina’s Appalachian Mountains. He hopes his work instills a sense of the beauty and mystery of nature’s wild spaces.

Visit: [drexmillerphotography.com](http://drexmillerphotography.com)

## Appalachian Energy Center

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## Tennessee Invests in Main Street

By Nolen Nychay

The Main Street Festival of Gallatin, Tenn., celebrates its 16th anniversary this October, keeping community traditions alive with local music and homemade food and craft vendors. Last year, the event drew more than 25,000 visitors looking to enjoy the rustic charm that the small communities of Tennessee pride themselves on.

The Greater Gallatin Inc. nonprofit organization hosts the annual festival to stimulate local businesses. The Tennessee Main Street Program, a statewide resource for communities revitalizing their downtowns, aims to preserve the authenticity of such small towns through their new "Ignite Downtown Economic Action" Initiative. "We're excited about the potential of this

new initiative to set realistic, economically prudent goals for Tennessee's culturally unique towns," says Todd Morgan of the Tennessee Main Street Program.

Launching this April, the IDEA Initiative will be a one-year program designed to help 27 Tennessee Main Street towns identify areas of economic opportunity. Economic development experts will visit each town, including mountain communities such as Bristol and Kingsport, to identify what most effectively attracts visitors and how that might be expanded. Afterwards, small business owners, city officials and local residents can gather for a public workshop to hear these expert opinions and offer their own suggestions for improvement. A final report with recommendations will be presented to each town hall to use for future projects.

## Cherokee Tribe Works to Replenish Deer Population

By Kelsey Boyajian

On the Eastern Band of the Cherokee Nation's Qualla Boundary in western North Carolina, white-tailed deer are a rare species. The population was depleted in the late eighteenth century during the peak of the fur trade, but today, efforts are being made to restore the deer population — plentiful in the rest of western North Carolina — on tribal lands. Historically, the tribe valued deer for hunting, trading and

folklore connections.

The tribe's 5,130-acre territory just south of the Great Smoky Mountains is full of mature forests with little undergrowth for deer to eat. Prescribed burns and tree thinning will be used in order to create a more hospitable environment. The Cherokee tribe, partnering with state and federal agencies, is hoping to successfully release more than 50 white-tailed deer into the boundary by the end of 2014.

## Mining Away Appalachian Well-Being

By Kelsey Boyajian

For the sixth year in a row, regions with significant mountaintop removal mining operations were identified as among the nation's most unhappy areas by the Gallup-Healthways Well-Being Index. Created in 2008 to measure emotional and physical health by state, the annual survey is based on more than 175,000 personal interviews across the country.

Nationwide, most mountaintop removal occurs in West Virginia, Kentucky, Virginia and Tennessee. The largest operations are in Kentucky and West Virginia which ranked 49th and 50th, respectively, for overall well-

being, while Tennessee placed 44th and Virginia 24th. Yet Virginia's 9th district — which covers the bulk of southwest Virginia where mountaintop removal takes place — scored 398th out of 434 districts nationwide.

Mountaintop removal is connected to many environmental and health concerns, such as contaminated drinking water and poor air quality. In a 2011 study published in the *Journal of Community Health*, researchers found that "The odds for reporting cancer were twice as high in the mountaintop mining environment compared to the non-mining environment in ways not explained by age, sex, smoking, occupational exposure or family cancer history."

## 2013 Marks Banner Year for Open Space in Virginia

By Emmalee Zupo

This past year marked the fourth most successful period for land conservation by the Virginia Outdoors Foundation — a state agency responsible for preserving open space and areas of cultural significance.

Nonprofit organizations such as New River Land Trust, based in Blacksburg, Va., have been helping local landowners place their properties into permanent conservation under the stewardship of VOF. The 56,697 acres of land protected from development in 2013 included more than 900 miles added to the state's New River Trail scenic route.

Conserved properties also included historical landmarks such as the Shot

Tower Historical State Park in Wythe County, Va., which protects one of the only remaining shot towers in the United States — and the remnants of what was once a major industry for the state. Shot towers are tall buildings that were used to create lead shot for firearms by dropping molten lead from a height of 150 feet into water, where the lead was then cooled.

John Eustis, executive director of the New River Land Trust, attributes the success of this past year to strong outreach efforts. "We couldn't do our work without the support of our community," Eustis says. "Thanks should always be given to those landowners and those community members who support conservation."

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# Hiking the Highlands

## Connecting the Dots of the Southern Appalachian Loop Trail

By Matt Kirk

What unites many of us in the Southern Appalachians is a love for hiking along the hundreds of miles of trails in our region. Ten years ago, I discovered that many of these paths form a loop measuring over 350 miles in length. Pieced together, this route, known as the Southern Appalachian Loop Trail or SALT, is currently 99.4 percent complete. With the exception of a sliver of undeveloped land on the state line between North Carolina and South Carolina in Transylvania County, it's already open to the public for hiking.

As a loop, you can start and finish at just about any point along the way and hike back around to where you started. The route highlights the beauty of the Southern Appalachians, from its staggering biodiversity and abundance of waterfalls cascading down from the Blue Ridge Escarpment to the high-elevation spruce forests and panoramic mountain balds in the Smokies. Several connecting trails afford each hiker an opportunity to choose his or her own adventure throughout the mountains of North Carolina, South Carolina, Georgia and Tennessee.

In the summer of 2012, I thru-hiked SALT, starting and ending at Jones Gap State Park in the Mountain Bridge Wilderness Area of South Carolina. I hiked in a clockwise direction towards Georgia, along the Foothills Trail. After crossing the Chattooga River, I climbed ever higher over the Georgia moun-

tains, into North Carolina, through the town of Franklin, and eventually joined the Appalachian Trail. At Clingmans Dome, the highest peak in Tennessee, I ventured onto the Mountains-to-Sea Trail and back through Brevard towards South Carolina.

In preparation for my journey, I started with a big picture and then fine-tuned the details for my adventure by consulting guidebooks, maps, websites and knowledgeable staff from local outfitters. I completed my journey in ten days, but a month would be better for a hike of this duration.

Even at my blistering pace, this walk brought me closer to the sights, sounds and smells of a wonderful, living temperate rainforest. For days, I enjoyed the sound of songbirds and the fragrance of the wildflowers as I watched for newts, snails, and yes, one rattlesnake along the trail. Although physically depleted, I returned both mentally and spiritually charged with a renewed appreciation for our region.

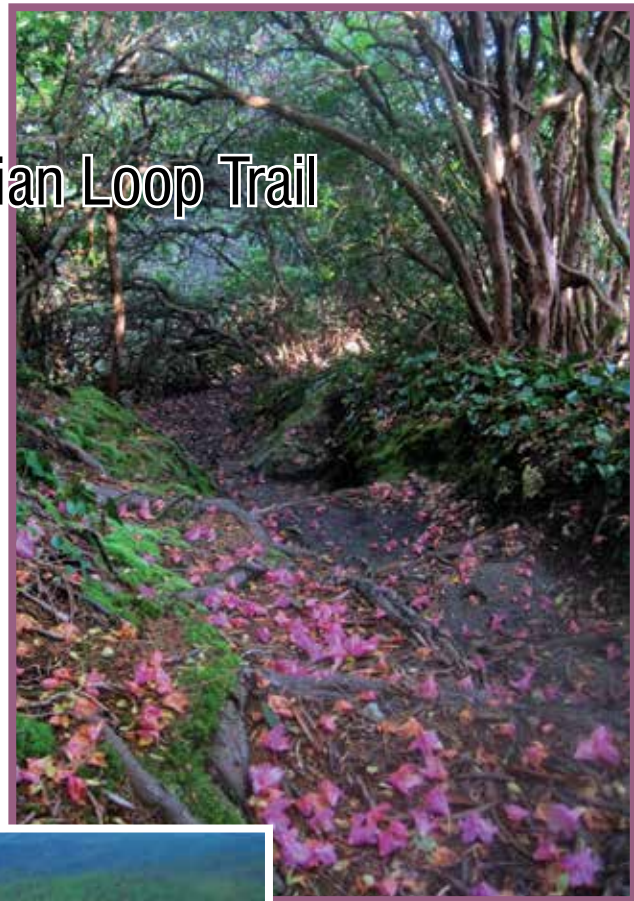
The trickiest section resides in Transylvania County where a road detour is necessary to bypass the missing link. Here, a proposed trail could join DuPont State Recreational Forest in North Carolina and the Mountain Bridge Wilderness Area in South Carolina, bridging 24,000 acres of protected land. Measuring roughly two miles long, this connecting trail would also help to protect the propagation of local flora and provide a wildlife corridor for many animals.

The DuPont Connector, as it's called,

is a focus project of the Carolina Mountain Land Conservancy, a western North Carolina land trust dedicated to protecting the region's natural resources. Since 1994, CMLC has protected more than 27,000 acres of natural lands across the Blue Ridge, including more than 3,000 acres directly buffering DuPont State Recreational Forest. Often, the land trust works with landowners and partners to make many of these protected lands available for public recreation.

In 2013, a year after my thru-hike of SALT, I began a year of service with CMLC through the AmeriCorps Project Conserve program with a motivation to help move the DuPont Connector project forward. During my service with CMLC, I've been encouraged by the enthusiastic feedback from local residents and hikers about the concept of SALT. Thanks in large part to the work of a handful of organizations responsible for the creation of the Palmetto, Foothills, Bartram, Appalachian, Mountains-to-Sea and other regional trails, the route is close to completion.

My hike inspired me to encourage others to explore this amazing region rather than drive or fly to a far-away place. I strongly believe that this loop could soon become a popular hike for many throughout the country. And as hikers venture through the scenic mountains of North Carolina, South Carolina, Georgia and Tennessee, they will inevitably visit and patronize the businesses in the towns that SALT passes through along the way,



Rhododendron blossoms line a route near the intersection of the Art Loeb and Mountains-to-Sea Trails, and Matt Kirk stands at Rocky Top on the Appalachian Trail while thru-hiking SALT. Photos courtesy Matt Kirk

including Brevard, Cherokee and Franklin, N.C.

You can help make SALT a reality by joining or volunteering with organizations involved with the construction and maintenance of the route. Visit these organizations at: [carolinamountain.org](http://carolinamountain.org), [palmettoconservation.org](http://palmettoconservation.org), [foothillstrail.org](http://foothillstrail.org), [gabbartramtrail.org](http://gabbartramtrail.org), [ncbartramtrail.org](http://ncbartramtrail.org), [appalachiantrail.org](http://appalachiantrail.org) and [ncmst.org](http://ncmst.org).

### SOUTHERN APPALACHIAN LOOP TRAIL

**Trail length:** 350+ miles  
**Difficulty:** moderate to strenuous (100% mountains)  
**Popular access points:** Russell Bridge across the Chattooga River, the Nantahala Outdoor Center in Bryson City, N.C., Fontana Village and the western North Carolina towns of Brevard, Franklin, Cherokee.  
**Contact:** [matt@carolinamountain.org](mailto:matt@carolinamountain.org) or call (828) 697-5777

An overview poster map of SALT is now available from [carolinamountain.org/gear](http://carolinamountain.org/gear) with all proceeds going towards the completion of the route in Transylvania County.

## Naturalist's Notebook

### New Trillium Species Discovered in Eastern Tennessee

By Meredith Warfield

When Mark Dunaway and his wife purchased land in eastern Tennessee, they had no idea they would be moving in with an unheard-of species living in their backyard.

The couple came across an unfamiliar, yellow-petaled wildflower while on a plant walk along their property one day, and after searching their field guides and finding no match, they decided to contact experts at University of Tennessee and Tennessee Native Plant Society.

A team of researchers at University of Tennessee examined the flower and found themselves just as stumped as the Dunaways. The experts, comprised of Dr. Edward Schilling, Dr. Susan B. Farmer and graduate student Aaron Floden, then journeyed to the Dunaways' property and investigated the scene of the discovery. After extensive research the team confirmed that the flower was a brand-new species of trillium — to be named *Trillium tennesseense* — now known to grow in only three locations on the slopes of eastern Tennessee. The research was conducted over the course of roughly a year and a half and was published in June 2013 in the peer-reviewed journal of the Southern Appalachian Botanical Society, *The Castanea*.

Trilliums are three-petaled wild-

flower that grows in a variety of more than 40 different species throughout the U.S. and Canada. Several species can be spotted along the forest floor in Appalachia, blooming from late spring to early summer.

The *T. tennesseense*, similar in structure to the Waterree trillium growing in South Carolina, seeks shelter on hillsides just above healthy creeks, where there is good drainage and little disturbance from agricultural activity or construction. When in bloom, its yellow petals reach delicately towards the sky above a fan of green leaves sprouting from a very narrow stem. The recently discovered flower is known to grow on the slopes of Bays Mountain in Hamblen and Hawkins counties, although Dr. Schilling and his trillium experts suspect the flower may flourish in more areas that are not yet documented.

The areas surrounding the site of the flower's discovery are inhabited mostly by residential landowners such as the Dunaways. This reduces the threat of commercial and agricultural development that could harm the plant, but also makes for plenty of "No Trespassing" signs in wooded areas where the *T. tennesseense* could secretly be thriving, its rare beauty unbeknownst to scientists.

"You can't just go waltzing on these landowners' property," Dr. Schilling

says, but the team was able to go bushwhacking into a ravine where they found thousands of individual *T. tennesseense* flowers along a hillside.

The biggest difference between the *T. tennesseense* and its fellow genus members is its floral odor. When in full bloom the flower emits a smell similar to old-fashioned shoe polish. Aside from this, the newly discovered species' relatively shorter ovary and longer stamens also differentiate it from its close trillium friends.

Although the *T. tennesseense* is considered globally rare, Tennessee has no law to protect the plant species. "This is the only place in the world that it grows, so if it disappears, it will most likely be gone for good," Dr. Schilling notes. As wooded residential areas flourish where the *T. tennesseense*



The Trillium tennesseense, a rare wildflower, was discovered two years ago in the deciduous forests of eastern Tennessee. Photo by Dr. Edward Schilling

grows and commercial activity remains at bay, it seems the same fences that have been hiding the flower from human eyes have been sheltering it from extinction.

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*Trillium recurvatum*   *Trillium undulatum*   *Trillium grandiflorum*   *Trillium erectum*

**Trillium recurvatum** - This trillium occurs from North Carolina to Pennsylvania and in the central U.S. Its fully bloomed flower, known by its maroon petals, can be found under the shade of an oak tree around the month of June.

**Trillium undulatum** - Also known as the "painted lady," this flower ranges from Ontario to South Carolina and Michigan to Nova Scotia. It can be found under acid-loving trees such as maples and spruces. It blooms in late spring with three white, curved petals topped with a pink, V-shaped mark on each.

**Trillium grandiflorum** - Popularly known as the "great white trillium," this flower is found in rich forests across Appalachia and eastern North America. Its attractive white petals open in late spring and remain until early summer.

**Trillium erectum** - Also known as the "wake robin," this trillium is a spring ephemeral and flourishes throughout deciduous forests of eastern North America. Its flower is often deep red, which is why it was named after a robin's red breast, but there is a white form as well.

Photo credits, left-right: Frank Mayfield, U.S. Fish and Wildlife Service, JackFrost2121, Ramin Nakisa

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# Volunteering in Appalachia: A Community Effort

By Kelsey Boyajian, Meredith Warfield and Emmalee Zupo

Appalachia's rich history of community unites this region. Whether it's neighbors lending a hand in the yard, or a dedicated group joining together to clean up a local river, the tradition of service and volunteering is a way of life.

The benefits of service are vast. When we help each other, we learn from one another too. It may be a new skill,

such as gardening, or it may be opening up our minds to new perspectives. However you want to help, there's no shortage of opportunities to join and serve. Below is a listing of some regional programs, but it's certainly not exhaustive. If you have a favorite organization, just ask if they accept volunteers — because they probably do!

## Kentucky

### Seedleaf

In the heart of Lexington, Ky., Seedleaf maintains a total of 14 community gardens. Seedleaf helps to cultivate these spaces, participates in city-wide composting, and offers sustainable cooking and preserving classes to children and adults. Service opportunities are offered weekly, and involve mulching, tree and shrub planting and garden maintenance. All ages. *Get involved! Visit [seedleaf.org](http://seedleaf.org)* — K. Boyajian

### Christian Appalachian Project

Participants in this faith-based volunteer program comprise the largest organization serving marginalized groups in eastern Kentucky, with more than 50 active volunteer corps members. CAP's various programs include serving at food pantries, providing disaster relief in areas affected by hurricanes, floods and tornadoes, working with the elderly, and offering domestic violence survivor support. CAP serves six communities throughout Appalachian Kentucky and provides room and board for volunteers in each area. Time commitments are chosen by volunteers and range from a week to a year. 18 and older. *Get involved! Call 606-256-0973 or visit [christianapp.org](http://christianapp.org)* — K. Boyajian

## North Carolina

### Stream Monitoring Information Exchange

For those interested in a hands-on experience, the Environmental Quality Institute offers training on how to analyze stream-dwelling bugs to determine watershed health in Buncombe, Haywood, Madison, Yancey and Mitchell counties. Volunteers attend six-hour

training sessions in the spring and fall to learn about stream ecology and species identification, and participate in hands-on demonstrations of sampling techniques. Trainees then sign up for their preferred sites in small groups and are accompanied by group leaders to collect samples every spring and fall. *Get Involved! Call 828-333-0392 or visit [environmentalqualityinstitute.org](http://environmentalqualityinstitute.org).* — E. Zupo

### Horse Helpers of the High Country

Provide caring support to approximately 20 rescue horses at this animal shelter and education farm in Zionville, N.C. There's plenty to do: building and mucking the stalls, cleaning water and feed buckets, and grooming the horses. Clarissa Gotsch, who joined last summer, says seeing the transformation of the abused horses through the love of the volunteers has been wonderful. "Horses have a very therapeutic character," says Gotsch, "and caring for other creatures is a powerful healing experience." New volunteers are welcome, 1-5 p.m. Wed. and Sat. *Get involved! Call 828-297-1833 or visit [horsehelpersnc.org](http://horsehelpersnc.org)*

## Tennessee

### Birdhouse

An open space in Knoxville for sharing art, music and educational programs, Birdhouse functions as a venue for voices otherwise not given much space in the community. This multi-faceted building serves as a community center for do-it-yourself workshops, gardening, and exhibition space for artists, musicians and comedians. Volunteers maintain the space and help with tasks such as grant writing and bookkeeping. Commitment of 5 hours per week preferred.



Photo courtesy Christian Appalachian Project

18 years or older. *Get involved! Visit [birdhouseknoxville.com](http://birdhouseknoxville.com)* — K. Boyajian

### Trips for Kids Mountain Bike Ride Mentor Program

Help instruct urban youth in Chattanooga on how to ride a bike and provide an outdoor experience for these students through the Mountain Bike Ride Mentor Program with Southeast Youth Corps. Trips for Kids participants also work with the Chattanooga Parks Department on conservation projects in addition to weekly bike rides. Volunteers must be able to commit approximately 5 hours per week/per ride. 16+ with an adult, 18+ without supervision. *Get involved! Call 423-664-2344 or visit [southeastyc.org](http://southeastyc.org)* — K. Boyajian

## Virginia

### New River Valley Bike Kitchen

This all-volunteer organization located in Christiansburg supplies cheap, recycled bikes to underprivileged citizens. With 19 percent of the New River Valley population under the poverty line and half of the population living within a 10-mile commute to work, New River Valley Bike Kitchen embarked on a mission to provide a reliable source of transportation to those in need. The program depends on volunteers with "mad bike mechanic skills" as well as untrained do-gooders to keep the organization running. *Get Involved! Visit: [nrobikekitchen.com](http://nrobikekitchen.com)* — M. Warfield



Photo courtesy New River Valley Bike Kitchen

### JABAcres

Anyone can help serve Charlottesville's elderly community at Jefferson Area Board For Aging through a variety of volunteer positions ranging from social gatherings coordinator, craft activity leaders, musicians and tutors for adults. Volunteers can also participate in the Friendly Visitor and Phone Buddy programs. Scheduling is flexible. *Get Involved! Call 434-817-5222 or visit [jabacares.org](http://jabacares.org)* — M. Warfield

### Plenty Local

This Floyd County community organization provides a hands-on approach for anyone looking to help those in need and learn about organic farming. Plenty Local seeks volunteers to help plant and harvest once a month at their farm and garden. For those more interested in cooking or working with the community, Plenty Local also recruits volunteers to help with weekly picnics, winter Souper Douper lunches and their Food Bank bag lunch program. *Get Involved! Contact 540-357-5657 or visit [plentylocal.org](http://plentylocal.org)* — M. Warfield

## West Virginia

### Big Laurel Learning Center

Along the beautiful Tug Fork River near Kermit, W.Va., this rural commu-

*continued on page 9*

*Continued from page 8*

nity center offers environmental service opportunities to educate and assist communities affected by mountaintop removal mining. "The coal mines are right next door and people suffer from this fall-out of the coal society," says Gretchen Shaffer, Big Laurel's volunteer program shepherd. Volunteers participate in organic gardening, mentoring children in outdoor and academic activities and preparing meals. Short-term and long-term opportunities available, including an AmeriCorps position. 18 and older. *Get involved! Call 304-393-4103 or visit [biglaurel.org](http://biglaurel.org)* — K. Boyajian

### Coal River Mountain Watch

On-site volunteers work and live with seven housemates on 178 acres in Rock Creek, W.Va., and participate in environmental justice endeavors. The goals of CRMW range from ending mountaintop removal coal mining in Appalachia to helping restore clean water to Coal River Valley. CRMW also works with Energy Efficient West Virginia to create and promote sustainable economic development in the region. Short-term and long-term programs available. *Get involved! Call 304-854-2182 or visit [crmw.net](http://crmw.net)* — K. Boyajian

### Direct Action Welfare Group

Started as a grassroots group in Charleston, W.Va., in 2002, DAWG is comprised of current and former public assistance recipients statewide who work together towards ending poverty. "My Life Project," volunteers can contribute online through posts, articles or videos to share their stories. DAWG volunteers help with community dinners, school supply drives and information sessions as well. Teens can also get involved in DAWG's Youth Empowerment Program which helps to improve leadership skills and promotes community organizing. All ages. *Get involved! Call 304-590-8050 or visit [wdawg.org](http://wdawg.org)* — K. Boyajian

## Regional

### AmeriCorps

AmeriCorps is one of three core programs of the Corporation for National and Community Service, a federal agency that calls upon local communities for volunteer opportunities. AmeriCorps programs include disaster relief, anti-poverty efforts and general community

support, as well as various state and local programs. Appalachia boasts numerous AmeriCorps service opportunities that benefit the greater community. Service terms offer a living stipend, and vary from part-time to full-time, and from seasonal to year-round. Below is a partial listing of some environmentally-focused AmeriCorps programs offered in central and southern Appalachia. *To learn more about AmeriCorps opportunities throughout the United States, visit [nationalservice.gov](http://nationalservice.gov)* — E. Zupo

### Project Conserve

Serve with nonprofits and community groups to support conservation and environmental stewardship in western North Carolina. This 11-month program focuses on land and energy conservation, water quality, local food and farmland. Member activities range from leading hikes and environmental education programs to weatherizing low-income homes, conducting water quality testing and assisting landowners who want to protect their land from development. Appalachian Voices, the publisher of this newspaper, also hosts two AmeriCorps Project Conserve members. *Visit [carolinamountain.org/projectconserve](http://carolinamountain.org/projectconserve)* — E. Zupo

### Ohio Stream Restore Corps

To better serve the environmental needs of the Ohio Appalachian region, the former Rural Action Watersheds AmeriCorps program was renamed and expanded to include three new branches of service in 2011: Environmental Education, Zero Waste and Trail Maintenance/Access. Programs focus on exposing youth to outdoor learning, creating and



Photo courtesy Seedleaf

improving trails, cleaning illegal dump sites and educating the public on local recycling options. Service terms last 12 months. *Visit [ruralaction.org](http://ruralaction.org)* — E. Zupo

### OSMRE/VISTA Appalachian Coal Country Team:

As part of a partnership between AmeriCorps Office of Surface Mining Reclamation and Enforcement and VISTA programs, the Appalachian Coal Country Team serves in low-income communities struggling with stream contamination, depressed economies and other issues. Members serve at more than 37 sites throughout Kentucky, Maryland, Ohio, Pennsylvania, Tennessee, West Virginia and Virginia. Activities include grassroots organizing, supporting environmental stewardship and collaborating with local businesses. Service terms last 12 months. *Visit [coalcountryteam.org](http://coalcountryteam.org) or call April Trent at 304-252-4848* — E. Zupo

### Appalachian Transition Fellowship

This program provides emerging leaders with the opportunity to help preserve the beauty and health of central Appalachia while promoting the economic transition of the region from harmful industries to sustainable practices. Appalachian Fellows live and work in host communities, providing outreach, mentoring and training while fostering

partnerships that help develop economically just solutions. Fellowships are a year-long paid commitment, with placement potential in the Appalachian regions of Virginia, West Virginia, Kentucky, Tennessee, Ohio and North Carolina. *Visit [appfellows.org](http://appfellows.org)* — E. Zupo

### Society of St. Andrews

Help those in need and curb food waste by joining the Society of St. Andrews' gleaning network. Gleaning is the traditional practice of gathering leftover crops from farmers' fields after harvest. The food is distributed to local food pantries. This idea is promoted in the Bible and inspires the mission of the society, but people of any faith are welcome to join. Volunteers of all ages accepted. *Get involved! Visit [endhunger.org](http://endhunger.org)* — E. Zupo

### Senior Corps

Senior Corps works to help citizens 55 years or older share their valuable life experience and skills with the community. Programs include: Foster Grandparents, which provides mentoring and tutoring to children and young mothers; RSVP, which includes assistance to those affected by natural disasters and mentoring troubled youth; and Senior Companions, which provides companionship to adults who have difficulty living independently. *Get involved! Visit [nationalservice.gov/programs/senior-corps](http://nationalservice.gov/programs/senior-corps)* — E. Zupo

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# Appalachia's Place in the War on Poverty

By Molly Moore

Patsy Dowling considers herself a success of the War on Poverty.

As a premature baby born in western North Carolina in 1964 — the same year President Lyndon B. Johnson declared war on poverty — Dowling entered a world where the medical bills from her early arrival were a steep financial burden for her parents.

Poverty had a profound impact on Dowling's youth, as did the Economic Opportunity Act that Johnson signed in 1964. On Valentine's Day, a second-grade Dowling learned that one of her dearest friends had passed away from illness because her family couldn't pay for care. She recalls standing beside her friend's coffin more vividly than she remembers her high school prom dress. Yet she also clearly remembers her excitement when an outreach worker from Mountain Projects, Inc., one of the new community action agencies created to fight poverty, visited her home and offered her a seat in Head Start, an early childhood school-readiness program she saw as "the best thing in the world."

Dowling, now executive director of Mountain Projects, estimates that about 90 percent of her Head Start classmates were able to overcome their families' financial difficulties. Today, Head Start remains at the core of the agency, but other top priorities include heating assistance for struggling families and transportation for the elderly. "We still have a lot of work to do, but I do think the War on Poverty has made a substantial impact in this country from my perspective of having lived it," Dowling says.

National and regional data support her view that the policies set in motion in the mid-1960s — such as Medicare and Medicaid, food stamps and Head Start — have helped avert dire economic circumstances for much of the population. When researchers from Co-

lumbia University examined the impact of government benefits such as housing assistance and tax credits during the period from 1967 to 2011, they found that the 16 percent national poverty rate in 2011 would have been equivalent to 29 percent without those benefits. Yet, as the nation grapples with growing income inequality and the slow recovery from the Great Recession of 2009, it's clear that the War on Poverty is not over.

## Charting Appalachian Poverty

Ever since President Johnson declared "unconditional war on poverty in America," Appalachia has held special significance in the national effort. In 1964, when the president embarked on a publicity tour to build support for the new programs, he led national media to eastern Kentucky, where he was famously photographed speaking with a poor Appalachian family on their front porch.

The official definition of Appalachia also formed in the early 1960s, as regional governors encouraged the Kennedy and Johnson administrations to assist their mountain counties, where one in three residents lived in poverty. The resulting legislation, the Appalachian Regional Development Act, added a unique, place-based dimension to the War on

Poverty's suite of national programs.

Fifty years later, however, central Appalachia is still a national epicenter of poverty, sharing the distinction with the Mississippi Delta and several western Native American regions. And while data from both Appalachia and the nation at large shows an overall reduction in poverty, deep inequity persists within the region.

From the outset, central Appalachia faced the steepest challenge. Dr. James Ziliak, director of the University of Kentucky's Center for Poverty Research, calculated poverty rates both nationally and within Appalachia in 1960 and 2000. Faced with a poverty rate of 59.4 percent in 1960, central Appalachia was far more impoverished than its northern neighbors, with southern Appalachian states a close second. By 2000, the poverty rate in the southern and northern areas was slightly above the rest of the country's average of 13.4 percent. Yet poverty in central Appalachia stayed stubbornly high at nearly 23 percent.

Ziliak attributes this partially to the fact that federal aid originally intended to address the deep poverty in the mountains of Kentucky, Virginia and West Virginia was ultimately dispersed over a larger area. Between 1965 and 2008, the official Appalachian zone expanded from 360 counties in 11 states to its present size — 420 counties in 13 states.

Proponents of the Appalachian Regional Development Act,

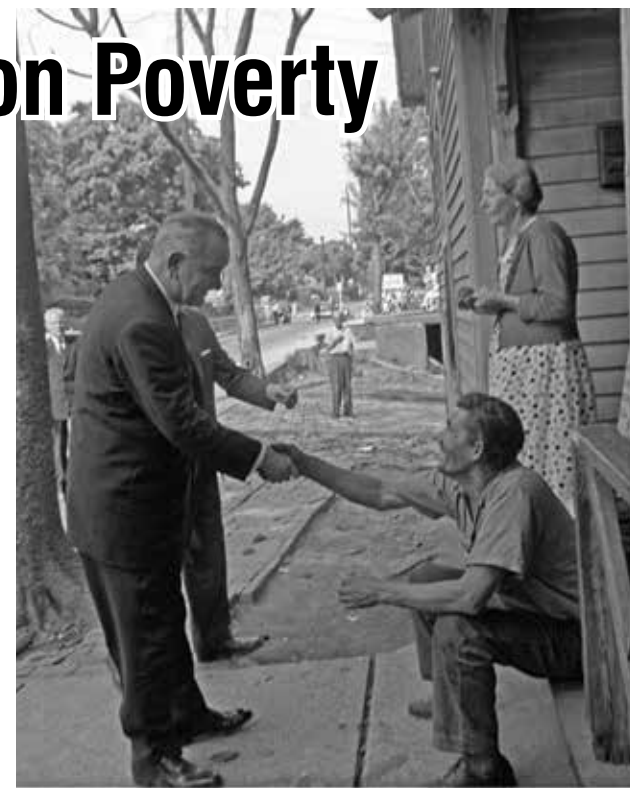
passed in 1965, argued that the country had exploited the deeply impoverished parts of Appalachia through decades of coal and timber extraction and that the region deserved compensation. The law created the Appalachian Regional Commission to invest in areas such as education, job training and transportation infrastructure. Still, Ziliak notes, "the money flowed more toward the urban areas in the region and not toward the really high-need rural parts that many governors and policymakers in the Appalachian region really wanted."

Ziliak adds that the appetite for funding the ARC decreased after the first five years, weakening the federal commitment to the region. "So, while the War on Poverty did have a positive effect on the region, coupled with the Appalachian Commission, presumably the effect would have been stronger still had the investment been more focused," he says.

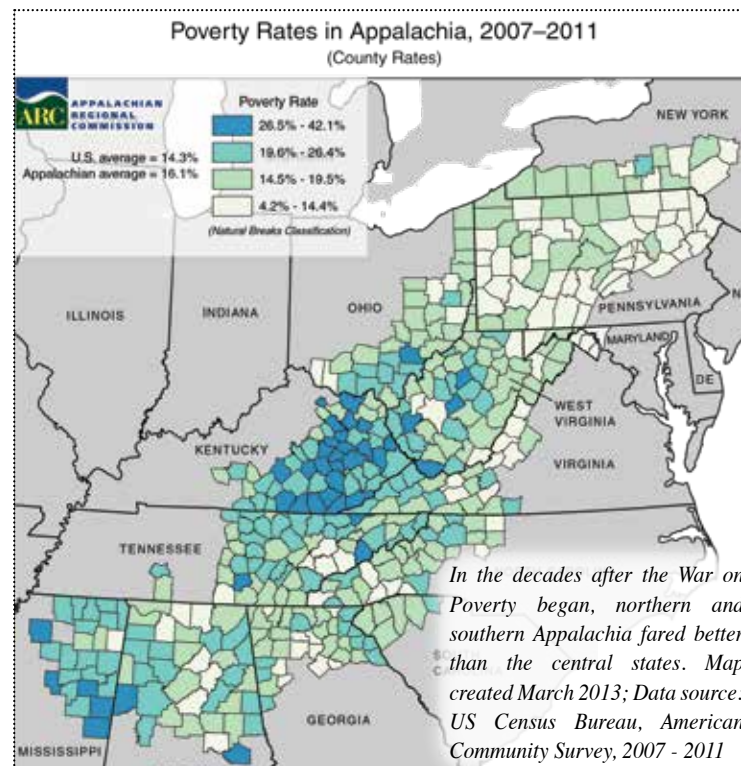
## Roads, Sewers and Jobs

The architects of both the War on Poverty and Appalachian Regional Commission believed in investing in infrastructure as well as people. Many of the ARC's most high-profile projects were the construction of roads, bridges and dams.

These policies also spurred projects that were less visible but still valuable.



During his official poverty tour in 1964, President Lyndon B. Johnson shook the hand of a resident in an undisclosed part of Appalachia. Photo courtesy LBJ Library, by Cecil Stoughton



## War on Poverty

Continued from page 10

In the mid-1960s, outreach workers from one of the War on Poverty's community action agencies — a Roanoke, Va.-based organization now known as Total Action for Progress — surveyed low-income residents in the surrounding rural areas to identify pressing needs. Access to safe drinking water was a paramount problem. In response, the community agency designed a program to help residents develop and finance community water systems.

The successful Virginia program caught the attention of federal policymakers and became national in the 1970s. But the connection between poverty and underperforming water utilities endures. Today, many low-income areas face mounting needs for investment in town sewers. Hope Cupit, CEO of the southeastern program, says that while many older water systems are due for expensive repairs, a number of rural communities have seen their populations drop. As a result, there are fewer community tax dollars to finance the needed upgrades.

Though government agencies are still making specific investments in the region's hardware, such as installing broadband internet cable, programs that focus on individual needs are becoming more of a priority. Tony Wilder, commissioner of the Kentucky Department for Local Government, also serves as the liaison between the Kentucky governor's office and the Appalachian Regional Commission. He says the ARC and states like Kentucky are shifting their attention to what policymakers call "human capital."

With several eastern Kentucky counties suffering from prolonged double-digit unemployment, the focus has shifted to education and job training. "I feel the main role of ARC resources is to diversify the economy and create some new jobs and keep those folks in eastern Kentucky if we can," Wilder says.

The current spotlight on employment represents more of a shift than a wholly new approach. Ziliak estimates that since its inception, the ARC has devoted about half of its investments to people-focused projects such as community health and job training centers. He says that when the impact of other War on Poverty programs such as food stamps

and Medicaid are factored in, more was spent on people than infrastructure.

## Taking Community Action

In the Roanoke Valley, the community action agency Total Action for Progress, Inc., takes a multi-pronged approach to the fight against poverty, in some cases building homes and job skills in the same breath. Through a partnership with Habitat for Humanity to construct and renovate affordable homes, TAP's YouthBuild program helps students who have dropped out of school earn a GED, work experience, and a pre-apprenticeship certification in green construction. Other TAP endeavors range from providing adult literacy classes and support for victims of domestic violence to job-placement services for veterans and weatherization of low-income homes.

As with many community action agencies, TAP began by offering Head Start. The organization served 100 Head Start students in 1965; today, TAP serves 9,000 residents. Annette Lewis, a TAP director who has been with the organization for 25 years, says services such as the re-entry program for young offenders are in keeping with the community action agency's original goal: providing a "hand-up" to those in need.

Lewis describes the idea of winning a war on poverty as being very ambitious, noting that environmental, health and infrastructure problems all play a role in an individual's economic circumstance. "I don't think we can win a war on poverty unless everybody is committed to doing that, every system, not just community action," she says. "Because life happens, you're going to have poor people. And



In Virginia, students learn about construction safety through YouthBuild, a program provided by the local community action agency. Photo courtesy Total Action for Progress, Inc.

some are going to be poor because of mistakes they've made and some are going to be poor just because of the hand they've been given."

Across the country, community action agencies such as TAP and Mountain Projects are seeking creative funding sources to make up the difference lost by federal and state budget cuts. TAP is pursuing special tax credits to help fund affordable housing development and small-business loans, and this winter Mountain Projects partnered with a local credit union and other organizations for a "Million Coin Campaign" to help offset the burden of high heating bills for those in need.

"I have a strong philosophy from my life and my experiences that if you go into any Head Start classroom in this country or any public school and you ask a child what they want to be

when they grow up, they don't say poor," says Patsy Dowling. "Those children have hopes and dreams and somewhere along the way those don't come to fruition. And so we have to constantly look at how can we help them meet those hopes and dreams." To read about the connection between electricity costs and poverty, see page 20.

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# Toxic Warnings: Recent Spills Underscore Lack of Water Oversight

By Kimber Ray

In the early morning hours of Jan. 9, Kim Thompson was getting ready to leave her South Charleston home in Kanawha Co. — the most populated region in the mountains of West Virginia — and head out to her job as field supervisor for a local telecommunications company. As she twisted the shower faucets off, she had no way to imagine that those final drips of water signaled the last time she would use that shower.

Many people affected by Freedom Industry's toxic chemical leak into the Elk River — a spill that contaminated the drinking water of more than 300,000 West Virginia residents — still do not feel safe using their water. "That day marked a complete change in how we live," reflects Thompson.

As reports of the disaster swept across the nation, it began to emerge that much of this news was nothing new. Not only has chronic water pollution long been widespread in West Virginia, but the lurking possibility of serious contamination spills over into every state.

In North Carolina and Virginia, this overflowed into reality on Feb. 2 at Duke Energy's retired coal plant near Eden N.C. A 50-year-old stormwater pipe precariously situated beneath an unlined coal ash pond burst, allowing 39,000 tons of ash to enter the Dan River. The incident would be classified as the third largest coal ash spill in national history.

The next week, a Patriot Coal plant spilled more than 100,000 gallons of coal slurry into Fields Creek, W.Va. Six miles of water were blackened with a thick mixture of toxic heavy metals and chemicals; the riverbank was plastered with a gray sludge. Although West Virginia Department of Environmental Protection Secretary Randy Huffman

called the spill "significant," he didn't consider it significant enough to warrant much beyond an order to stop.

Following these three spills, publications and television programs including *National Geographic*, the *Washington Post* and The Rachel Maddow Show began questioning: "How did these spills happen?" and "How safe is our water?" The U.S. Attorney General's Office launched criminal investigations of state officials and company executives in both states.

The widening scope of public scrutiny has only dug up deeper concerns. In both West Virginia and North Carolina, mounting evidence suggests that state officials have weakened state and federal environmental rules — despite the known risks — and citizens are paying the price. Regulations on many dangerous chemicals are nonexistent, state officials are known to turn a blind eye to poorly maintained facilities and, even when people are left with poisoned water and a fouled environment, violators are rarely held accountable. All too often, the public has been expected to pick up the tab for the hidden costs of coal — whether it's waste from mining, or waste from burning coal for electricity.

Such discoveries are unsurprising to Dr. Avner Vengosh, a professor of geochemistry and water quality at Duke University. Although major spills re-



Coal ash from the Dan River; in the month of the spill, the ash pooled up in eddies along the bank near the site of the leaking pipe in Eden, N.C. Photo by Brian Williams, courtesy Dan River Basin Association

ceive the most attention, chronic pollution poses a greater threat to communities because the poison is more subtle. "You don't need to wait for a spill to realize there's a problem. And it's not just North Carolina — it's a national issue," says Vengosh. "Without any monitoring, we don't even know what's happening. We should be working to prevent things before they happen rather than dealing with them after they happen."

## In the Wake of the Impact: Dan River

"We still haven't heard from Duke on their plans for the cleanup," says Jenny Edwards, program director for the environmental group Dan River Basin Association. "Can they clean it up? What's the impact of the clean up? We're concerned about the long-term health of the river."

Coal ash — the waste produced by burning coal for electricity — contains a

lineup of toxic health offenders including arsenic, selenium, mercury and lead. Since the leaking pipe was plugged Feb. 8, the water in the river now runs clear and the slicks of coal ash on the riverbank that Edwards saw spattered with wildlife tracks have washed away. The real damage sits below the surface. In layers sometimes five feet thick, coal ash blankets the bottom of the river for more than 70 miles.

"The coal ash is so fine and sticky that it covers and coats everything it touches," explains Dr. Dennis Lemly, a research biologist with the U.S. Forest Service and an associate professor at Wake Forest University. "One of the first things to be affected are the animals that can't leave, mussels and clams, benthic insects, crayfish, all those little critters that can't swim away or get away from it are just covered up and suffocated," he adds.

At the beginning of March, the Dan River Basin Association was already reporting an abnormal number of dead mussels and clams piling up on the riverbank. Lemly is concerned things

will only get worse. For more than 30 years, he has investigated selenium, a chemical in coal ash that causes death and deformity in fish. Selenium poisoning can persist for generations, accumulating as creatures eat one another and even passing along in fish from parent to offspring.

A persistently poisoned fish population could have a sweeping impact on river life. "There's a chain effect, that's why it's called a food chain," Lemly says, "and if you cut the bottom length of the food chain then everything above it suffers." For now, it's too soon to tell just how powerful this chain effect will be; the answer awaits the arrival of migrating fish this coming spring.

About 20 miles downstream from the site of the spill, the Dan River flows through the heart of the city of Danville, Va. Joe King, city manager, can even see the river from his window at work. "People are very intimate with the river here," he comments. "It's not in a gorge, it's in the city." King watched the river turn a murky gray in the days after the spill, but after the first week, visible signs of coal ash were gone.

Danville is an old industrial city where tobacco and textile manufacturing once thrived. In an effort to build a new economy, the city has been working on repurposing old warehouses to serve as businesses and apartments. King is

concerned that the spill may create a falsely negative perception of the city, causing residents to leave and businesses to stay away. "That's the last thing we need," he adds.

Testing of tap water in the city has consistently shown that the contaminants are being filtered out. In fact, the heavy metals of coal ash are easy to remove from drinking water because the particles are so large. Yet some residents are skeptical; bottled water sales in the area have increased since the spill.

One root of this doubt may be the unusual way that Duke Energy and the North Carolina Department of Environment and Natural Resources initially handled the spill. Duke first alerted the city of the incident by calling the Danville fire department to say there may have been a coal ash spill and offering no details. Public notification of the spill was deferred for more than 24 hours. Accurate water quality testing, plugging the leaking pipe and work to clean up the Dan River have all suffered delays as well, leaving the public angry and confused.

## In the Wake of the Impact: West Virginia

When West Virginia American Water Company first issued "Do Not Use" advisories to 300,000 water customers across nine counties on Jan. 9, it was a confident order. In the weeks to follow, it morphed into a confusing suggestion.

"It's your decision," said Governor Earl Ray Tomblin during a Jan. 20 news conference. "I'm not going to say absolutely, 100 percent that everything is safe. But what I can say is if you do not feel comfortable, don't use [the water]."

In the hours after the cracked storage tank owned by Freedom Industries spilled a 10,000-gallon chemical blend of crude methylcyclohexane methanol, or MCHM, and propylene glycol phe-



As security looks on, free water is distributed on March 14 in front of the Governor's Mansion lawn in Charleston, W.Va. Residents and grassroots organization Mountain Justice coordinated the event as part of ongoing efforts to call for increased support of West Virginians still impacted by the chemical spill. Photo by Joe Solomon

nyl ether, or PPH, into West Virginia's Elk River, nine counties served by West Virginia American Water were affected. The water company had been alerted of the spill by noon, but believed they could filter out the contaminants. It was 5:45 p.m. before customers were warned to stop using their water.

Health officials with the federal Centers for Disease Control initially announced that levels of MCHM below one part per million were safe for consumption. But two days later the agency added that this level may not be safe for pregnant women, leaving residents to wonder just how officials were getting these numbers. Public confidence was further shaken when the *The Charleston Gazette* reported that this threshold was based on a 1990 study of ten rats and a different chemical — pure MCHM, which is not identical to crude MCHM. There are still no studies on how MCHM affects humans.

The government lifted the "Do Not Use" order ten days after the spill. Yet in the days that followed, hospital admissions for symptoms related to MCHM dramatically increased. Hundreds of residents have been treated at local hospitals for chemical burns, rashes and chemical-induced pneumonia even as West Virginia American Water Company continued to

assert that their water was safe. Then, on Jan. 23, Freedom Industries, which had remained mysteriously silent during the crisis, emerged only to report that a second chemical — PPH — was also in the spill, but the ingredients were a trade secret.

"It makes you suspect when you know how many days passed and then they said 'Oh, by the way, PPH was in there as well,'" says local resident Kim Thompson, "and as far as I know, they never did testing for PPH." The lack of trust now makes her wonder what else citizens are not being told.

By early February, the CDC said the water was safe for all residents, even pregnant women. But many residents are still demanding bottled water. Even in March, the distinct, licorice-like odor of MCHM continues to permeate many households across West Virginia. A National Science Foundation-funded study confirmed residents' fears, finding that the human nose is able to detect significantly lower levels of MCHM than even the most advanced analytical tools.

"I've been to many homes where people are still scared on their hands from this water, and who knows the long-term effects?" comments Thompson. "That's why so many people aren't using the water, because they were physically affected,

*continued on page 14*



More than 9,000 petitions were delivered on Feb. 25 to Duke Energy's headquarters in Charlotte, N.C., demanding that the utility take full financial responsibility for the Dan River coal ash spill and also move its 31 other coal ash ponds into lined basins away from waterways. Photo courtesy Appalachian Voices

## Toxic Warnings

Continued from page 13

lied to and continuously ignored.”

Bulk water distribution centers around the state have been quietly shutting down despite no one — not even health or government officials — being certain that minute levels of chemicals are not continuing to impact the health of residents.

West Virginia Clean Water Hub — a grassroots organization that formed the same day the spill was announced—is one of the few organizations still distributing free water in the state. Thompson joined as a volunteer in the week when the organization began. “This chemical spill made me helpless, angry and useless,” she states, “and by getting involved, that in turn has led me to at least feel a little bit of power, and I’m trying to give that to communities.”

Thompson has since emerged as the Water Hub’s leading point person in Charleston, guiding and maintaining the group’s water distribution in her city. At her own home, bottled water and water from rain catchments and melted snow is used for everything they do. A camp shower in her basement is used for bathing. “I will never probably drink it ever, ever again,” says Thompson, “or cook with it, or wash, or brush my teeth with it, my animals will never drink with it.”

Jennifer Weidhaas, a civil and environmental engineer at West Virginia University who also received a grant from the National Science Foundation, is studying how crude MCHM travels through the water system. She says given the miles and miles of pipes that need to be cleaned out, low concentrations of the chemical may be in the drinking system for some time to come.



On Feb. 8, citizens and community organizations marched to West Virginia American Water to demand compensation for the expenses they incurred as a result of the chemical spill. They say the private utility contributed to the problem. Among other things, the water company billed customers based on estimated historical usage in January even though many were unable to use their water during this time. Photo by Vivian Stockman

### Breaching a History of Disregard

The day following the chemical spill, Gov. Tomblin announced, “This is not a coal company incident; this is a chemical company incident.”

“That’s an absolute lie,” says Jack Spadaro, a former mine inspector who has worked on coal issues in West Virginia for decades, “[MCHM] is a chemical used in coal preparation.” In order to clean and process coal for use at coal-fired power plants and smelting furnaces, chemicals such as MCHM are used to remove impurities. This results in a waste byproduct known as coal slurry, which is what blackened six miles of Fields Creek on Feb. 11 when a valve at Patriot Coal malfunctioned.

Spadaro is not surprised by the Patriot Coal spill. “What happened on Fields Creek is commonplace,” he states. “It happens every few weeks.” He says state officials have “a history of accommodating the coal industry” and he can recall a long list of incidents where this came at the expense of West Virginia communities.

One such case in Boone County’s Seth-Prenter area casts a striking reflection on the Elk River chemical spill. For the past decade, people had been reporting painful rashes and burns and, throughout the years, locals experienced an unusually high rate of conditions such as kidney and liver failure and brain tumors. Shortly before these symptoms started to appear, Massey Energy — later acquired by Alpha Natural Resources — began pumping 1.9 billion gallons of coal slurry into nearby abandoned mines for permanent storage.

Several studies indicated that the coal slurry had migrated into local well water. But despite the fact that the same chemicals injected deep underground were also found in residents’ taps, WVDEP Secretary Randy Huffman denied that coal slurry was the cause. With about 350 individuals affected, the incident received minimal attention. Residents filed a lawsuit and, in the years before their case was settled in 2012, many relied solely on bottled water. Relief came in the form of a public water line connecting them to West Virginia American Water.

The Elk River chemical spill shattered this temporary respite. Maria Lambert, a resident of Prenter, describes the current smell of her tap water as the same “very sweet, stomach-sickening odor we endured eight years ago,” in a recent *Business Insider* article. Lambert’s experience is not uncommon — Thompson says many people have been connected to American Water pipes after their wells were contaminated by coal-related

activities. Documents from the state’s commission governing public utilities support this, with water company executives reporting on extending service to coal impacted communities.

Still, Thompson adds, “Who would have thought you could have these chemicals just above a water plant and no one was regulating them?”

### The Myth of Overregulation

The water crises in West Virginia and North Carolina turned the public eye to a long-standing problem: for much of the hazardous waste connected to coal, regulations and inspections are limited, and enforcement is rare.

As far as state or federal environmental laws are concerned, neither MCHM nor other waste from coal is considered “hazardous.” Because of this, West Virginia and North Carolina do not have strict requirements on how these contaminants are stored, and contamination of nearby drinking and groundwater occurs daily.

“What most people don’t realize is, a lot of stuff is less regulated than household waste,” says Amy Adams, a former employee of the North Carolina Department of Environment and Natural Resources and current North Carolina Campaign Coordinator for Appalachian Voices, the publisher of this newspaper. “Our waterways are protected from trash dumps, but not unlined pits of toxic waste.”

Although the federal Clean Water Act of 1972 sets acceptable limits on water pollutants, states are responsible for enforcement. Many waterways have been in violation of the Clean Water Act for decades, but state regulators seldom act — they may not even notice. In states such as North Carolina and West Virginia, inspections have been curbed, in part due to continued budget cuts to state and federal environmental agencies.

Adams says cuts to DENR became particularly hard-hitting in 2011. “We have to have people with boots on the ground if we are to be vigilant in protecting our resources,” Adams comments. For North Carolina and West Virginia, those “boots on the ground” often belong to the same companies responsible for polluting the waterways. Both states have a self-reporting system where companies are expected to monitor and report their discharges. Sometimes

companies disclose their violations, sometimes they don’t — it doesn’t tend to matter either way because enforcement on the state level has become increasingly weak or non-existent.

The day before the West Virginia chemical spill, Gov. Tomblin declared in his state address that he would “never back down from the EPA” even as others were calling for the federal Environmental Protection Agency to step up. Since 2009, widespread criticism of West Virginia’s Department of Environmental Protection has pushed environmental groups in West Virginia to petition the EPA to take over the state agency. Federal regulators are still investigating their complaints.

A bill to regulate above-ground chemical storage tanks was passed in West Virginia this March. No regulations on chemicals were established but, among other things, the bill aims to use a fee on tanks to fund further inspections. Historically, however, West Virginia’s inspectors have not followed a straight path from deficient facilities to mandatory enforcement. Spadaro is particularly pessimistic.

“The bill does not take the strong preventative action required to prevent this from happening again,” he says. “It’s a window dressing legislation weakened by lobbyists for the chemical industry, and in no way deals with what the state should be doing to protect water supplies from similar types of spills.”

### “Business Friendly” is Bad for Business

When North Carolina Gov. Pat McCrory passed a regulatory reform bill this



Water samples taken at Fields Creek on the day of the spill by Appalachian Voices revealed levels of contaminants in violation of the Clean Water Act, as well as the presence of MCHM. At press time, the West Virginia Department of Environmental Protection had not released test results from the spill or issued any fines. At left, efforts to contain the spill with hay bales and gravel proved to be unsuccessful. Photo courtesy Appalachian Voices

past August that allowed Duke Energy to pollute groundwater near its coal ash ponds, he claimed his move “cuts government red tape, axes overly burdensome regulations, and puts job creation first.”

This bill built Duke a buffer against mounting lawsuits from citizens and environmental groups — including Appalachian Voices — who were suing Duke for Clean Water Act violations. As the lawsuits continued to move forward, North Carolina’s environmental agency inter-

vened, taking over the litigation and proposing a settlement that would allow Duke to avoid costly cleanup of its leaking coal ash ponds and pay a trivial fine.

“The fundamental truth is that proper pollution controls cost money,” says Adams and, because of the

Dan River coal ash spill, “North Carolina has experienced first-hand the cost of a deregulated environment.”

In fact, contrary to McCrory’s statement, some sources indicate that regulations improve the economy. A 2013 report by the Office of Management and Budget found that while the costs of major environmental regulations have been no more than \$40 billion, the estimated benefits range from \$112 billion to \$637 billion. Benefits include increased labor needed to meet requirements and public savings when community health is protected.

The report also confirmed that people do not want to live in contaminated communities. Both West Virginia and the city of Danville are contending with this issue. While Danville, Va., City Manager Joe King worries that businesses may now avoid his area, West Virginia resident Kim Thompson says people are already leaving Charleston. “If I could, I would sell my house right now, too,” she says.

Gary Zuckett, executive director of the West Virginia Citizens’ Action Group, says the hardship of contaminated water is particularly difficult

for low-income residents. “It’s a triple whammy,” Zuckett states. “Restaurants and hotels shut down, so people were out of work, schools shut down so kids were not fed at school, and if parents were working they needed to pay for daycare. Then there’s the extra expense of buying bottled water,” he adds.

According to forest service biologist Lemly, the long-term environmental and economic toll in North Carolina and Virginia could total as much as \$700 million. “When we talk about cheap coal, we forget about the environment, we forget about the implications,” says Duke University’s Vengosh. “The environmental and economic implications for coal ash are not cheap.”

In both North Carolina and Virginia, Duke executives have promised to pay for the cleanup of the Dan River. At the urging of Virginia Gov. Terry McAuliffe, Duke has also agreed to cover any additional costs faced by Virginia as a result of the spill; no such promise has been made in North Carolina. In fact, Duke has indicated that for the cost of moving its other coal ash ponds away

Continued on page 16

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Duke Energy initially reported that the ruptured Dan River pipe was constructed from concrete. Investigations have revealed that while the visible ends of the pipe are concrete, cheaper, failure-prone metal was used for the length of the pipe. Photo courtesy Appalachian Voices



# Attempts at Legislation, Regulation Follow Water Threats

By Molly Moore

Almost as soon as West Virginia American Water Company ordered 300,000 residents to avoid contact with their tap water, the question arose: why was crude MCHM, a chemical now known to be highly toxic, so poorly understood and regulated?

The lack of a clear answer brought national attention to the fact that few of the tens of thousands of chemicals used in commerce today are regulated. Of the more than 60,000 chemicals that were grandfathered in when the Toxic Substances Control Act was passed in 1976, only 200 have been tested for safety.

Even before a Freedom Industries chemical tank leaked into the Elk River, efforts to upgrade the 35-year-old chemical safety law were underway. But while industry and environmental groups both claim to agree on the need for reform, opinions are split on the best way to move forward.

In the Senate, the most viable piece of legislation is the Chemical Safety Improvement Act, which was introduced last spring by the late Sen. Frank Laut-

enberg (D-N.J.) and Sen. David Vitter (R-La). The bill represented a compromise for Lautenberg, who for several years had championed more stringent chemical regulations. Also in February, Rep. John Shimkus (R-Ill.) introduced a related bill — the Chemicals in Commerce Act — in the House. Both bills are supported by the American Chemistry Council, but the reception from public health and environmental organizations has ranged from lukewarm to hostile.

The bills would divide chemicals into high- and low-priority groups, with high-priority substances undergoing further review. If a chemical were deemed low-priority, however, states would lose the ability to regulate it, and it would be extremely difficult for the U.S. Environmental Protection Agency to assess or restrict the chemical later. Many of the concerns surrounding this system involve how the EPA would decide whether a chemical is high or low priority, and whether the agency could require a chemical manufacturer to provide enough information about a substance to make a sound decision.

In direct response to the West Virginia

## Toxic Warnings

Continued from page 15

from public waterways — and ensuring the safety of local communities in the state — it hopes to pass any expenses on to ratepayers across North Carolina.

The apparent role of state regulators in shielding coal-related facilities from punitive fines has raised skepticism from the public and the federal government. By mid-March, a federal grand jury had

begun a criminal investigation of the relationship between Duke and DENR; details about a separate criminal investigation in West Virginia have been much more limited.

In response to the swell of public pressure and scrutiny, North Carolina officials have been scrambling to issue long-overdue enforcements. Duke Energy plants have been cited for failing to maintain facilities, lacking stormwater permits and, even when they do have permits,

spill, Sen. Joe Manchin (D-W.Va.) introduced a bill about the storage of hazardous chemicals. Among other provisions, Manchin's Chemical Safety and Drinking Water Protection Act would set minimum requirements for state inspections of above-ground chemical storage facilities and state-approved emergency response plans, and require that information about chemical storage be shared with drinking water systems in the same watershed.

Just as the chemical safety concerns raised by the West Virginia spill highlighted an enduring threat, Duke Energy's February coal ash spill into the Dan River in North Carolina highlighted the persistent problems associated with coal ash storage. Following a 2008 dam rupture at a coal ash pond in Harriman, Tenn., which released one billion gallons of the toxic substance into nearby rivers, coal ash became a high-profile environmental issue. In early 2009, the EPA announced a plan to address coal ash and, among other measures, "order cleanup and repairs where needed, and develop new regulations for future safety."

Five years later, however, there are

dumping illegal volumes of pollutants. At the end of March, DENR announced that they would allow the citizen lawsuit against Duke Energy to continue.

### Public Response

In West Virginia citizens anticipate significant changes but are not hanging all their hopes on a strong government response. "Who's to say this won't happen again?" asks Thompson.

To address long-term concerns, the West Virginia Clean Water Hub is starting a program to empower citizens to obtain their own water. Online fundraising will pay for trucks to carry in tanks of water, training on rain filtration, and the purchase of 250-gallon containers for rainwater. Reimbursement efforts for water expenses also may be successful. My Clean H2O Matters, a march organized by West Virginia community groups, presented WVAW with invoices for personal costs incurred by the spill, and the utility has offered to review the claims.

In North Carolina, citizens and environmental organizations continue

still no federal regulations governing coal ash storage or the cleanup of contaminated sites, though the agency faces a court-ordered deadline to issue a rule by mid-December. The EPA is considering two proposals — one system would label coal ash as nonhazardous while the other would declare it hazardous and require stricter regulations. A bill that passed the House last summer and is pending in the Senate would negate any EPA regulations and leave oversight up to the states.

The Duke Energy coal ash spill also came just a few months before the EPA faces another court-ordered deadline, this one to address water pollution from coal-fired power plants. By May 22, the agency must update its 30-year-old effluent guideline rule under the Clean Water Act, which could impose the first federal limits on the levels of toxic metals in the wastewater that power plants discharge.

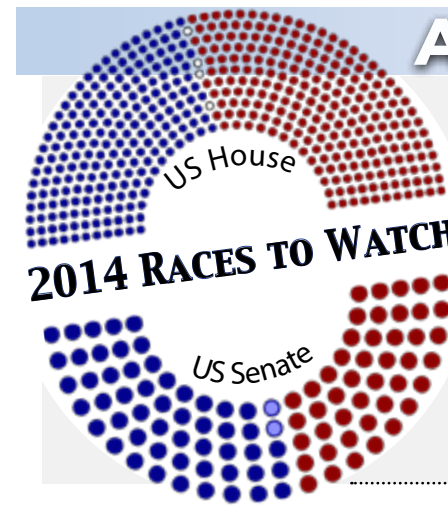
For updates on coal ash regulation, visit *Appalachian Voices' Red, White and Water campaign* at [apvoices.org/rww](http://apvoices.org/rww), or track chemical safety legislation on the *Green Chemistry Law Report* at [blog.verdantlaw.com](http://blog.verdantlaw.com)

pressing DENR to implement enforcement action against Duke. Independent groups including Appalachian Voices, the Dan River Basin Association and the city of Danville, Va., are monitoring the quality of the Dan. Rallies protesting Duke Energy and events in support of the river have been widespread across the state.

This renewed attention on water rights has coincided with action around the country to reign in corporate pollution. In March, the EPA announced the largest enforcement fine ever: a \$27.5 million penalty against Alpha Natural Resources for more than 6,000 water pollution permit violations in five Appalachian states. In Kentucky, the Sierra Club has used the momentum to highlight contamination from a Louisville Gas & Electric facility, where the company has been discharging coal ash into the Ohio River daily for five years. But Thompson warns that change won't happen overnight. "Unless we take a sense of ownership in this, the problem's not going to change," says Thompson. "And I haven't met a person yet who can live without water."

# Appalachia's Political Landscape

By Brian Sewell and Thom Kay



The November 2014 elections are months away, but the figurative starting gun has been fired and the horse-race coverage has begun. To both parties this midterm may seem especially significant. Halfway through President Obama's second term, some Republicans believe their party is poised to take over the Senate.

Democrats currently have a 55-45 majority, but the party's incumbents are under fire for standing by President Obama

through the most turbulent period of his presidency. Meanwhile, several sitting Republicans will have to make it past a primary challenge by far-right candidates. In the Republican-controlled House of Representatives (234-198), the Democratic party's highest hope is to keep their caucus intact, picking up seats where they can.

As the midterms approach, here are eight regional races worth keeping an eye on — for their careful (and clumsy) campaign strategies, the millions spent on attack ads, and their implications for Appalachia's congressional delegation.

## U.S. Senate - North Carolina

In one of the most contested and costly Senate races in the country, a field of challengers are keeping first-term Sen. Kay Hagan and the national Democratic Senatorial Campaign Committee on their toes.

In the lead-up to the May 6 primary, the two GOP frontrunners — Thom Tillis, an influential state legislator, and Tea Party conservative Dr. Greg Brannon — have mostly been busy criticizing each other rather than Hagan.

That role has so far fallen to outside groups such as Americans for Prosperity and others supported by the billionaire Koch brothers, who have already spent more than \$8 million on anti-Hagan ads. A spokesperson for Hagan called the Koch-backed efforts a "baseless smear campaign" from a group that "doesn't speak for North Carolinians."

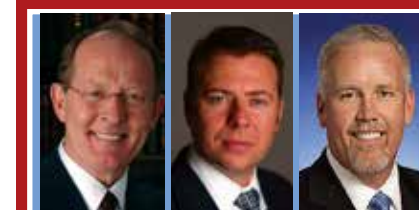
North Carolina may be the epicenter for the GOP's efforts to take control of the Senate, but some progressives are also sour on Hagan's record due to her prominent support of the Keystone XL

tar sands pipeline. An Elon University poll released on March 3 found that just one-third of registered voters in North Carolina approve of Hagan's job performance.

## U.S. Senate - Tennessee

Sen. Lamar Alexander's seat is solidly Republican — even Democratic strategists say the second-term senator

### U.S. Senate - Tennessee



Incumbent: Sen. Lamar Alexander (R)  
Challenger: Terry Adams (D)  
Challenger: Joe Carr (R)

is more likely to be defeated in the Aug. 7 primary challenge than be unseated by a Democrat such as challenger Terry Adams, who recently declared his candidacy.

That may be why Tennessee State Rep. Joe Carr decided to enter the race last August. "[Alexander] is popular, but there is a disconnect with his popularity to the way he has voted," Carr said upon announcing his candidacy. The race in Tennessee provides a look at how opposition aimed at moderate Republicans from the party's far-right wing has been in-

creasing. Last year, a letter from the Tennessee Tea Party urged Alexander, a former governor and two-term presidential candidate, to "retire with dignity."

In his response, Alexander said he would rather stick around, because "Washington needs more, not fewer, conservatives who know how to govern."

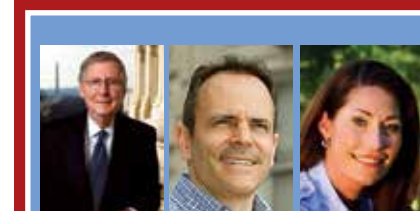
A recent poll conducted by Middle Tennessee State University found that 47 percent of self-identified Republicans favored Alexander in the primary. Just 7 percent favored Carr and 4 percent wanted "someone else."

## U.S. Senate - Virginia

Democrats considered Sen. Mark Warner's seat safe until Ed Gillespie, a former chairman of the Republican National Committee, entered the race. Warner, a rumored presidential contender, has been in the Senate since 2009. Gillespie has so far focused his campaign on health care and the economy. He has never held elective office, but nevertheless

continued on p. 18

### U.S. Senate - Kentucky



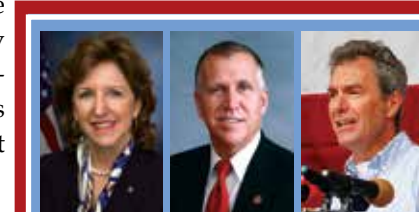
Incumbent: Sen. Mitch McConnell (R)  
Challenger: Matt Bevin (R)  
Challenger: Alison Lundergan Grimes (D)

## U.S. Senate - Kentucky

Mitch McConnell was first elected as a U.S. Senator 30 years ago and is currently the minority leader, the highest position for a Republican in the Democratic-controlled Senate. Considering that Mitt Romney won in Kentucky in 2012 by a staggering 23 percent, it would seem the only possible threat to McConnell's re-election would be in the Republican primary from a field of challengers that includes businessman Matt Bevin.

But his real opposition comes from Democrat Alison Lundergan Grimes. Grimes won her bid to become Kentucky's Secretary of State by a huge margin in 2012. Now, however, she faces the difficult task of separating herself from Democratic congressional leadership and the White House. A recent poll by the *Louisville Courier-Journal* had Grimes leading McConnell, who, according to the same poll, is slightly less popular than President Obama in the boldly red Bluegrass State.

### U.S. Senate - North Carolina



Incumbent: Sen. Kay Hagan (D)  
Challenger: Thom Tillis (R)  
Challenger: Dr. Greg Brannon (R)

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has the credentials and the fundraising experience from decades of advising GOP politicians to represent a serious challenge to Warner. A poll conducted by Quinnipiac University at the end of March, however, found Warner with a 15-point advantage over Gillespie.

**U.S. Senate - West Virginia**

Between the 2008 and 2012 presidential elections, West Virginia saw a monumental swing toward the Republican Party. Of the 3,410 counties in the United States, Boone County, W.Va., saw the largest pro-Republican swing, approximately 42 percent. Suddenly, five-term senator and incumbent Jay Rockefeller, a Democrat, seemed vulnerable. In November 2012, U.S. Representative Shelley Moore Capito announced she would run for Rockefeller's seat. Two months later, Rockefeller announced he would not seek re-election. As of the end of March, Capito had a double-digit lead over the Democratic candidate, West Virginia Secretary of State Natalie Tennant. If she

**U.S. Senate - West Virginia**



replaces Rockefeller, Capito will be the first Republican elected to represent West Virginia in the Senate since 1956. Either would be the state's first female senator.

**U.S. House - Kentucky's 3rd District**

Louisville, Ky., native Rep. John Yarmuth joined Congress in 2007 after defeating Republican incumbent Anne Northup. In September 2013, Yarmuth joined the powerful House Committee on Energy and Commerce, putting him in the middle of debates concerning environmental and energy policy.

This year, Yarmuth faces a challenge from Dr. Michael MacFarlane, a Louisville-based physician critical of the Obama administration's health care initiative. MacFarlane is popular for his financial support of state and federal Republican candidates, but he must overcome his party's losing record from the last three elections to bring Kentucky's 3rd district back into Republican control.

**U.S. House - Ky. 3rd District**

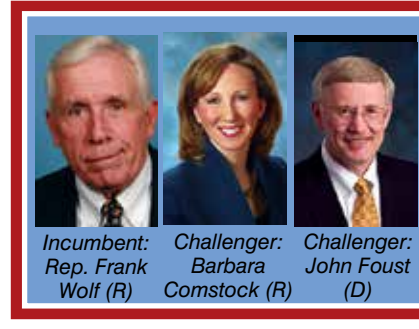


**U.S. House - Virginia's 10th District**

When Rep. Frank Wolf announced he would not be running for an 18th term late last year, attention from both parties shifted to northern Virginia's 10th District. A wide field of Republicans, including Virginia State Delegate Barbara Comstock, are vying for a primary win come April, while Democrats plan to nominate a candidate from their party's pool — which includes Fairfax County Supervisor John Foust — ahead of the primary, to bolster their chances of winning the long Republican-held seat.

According to the Rothenberg Political Report, after Virginia's redistricting in 2012, the 10th district is competitive but remains slightly Republican.

**U.S. House - Va. 10th District**



**U.S. House - West Virginia's 3rd District**

Rep. Nick Rahall, a Democrat, has won 19 straight congressional elections, and while his margin of victory has shrunk in the past few races, he still managed to win somewhat comfortably in 2010 and 2012.

This year, however, may be different. Republicans have gradually made headway in southern West Virginia, where voters have strongly rejected President Obama. Republican strategists and outside groups have made Rahall a top target, dumping millions into attack ads attempting to tie Rahall to Democratic leadership and President Obama. State Sen. Evan Jenkins, formerly a Democrat, is the runaway favorite for the Republican nomination.

**U.S. House - W. Va. 3rd District**



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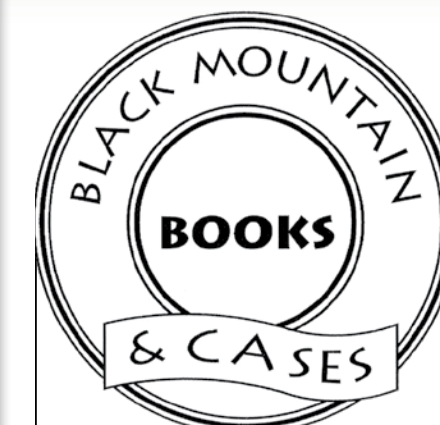


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# Energy Efficiency Offers Promise of Lower Electric Bills

By Brian Sewell

Even as residential energy efficiency improves, the impact of home energy costs on low-income families in the Southeast has become more severe since the turn of the century, according to a report by Appalachian Voices.

The report, titled "Poverty and the Burden of Electricity Costs in the Southeast," found that in 2001 the average southern family spent an estimated \$1,500 on energy. By 2009, average energy costs had increased to more than \$2,000.

Low-income residents in the Southeast often spend more than 20 percent of their household income on electric bills, reducing their ability to afford food, healthcare and other essential needs, says Rory McIlmoil, energy policy director for Appalachian Voices. Much of this burden stems from a lack of insulation, poor weatherization and inefficient appliances.

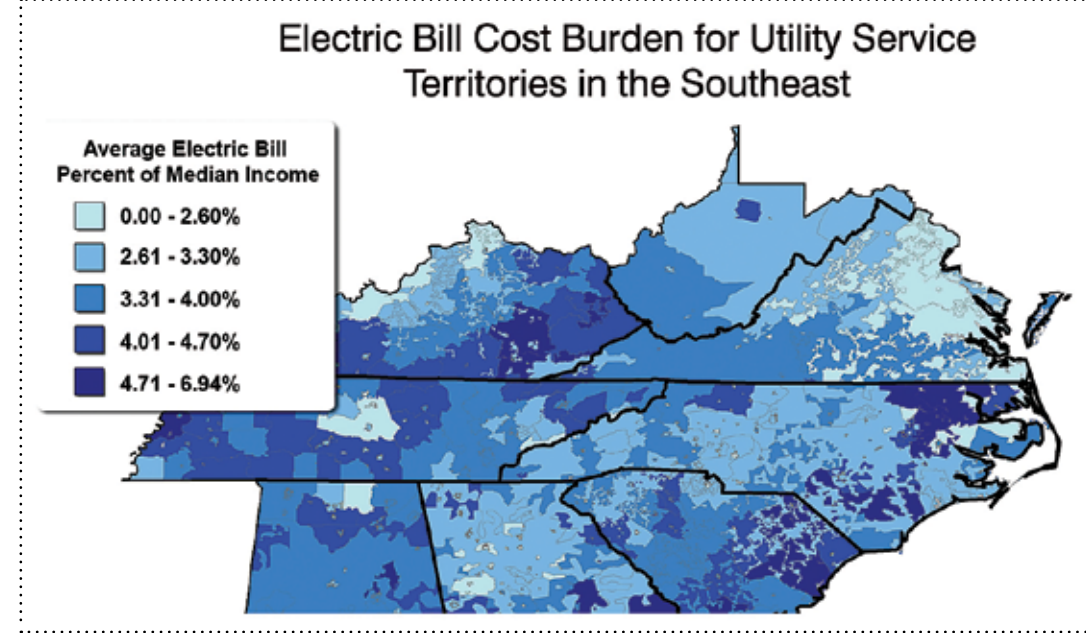
"As the U.S. marks the 50th anniversary of the War on Poverty, it's clear we have a long way to go to truly move the region's most disadvantaged communities forward, and electric utilities should play a key role in making that happen," says McIlmoil.

The report claims that rising energy costs can be alleviated if utilities offer their residential customers "on-bill" fi-

ancing loan programs to make their homes more energy efficient. These programs, which have been successful in states including South Carolina and Kentucky, allow the homeowner to repay a loan over time through installments on their electric bill, while saving money in the short term as they use less electricity.

The American Council for an Energy-Efficient Economy also emphasizes the role energy efficiency plays in reducing electricity demand and overall consumption. As recently as the 1990s, electricity sales in the U.S. were growing more than 2 percent annually, but according to the ACEEE, energy efficiency programs and policies have helped reverse that trend over the last decade.

Despite the proven benefits of energy efficiency, however, many power providers across the southeastern United States do not offer efficiency financing options, and upfront costs to make efficiency improvements remain a sig-



Along with its report, Appalachian Voices created regional maps to be featured in Google's new Maps Gallery. The maps show that families in the Southeast spend more of their income on electricity compared to the national average, and that those families are primarily concentrated in areas served by rural electric membership cooperatives.

Sources: GIS layers from Platts; average residential electricity price and consumption data for utilities from EIA-860 database; median income for counties from US Census Bureau; analysis and mapping by Appalachian Voices, Feb. 2014

nificant barrier to low-income families.

A small percentage of utilities in the Southeast, particularly large investor-owned utilities, offer comprehensive loan programs. But according to McIlmoil, only one out of eight residents in the region has access to financing for home energy efficiency.

Appalachian Voices, the organiza-

tion that publishes *The Appalachian Voice*, initiated its Energy Savings for Appalachia program in 2013 to shepherd the development of on-bill loan programs through rural electric membership cooperatives while building a broad movement to expand and promote the benefits of energy efficiency.

Learn more at [appvoices.org/saveenergy](http://appvoices.org/saveenergy)

# Appalachian Coal Companies Face Major Water Pollution Fines

By Brian Sewell

In March, two federal enforcement actions against Appalachian coal companies called attention to the pervasive threat of water pollution from mountaintop removal coal mining.

First, the U.S. Environmental Protection Agency reached a \$27.5 million settlement with Alpha Natural Resources — the largest mountaintop removal mining operator in the U.S. — for violations of the Clean Water Act. It is the largest-ever civil penalty under the water pollution permitting section of the law.

The government complaint alleged that between 2006 and 2013, Bristol,

Va.-based Alpha and its subsidiaries routinely violated limits in more than 300 of its state-issued Clean Water Act permits, discharging excess amounts of pollutants into hundreds of rivers and streams in five Appalachian states. In some cases, the company discharged pollutants without a permit.

In addition to the record-setting fine, Alpha said it will spend approximately \$200 million to install and operate wastewater treatment systems and reduce pollution discharges at its coal mines in Kentucky, Pennsylvania, Tennessee, Virginia and West Virginia.

Just two days after Alpha's an-

nouncement, Nally & Hamilton Enterprises, one of the largest coal companies in Kentucky, announced it would pay \$666,000 for Clean Water Act violations.

Prosecutors allege that Nally & Hamilton dumped mining waste in streams 1,000 feet beyond permit boundaries at a site in Harlan County, Ky. Like Alpha, the company is also accused of dumping waste into streams without a permit.

The settlements send "a strong deterrent that such egregious violations of the nation's Clean Water Act will not be tolerated," says Robert G. Dreher, an attorney with the U.S. Justice De-

partment's Environment and Natural Resources Division.

Groups that oppose mountaintop removal, such as nonprofit law group Appalachian Mountain Advocates, agree that the actions are a positive step, but say that consent agreements and higher fines do not go far enough to provide peace of mind for coal-impacted communities.

Joe Lovett, executive director of Appalachian Mountain Advocates, told *The New York Times* that to solve the fundamental problem of pollution inherent in mountaintop removal, the EPA must "stop issuing permits that it knows coal companies can't comply with."

# Court Strikes Down Bush-era Water Rule for Coal Mines

By Molly Moore

In February, a U.S. district court struck down the 2008 Stream Buffer Zone Rule, which loosened stream protections near mountaintop removal mining sites, declaring it violated the Endangered Species Act.

Senior Judge Barbara Rothstein wrote that the Office of Surface Mining Reclamation and Enforcement wrongfully proceeded with the environmentally harmful rule even when faced with clear evidence that mining operations near streams endanger sensitive wildlife and water resources.

Rothstein's decision restores the 1983 Reagan administration rule which had established a more environmentally sound buffer zone around waterways to prevent debris and rubble from coal mining operations from burying streams. The 2008 version signed by President George Bush overwrote the 1983 rule and minimized those protections.

The National Mining Association,

which intervened in the case, has not announced whether they will appeal Rothstein's decision.

The decision will likely not have much immediate impact in Kentucky, Virginia or West Virginia, as the 2008 rule was not enforced in states that manage their own surface mining oversight.

A bill passed by the House of Representatives in March, H.R. 2824, would override the recent court decision and require that all states enforce the 2008 rule. It would also stop the Office of Surface Mining Reclamation and Enforcement from issuing an updated rule called the Stream Protection Rule, which the agency says will reflect updated science and technology and could be a "more protective regulatory strategy."

The bill is unlikely to be considered in the Senate, and White House officials are prepared to recommend a presidential veto, stating that the proposed legislation "does not adequately address the community, environmental, and health impacts of strip mining."

# Duke Energy Plans to Devalue N.C. Renewable Energy

Duke Energy says it wants to reduce the amount it pays North Carolina households with rooftop solar for feeding excess electricity into the grid. Under an existing policy, ratepayers that produce solar energy are paid the full retail price for electricity they send out to the grid — about 11 cents per kilowatt hour in North Carolina. But federal law only requires electric utilities to pay residential solar producers the amount it costs to generate their own power, which in Duke's case is less than 7 cents a kilowatt hour.

The N.C. Sustainable Energy Association and local solar companies argue that Duke — the largest electric utility in the country — is using its market dominance to diminish the demand for solar in North Carolina.

# Kentucky-India Coal Export Deal Stalls

In 2012, Kentucky Gov. Steve Beshear boasted about a \$7 billion deal that would send 9 million tons of Appalachian coal to India each year for 25 years, calling the partnership "a great example of a new market for Kentucky resources." But a year and a half later, the agreement appears to have stalled.

According to the *Louisville Courier-Journal*, those involved with the deal aren't sure when shipments will start or where the deal even stands, citing global shifts in the market for coal. The state reported in early February that eastern Kentucky lost 2,232 coal-related jobs in 2013.

# Energy Industry Overstated Predictions of Price Spikes

By Brian Sewell

The energy industry's record of overestimating electricity price spikes as a result of pollution controls dates back 40 years, according to an analysis by the Center for American Progress. As a result of the 1990 Clean Air Act amendments, the Edison Electric Institute, an association of investor-owned utilities, estimated double-digit rate increases for most states between 1990 and 2009 with the largest spikes occurring in coal-dependent states. Nationally, predictions by the group were off by an average of 16 percent. In the 10 states most dependent on coal-fired electricity, the group overestimated by an average of 24 percent.

As industry groups attempt to deter carbon regulations with forecasts of soaring energy prices, the report's authors, Daniel J. Weiss and Miranda Peterson, write that it is imperative that public officials and the media question those claims "even if they have an 'expert study' that purports to 'prove' them."

# Methane Leaks Complicate Natural Gas Reputation

Methane leaked during natural gas production could undermine the resource's reputation as a "bridge" from fossil fuels to cleaner energy, according to a study published in *Science*. The study concludes that leaked methane — a greenhouse gas 30 times more potent than carbon dioxide — negates the benefits of switching from diesel to natural gas in the transportation sector, despite the fact gas produces 30 percent less carbon dioxide emissions than diesel. Even factoring in emissions from leaked methane, however, switching from coal-fired power plants, the nation's largest source of carbon pollution, to natural gas-fired power plants will lower climate-changing emissions overall.

# Supreme Court Rejects Spruce Mine Case

The U.S. Supreme Court says it won't consider a lawsuit challenging the U.S. Environmental Protection Agency's ability to veto mountaintop removal permits. Arch Coal, which owns Spruce Mine, petitioned the high court to hear the case after an appeals court sided with the EPA last year. In 2007, Arch subsidiary Mingo Logan was granted permits by the U.S. Army Corps of Engineers to discharge mining waste into streams surrounding its Spruce Mine in West Virginia, but the EPA vetoed those permits in 2011 after determining the discharges would cause unacceptable harm to water quality and wildlife. Arch Coal claims the EPA overstepped its authority by retroactively vetoing permits.



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# Standing Up for the Guardians of Our Air and Water

By Amy Adams

North Carolina has learned a tough lesson in the Dan River coal ash spill: an ounce of prevention is worth a pound of cure. In this case, the ounce of prevention would have come in the form of a well-staffed Division of Water Resources with the expertise and tools needed to run a compliance and monitoring program. However, budget cuts from the General Assembly and the updated "vision" from the new Department of Environment and Natural Resources administration gave us a glimpse of what can happen when you relax rules and requirements and try to transform state inspectors from environmental watchdogs into industry babysitters.

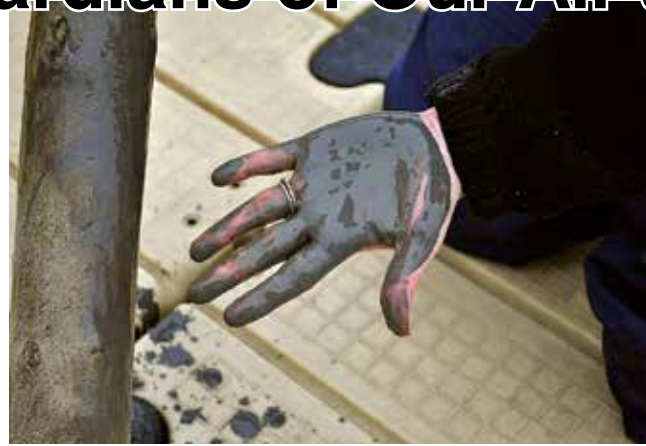
Industry giants and industry-friendly legislators often accuse environmental rules of being a roadblock to economic growth. In a nutshell, their argument is that it costs businesses too much money

to protect the environment and communities from harm, when that money could instead be spent on job creation.

The argument always seems to be presented as a black and white choice — it's either jobs or breathing clean air. Somehow, the argument from the industry side is always aimed at our wallets. Now we're hearing the same arguments from Duke Energy, which claims ratepayers will have to shoulder the cost of switching to a safer coal ash storage system. Maybe that

is partly due to where their own values lie — in profit margins. But the values that North Carolinians place on our environment transcend material concerns. And that gives me real hope.

Recent polling by Public Policy Polling proves how deeply our love for this state's unique and diverse natural



Amy Adams shows her hand after wiping a log covered in coal ash from the Dan River. Adams is Appalachian Voices' North Carolina Campaign Coordinator and a former regional supervisor with the N.C. Department of Environment and Natural Resources.

environment runs. According to the results, 93 percent of voters want state lawmakers to force Duke Energy to clean up the Dan River spill, and 83 percent think Duke should have to clean up all of its toxic coal ash sites. Emphasizing this, a national Gallup poll released in March showed that the majority of Americans said they prioritized the environment over economic growth. In the wake of the West Virginia and North Carolina threats

to drinking water supplies, the ties between ourselves and the condition of the natural world around us have never been more apparent.

Making sure the resources that support our communities are protected falls on the shoulders of the Division of Water Resources at DENR. This state — as is the case for all states in the nation — is going to need its environmental scientists, engineers and inspectors if we are to adequately protect the environment, and in turn our water and air supplies. Routine inspections can lead to more compliance by companies, and can also reduce penalties — and environmental impacts — by catching problems and correcting them sooner. Rather than being viewed as a hindrance to industry's way of business, regulators should be viewed as the guardians of our water supplies and healthy air.



# Tennessee General Assembly Skirts Mining Legislation

This spring, Tennessee state legislators had two clear opportunities: commit to protecting the state's mountains, or charge citizens more for mining regulation that would likely be weaker than current standards. On March 12, members of the State Senate Committee on Energy, Agriculture and Natural Resources chose to do neither.

oversees surface mining in Tennessee, but the Primacy and Reclamation Act of Tennessee would have transferred that authority to the state. As Appalachian Voices Tennessee Campaign Coordinator Ann League explained in an op-ed in *The Tennessean*, the revenue gained from a proposed mining tax would likely not be enough to properly regulate the industry.

The *LaFollette Press* in Tennessee's

coal-bearing Campbell County also announced its opposition to the bill, declaring in a staff editorial that, "We fear the legislation is like a coal mine itself — it probably goes much deeper than its surface and will likely lead to some dark matter with potentially toxic consequences."

Applauding the legislators' decision to halt the bill's progress for 2014, League says, "The committee members saved Tennessee taxpayers millions of dollars in unnecessary spending, and in the process safeguarded our water quality and protected the mountain heritage for all Tennesseans."

Unfortunately, the Tennessee Scenic Vistas Protection Act, a bill to prohibit mountaintop removal coal mining on the highest ridges of the Cumberland Mountains, was also stalled in committee that day. Mountaintop removal coal mining pollutes air and drinking water, destroys forests, and is linked to health ailments such as heart and lung disease and cancer.

"Once again, the Scenic Vistas

bill was not given an opportunity for serious discussion," says League. "Banning mountaintop removal in Tennessee is an issue that the majority of Tennesseans say they support, and we will continue to work to protect the mountains of Tennessee."

The bill, sponsored by Rep. Gloria Johnson (D-Knoxville) and Sen. Lowe Finney (D-Jackson), has bipartisan support and the backing of organizations such as the Tennessee Conservative Union, the Lindquist Environmental Appalachian Fellowship, Tennessee Environmental Council and Tennessee Nature Conservancy. Co-sponsors include Rep. Bill Dunn (R-Knoxville), Rep. Brenda Gilmore (D-Nashville), Sen. Doug Henry (D-Nashville), Rep. Darren Jernigan (D-Old Hickory), Rep. Sherry Jones (D-Nashville), Rep. Gary Odom (D-Nashville), Rep. Bob Ramsey (R-Maryville) and Rep. Mike Turner (D-Old Hickory).



# MEMBER SPOTLIGHT: Alison Auciello

## Protecting Her Family's Roots

By Meredith Warfield

For Alison Auciello, defending Appalachia is an everyday battle. She has worked on everything from food safety to raising awareness of mountaintop removal to developing campaigns against coal pollution. But it was more than the beauty of the hillsides that inspired her to save the region; this environmental activist's devotion to Appalachia derives from family roots.

Alison's family once lived near Pikeville, Ky., an area that is heavily influenced by the coal industry. In the late 1950s Alison's grandfather decided to move the family out of the coal mining region in hopes of giving them a better life. After relocating to Florida, and later to Ohio, several parcels of their property were sold to coal companies. It wasn't until years later that Alison realized her family's former land is now likely used to store coal slurry, a waste produced in coal preparation.

When Alison recalls childhood memories of the coal mines in Pikeville, she says, "I could feel it was a scary place." As she grew older and began to understand the devastation

surrounding coal pollution and mountaintop removal mining, the thought of her family's land evoked a mixture of emotions. She was thankful for her grandfather's decision to move, but heartbroken that they were put in such a position. What struck her most was the fact that sacrifice is still happening in that same place her family left half a century ago. "I feel guilt for that," she says. "I want to do what I can to protect what's left."

As staff director for Ohio Citizen Action, Alison organized several trips to see mountaintop removal devastation, which is how she first learned about Appalachian Voices. Soon after becoming a member in 2008, she began helping distribute our bimonthly publication, *The Appalachian Voice*, in southeast Ohio.

In 2011 Alison began working for Ohio Food and Water Watch, where she works to improve the food system by advocating for the reduction of antibiotics on factory farms and better labeling of genetically engineered foods. She also spends much of her time fighting to end hydraulic fracturing, a process of natural gas extraction



that reaps devastating environmental effects by injecting fluids deep into the earth, forcing cracks in the rock.

"Appalachia is the first region in our country to experience this depletion of land," she says, "and we need to learn from that." She recalls the old phrase "canary in the coal mine," which refers to a coal miner's practice of using a caged canary to determine if there was carbon monoxide in mining tunnels. As long as the bird remained singing, the miners knew they were safe, but if the bird fell silent and died, they knew it was time to get out.

Seeing Appalachia as the canary for America, Alison strives to keep the song of the mountains alive, driven by devotion to protecting her Kentucky family heritage.

# Appalachian Water Watch Responds to Coal Slurry Spill

On Feb. 11, Patriot Coal Co. spilled 108,000 gallons of coal slurry into Fields Creek in Kanawha County, W.Va. (*see our spills story on page 12*). Our Appalachian Water Watch team was on the scene that day to gather water samples, and the test results exposed levels of aluminum, iron and solids that violate the company's Clean Water Act permit.

The testing also revealed arsenic and lead at levels above drinking water standards, as well as the presence of MCHM, the chemical that poisoned the tap water of 300,000 West Virginians in a different spill in January.

As of press time, the West Virginia Department of Environmental Protection had not disclosed the full results of its water testing from the incident.

"It's incredibly fortunate that no one was immediately harmed by this spill, but the circumstances around the spill and the DEP's response remain extremely troublesome," says Erin Savage,

water quality specialist with Appalachian Voices. "We don't intend to let DEP chalk this one up as 'just another blackwater spill.' It's time the agency take the pervasive and historic problems of coal-related water pollution in West Virginia seriously."

Appalachian Voices, joined by Coal River Mountain Watch, sent a letter to the DEP sharing our test results and calling on the agency to take enforcement action on the permit violations. We also called on the DEP to ensure it can obtain accurate and timely information about spilled substances in the future and be wholly transparent in sharing information with the public. To follow updates, visit: [appvoices.org/waterwatch](http://appvoices.org/waterwatch)

## Building VA's New Power Network

This spring, our New Power for the Old Dominion campaign toured central and southwest Virginia, visiting community and campus groups and talking with more than 350 residents who share our desire for a safe, affordable and reliable electrical system with more clean sources. We're assembling a network of dedicated supporters — to learn more and join the movement, visit: [appvoices.org/new-power](http://appvoices.org/new-power).

Appalachian Voices is committed to protecting the land, air and water of the central and southern Appalachian region. Our mission is to empower people to defend our region's rich natural and cultural heritage by providing them with tools and strategies for successful grassroots campaigns.

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In this image from Rocky Knob Mountain Bike Park in Boone, N.C., a young rider takes to the trail in earnest. This piece, titled "The Disciple," earned outdoor photographer Eric Heistand a "finalist" designation at the 11th Annual Appalachian Mountain Photography Competition. See more selections from the competition on page 19. View the images on display at the Turchin Center for the Visual Arts in Boone, N.C. until June 7, or view the online gallery at [appmntphotocomp.org](http://appmntphotocomp.org)

# APPALACHIAN VOICES NEEDS YOUR HELP

The coal-related spills in West Virginia and North Carolina hit our water-testing budget hard. Please donate to help our Water Watch team continue their testing to protect citizens' rights to safe drinking water and clean rivers.



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