

Patrick C. McGinley, From Pick and Shovel to Mountaintop Removal:
Environmental Injustice in the Appalachian Coalfields,
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Travelers entering Williamson, the county seat of Mingo County, West Virginia, pass a faded roadsign that reads: "Welcome to the Billion Dollar Coalfields." The irony of the greeting is hard to escape. Driving into the town which lies in the heart of central Appalachia's coal-producing region, one sees boarded-up stores and vacant and dilapidated buildings. Discouraging economic data and high unemployment in Mingo and other coal counties of southern West Virginia confirm what the eye sees: The billions of dollars of coal reserves mined from the region have only marginally benefited local people. After a century of mining in the "billion dollar coalfields," local communities lack funds to upgrade aging schools; tens of thousands live below the federal "poverty line"; and public services such as fire, police, sewage treatment, and libraries struggle to survive on "bare-bones" budgets.....

Prior to the enactment of [the federal Surface Mining Control and Reclamation Act] SMCRA in 1977, unregulated surface and underground coal mining created enormous environmental harm throughout the Appalachian coalfields. These externalities created disincentives for local economic development as well as other adverse social and economic consequences... [C]oal mining's adverse impacts were seen as part and parcel of the industrialization. The most visible adverse impacts of coal strip mining were the scars gashed in Appalachian mountainsides. Surface mining strips away forest vegetation, causing erosion and attendant stream sedimentation and siltation, accompanied by negative impacts on aquatic life and drinking water supplies. In some coalfield regions, iron-laden sulphuric acid mine drainage pollution from underground mining produces red-orange stained stream beds and renders watercourses ecologically sterile. Underground and strip mining contaminated or depleted underground aquifers that provide domestic and farm water supplies to many coalfield families. Loud noise and dust from blasting and earth-moving activities disturb nearby communities and wildlife. During mining, dust and debris often fill the air as soil and underlying rock strata are blasted apart, earth is moved, and coal extracted. Landslides caused by indiscriminate dumping of mine spoil downslope on steep Appalachian mountainsides buried cars, homes, and sometimes killed people...

By the end of the 1960s, public concern over the adverse impacts of coal mining had grown to a crescendo of opposition. [SMRCRA was enacted in 1977.] SMCRA's cooperative federalism scheme instituted an extensive and permanent federal regulatory presence to deal with problems previously within the sole domain of the states. ...Not surprisingly, resistance to federal legislation by the coal industry and many state political and regulatory interests carried over to [the Office of Surface Mining] OSM's efforts during the implementation phase of the Act. ...In the quarter century since enactment of SMCRA, the environmental degradation and attendant adverse social and economic impacts on coalfield communities continue, albeit not at the catastrophic levels that existed in the pre-SMCRA years when coal mining was essentially unregulated. One of the best examples of such continuing regulatory failure can be seen in the failures of

state and federal enforcement of SMCRA's requirements pertaining to huge mountaintop removal strip mines that have proliferated in the southern West Virginia coalfields. It is there, near the benighted former coal camps, that a specific SMCRA promise of environmental protection and local economic development was broken by coal operators and compliant federal and state regulators....

A major transformation of the coal industry triggered [a]post-SMCRA departure from conventional mining methods. Corporate mergers, consolidations, and bankruptcies accompanied intense competition between eastern and western coal mining operations. A combination of all of these events foreshadowed the growth of "mountaintop removal"--a strip mining technique that existed only on a small scale before SMCRA.] One commentator observed:

Because of [competition with] cheap western coal, mountaintop removal suddenly boomed in central Appalachia in the 1990s. Trucks and power shovels have grown to gargantuan sizes, and drag lines swing shovels holding up to 100 cubic yards of rock. Mountaintop mines that reduce ridges and peaks by hundreds of feet now sprawl across more than 2,000 acres. An estimated 400 square miles of southern West Virginia mountains and ridges have been leveled and 1,000 miles of streams buried beneath debris blasted, shoved, and dumped into narrow valleys. The move to the use of large-scale mountaintop removal operations would make mining in Appalachia more efficient, productive, and--most importantly for coal operators--much less labor-intensive. ...

As traditional contour and area mining rapidly declined during the 1980s and 1990s, growing numbers of mountaintop removal mines began clear-cutting the steep-sloped hardwood forests and chopping off mountaintops in eastern Kentucky and southern West Virginia. Over the course of more than two decades, the West Virginia Department of Environmental Protection (DEP) and its predecessors authorized the coal companies to bury at least 786 miles of West Virginia streams under valley fills. Thousands of acres of hardwood forests were leveled....

Ordinarily, when a state grants a permit to conduct strip mining operations, a coal operator is required to restore mined land to its approximate original contour (AOC). When Congress was debating SMCRA, central Appalachian coal operators and coal-state congressional representatives sought an exemption from the AOC requirement for mountaintop removal mining. Mountaintop removal mining, they argued, could produce flat land for development--a commodity in very short supply in the mountainous coalfields of West Virginia, Kentucky, Virginia, and Tennessee. Congress accommodated these requests, but placed severe limitations on those situations where mountaintop removal would be allowed under a variance from the generally applicable AOC reclamation requirement..

As they have from SMCRA's inception, coal industry and government officials continue to tout flattening mountain ridges as a panacea for economic development. There was, and is, one problem with the scenario--mountaintop removal has played a significant role in the precipitous decline in coal mine employment, and has flattened

and deforested mountaintops that now lay barren, generating weeds rather than jobs.... In August 1997, Penny Loeb, a Senior Editor at U.S. News & World Report, broke the story of mountaintop removal's adverse impacts on coalfield residents. ... Loeb wrote:

[C]oal companies and some state officials note that strip mining provides high-paying jobs--weekly pay averages \$922. And some contend that West Virginians are better off with their mountains flattened--several dozen buildings, including four schools and three jails, have been built on them so far. . . . But the costs are indisputable, and the damage to the landscape is startling to those who have never seen a mountain destroyed. Topographic and landscaping changes leave some regions more vulnerable to floods. . . . And state employment records suggest the jobs argument is not very compelling. Mountaintop removal accounts for only 4,317 workers in the state--less than 1 percent of its job force. Overall, mining employment in the state has fallen from 130,000 in the 1940s and 1950s to just 22,000 last year.

Whatever the role of mining in the state's overall economy, its impact on nearby communities is devastating. Dynamite blasts needed to splinter rock strata are so strong they crack the foundations and walls of houses: Homeowners filed 287 blasting complaints with the state in the past year. Trucks full of coal rumble past some people's front porches at the rate of 20 an hour, 24 hours a day. Mining dries up an average of 100 wells a year and contaminates water in others....

SMCRA requires most strip mines to be reclaimed to their approximate original contours (AOC) [with certain exceptions, noted above]. ... But among many West Virginia regulators, it's becoming a joke. The [Charlestown] Gazette reported that the AOC waiver rules were "routinely skirted by dozens of huge mountaintop-removal strip mines." Information contained in DEP's own files revealed a systemic failure on the part of state regulators to apply SMCRA's AOC requirements to mountaintop removal mines....[A 1998 investigation by the Charlestown Gazette documented] how SMCRA's promise of economic development had been perverted by the West Virginia coal industry with the acquiescence of state and federal regulators. The Gazette found that for more than two decades, SMCRA's mountaintop removal requirements had been consistently ignored by regulators and coal operators. Coal companies had been allowed to flatten mountains and dump hundreds of millions of cubic yards of "excess spoil" in valleys obliterating hundreds of miles of headwater streams. ...More than 25 years ago, Cannelton Industries Inc. chopped the top off Bullpush to get at the coal underneath. The operation, started in 1970, was the first mountaintop removal mine in West Virginia. Cannelton officials promised that if they flattened out the land, they could more easily develop it. The company drew up plans to turn Bullpush into a brand-new town, complete with churches, schools, shops and a hospital. None of that ever happened. No schools. No churches or shopping centers. Cattle don't graze anymore on the pasture where Bullpush Mountain used to be. Hay isn't grown there, either.

Bullpush Mountain isn't alone. Across the Southern West Virginia coalfields, mountaintop removal mining is turning tens of thousands of acres of rugged hills and hollows--nobody knows how many--into flat pastures and rolling hayfields.....

The very existence of some former coal camps presents an obstacle to corporate plans to maximize the recovery of coal reserves and profits derived therefrom. Such communities are quite literally "targeted" for elimination. . . . Thus, the corporate expectation, or at least the hope, is that communities will suffer in silence the infringements of private property rights that would never be tolerated in the upscale suburbs where most politicians, regulators, and coal company managers live. . .

[S]ome coal companies targeted for destruction communities located near their mountaintop removal mines. . . . Michael Janofsky of the New York Times visited West Virginia in 1998 to investigate and in a front page article reported: Dynamite explosions that cause flying rocks as well as cracks in walls and ceilings far from the blast site are a constant problem for people living nearby. They have caused many residents to accept buyouts from the coal companies, who offer \$100,000 and more for some homes. While the price may seem generous, many residents say it barely compensates for the cost of moving to new communities, finding new jobs and buying other homes. But the difficult choice of enduring months of noise, dust and rocks or abandoning towns where relatives have lived for generations is beyond reasonable for many residents of southern West Virginia.

Patricia Bragg lived in a former coal camp at Pigeon Creek in Mingo County, West Virginia. Bragg told Janofsky that "'The bottom line, whether they offer you a fair price or not, is why do I have to move? . . . As an American, I can choose where I want to live. If I choose to live in a hollow, call me a hick or a hillbilly, but that's where I want to live.'"

This Essay places the present condition of the central Appalachian coalfield communities in historical context. The lessons of that history are clear. The coalfield struggle pitting communities against the oppressive coal industry forces that began in the coal camps of the nineteenth century continues today. Historians have documented a century of exploitation of coalfield communities by an economic and political system which perpetuated conditions reminiscent of colonial powers treatment of third world communities. Any objective observer traveling the narrow winding roads to visit the former coal camps of the "billion dollar coalfields" must conclude that the coal industry, absentee owners, and middlemen have not shared the region's wealth equitably....