

'War on coal' pits miners against environmentalists

Pittsburgh Post-Gazette - November 22, 2010 (2nd article in a 3 part series)

WASHINGTON -- A constellation of 508 red dots stretches across a wall map in the office of Bruce Nilles, one for every power plant now burning coal in the United States. It is his job to make these stars go dark, one by one.

The director of the Sierra Club's Beyond Coal campaign is a skinny Wisconsinite who bikes to work at the environmental group's warren of offices in adjoining Capitol Hill townhouses. He has no illusions that America can stop burning coal tomorrow, or even 10 years from now, and still generate enough power to function. But the transition, he says, has to start now and to him that means giving no quarter. His group fights every proposed coal plant. They work to shut down the old ones.

"It's such a large source of global warming pollution that if we don't end coal's contribution to global warming in two decades, it's going to be very hard to live on a planet that we recognize," Mr. Nilles said.

A dozen blocks away from Mr. Nilles' office, a strangely glittering hunk of coal holds a place of honor in the memorabilia case at the National Mining Association. When it comes to coal the only ground the association's chief lobbyist, Bruce Watzman, is giving is what can be burned.

"Coal is there," he said. "It has proven itself year after year, year after year, year after year that it is a reliable, essential part of our energy mix. And it has to remain so."

So, in the nation's capital the lines are drawn in a battle likely to affect everything from the price of a kilowatt of electricity to a Greene County miner's ability to pay for it. Income and environment, tradition and climate and two very different cultures are all colliding in Washington's halls of power where decisions, or their absence, will have lasting ramifications.

Unease on all sides

"I wish more people would come here and see it isn't as bad in the coal fields as they think it is," said Dru Ellis, who machines hydraulic equipment for the mines in southern West Virginia. His brother and friends work underground.

To Keith Eshleman, a professor at the University of Maryland's Appalachian Laboratory, which studies the region's ecosystem, the sense that his promotion of a coal-free energy grid might offend his neighbors is acknowledged.

"I understand that somebody whose job is wedded to the mining industry is not going to be happy with people like myself going around and drawing conclusions about the problems associated with their industry," he said. "If your livelihood's tied to it, I understand that's an issue."

But both sides -- industry and environmentalists -- feel frustration and a hint of fear at Washington's approach to coal in recent years, a sign of the sometimes contradictory policies the Obama administration and Congress have pursued.

President Barack Obama's Environmental Protection Agency, headed by Lisa P. Jackson, a former environmental regulator in New Jersey, has sought to limit mountaintop removal mining at every opportunity. The industry uses the practice, in which the top of a mountain is sheared off to extract the coal within, to reach coal that cannot be reached by ordinary underground mining. Because the waste from the process is dumped in surrounding valleys, the EPA is heavily scrutinizing mountaintop mining for its impact on streams in possible violation of the Clean Water Act.

The EPA also has made moves to more ambitiously regulate coal ash, the toxic material left over after coal is burned for energy.

Most strikingly, the agency in late 2009 issued a finding that greenhouse gases pose a danger to human health -- which could open the door to federal emissions controls.

The attitude of the coal industry to these developments, shared by many who live and work in Appalachia, can be neatly summed up in a billboard erected by the industry group "Friends of Coal" that greets drivers on Interstate 64 in Beckley, W.Va. It states: "Don't let EPA bureaucrats take away our coal jobs."

"What comes next?" Mr. Watzman ventured. "I don't think it's so much a surprise to us as a philosophy of where they're going. I think it's a surprise the speed with which they advanced the regulatory agenda and I think the expansion of the regulatory agenda beyond what has traditionally been a focus on use issues to production issues."

As the administration aggressively pursued its agenda, Congress remained flat-footed. A bill loathed by coal producers and users to establish a cap-and-trade system, essentially putting a price on carbon emissions, passed the House but was blocked in

the Senate as coal-state Democrats and a united Republican caucus never signed on. In a weak economy, anything that could raise prices for energy consumers was toxic.

The gridlocked Senate had no stomach for the reverse course, either. A proposal by Sen. Lisa Murkowski, R-Alaska, to bar the EPA from regulating greenhouse gases was defeated. But a similar strike against the administration -- perhaps in the form of a two-year moratorium on greenhouse gas regulation -- is possible with the Republicans gaining six seats in the upper chamber in this month's midterm elections.

The politics of coal know no party in West Virginia. In two of the state's key races this fall -- Rep. Nick Rahall against Spike Maynard for the state's third U.S. House district and Gov. Joe Manchin against John Raese for Senate -- it often seemed like the candidates were competing to see who could bow most majestically before the throne of King Coal.

Mr. Rahall, a 17-term Democrat who survived in a tough race against the former state Supreme Court justice, bragged about using his clout to blunt anti-mountaintop mining sentiment in the Democratic Party. The Democrat, Mr. Manchin, who won his race to fill the seat of the late Sen. Robert C. Byrd, memorably put a rifle shot through a replica of the cap-and-trade bill in a television ad. He also filed suit against the EPA last month for its tougher scrutiny of mountaintop removal permits.

'You can't fight the big man'

The guys from New York who'd come to raft the New River Gorge might have made small history the day they were beaten up by a Ph.D. who was standing up for his hillbilly heritage. Paul Rakes, who spent years working in the coal mines and now holds a professorship in history at West Virginia University Institute of Technology, said he had simply had his fill.

"There were a couple of what we'd call Yankees who were making fun of an elderly woman in a grocery store," he said. He was waiting in line behind her. She had the look. She had the accent.

"They actually said 'Deliverance' and there were a couple other things about her appearance -- mountain woman from the wilds," he said.

Mr. Rakes followed the men out of the store and invited them to do themselves a favor and go back where they came from. The anger swelled. The words followed. Then came the fists.

This sense of frustration-cum-indignation is atmospheric in coal towns and Mr. Rakes, who made the transition from coal miner to academic, says the outside world's continuing judgment of the coal industry, its future, its culture and its people has created its own subtext of social angst and cross-cultural resentment.

"Coal miners always had pride in what they do," said Mr. Rakes, whose father worked underground. At the same time, he said, that pride was always edged by a certain feeling: "It would be better if I could do something else -- but I never wanted to."

That nagging suspicion about status drove Mr. Rakes to the earth's surface 17 years ago. He walked away from a 21-year career as a miner to go to graduate school and take up life as an academic.

From those two perspectives he said he has come to grasp the thing that gnaws at the West Virginia coal community. The state has long been owned by outside corporations that bought up bottom land and mineral rights and dug into the mountains when the economy favored it.

"It's a frustration that's generationally born," Mr. Rakes said. "The old statement was, 'Well, you can't fight the big man.' The big man seems ambiguous, but it's not. It means someone who has a lot of money and has no true, vested interest in the state."

At one time, the big man was corporate. Often as not, today, it's governmental. The EPA and other regulators have, in a sense, united West Virginia's miners and their former nemesis -- Big Coal -- against a common enemy they see as arrogant, aloof and a bit condescending.

Thus, mountaintop removal, a drastic procedure that environmentalists say leaves a surface that will not allow plants to root, finds a range of ideologies within the same populace. Some see outside corporations plundering the land. Others see outside government locking it up. And everybody worries about what an abrupt halt to coal would mean in a state with little else by way of heavy industry.

Mr. Rakes has his own sense of ambiguity.

"I love the mountains as well," he said. "But we can't just stand here as forgotten wilderness."

'We're fighting for our lives'

The city of Logan, buried deep in southern West Virginia coal country, is named for a Native American chief who was accommodating to white settlers until a few of them

decided to slaughter several of his people in 1774. During peace negotiations, Chief Logan gave a speech later published in several newspapers that included the line, "Who is there to mourn for Logan? Not one."

More than two centuries later, the area's current residents who rely on coal feel as besieged as the Mingo tribe.

"We're fighting for our lives," said Jim Winkler, owner of American Hydraulics, a mining equipment repair shop located just outside Logan.

Mr. Winkler, 60, has run his shop for 27 years. The economy has forced him down to 36 employees from a staff that once numbered 50. As the vice president of the Logan Coal Vendors Association, he looks with a jaundiced eye at the Obama EPA's approach to the coal industry.

"Obama, in my opinion, when he came into office developed an environmental attitude with their extremists," he said. "I don't think he realizes what's at stake."

Logan County is a crucial front in the War on Coal, as it is home to Arch Coal's planned Spruce No. 1 Mine, among the largest proposed mountaintop removal projects in Appalachia with a saga to match.

The site has been in limbo since it was first proposed in 1998. Arch conducted an exhaustive environmental impact statement and in 2007 the Army Corps of Engineers -- in cooperation with the George W. Bush administration EPA -- signed off on six "valley fills," in which Arch would dump its mine waste in surrounding streams.

Local and national environmental groups took aim at the site for its size and impact on tributaries to the Coal River; litigation and protests have greeted it at every turn. The new administration's EPA entered the fray last year, announcing a public review of the Spruce permit under the Clean Water Act. The EPA has a rarely exercised power to veto existing permits, but given that the Spruce project "could result in unacceptable adverse effects to fish and wildlife resources," in agency parlance, the EPA took another look.

It received 50,000 comments, and a public hearing in Charleston in May turned into a shouting match. The agency's regional administrator recommended in September that Ms. Jackson veto the project, and her final word is expected by Feb. 22 -- though the legal fight is likely to continue regardless of her choice.

Spruce has become a symbol for all of surface mining. Ms. Jackson in April said her agency's new scrutiny on mountaintop mining means "no or very few valley fills." But

the audacious move of revoking an existing permit would further restrict the practice and set a fearsome precedent for the industry.

"It puts every permit in the Appalachian region at risk," said Gene Kitts, who helped usher the Spruce project through the permit process at Arch and is now an executive at International Coal Group.

"If you study the objection document that EPA submitted, there's nothing unique about that operation."

The project's supporters season their argument with economic statistics. Arch says a veto would prevent it from investing \$250 million in the area, with 250 direct jobs created by the project. Logan County Commission President Art Kirkendoll says Spruce would swell the coffers of the county and school system by "a couple million," and create additional indirect jobs. The coal industry, in all, contributes \$7.5 million in taxes to the school system, according to Logan school superintendent Wilma Zigmund.

Mr. Kirkendoll also sees a benefit in the dramatic topography changes wrought by mountaintop removal. Mining companies, once they finish reaping the coal from a site, are required to repair the newly flattened land. In Logan County, topless mountains now are home to an industrial park, an airport, a jail and a Wal-Mart.

"Down here we can't diversify unless we have some flat land to put something on," Mr. Kirkendoll said.

In response to written questions, an EPA spokesman wrote in an e-mail that the agency is reviewing mine permits to ensure that quality of life is protected in coal towns.

"Without a healthy community and environment, we can't have a healthy economy," the spokesman said. "We've set commonsense guidelines that protect the local waters, maximize coal recovery and reduce costs. We continue to reject the notion that for Americans to have economic security, they must sacrifice their health and the health of their communities."

Home-grown activists

Judy Bonds will happily direct you to her moment of mild YouTube fame with its more than 8,000 views. The film was taken during a protest last year in which environmentalists, including those from Ms. Bonds' Coal River Mountain Watch, marched outside a Massey Energy coal processing plant that is adjacent to an

elementary school and the subject of litigation for possible health consequences on the schoolchildren.

Ms. Bonds only appears briefly in the 54-second clip, and is hidden from view during the crucial sequence, when a burly looking woman wearing a orange-striped miner's jumpsuit smacks her in the face and then is cheered by the pro-Massey counter-protesters. The woman was arrested and fined, but Ms. Bonds says the incident is emblematic of the hostility she often encounters.

"The coal industry is telling these workers that people are out to get their jobs and that's created a level of danger," she said in an interview several months ago. "This feels like 1963 Mississippi down here."

Ms. Bonds, whose activism has taken a backseat of late as she battles cancer, puts to rest the canard that opposition to the coal industry in West Virginia originates entirely in Washington or other latte-slurping coastal cities. She comes from a family of coal miners and lives in the same place she grew up, Marsh Fork, W.Va.

Like many of her fellow activists, Ms. Bonds joined up with the environmental movement because coal was a bad neighbor. In this case, Massey started a surface operation in her hollow and the streams filled with dead fish. The somewhat abstract cause of global warming is not the most pressing task for this cadre of natives. They just want to keep their mountains and streams intact.

"The first time I saw a strip mine I was absolutely in disbelief," said Julian Martin, a Boone County native and environmentalist.

"I couldn't imagine why anyone would tear up a mountain like that. ... Those mountains are more valuable than a million jobs because mountains can be forever. As soon as they get the coal, the mountains are destroyed, the coal is burned and we're left with a wasteland."

But the natural beauty argument is a difficult sell in a time of high unemployment, which is why environmental groups have turned their efforts to economic analyses. A report released in June by the Morgantown-based environmental research firm Downstream Strategies and the West Virginia Center on Budget and Policy in Charleston found that the state spent \$42.2 million more than it took in, directly and indirectly, from the coal industry in 2009, and that even counting indirect jobs coal only accounts for 9 percent of the state's workforce.

The proportions are much higher in the southern part of the state -- in Boone County, coal directly provides 45 percent of the jobs -- where the question of what could

replace this kind of good-paying work rings loudest. The answer is difficult to ascertain. The Sierra Club's Mr. Nilles cited wind farms and home weatherization as sources of work for the manual labor set.

Rory McIlmoil, a researcher who co-authored the Downstream Strategies report on the costs of coal, said the jobs picture is bleak -- but with central Appalachian coal production already declining, those jobs are far from permanent. Regulatory factors aside, central Appalachian coal faces competition from other parts of the country where coal is easier to extract, as well as from newly developed natural gas fields.

"Any transition away from coal is going to be really difficult," he said. "It's going to result in massive job loss and migration out of rural areas in coal producing areas. But the thing is, that's going to happen anyway."

Not if but when

Though it's not as fast as he'd like, the territory is shifting in Mr. Nilles' direction. He noted that -- recent belligerent skepticism aside -- awareness of global warming has grown since the Beyond Coal campaign began in 2005. Even National Mining Association spokesman Luke Popovich acknowledges that renewable energies are ascendant and coal must reduce its harm to the environment in order for the industry to avoid the fossilized fate of its fuel.

The difference, then, between these adversaries isn't the goal, but the speed and method of arriving there.

With cap-and-trade kaput for now, Mr. Nilles said Congress must pass an aggressive Renewable Energy Standard, forcing the country to generate a certain percentage of its electricity from non-fossilized sources. Mr. Popovich said NMA never lobbies against renewables, but they aren't ready and reliable like coal. And he points to the industry's progress on pollution: New coal plants spew 90 percent less sulfur dioxide, nitrogen oxide and mercury than their 1970s-era predecessors, according to the National Energy Technology Laboratory.

The Obama administration has pushed for investment into carbon capture and storage technology, which coal plants could use to store their carbon emissions underground rather than having them add to global warming. But commercial deployment of such technology is more than a decade away even under the most optimistic projections.

Mr. Popovich said backing the coal industry into a corner with environmental regulations and legislation will only hamper technological efforts like CCS -- which can be used the world over, including by massive coal burners like China. Mr. Nilles

counters that the international community, including China, is advancing renewable technologies by leaps and bounds while the U.S. is stuck in the grips of coal.

The federal stimulus bill invested unprecedented billions in clean energy, but private sector money isn't flowing to the unproven technologies over the cheaper fossil fuels. Environmentalists argue that coal must account economically for its true costs to human health and the environment, thus sparking investment into cleaner alternatives.

"The clean energy sector offers huge opportunities for growth here in the United States," Mr. Nilles said. "And we invented many of these technologies. But because we're not investing in the scale that other countries are, we're getting left behind."

Mr. Popovich sees a clean energy future, too, but one in which there is no need to move beyond coal.

"Their view is almost ideological," he said of the environmental movement.

"It's, 'Coal is an evil and, quite apart from any technology, it's never going to be any good.' And our view is, 'No, we've proven that coal is different today than it was 70, 150 years ago in the Industrial Revolution, and there's no reason that in the next 25 or 50 years it can't be even more dramatically different.'"