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WEST VIRGINIA STRIP MINING

PUBLIC HEARING HELD BY: WV Dept. of Energy

June 28, 1988

SPEAKER: Nona Conley

WVSM-13

Public Hearing held by W.Va. Department of Energy in Lincoln Co., West Virginia on June 28, 1988 regarding an application by Black Gold Coal Co. and Mountain Black Diamond Coal Co. to strip mine at Six Mile Creek in Lincoln County.

Statement by Nona Conley:

Hi. My name is Nona Conley, and I live at Alcove. And I'm representing myself. I'm opposed to the issuance of this permit. It seems that the short history of this permit application, with the outrageous behavior and attitudes of the company principles involved, would have rendered this hearing process unnecessary. These attitudes, not only towards this county, and the people who live here, towards the community where they intend to do business, but also towards the State of WV and Federal government, and the laws that dictate the application process have all appeared totally arrogant, disdainful and disrespectful. It would seem that under the intent of the surface mine act and I state laws, "Any application that so flagrantly disregarded, ignored, or skirted these laws, would automatically be denied or considered so incomplete, as to cause the oversight agency to refuse to accept in that condition". When these laws were being developed, concerned citizens, sick of the destruction and devastation being reeked on their homes, their health, communitites, their land and their water, were assured over and over, that these new laws would change all that; that now companies would be required by law to operate responsibly and fulfill these "contracts", with the community and state in accordance with these laws or they would not be allowed to operate. Now we see in one application, that it is possible for a "company", consisting of one or two persons with no technical background, this primary expertise seems to be an investment, along with the cooperative bonding company, not only to submit a permit application, answering only a scattering of the questions

listed on that form, and have it be seriously considered; along with the verbal assurance that it would be approved. Even beyond that, the limit of the amount of information that is provided on the application, it's to such an extent inaccurate, insufficient and poorly developed, as to make responsible analysis difficult or impossible. A student submitting such an incomplete and sketchy application to a college would find themselves flatly refused. Critical areas of the operation do not appear to have been properly and adequately addressed, such as assuring the stability of valley fills and the dump areas for overburden, or the hydrological question regarding acid drainage and overflow and citing of runoff ponds. These all seem critical areas under the new regs and would need to be fully explored in the application process, to be sure the intent to comply with the law. This application would make it appear that Black Gold Co., and Mountain Black Diamond, Inc. would be the operators under this permit. We know, and the D.O.E. knows that this is not so. But still the companies have not been required to identify the actual operators so the D.O.E. or the bonding company could responsibly evaluate the history of the operator or his capacity to fulfill this contract with the State of WV and our community. It appears once more that though new and more stringent laws have been enacted, that huge costs to the taxpayers, who footed the bills for all this legislation, and the long months of effort it took to develop it, it's only paper. Responsibility for oversight in [inaudible]...rather, will [inaudible]...in the hands of understaffed, underbudgeted, and politically in industry controlled agencies. Without enforcement, the finest law is not only meaningless, but a hoax on the people who believe that it really does exist. So, here we are in a hearing on this

application; gives us little confidence, in those who submitted it, or in those whose responsibility it is to act on it. In July 1978, David Callahan denied the Southern Appalachian Coal application, for what would have affected Lincoln County's northeastern border. In that denial, he stated that issuing that permit would, and I quote, "create an immediate and inordinate peril to the welfare of the state, by disrupting the way of life, the peace and tranquility in the community and in the area of the proposed operation". Prior to that time, Lincoln County had for some years been protected from strip mining by a moratorium; it declared this county unsuitable for strip mining, in part, due to the unstable land here. [inaudible]...and the high incidence of flooding had it's impact on highly erodable land. Lincoln County [inaudible]...a rural atmosphere, our unique and peaceful way of life, along with our fragile water sheds are virtually unchanged since either of those decisions were made. It would seem then that before the agencies involved considered any strip mining permit here, all of those considerations should have been adequately and satisfactorally addressed to ensure the safety and future of this community. The families whose lives center on Six Mile deserve no less than that. I appeal to you that this permit application be denied.