

Coal Waste in Your Water?

What to do and Who to Call in West Virginia

Contamination from coal waste has contributed to a long history of health problems in the Appalachian region. Whether it is black, red, silted, or clear toxic water coming out of the faucet, or an unusual smell or color in the water running through a nearby creek, it's up to you and your neighbors to protect your health and the health of your children.

“It may be too late for me,” says Russel Elkins, a retired coal miner in Mingo County, “but it’s not too late for these kids. I know no one is going to help us so it’s up to us to get together and do something about this water.”

Citizens of Mingo County believe their well water has been contaminated by coal sludge that was pumped underground. Residents' health problems include cancer, skin rashes, kidney and liver problems. High levels of arsenic, lead, and manganese are just a few of the heavy metals that researchers have found in the wells.

It won't be easy and it won't be quick, but here are a few steps you can take to clear the water and hold accountable whoever is responsible for sludging it up in the first place.

When your Water Goes Bad: 10 Steps to Take

1. [Report the Problem as an Emergency](#)
2. Take pictures and video of the water
3. [Take water samples](#)
4. Have your water tested
5. [Talk to your neighbors](#)
6. File an official complaint
7. [Talk to people who have had similar problems](#)
8. Register people to vote
9. [Know your rights](#)
10. Get the Facts

Note: Always specify if it is *groundwater* or *surface water* that has been impacted. This will help your requests get to the right people in the Department of Environmental Protection (DEP).

1. Report the Problem as an Emergency

WV DEP Emergency Spill Hotline: 1-800-642-3074

They will respond as soon as then can. More than one person calling is helpful to give details of the situation from more than one perspective, so the DEP is prepared when they arrive.

National Response Center: 1-800-424-8802

This national hotline is open 24hrs/day. Calling them ensures that the spill is documented federally, and they will also contact the DEP to respond to the spill.

2. Take pictures and video.

- Record any visible problems with the water, any signs of health disorders and any structural damages.
- Record the date, time and place on film. For this, you can hold up the day's newspaper or take a shot of the TV displaying the date.
- Develop the film and make copies.
- Do not give away the original film or video tape.

3. Take samples of the water.

Video record the whole process, so you can prove the source of your sample.

1. Rinse each jar several times using the water you will be sampling.
2. If the contamination is in a stream, take Sample ONE at the site of contamination, where the contaminated water is coming into the stream.
3. Take Sample TWO 100 feet up stream.
4. Sample THREE about 100 feet down stream from the site of contamination.
5. Label and date each jar and put them in the fridge.

WARNING:

The DEP will unfortunately probably not test your samples unless they are collected in sanitized test tubes and sent in right away. Private labs may or may not accept your samples, but it is worth a shot. The sooner you know what exactly is in the water, the sooner you can take action to do something about it.

WHY COLLECT THESE SAMPLES?

They will help you tell your story. These samples will be the visual evidence that will help you explain the problem to neighbors, make your case in court, or persuade politicians to help you.

4. Have your water tested

- Do this as soon as possible. People will understand the importance and be more willing to help if you can explain it with factual data.
- Do this regularly. Even if nothing shows up at first, having a history of your water will help in case it becomes contaminated, which is likely if you live near mining.

Call a private lab to test your water

State labs in WV only test for bacteria and not heavy metals. Ask the lab to test for metals, pH, and corrosion-- these are contaminants associated with coal sludge and acid mine drainage. The EPA recommends you use a lab certified by the state. However, some residents do not trust labs in their home state.

The National Center for Water Quality Research: 1-800-925-9250 Ext. 2198

Email: wql@heidelberg.edu

This lab is based in Heidelberg College in Ohio. The cost is \$60 per sample for a test of heavy metals. You will receive a test kit in about two days; send the water sample back to them, and they will get the results to you in about three weeks.

Office of Laboratory Services, Bureau of Public Health (304) 558-2782

This office will provide you with a list of WV state-certified labs that you can call.

Department of Health and Human Resources (DHHR): (304) 558-0684

They test only for bacteria, which is a good test to have, but is not an indicator of coal waste contamination. Ask to speak with the sanitarian to assist in collecting samples. Cost: \$25 + 45 cents/mile + \$10 to state lab for analysis

5. Talk to your Neighbors

Have they had similar problems? If so, it is best to have everyone contact government agencies. Everyone working together may get a more urgent response and determine the source of the problem sooner than if only one person takes action. The more people involved, the more power you will have to get something done.

6. File an Official Complaint

Department of Environmental Protection (DEP): 1-800-654-5227

Pam Nixon, the Citizen's Advocate of the DEP can be reached at ext. 1328. She will help you to file a complaint. After the complaint is filed, someone else in the DEP will do an investigation to determine the source of the problem. If they can find the source of the contamination, then those who caused it are responsible for the costs of providing you with water.

WARNING:

The DEP will most likely not be able to prove where the contamination is coming from, which is the next step.

Request a Citizen's Inspection

If you believe a mining operation has contaminated a water source, or violated the permit in any way, you have the right to accompany the DEP inspector onto the coal operation. If you do not want to be present, you also have the right to tell the DEP not give your name to the coal company.

7. Talk to other people who have faced this problem

Sludge Safety Project: 1-304-522-0246

This is a coalition of citizens who can provide you with tools, information, media attention, and support for your community's situation as well as direct you to legal help.

8. Register People to Vote

Sometimes we need to remind ourselves and our government officials that **THEY** work for **YOU**. If you believe it is your right to have clean water, then it is your responsibility to vote people out of government who are not protecting that right.

Call your County Clerk's office for voter registration cards.

REMEMBER

- Put it in Writing

Every time you make a phone call, write a letter making the same request and send it to the agency you spoke with on the phone.

- Make Photocopies of Everything

Copy letters before you send the original. Copy all pictures and other evidence, but **NEVER** send those originals. Keep a set for yourself and another set with someone you trust.

- Keep a Phone Record

In a journal, keep a list of every phone call you make, the time you made it, and the name of every person and agency you talk to about the problem. Keep notes of what was said. If they say they will do something, ask to have that statement in writing.

- Keep a Record of Health and Water Problems:

Write the date, the problem, be as specific as possible.

9. Know your Rights

Water Systems Council Hotline: 1-888-395-1033

This is a very helpful organization based in Washington DC. They will answer any questions you have regarding your well and the laws that protect your water.

Citizen's groups, like the **Sludge Safety Project** will also help you to know your rights and direct you to lawyers willing to give advice.

10. [Get the Facts](#)

➤ **Review the Permits**

<u>PERMIT</u>	<u>Scope</u>	<u>Office to Contact</u>
Coal Mine, Surface Mine	Permit boundaries and surrounding impacts, Blasting Plan (Section T)	WVDEP, Division of Mining and Reclamation 304-926-0490 Larry Ault is very helpful 304-926-0499 ext. 1530
NPDES National Pollutant Discharge Elimination	Legal discharge of waste and runoff into streams & rivers	
401 Certification	State Permit for Valley Fills	
404 Dredge and Fill	Federal Permit for Valley Fills	US Army Corps of Engineers Huntington, WV Mark Taylor toll-free: 866-502-2570
UIC Underground Injection Control	Coal waste pumped underground	WVDEP, Division of Water and Waste Management, UIC Program Pavanne Pettigrew 304-926-0495

- You can find permits
 - By calling the phone numbers above
 - On the internet: www.wvdep.org – Go to the tab “E-DEP” and click on the type of permit you are looking for
 - Some may be at the local county courthouse
- You have the right to have someone explain the permits and answer your questions. Call the citizen's advocate to arrange an appointment: 800-654-5227 ext. 1328

➤ **FOIA Information**

- The Freedom of Information Act allows you to access government documents.
- You may have to do this for permits, but you can access other information too.
- The letter may be hand written or typed.
- Call the Public Information Office with any questions: **304-926-0440**
- What follows is a **Sample Letter** from the DEP Citizen's Guide:
- COST: Be sure to state the limit of money you are willing to spend. You will be charged for time and copies, but you may also visit the office and go through them there for free. Also, the cost may be waived if you are working with a non-profit willing to make information available for the public good.

(Your Name)

(Street Address or PO Box)

(City, State, zip code)

(Your Telephone Number)

(Date)

Public Information Officer
WV Department of Environmental Protection
601 57th Street SE
Charleston, WV 25304

RE: Freedom of Information Act Request

Dear Public Information Officer: *(write in name if you have called and talked to them)*

In accordance with the Freedom of Information Act (FOIA), I request copies of all documents that relate to permit number _____ for company _____ located in or near *(town and county)*.

(Here, describe the information you are looking for as specifically as possible. Include any permit application numbers, dates, and phrases like, "water quality")

If copying fees exceed the cost of _____ *(example cost of \$25)*, please notify me via phone at *(Your Telephone Number)*. I may decide to review the documents at your agency office.

If you have any questions or require additional information, please do not hesitate to call me. Thank you for your timely response and consideration of this request.

Sincerely,
(Your Name)

REMEMBER

- Be patient: many people in the DEP are well intentioned, but stretched thin
- Be persistent: you have a right to know the results of the investigation
- Be ready to fight: Most of the laws that protect us do not require the DEP to prosecute coal companies. It is up to us citizens to protect ourselves and our children.

It is up to us to stop the people and the practices that threaten our health and safety.