Environmental Justice in Appalachia: A Comprehensive Study of a Proposed Strip Mine in Bern Township, Ohio

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This thesis titled

Environmental Justice in Appalachia: A Comprehensive Study of a Proposed Strip Mine

in Bern Township, Ohio

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ABSTRACT

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Environmental Justice in Appalachia: A Comprehensive Study of a Proposed Strip Mine in Bern Township, Ohio

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This project offers an account of the social dynamics surrounding the permitting process for a small-scale strip mine in Southeastern Ohio using an environmental justice framework. The field of environmental justice considers the inequitable distribution of environmental amenities and disamenities across the landscape, and explores the circumstances behind this unjust allocation. Southeastern Ohio has historically suffered from disproportionate environmental degradation as a result of extractive industry and that legacy continues to this day. In 2011, a permit application to strip mine Joy Hollow – a site in rural Bern Township - was submitted to the Ohio Division of Mineral Resources Management. The community split into familiar camps of the economy versus the environment debate. Throughout the permitting process, I conducted extensive field work to determine whether this case exhibited characteristics that would classify it as an environmental injustice. I found that the opposition group SORE encountered a degree of procedural injustice as they fought to repel the proposed strip mine.

Approved: _____________________________________________________________

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CHAPTER 1: INTRODUCTION

“The industrial revolution has thus made universal the colonial principle that has proved to be ruinous beyond measure: the assumption that it is permissible to ruin one place or culture for the sake of another.” - Wendell Berry

Historically, Appalachia has suffered from exploitation of its natural resources, leaving behind a legacy of small communities with exhausted natural environments and economies (Morello-Frosch 2001, Bridge 2004, Halbert 2005). Despite considerable progress in environmental regulation, Appalachia is still a region that experiences disproportionate environmental harms, of which a primary source is coal extraction (Halbert 2005, Zullig & Hendryx 2010, EIA 2011).

Southeastern Ohio (Figure 1) was one of the first American regions to be transformed by the widespread use of coal mining (Bridge 2004, Buckley et al. 2005, Blosser & Winnenberg 2006).
As with all transformations, coal mining traditionally has been viewed both as a source of benefits and burdens (Bridge 2004). The practice of mining has provided short-term economic opportunities for individuals and a long-term legacy of scarred natural environments (Bridge 2004). Though small-scale mining rarely garners national attention, it disrupts the lives of people in small communities. The legacy of small-scale mining includes acid mine drainage, tracts of unusable lands, and a high poverty rate that threatens the health of Southeastern Ohio communities.

Currently, a proposed strip mine in Athens County, Ohio has the potential to repeat this familiar boom and bust cycle. Oxford Mining Company LLC, the largest coal mining company in the state, filed a permit for coal mining titled “Joy Hollow #10458” to the Division of Mineral Resources Management (DMRM), a department within the Ohio
Department of Natural Resources (ODNR) in June 2011 (Joy Hollow Permit #10458). Oxford proposes to construct a 357.1 acre strip mine in Bern Township, situated in Athens County (see Figures 2 and 3).

Figure 2. The location of the permit area in Bern Township. Source: Phillips 2011a

From this operation, the anticipated annual production of coal is 276,500 tons; the total anticipated production of coal would be 1,382,500 tons over the course of five years (Joy Hollow Permit #10458). The property on which Oxford plans to mine has also been previously disturbed by mining activity; about 10-20% of the area remains disturbed from mining activity in the early 20th century as vertical highwall sections remain on site (Joy Hollow Permit #10458). Therefore, Oxford also boasts that after mining is complete, the
company will restore the land to a comparable or better condition before mining occurred.

Bern Township is a rural area with a population density of 17 people per square mile (City Data 2008). Like many Appalachian towns, Bern Township is suffering economically; nearly a third of the residents in 2008 reported income below the state poverty level of $20,444 (City Data 2008). In public forums, Oxford has asserted that the project will create jobs for local citizens. Despite the company’s environmental and economic promises, a local community group, Save Our Rural Environment (SORE), has taken strides to oppose the permit.

SORE’s actions demonstrate that the intent to mine the site reflects the will of only a small percentage of the Bern Township community. Of the nearly 500 households in Bern Township, only three have agreed to lease their property for the use of coal mining (City Data 2008, Joy Hollow Permit #10458). The location of the permitting site has attracted attention from the City of Athens, located about 15 miles from Bern Township (see Figure 3).
Many Athens residents consider themselves stakeholders in the fight against the proposed coal mine. SORE is comprised of many members from the City of Athens with more affluent backgrounds than many typical environmental justice (EJ) activist groups. The group is led by a successful marketing professional. A local lawyer is offering his legal counsel free of charge. Many members are employed by Ohio University, a central economic engine for the region.

The actions of the group bring up issues relating to procedural justice. Procedural justice calls for community input in the decision-making process for potentially damaging local land uses. SORE has been galvanized by the strip mine’s potential for environmental harm and community disruption (Phillips 2011a). To battle the permit, SORE is employing Ohio’s regulatory processes outlined by the Surface Mining Control
and Reclamation Act (SMCRA) (Squillace 1990). The community group has a record dating back to the 1970s of staving off environmental hazards, including fighting off a chemical plant and coal operations. Still, the group has never forced a coal mining permit application to be formally denied. The framework of SMCRA purportedly allows for citizen dissent through mechanisms such as public comment periods and forums (Squillace 1990). Yet, ODNR has never declined a coal mining permit since the enactment of SMCRA in the late 1970s.

Given these concerns, I ask the following questions in this research project:

1) How do the participants in this controversy frame their viewpoints in relation to the economy versus environment debate?

2) Can the Joy Hollow Strip Mine project be described as an Environmental Injustice? Or is NIMBY (not in my backyard) criteria a better fit?

3) Is this a case of procedural injustice? What recourse do citizens have in the permitting process?
CHAPTER 2: LITERATURE REVIEW

This literature review outlines the history, basic methods, environmental hazards, and legal processes of coal mining as a contextual basis to comprehend the Bern Township case study. A history of the coal industry and Appalachia will then be outlined. Subsequently the development of the environmental justice (EJ) movement and its tenets will be described. Then the concept of NIMBYism is introduced as a distinct concept from EJ. An examination of both EJ and NIMBYism is necessary to allow me to assess which aspects of each framework are demonstrated by the current case in Bern Township.

America’s Coal Industry

National coal production has nearly doubled over the past three decades (Halbert 2005, Kecojevic & Grayson 2008, EIA 2011). In 2009, mining companies produced 27.3 million tons of coal from Ohio lands, valued at just over 1 billion dollars (OSM 2010). The coal industry and its supporters point to coal as a solution for many of the problems facing the U.S. and Ohio today. Looking back, many acknowledge U.S. coal production as primarily responsible for the wide availability of electricity for the general population and for the high standard of living experienced by the average American (Kecojevic & Grayson 2008). We are reminded of the importance of coal in ads that inform the public that “Coal keeps the lights on” (FOC 2011). The industry also asserts that coal can allow America to remain a world superpower since the vast amount of U.S. coal reserves is advertised as a solution to America’s foreign energy dependence (Freese 2003, Halbert 2005, Kecojevic & Grayson 2008). According to the Energy Information Administration, the United States has 250 years’ worth of recoverable coal reserves (Goodell 2007).
Though this amount is questionable, the effect is the same—Americans are told that coal has the power to save us from expensive wars and other security issues. While stressing these advantages, the dangers associated with coal extraction and burning are deemphasized. The industry often assures us that coal will only become more efficient and safe; clean coal technology is stressed as a solution for the region’s desperate economic needs (Halbert 2005, FOC 2011). Most of these benefits are a public good, concentrated on the larger scale than where mining occurs.

The local communities bear the consequences for these societal goods. The degree of potential danger associated with coal depends upon the extraction methods used. Processes employed to extract coal can be categorized into two groups: underground and surface mining. Underground mining, or deep mining, is the process where coal is extracted from hundreds of feet below the surface (Kecojevic & Grayson 2008, EIA 2011, ODNR 2011). This process is labor intensive, dirty, and often more dangerous for the workers (Squillace 1990, Goodell 2007). Traditional underground mining, or “room-and-pillar” mining, is what most Americans picture when thinking of coal mining. Room-and-pillar mining involves tunneling into the earth, and then extracting the coal with rudimentary means (Squillace 1990, ODNR 2011). Modern underground mining involves machinery and hydraulic lifts to remove coal (Squillace 1990). Longwall mining is one such technique that is utilized in Ohio. ODNR defines longwall mining as “the total removal of large blocks of coal which allows the overburden to collapse or subside in a controlled and predictable manner” (ODNR 2011a).
In contrast to underground mining, surface mining (strip mining) extracts coal when it is less than 200 feet below surface (Squillace 1990, EIA 2011). Instead of tunneling into the ground, large machinery displaces the plant life and topsoil, exposing the coal seam for mining (Goodell 2007, Evans 2009, EIA 2011). Though various methods for strip mining occur, all procedures have a few basic steps in common. In general, strip mining first “scalps” the land, removing all vegetation. Secondly, the topsoil is removed with large machines, and the rock and soil is moved with drilling and blasting (Squillace 1990). As availability of large machinery increased, surface mining became more common than underground mining (Squillace 1990).

Indeed, from the perspective of a coal operator and energy consumers, strip mining is attractive for many reasons. With the use of large equipment, strip mining becomes a notably more economical and efficient process than traditional underground mining (Goodell 2007). Bigger machinery allows for the expansion of operations, while requiring fewer employees (Goodell 2007). Especially in Appalachia, strip mining is often the technique of choice (Goodell 2007). In 2009, surface mines made up 80 percent of all mines in Ohio (OSM 2010). In Ohio and other Appalachian states, the coal industry is touted as a job creator and an economic boon, claiming to offer a livelihood to a significant portion of Appalachians, though this claim is considered dubious by some (Halbert 2005, FOC 2011).

The harsh environmental realities of surface mining stand in stark contrast to the benefits. When coal is extracted with surface mining, environmental concerns swell. A large portion of these concerns are centered around mining’s potential impact on water
quality. Surface mining involves restructuring of drainage patterns (Beck 2004). Waste from mining contains high amounts of sediments and heavy metals, potentially contaminating local watersheds (Squillace 1990, Montrie 2003, Halbert 2005, Merovich 2007, Clark 2008, Franks et al. 2010). The familiar problem in Southeastern Ohio of acid mine drainage (AMD) occurs when runoff from active and abandoned mines leaches into local watersheds (Squillace 1990, ODNR 2011b). Currently, over 1,300 stream miles in Ohio are affected by AMD (ODNR 2011b). AMD is devastating to the ecology of the river, in addition to causing health problems for the surrounding communities. It is estimated that AMD can affect watersheds for up to 1,000 years after mining is complete (ODNR 2011b). Effectively then, AMD and other water quality hazards can alter the water resource forever according to the human time scale, if expensive intervention does not occur.

In addition to negatively altering the watershed, strip mining can also produce deleterious effects on the land. Strip mining alters soil profile, reducing the ultimate health of the soil and possibly limits future use (Squillace 1990, Evans 2009). Though a coal operator may reshape the land and replant species after mining, the natural biodiversity may never be restored (Squillace 1990). Additionally, the temporary disruption caused by mining alters the area’s wildlife habitat (Squillace 1990). For endangered species, a disruption from mining can pose a serious risk to the future of the species. In Southeastern Ohio, such species that require special protection include the timber rattlesnake and the Indiana bat.
Lastly, neighbors of the coal mines experience loss of quality of life. A common complaint from neighbors concerns blasting. Without adhering to limits or proper safety measures, ground vibrations from blasting can produce property damage to nearby dwellings, causing cosmetic and even foundational damage (ODNR 2011a). Trucks, used to haul in mining resources and move coal out of the area, can ruin the rural roads not designed for such vehicles. Trucks also disturb the peace and quiet of a rural neighborhood, resulting in a nuisance (ODNR 2011). Lastly, fugitive coal dust from mining can adversely affect the air and water quality, impacting the health of neighbors (ODNR 2011). Unless appropriate protections are put into place, these environmental dangers can quickly become a reality.

**Coal Mining Permitting**

One of the most useful frameworks for anti-mining activists in Appalachia is the Surface Mining Control and Reclamation Act (SMCRA), enacted by Congress and signed into law by President Carter in 1977. The law was a comprehensive set of regulations to defend the nation’s people and natural resources from the harms imposed by surface mining. The buildup to the passage of the SMCRA was influenced by widespread discontent about these adverse effects of surface mining. At this point in history, much of previously mined land in the Appalachian region lay un-reclaimed, and thus unusable for future development (Beck 2004). Additionally, it was around this time that strip mining was becoming more widespread than underground mining (Squillace 1990). The intent for SMCRA was to pass the burden of reclamation and other environmental costs associated with mining to the mine operators (Squillace 1990, ONDR 2011). In an
attempt to achieve this end, the act contains a slew of environmental performance standards that regulate the “removal, storage and distribution of topsoil; silting and erosion control; and drainage and protection of water” (Kubasek & Silverman 2011). These performance standards detail both the “types of controls to be used and standard of performance to be met” (Kubasek & Silverman 2011). Additionally, SMCRA set forth a program to reclaim abandoned mine sites (Beck 2004).

Though SMRCA was initiated by the Federal government, a provision for “state primacy” is built into the law (Harris 1989). State primacy is established in SMRCA when Congress states that:

> Because of the diversity in terrain, climate, biologic, chemical, and other physical conditions in areas subject to mining operations, the primary governmental responsibility for developing, authorizing, issuing, and enforcing regulations for surface mining and reclamation subject to this Act should rest with the states.

With this provision, Congress recognized that coal mining differs among states, and therefore the state should decide on the proper regulatory programs (Harris 1989). Still, by setting performance standards- a rare action- Congress established a strong framework from which coal mining could be done more safely. Before giving states control, SMCRA set forth that the Federal government is first responsible for establishing a regulatory program and forming guidelines for state programs (Harris 1989).

Coal mining oversight in Ohio is now conducted under 1513 in Ohio’s Revised Code and regulated by the Division of Mineral Resources Management (DMRM) (ODNR 2011a). Though the state has primacy, the Federal and state regulatory agencies have a close working relationship. In Ohio, the Office of Surface Mining and
Reclamation and Enforcement (OSM) provides 50% of the funding of DMSM’s regulatory program and 100% for the Abandoned Mine Lands Program (ODNR 2011). Additionally, OSM has oversight over the Ohio regulatory program (ONDR 2011).

SMCRA sets forth precautionary procedures in an attempt to ensure the lands are fit for mining (OELC 2011). The most useful is the permitting process, through which a mine operator must first obtain a permit from the state regulatory agency or the OSM in order to legally mine an area (Squillace 1990). The proposed permit must include extensive details about the site, in addition to how the operator intends to mine and to reclaim the area. On average, a coal permit in Ohio takes 12 months for the state to review and process (ODNR 2011a). In Ohio, a permit that is issued is valid for fifteen years (ODNR 2011). SMCRA states that lands must be able to be put back to “a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood” (ODNR 2011).

SMCRA outlined performance standards and processes to guarantee proper actions on the part of the regulatory agencies and mining companies. Essential to the success of SMCRA is citizen participation prior to any mining activity. To make the permitting process more transparent, communication has been increased through the implementation of public forums, improving information exchange, and using multi-stakeholder and regional analysis (Franks et al. 2010). Under SMCRA, this coal mine permit application must be submitted to DMRM and then subject to a public comment period (Squillace 1990, Kubasek 2011). A public forum then must be held by law, if
requested by concerned citizens (Squillace 1990). Though the actions may not ultimately overturn the permit application, citizen action has drawn attention to safety issues.

Inherent to this process is the dilemma of the regulatory agency that serves the needs of two conflicting parties. SMCRA was designed to make the permitting process serve both the coal operators as well as the public. The DMRM Citizen’s Guide to Mining and Reclamation in Ohio affirms this explicitly. It states, “DMRM has the unique and difficult responsibility of regulating the mining industry in a way which strikes a balance between the protection of society and the environment . . . and providing for the nation’s need for coal” (ODNR 2011). In practice, the two mandates represent divergent interests. Though the intent of SMCRA was to provide for both environmental safety and coal extraction, some claim financial needs of the state take precedence over comprehensive inspection of potential environmental harms.


Other legal devices deter state governments from challenging the coal industry. On occasions where lands have been designated as unsuitable under SMCRA, the
government becomes liable to regulatory takings challenges from the coal company (Botello-Samson 2006). Borello-Samson (2006) found a likely correlation between regulatory takings challenges and relaxed governmental regulation. Hechler predicted that “as long as the coal industry dominated Appalachia, an inch of regulatory leeway would rapidly become miles of stripped land” (Purdy 1998). The industry’s influence on agency behavior reinforces the need for citizen participation to protect the environment and low-income communities. The presence of citizen action is especially necessary in states east of the Mississippi, where smaller, more frequent mining permits are filed (Botello-Samson 2006). As such, regulatory agencies in these states generally have heavier workloads (Botello-Samson 2006). Many EJ advocates in Appalachia therefore use the legal framework of SMCRA to protect the health of their communities. The struggle over coal began long before the passage of SMCRA, however.

**Appalachia and the Coal Industry**

The history of Appalachia is essentially the story of coal mining. Southeastern Ohio’s history was founded on coal. In the 1870s, the coal era boom began with the construction of the Columbus and Hocking Valley Railroad. Settlers built mining towns that grew into today’s communities (Blosser & Winnenburg 2006). Though the boom only lasted until 1925, the coal industry did not completely leave the region (Blosser & Winnenburg 2006).

The mistrust of the coal industry has deep roots in Appalachian culture, with good reason. The image of “King Coal” began to form in the public consciousness in the late nineteenth century, as industry insiders obstructed unionization and operated company
towns in dehumanizing conditions (Buckley et al. 2005, Freese 2003, Blosser & Winnenburg 2006). Along with these harms to the region, the industry intentionally corrupted the image of the Appalachian in the public’s mind, showering the people in stereotypes that still persist today (Freese 2003, Blosser & Winnenburg 2006). After the enactment of SMCRA, a widespread and well-known technique of the industry was to intentionally evade the law’s reclamation requirements by declaring bankruptcy, and then reforming a new mining company (Purdy 1998).

Resistance to coal mining has a long history in economically disadvantaged communities in Appalachia (Buckley et al. 2005, Clark 2008). Even before passage of SMCRA and the development of the EJ movement, local citizens were fighting the coal companies. Local stories describe instances of elderly Appalachians defending their mountains from strip mining by throwing themselves in front of bulldozers (Purdy 1998). More violent protests from this time period sabotaged mining operations with explosives (Fischer 1993, Purdy 1998). By contrast, SMCRA’s origins can be traced back to peaceful grassroots action, which date back to the 1930s (Montrie 2003, Buckley & Morrone 2011). In the 1960s and 1970s, organized grassroots actions against strip mining led to the passage of early state laws and eventually to SMCRA (Fischer 1993). At that time, the passage of SMCRA was viewed as a failure by the industry and the strip mining opponents (Montie 2003). Of course, the coal industry objected to any further regulations (Montrie 2003). Opponents of strip mining had called for an outright ban, and only succeeded in attaining what even President Carter called a “watered down” version of the law (Montrie 2003, Kubasek & Silverman 2011). Some Appalachians remain doubtful of
the capacity of the current environmental framework and regulatory agencies to protect their health, and thus are often motivated to battle the coal industry on their own (Buckley et al. 2005, Bullard 2005).

Mining has contributed to the public ills facing Appalachian people. Though Appalachian communities have been largely overlooked in the EJ literature, the disproportionate environmental burden they bear has been widely documented. Living in the “landscapes of production” places residents in direct harm of environmental catastrophe (Morrone & Buckley 2011). In addition to the environmental harms from mining listed above, Zullig & Hendryx (2010) found that residents of Appalachian coal-mining counties experience a reduced health-related quality of life compared to non-coal-mining counties; the authors report that the findings are resultant from air and water quality. In coal-mining counties, the rate of birth defects and lung cancer is significantly elevated (Ahern et al. 2011). Ahern et al. (2011) found that the “number of excess annual deaths in mining areas ranged from 1,736 to 2,889.”

Appalachian individuals are also arguably not reaping the economic benefits of the industry. The area is a glaring economic contradiction: abundant with rich resources and poor people (Bridge 2004, Halbert 2005). Benefits accrue at the large scale, while harms fall upon the local scale (Bridge 2004). The all-too-familiar argument in favor of coal mining claims that the industry will bring jobs to the region. Yet, despite the increase in coal production, employment is “dramatically decreasing” as mechanization replaces manual labor (Freese 2003, Bridge 2004). As an area that has relied heavily on the coal industry, the reduction of jobs in the mining industry triggers poverty rates to
expand (Jensen & Glasmeier 2001, Halbert 2005). The mining industry has left behind a trail of impoverished, mostly white communities across Appalachia (Bridge 2004, Buckley et al. 2005, Halbert 2005). The remaining jobs do not benefit the local community. Bullard and Johnson (2000) point out that more often than not, communities “are stuck with pollution and poverty, while other people commute in for industrial jobs.” Most remarkably, Hendryx and Ahern (2009) found using environmental economics that the “human cost of coal mining outweighs its economic benefits.” In effect, the coal industry is damaging not only the environmental health, but also the social and economic welfare, of the Appalachian communities.

Due in large part to coal mining, Appalachian people have long been situated on a lowered social position in American society. The perceived image of the Appalachian coal communities is one full of “backwards” people whose communities “lag behind the rest of the nation” (Jensen & Glasmeier 2001). In Scott’s (2009) account, the image of Appalachian people from poverty-stricken, coal mining towns reduces them to “human slag.” The representation of Appalachians in the media reinforces these attitudes (Fisher 1993). As a result, Appalachians are often positioned as the “other,” exempting them from white privilege, which is “the social system that benefits whites” (Pulido 2000), granting whites disproportionate upward mobility (Smith 2004, Scott 2009). So, the physical whiteness of the majority of the population excludes them from typical white culture, while also masking the systematic injustices they endure. Appalachians were omitted from EJ literature, as well as other social and political movements, as the
whiteness of the majority of the population excluded them from the environmental racism paradigm (Fischer 1993, Pulido 2000, Smith 2004, Scott 2009).

**Environmental Justice**

Environmental justice (EJ) addresses the inequitable distribution of environmental risks and benefits across the landscape. The EJ Movement first emerged in the early 1980s in relation to a growing awareness that poor communities and people of color are disproportionately exposed to environmental hazards in the U.S. (Bullard 2005, Bullard & Johnson 2000, Cole & Foster 2001, Morello-Frosch 2001). The most crucial accomplishment of the movement is that it has come to “redefine environmental protection as a basic right” (Bullard & Johnson 2000). Defined by the US Environmental Protection Agency (EPA), EJ is the “fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies” (Bullard and Johnson 2000).

The first phase of EJ research studied the distribution of environmental hazards in communities of color, coining the term “environmental racism” (Bullard 1990, 2005, Pellow & Brulle 2005). In Warren, North Carolina, in the early 1980’s, a black, rural community protested a proposed PCB disposal landfill. The event prompted a study by the U.S. General Accounting Office that determined that although African Americans made up only 20% of the population, three out of four off-site commercial waste sites were located in African American communities across eight Southern states (Austin & Schill 1991, Cole & Foster 2001, Bullard 2005). In another landmark study, the United
Church of Christ in 1987 highlighted that 60% of African Americans and Hispanic Americans are situated in communities with toxic-waste sites (Bullard 1990, Austin & Schill 1991, Cole & Foster 2001). These works concluded that a disproportionate percentage of environmental disamenities, such as landfills, are sited in communities of color (Austin & Schill 1991, Pellow & Brulle 2005, Bullard 2005). The awareness of this injustice prompted subsequent action on the part of community-based activists and garnered the attention of academics.

Though the EJ movement initially centered on issues of environmental racism during its nascent period, later studies consider links between other demographic factors and distribution of locally unwanted land uses (LULUs) (Yandle & Burton 1996, Pulido 2000, Cole & Foster 2001, Morello-Frosch 2002, Evans 2004, Bullard 2005). For example, Yandle & Burton (1996) concluded that unequal distribution of LULUs in Texas could be ascribed to low income level and population density, even as population demographics changed over time. Though the host community was predominantly white at the time of siting, the racial makeup of the affected neighborhoods in the 1990’s changed to predominantly African American. Though racial demographics for the area changed, income level remained low. Evans (2004) reached a similar finding for children’s disproportionate environmental risk exposure in white, rural New York communities. Conclusions from these studies, in addition to many others, marked a shift in the EJ focus from racial disparity to the influence of a community’s social capital. The geographic distribution of LULUs is an outcome of the social, political, and economic clout of a community at the time of siting and as demographic compositions shift (Yandle
Though the EJ movement has moved beyond a focus on communities of color, a paucity of research still exists in EJ literature about white, rural groups.

EJ scholars acknowledged that intentional race-based discrimination and overt bias are not the only explanations for disproportionate distribution of environmental risks (Bullard 2000, Morello-Frosh 2002). This is increasingly evident as the EJ framework evolved and defined the distinction between distributive justice and procedural justice. Distributive justice examines the allocation of environmental amenities and disamenities, while procedural justice explores the circumstances behind the unjust allocation (Bullard 2005, Bullard & Johnson 2000, Pulido 2000, Cole & Foster 2001, Morello-Frosh 2001). In essence, the focus of EJ changed from correlation to causation (Pulido 2000).

According to Morello-Frosh, procedural injustice occurs because “the institutionalization of political domination and external economic control over subordinate groups allows discriminatory action to persist.” Procedural injustice addresses the social structures that exclude both minorities and low-income populations. Access to information and the political process- among others- can determine a community’s ability to fight a LULU. Simply put, EJ has now become more broadly concerned with “who gets what, why, and how much” (Bullard 2005). This concerns low income people of all colors.

However, unlike the traditional and white grassroots environmental movements, the momentum behind the EJ movement is derived primarily from discrete, minority communities with limited social capital and other resources (Bullard and Johnson 2000, Morello-Frosh 2002, Buckley et al. 2005, Halbert 2005, Clark 2008). Cole and Foster
(2001) identify three characteristics that bond EJ activists: “motive, background, and perspective.” The common motive prompting action is a perceived risk to personal and environmental health, and the typical background of activists is low-income. Also, a shared perspective among EJ activists is diminished faith in government (Cole & Foster 2001, Bullard 2005).

A variety of tactics are commonly employed by grassroots EJ activists. Since the EJ framework uses a preventative model to address health risks, grassroots groups endeavor to thwart the potential polluter from getting a foothold in their region before environmental degradation and threat to human health can take place (Bullard 2005). With roots in the Civil Rights movement, many EJ activists use nonviolent action and at times civil disobedience to forward their cause. Protests and lobbying are common tools of activists. EJ victories are often achieved in the legal arena (Bullard 2005, Shulman et al. 2005, Clark 2008). In 1979, Bean v. Southwestern Waste Management Corp. was a landmark class action suit which blocked the construction of a landfill in a poor Houston neighborhood (Bullard 2005). Since this momentous case, a variety of other class action lawsuits have been used to protect local environments. These tactics are most often confined to a limited geographic space. As a result, EJ grassroots activists have been most successful on the local scale. Pellow and Brulle note that the EJ activists’ influence arises from their ability to focus on “a local context, in a definable space” (2005).

As the EJ movement matured, local activists brought their criticisms to the national stage (Bullard 2005, Pellow & Brulle 2005). In 1991, the First National People of Color Environmental Leadership Summit assembled people from distinct marginal
groups including those representing “civil rights, grassroots, anti-toxics, academic, labor, [and] indigenous” (Cole & Foster 2001). Identified as “probably the single most important event in environmental justice’s history,” a significant and tangible result of the summit was the Principles of Environmental Justice outlined by the delegates (Cole & Foster 2001, Bullard 2005, 20). Bullard (2005) sums up and amends these principles for the twenty-first century. The EJ framework asserts that:

(1) All individuals have a right to be protected from environmental degradation;

(2) The public health model of prevention [is] the preferred strategy, focusing on eliminating a threat before it occurs;

(3) The Precautionary Principle [should be employed] for protecting workers, communities, and ecosystems;

(4) The burden of proof is shifted to polluters and dischargers who do harm, who discriminate, or who do not give equal protection to racial and ethnic minorities;

(5) The EJ framework will redress disproportionate impact by targeting action and resources.

This evolving framework gives EJ activists and scholars a clear definition of the problem and ideals for future action.

NIMBYism

The “not in my backyard” (NIMBY) phenomenon developed separately from the EJ movement, though the two might sometimes be closely related. Since the 1970’s, the NIMBY phenomenon has been studied in relation to siting of LULUs (Schively 2007, Schelly & Stretesky 2009). One common characteristic of any proposed LULU is that the risks are concentrated locally, while benefits accumulate at a larger scale (Lake 1993, Wolsink 1994, Schively 2007). The most pervasive community concern for LULUs comes from distress over potential human and environmental health risks. The NIMBY
phenomenon distinctly addresses non-health-related risks that invite community opposition to LULUs; reasons for opposition include:

(1) the decline in property values; (2) the inability of the community to keep out other undesirable land uses once one has been sited; (3) the decline in quality of life because of noise, truck traffic, odor, and the like; (4) the decline in image of the community; (5) the overburdening of community services and community budgets; and (6) the aesthetically objectionable quality of the facility (Schively 2007).

Conventional portrayals of NIMBYism are often negative. Critics maintain that the local community members are motivated by mainly self-interest (Wolsink 1994, Schively 2007). The community members are often characterized as irrational and obstructionist, hampering a societal good (Lake 1993). Residents are portrayed as uninformed, and as if they are thus overreacting (Kraft & Clary 1991). Another accusation is that those opposing a LULU represent only a vocal minority, rather than the larger community (Schively 2007).

Though NIMBYism often carries a heavy stigma, more recent studies have attempted to reconstruct the negative portrayals. According to Schively, NIMBY groups are seen as embodying the principles of democracy, which in the end can advance better decisions about LULUs (2007). Lake notes that “the local protectionism characterized as NIMBY represents a barrier not to societal goals but to the goals of capital” (1993). Under this view, the LULU is recognized as inessential to society, and thus the prevention of a LULU siting is viewed as a rational response to imposed, unnecessary harm. Though there is no way to objectively characterize if the citizens are “overreacting,” it has been documented that residents “perceive risks to be higher than
experts” (Kraft & Clary 1991). This statistic suggests that the people practicing NIMBY have more at stake and thus have reason to be more vigilant than the experts. It is no surprise that a common characteristic of NIMBYs is a mistrust of project sponsors (Kraft & Clary 1991).

Saha and Mohai emphasize the relationship between the NIMBY movement and environmental injustice (2005). According to this account, as people of influence and power became increasingly responsive to environmental hazards in the 1970’s, the LULUs frequently followed “the path of least resistance” to their ultimate location in communities with less power, poor and minority neighborhoods (Saha & Mohai 2005). Among some NIMBY circles, not in my backyard progressed into not in anyone’s backyard, which is an assertion of one of the main principles within the EJ framework (Bullard 2005, Schelly & Stretesky 2009).

A number of authors point out that the self-interest of local communities result in positive outcomes for society as a whole. The NIMBY effect is described as a “healthy trend” for bringing awareness to environmental problems because awareness of global environmental problems originates with concern at the local level (Wolsink 1994). Wolsink asserts that the premise that grievances of a local community are self-interested is false. He states:

The truth is that [NIMBY communities] react against the transfer of disadvantages in their own direction, not by trying to pass it onto another community, but rather by demanding attention for the cause of the problem: the application of a particular technology or policy with severe environmental impact (Wolsink 1994).
NIMBY and EJ protests may decrease the environmental risks of the LULU. Schelly and Stretsky (2009) claim that “EJ protests may force industry to reconsider how hazardous waste is produced prior to siting proposals.” A community protest to a LULU may therefore exhibit these positive characteristics of both NIMBY and EJ concerns.
CHAPTER 3: DATA and METHODS

Beginning in June 2011 until March 2012, I employed qualitative methods to analyze a case study of the coal permitting process in Bern Township, Ohio. The purpose of the case study was to examine the environmental justice in the permitting process, in comparison to NIMBYism. I also analyzed the language of the participants in light of the current environmental and economic discourse. To complete this case study, I primarily utilized participant observations and semi-structured interviews (Emerson et al. 1995, Schensul et al. 1999, Fontana & Frey 2000). Additionally, document analysis was performed on the written government documents, press coverage, and SORE technological communications, including emails and the SORE Facebook website. This chapter will discuss the rationale for selecting the case study site and for the use of qualitative methods. I will then describe in-depth the methodologies and data analysis employed. Lastly, I will account for the constraints of the study.

Case Study

The controversy over the mining project was apparent from its inception. With a long history of mining, the region is situated in a cultural context that exhibits divergent attitudes toward the practice. Though many regulations have changed since the height of mining in Southeastern Ohio, early media coverage and local hearsay indicated that the conversation once again was relegated to the two familiar camps of economy versus environment. I intended to look at the current coal mine controversy not from the camp which I am most often situated, the environmental camp. I instead embarked on my
research with the intention of understanding both points of view in order to fairly judge the process and the arguments.

The Joy Hollow strip mine controversy was chosen as the research subject for three main reasons. To begin, the Joy Hollow mine project was picked because of its relevance to the environmental justice body of literature. The permit is noteworthy because involves a group of people who are largely left out of the environmental justice literature: white, rural Appalachians. As stated previously, for too long, most EJ literature has emphasized the racial aspect of EJ in America, while overlooking other types of communities that are regularly subject to injustice. Secondly, the case exhibits a multiplicity of local and state relations that will ultimately determine the approval of the permit. Such micro-level proceedings also do not gain much attention from the academic community. These local and state actions contribute to the larger culture in America where coal is mined through a variety of practices and in many places. Lastly, the subject was selected because of the availability of a variety of data sources that allowed for a comprehensive understanding of the process. Though I understand that I cannot completely eliminate bias, I strove to gather many data sources to achieve an open-minded perspective.

The first research question examines the arguments used for and against the coal mine. With this question, I gain insight into how the current environmental debate is evolving in Athens County, Ohio (Table 1). This question addresses the basis from which individuals made conclusions about the proposed mine.
The second research question addresses the complexities of environmental injustice, especially in a white, rural community (Table 1). This research question acknowledges the inherent ambiguity between environmental injustice and NIMBYism. Only through comprehensive examination of the social, political, regulatory, and economic factors can the Bern Township case study be classified as an instance of environmental injustice, an example of NIMBYism, or an amalgamation of the two.

The third research question examines the procedures for a proposed coal mining permit, when a community faction is vocal in opposition (Table 1). A variety of procedures to ensure governmental transparency are mandated by the state. A break from the mandate would show that residents are not receiving fair treatment. Additionally, access to information is imperative to make a solid judgment to support or to contest the mining permit.
Table 1.

Research Questions and Methods

<table>
<thead>
<tr>
<th>Research Question</th>
<th>Data Needs</th>
<th>Data Sources</th>
<th>Data Collection</th>
<th>Data Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>How do the participants in this controversy frame their viewpoints about the economy versus environment debate?</td>
<td>Data on residents’ views on the proposed permit</td>
<td>SORE members, Leasing landowners, Local news articles, DMRM transcripts, SORE communications</td>
<td>Semi-structured interviews, participant observation,</td>
<td>Content analysis, Review of documents</td>
</tr>
<tr>
<td>Can the Joy Hollow Strip Mine project be described as an Environmental Injustice? Or is NIMBYism a better fit?</td>
<td>Data about the potential harm of the mine, demographics of the SORE, perspectives of the two interview groups</td>
<td>SORE members, Leasing landowners, Joy Hollow Permit #10458; DMRM transcripts and communications, SORE communications</td>
<td>Semi-structured interviews, participant observation,</td>
<td>Content analysis, Review of documents</td>
</tr>
<tr>
<td>Is this a case of procedural injustice?</td>
<td>Data on the permitting process, communications, and transparency</td>
<td>SORE members, DMRM transcripts and communications, SORE communications</td>
<td>Semi-structured interviews, participant observation,</td>
<td>Content analysis, Review of documents</td>
</tr>
</tbody>
</table>

**Employed Methods**

Case study analysis using qualitative methods provides for an in-depth understanding of the perceptions and actions related to process (Emerson et al. 1995, Cresswell 1998). The study of Joy Hollow relied on gaining individual accounts of events, rather than solely quantitative data. In carrying out this case study, I came from the position that “there is no universal truth . . . but rather partial and context-bound
truths that can be accessed” (Hesse-Biber et al. 2004). As such, quantitative methods were not appropriate for this case study because they do not allow analysis of these partial truths that I attempted to access.

In designing my research project, I incorporated the practice of triangulation, in which a researcher draws “from several data sources, methods . . . to inform the same question or issue” (Rossman & Rallis 2003). The objective behind triangulation is to integrate multiple methods in order to yield a higher quality research product (Emerson et al. 1995, Rossman & Rallis 2003). Moreover, to ensure rigor, I designed my project around the need for “prolonged engagement” (Rossman & Rallis 2003). My research questions can be answered thoroughly only by gaining a comprehensive understanding of the timeline of the permitting process and the evolution of participants’ actions and attitudes as developments occurred. Therefore, I conducted participant observation and interviews over a period of time that included multiple significant events, including the public comment period and the Informal Conference. Memoing, a technique in which the researcher documents insights and potential themes during ongoing research, was also employed throughout the process of data collection and analysis (Emerson et al. 1995).

Observations of community meetings and public hearings were completed to gain an outsider’s perspective on the process. Field notes from observations were written using thick description, avoiding evaluative language, to document a broad range of specific details. The purpose behind thick description was to ensure conclusions are not limited by preconceived ideas. I easily gained access to the SORE community meetings through joining the group’s Facebook page and the email listserv. The meetings were
held at a community center called The Grange in Amesville, Ohio. Often, though not always, I acted as a participant observer, interacting with the group while studying participants (Adler & Adler 1994, Emerson et al. 1995, Cresswell 1998). Though early on I identified myself as a student researcher, I still participated in the meetings by asking questions, making friendly conversation and contributing to potlucks. I declined from engaging in political actions, such as letter writing, water quality sampling, and contributing any monetary donations. These meetings consisted mainly of discussions of the current status of the permit and proper strategies for opposition. During this time, I was able to make connections for later interviews.

I also was an observer at two public hearings hosted by DMRM. The first, held in June 2011, was a conference that addressed concerns about the permit. This meeting was held after the permit was submitted by Oxford, but before the permit was deemed complete by DMRM. In addition to attending the hearing, I was given a recording of the event by a SORE group leader, so I could have an exact transcript of the proceedings. The second public meeting I attended was the Informal Conference held by DMRM on November 2, 2011, which is a legal requirement outlined by SMCRA. The Informal Conference is the forum during which concerned members of both parties can publicly present questions and comments to the state. Of the 130 people present at the meeting, fifty-one people presented their opinions during the three-hour hearing. Forty-seven of the speakers opposed the mine, while only four spoke in favor of it. I have a transcript of the proceedings provided by the DMRM, though the accuracy of the transcript has been questioned by members of SORE. In addition to the transcript, I have a document
of all SORE members’ prepared testimonies, which was given to me by a SORE leader. These hearings were an opportunity for the community members, both in favor and in opposition of the mine, to ask questions regarding the permit and to state their positions publicly.

To gain insight into the procedural justice of the permitting process, I conducted semi-structured interviews with members of two groups: community members actively working in favor of the mine and community members actively working against the mine. I reached out to members from these two parties to reduce bias and incorporate opinions from a variety of stakeholders (Emerson et al. 1995, Fontana & Frey 2000, Dunn 2010). I began conducting interviews in December 2011 and continued through February 2012.

I selected community participants for interviews through purposeful sampling (Creswell 1998). I gained access to many participants through introductions at community meetings. I also utilized the Attendance Roster of the DMRM informal hearing, held on November 2, 2011. The roster proved to be a valuable resource because it contained the name, address, phone number, and affiliation (ex. SORE, local landowner, political office) of each person present at the hearing. The majority of the interviews were conducted in person, while two were carried out over the phone. For face-to-face interviews, the location was selected by the participant. Two of the three community members who live adjacent to the proposed strip mine site invited me to their home for the interview. The other interviews were conducted in neutral locations around Athens, Ohio, such as coffee shops or restaurants. Most interviews lasted about an hour to an hour and a half. Written permission for use of their testimony was granted before
the start of each interview, using the Ohio University Consent Form (Appendix B).

When the interview was conducted over the phone, I read the consent form to the participant; I then sent two copies in the mail— one for them to keep and one to return to me. A tape recorder was used during all but one interview, after permission was granted by the participant.

Community members affiliated with SORE were eager to discuss their points of view on the project. I experienced little resistance for interviews. The obstacle I met most frequently was modesty on the part of the individual. Though the individuals had extensive experience with the project, many did not view themselves as authorities qualified to speak on the record about the project. Still, many community members expressed interest in speaking with me, I concluded the interview process when I reached a saturation point, in order to ensure rigor (Emerson et al. 1995, Baxter & Eyles 1997).

For interviews with SORE members, I utilized an interview guide (Appendix B) to steer the process (Emerson et al. 1995). The interview guide centered on three main content areas. First, interviewees were asked about their background and their history with the SORE community group. Then, I proceeded to ask them to describe the risks and benefits they associated with the strip mine. Finally, I inquired about the participants’ interactions with governmental organizations. I strove to achieve an open-ended interview format, which allowed the interviewees to lead me to the information which they found most pertinent (Schensul et al. 1999). Interview questions varied slightly, depending on the participant’s depth of involvement in SORE, as well as on the proximity of the participant’s home to the proposed mine. Interviews for this study
utilized the guidelines laid out by Dunn (2010) for best interviewing practices, with emphasis placed on ensuring questions were carefully phrased and clear for the interviewee (Schensul et al. 1999). Throughout the interviews, I posed neutral probing questions to encourage elaboration on a subject (Fontana & Frey 200).

The landowners who leased their property for mining were more reluctant in the beginning to participate in interviews. In the end, I interviewed two of the three landowners who had leased their property to be mined. Though the participants understood that I was approaching the topic from an environmental background, both expressed gratitude in the interview for the opportunity to present their points of view. The interviews with these individuals followed the same basic interview guide as the one used in Appendix B. Though they were not affiliated with SORE, I asked for their perspective on the group and for descriptions of any interactions. Though the third leasing landowner ultimately declined an interview, his point of view is accounted for in this paper through analysis of his public testimony at the DMRM Informal Hearing.

**Data Analysis**

The first step in the data analysis process was to transcribe the recorded interviews word for word. After a significant amount of data was collected and most transcripts were produced, the data were analyzed using open and axial coding beginning February 2012 (Emerson et al. 1995, Dunn 2010). Coding allows the researcher to have a systematic way of explaining a phenomenon. Open coding is the first process of coding, where researchers comb through information identifying pockets of information (Emerson et al. 1995). Emerson et al. noted, “Though researchers inevitably draw on
concepts from their particular discipline, coding keeps them focused on their data” (1995). Focused coding is the secondary process which identifies linkages and associates among the codes that have been identified in the first round. To aid in this process, the computer program NVivo was used. The program allows for the user to organize a significant amount of codes and to easily access the data.

Content analysis was used to present an accurate portrayal of the timeline of events and the controversy. A chief source of data was government documents, especially the Joy Hollow Permit #10458 and the DMRM Informal Hearing transcripts and written comments. The permit was analyzed to determine the dangers and legitimate environmental risks posed to the community. Additionally, a variety of claims were made about the permit during the interviews and in the hearing, which I attempted to verify through subsequent analysis of the permit. For example, allegations were made that ponds and structures were not present on maps in the permit. The transcript and written comments from the ONDR Informal Hearing were coded using the same process as that for the interview transcripts. Analysis of the permit and the transcript also demonstrated the degree of transparency on part of the DMRM and the leasing landowners.

I also performed content analysis on written technological communications and emails (Rose 2011). Since May 2011, I had been receiving a considerable amount of emails from the group. Moreover, SORE members offered audio of public forums, which contributed to my understanding of the process over a longer span of time. This information was used to verify the timeline of events, including public notices and the
development of the group dynamic. Governmental communications, such as responses to letters, were used to understand if the case can be considered procedural injustice. A lack of response from the government agencies, according to the state mandated guidelines, was also noted.

**Limitations**

The greatest challenge I faced was the need to redefine my project due to lack of response from governmental officials. In the original proposal, I planned to interview community members as well as state officials handling the permit. Under normal circumstances, such a permit application is submitted concurrently to a variety of agencies, including DMRM, Army Corps of Engineers, and the Ohio EPA. In this case, Oxford Mining only submitted an application to DMRM. Since the Army Corps of Engineers and Ohio EPA did not receive any documents about the site, they could not address my questions about the case study. Additionally, the DMRM officials were slow to respond to my request for an interview and seemed evasive in their response.

Another limitation that I faced was in determining the veracity of some participants’ testimonies, especially those given by the leasing landowners. At times both sides appeared defensive, but the leasing landowners had received criticism in local news and in other circles around the region. The participants expressed how they felt “vilified” and had a lack of trust for the opposition. As a result, these participants at times appeared to not give full or accurate responses to all questions. Both individuals declined to disclose the details their coal leases with Oxford Mining in the appendices.
Moreover, due to the slow-paced process, I regretfully was unable to analyze the state’s responses to the serious questions posed by community members. During the Informal Conference, community members brought up a considerable number of critical flaws that they uncovered with the permit. Without an official response from governmental officials, these concerns remain unaddressed. Even without a formal response, I was able to document a multitude of noteworthy events regarding the condition and development of the permit.
CHAPTER 4: FINDINGS AND DISCUSSION

Joy Hollow Permit #10458 was submitted by Oxford Mining to DMRM (Division of Mineral Resources Management) on January 19, 2011. It was deemed complete by the review board on July 26, 2011. On March 9, 2012, the DMRM informed SORE that the state had “ceased reviewing the permit” since “Oxford [had] approximately 18 pending permit applications in Ohio. Joy Hollow [was] not a priority” (email 3/9/12).

In this chapter, I address the three research questions with data from interviews and meetings concerning the permit application. The questions I posed are:

1) How do the participants in this controversy frame their viewpoints in relation to the economy versus environment debate?
2) Can the Joy Hollow Strip Mine project be described as an Environmental Injustice? Or is NIMBY criteria a better fit?
3) Is this a case of procedural injustice? What recourse do citizens have in the permitting process?

These research questions together show the extent to which the Joy Hollow strip mine was a case of environmental injustice.

The Jobs versus Environment Debate despite a Lack of Communication in Joy Hollow

The permitting process for the proposed Joy Hollow strip mine is notable because of its high degree of citizen action. Two factions of citizens emerged in response to the permit application. On one side, leasing landowners touted the benefits that mining operations would bring to the area, including a boost to the local economy and increased energy security. Across the hollow residents of three properties that overlook the proposed mine site expressed their fears for their health, their quality of life, and the greater environment. These opponents garnered support from the group Save Our Rural
Environment, or SORE. For clarification, I will refer to residents of Joy Hollow who opposed the mine as non-leasing landowners. For those who opposed the permit but did not live in the immediate permit area will be termed simply SORE members.

In the following section, I will answer my first research question, which asks: how do the participants in this controversy situate their position regarding the proposed mine within the economy-versus-environment debate? Since the composition and organizational style of those on both sides of the debate varied immensely, I will first explain the makeup of each group, as well as the way in which the camps shared information. I will then explain the positions of the two groups and the language they used to justify their stances on mining and associated environmental issues. Finally, I will show how entrenched ideologies amplified the communication gap between those in favor of the mine and those against it.

The three leasing parties had been residents of rural Appalachia and had owned their properties in Joy Hollow for at least twenty years. Two out of three leasing landowners granted me an in-depth interview. The third party, who is the majority shareholder of the proposed mine site, denied me an interview. Still, I was able to glean some information about this landowner through public testimony and information relayed by other landowners on both sides of the argument. Of course, information provided by third parties about the majority landowner’s private actions or opinions is not taken as fact. Yet, as I will argue later in the chapter, the attitudes about the majority landholder indicate tension within the small Joy Hollow community.
The two leasing landowners that I interviewed told me they acted in an individual fashion to lease their lands for mining, with no apparent formal lines of communication among them. During these interviews the two claimed to have little communication with each other or the opposition. When I asked them how much they talked with one another they mentioned basic “neighborly” exchanges, but not much else. One landowner described the situation, “I come in contact with them just because they’re neighbors on the property. Other than that, I don’t know a lot about their backgrounds.” The two described how they were initially approached by a brokerage company, made the choice to sign a lease on their own or with a lawyer, and decided to sign based upon their own research. When I asked about the views of the others who had also signed a Joy Hollow coal mining lease, neither respondent cited specific discussions or actions. However, the way in which both answered questions indicates that there was an obvious loose affiliation among the leasing parties. During interviews, the two leasing landowners regularly used the term “we” to refer to all leasing landowners. So, although there appeared to be no formal means of communication, both leasing landowners viewed themselves as a camp opposing the environmental group. The leasing landowners had very few supporters in any public forum.

The opposition functioned in a more organized manner than the leasing landowners. Throughout the process, SORE was the main body through which the community strategized against the permit application. Though SORE has never been and is not currently an official 501(c)(3), the group has a long history of being an effective, vocal faction against environmental threats in Southeastern Ohio. SORE has roots prior
to the enactment of SMCRA. The group formed in the late 1970s when another coal mining company, Miami Springs, attempted to establish a mine in an area near to Joy Hollow. A prominent leader in the establishment of SORE described the beginnings of the community group: “We moved here and bought the property . . . and it was like, ‘Oh my God. They might open a strip mine and we don’t own our coal rights.’ . . . We just started organizing and educating ourselves about what we could do about a strip mine.”

Though the permit was eventually approved, SORE was granted a citizens’ right to inspect the site. After “a few weeks of mining,” SORE reported an incident to the EPA, which discontinued the operation. Over the course of the next thirty years the group remained primarily dormant until another environmental hazard revived community attention. In the late 1980s, the group reunited on two separate occasions, once to fight a proposed chemical plant and again to fight a coal strip mine. During these periods group membership was in flux. Although many members had come and gone, the group leaders remained the same. Among environmental circles in Southeastern Ohio, the group is well-respected for its efforts.

During the process for the Joy Hollow permit application, the group held periodic meetings at a neighborhood center where they shared ideas and democratically decided the next course of action. They also hosted guest speakers to explain complex material, such as details about water quality. Burgeoning information was shared via the private listserv and social media group that I mentioned. The group’s unofficial leader operated a listserv, which updated nearly seventy members of any developments. As of March 2012, the private Facebook group had about 110 subscribing members. The structured
nature of the group led to opinions that were shaped by one another. The members with whom I spoke directly or observed at meetings often discussed issues with a more unified perspective that was deliberately informed by the other members. During interviews, meetings, and the Informal Conference, members frequently bolstered their points of view with information provided by the group. All non-leasing landowners and SORE members who I interviewed spoke about SORE’s effective communication with a sense of pride.

Both opposing camps of the Joy Hollow controversy admitted to a lack of communication with their counterparts. I asked one of the non-leasing landowners in Joy Hollow about his interactions with the leasing landowners. After a pause, he expressed that he approaches the majority landholder as a “distant, cautious neighbor.” The non-leasing landowner stressed the need to remain respectful, but explained that he felt this attitude was prudent because of previous experiences, and at that point, of course because of the mine operation. He explained that his skepticism was deep-seeded. He recounted a colorful story, about how this leasing landowner almost “burned Sharpsburg down.” He told me:

As an example, he offered to make hay on one of my pastures and clean up the land. And as soon as I left that morning, he lit the field on fire and burned all the weeds off, and nearly burned Sharpsburg down. The fire department came out and the whole bit. My ex-wife was here with an infant.

Citing this account, the interviewee gently told me that the leasing landowner was to “be watched and respected as a neighbor, because that is what we are all here for- to help each other if we need to.” Though the interviewee clearly intended to be respectful, such
tales pervaded the SORE community. These accounts added to the suspicions of the leasing landowners’ abilities to make sound choices that would not harm the community.

The detachment of the SORE members did not go unnoticed by leasing landowners. One leasing landowner addressed the lack of communication:

Have any of them ever tried to personally talk to me? No. None of them have personally conveyed their feelings to me. I’m the kind of person that that means a lot more than going to a public meeting and conveying public thoughts against someone. If I was ever really your friend and neighbor to start with, I would think I would be the first one that you would convey that to.

This landowner felt that the public statements of SORE neglected his input. The SORE group confirmed the lack of outreach to leasing landowners. One non-leasing landowner described the group’s fear about interactions with the leasing landowners:

Actually … [one leasing landowner]… and a couple of other people have shown up a couple of times to the meetings and certainly there was no attempt to reach out to them in any way. There was, I think, a fear that they [leasing landowners] would come to another meeting uninvited, you know.

This quotation shows that no steps were taken to form a common understanding of coal mining outside of meetings with regulatory officials. Instead, it appears that SORE deepened the divide between the two parties. The other leasing landowner with whom I spoke went so far as to claim that he was “vilified:”

No ma’am …[SORE has]… vilified us to the point where all they can do is trash us. In all the meetings, all they want to do is say we are a bunch of money-mongering [sic]. You know, …[they say]… we’re selfish. We don’t care about our fellow landowners. We don’t care about the land and the water. And they won’t listen to the fact that yes we do care. And no we don’t want our neighbors disturbed, but we would like to have fixed what’s damaged.

I witnessed and felt the effects of the leasing landowners’ mistrust firsthand. In December 2011, I called the family of the majority leasing landowner and explained my
project. I described that I had an environmental background, but then stressed the desire to have both points of view on the mining issue. The response I received was unexpected. I received a strident, evidently angry response. The leasing landowner said, “You environmental people should stay out of it.” Before he hung up the phone, he added a quick, “I think we should have our own natural resources.” This was my first call to a leasing landowner; I was unprepared for the present hostility. In retrospect, the call for the interview occurred after the controversy had simmered in the small community for nearly a year. Of course, I want to reiterate that this level of mistrust of environmentalists was not ubiquitous among leasing landowners. The other two leasing landowners were very gracious while granting me an interview; neither needed much convincing to give me an hour or more of their time to discuss the matter. It seems that the majority landholder was particularly suspicious of environmentalists and outsiders.

The Debate Concerning Jobs versus the Environment

Along with differences in organizational styles and membership, the two factions exhibited divergent modes of thinking towards the potential strip mine. The positions in favor or against the coal mine fell into the two ideological camps of economy versus the environment. Both sides acknowledged the split in the community, even before the proposed mine. The region’s economic identity was steeped in coal extraction and production. The two leasing landowners with whom I spoke had personal connections to the coal industry. Of the two leasing landowners who granted me an interview, one had been employed by various coal companies on and off for the duration of his adult life, while the other noted that his relatives were employed by the industry. The legacy of
coal mining in the area influences these leasing landowners to trust the coal companies and the state government. After being directly questioned about the mine’s potential effects on the adjacent neighbors, one leasing landowner explained to me:

I’ve never actually been personally involved in a strip mining operation as far as working in one. But I have a pretty good understanding of how it works because I grew up on one. Did it affect me? I don’t know. I’m fifty-six years old. I’m still healthy. I’m still happy. Would I have been healthier or happier otherwise? I don’t know. None of us can know that.

Despite the interviewee’s extensive contact with coal extraction and energy production, the interviewee has not sensed the potential negative effects.

SORE members discussed a different point of view on coal’s economic benefits, which are connected to their cultural interpretation of the area. Unlike those in favor of the mine, the majority of SORE’s population was comprised of self-described “immigrants” who had attended nearby Ohio University or had received a higher level of education elsewhere and then settled in the area for its pastoral qualities. The legacy of coal appears to have had the opposite effect on SORE members. One said:

Because I had been to college here, I think most of us had seen the problem strip mines could bring. Because at that point in time . . . there were still strip pits and lots of gob piles and it was just terrible. And there’s lots of places in Meigs County that looked awful. So, we knew what strip mining could do.

Other interviewees opposing the mine permit echoed this sentiment of witnessing the consequences of coal extraction. One non-leasing landowner who has lived in the area since the early 1970s expressed her desire to let nature take care of the reclamation process that she feels had already been in motion since previous mining projects ended. She said: “I never did want it disrupted by any more coal mining. I just love nature so much the way it is, and to see it grow and change.” Observing the disturbance of coal
mining has formed strong opinions among SORE members. For the members of SORE the physical appearance and disruption of natural processes due to coal mining is not worth the short-term financial gain.

For the leasing landowners, the continuation of coal extraction is a boon for the economy. These individuals cited the positive economic outputs that coal mining would bring to the area. At the Informal Conference, one leasing landowner told DMRM and the audience that the coal mine “would create jobs and new revenue for Athens County and local businesses” (ICT\(^1\) 2011). A representative from a local politician’s office also spoke at the Informal Conference. He stated, “I’ve gotten to know the landowners . . . and I am just here to offer support to… [one of the landowners]… in their effort to bring the jobs this region needs to Athens County” (ICT 2011). Though job creation was not the main motive for signing a lease, the outcome certainly was viewed by the leasing landowners as a positive effect for the community. The propaganda of Oxford Mining bolstered this position. The *Coshocton Tribune* reported the company’s favorable position on the mine. It reported:

> Michael B. Gardner, general counsel for Oxford Resources, said job potential will depend on the marketability for the coal, but at minimum production levels, there would be 20 to 25 direct mining jobs. Studies have shown up to 11 indirect jobs are created in support of each direct coal mining job, Gardner said. Minimal total employment impacts for the Joy Hollow mine would be in the range of 200 to 250 jobs, he said (Coshocton Tribune 11/19/11).

SORE members expressed skepticism at the claim of job creation. Many interviewees asserted that the job-creation aspect was being overstated by the opposition.

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\(^1\) Informal Conference Transcript (ITC), the official document provided by DMRM.
One SORE member forwarded a retort to the *Coshocton Tribune*’s quotation of the statistic to the SORE listserv:

“...In the article "Environmental group says Oxford's permit incomplete," published in CoshoctonTribune.com on Nov. 19, 2011, Michael Gardener, counsel for Oxford Resource Partners, says that studies have shown that 11 indirect jobs are created in support of each direct coal mining job. The National Mining Association and lobby group Faces of Coal would disagree. The web sites for those two organizations insist, as well as many other pro-coal sites that use the exact wording, that: "For each coal mining job, an additional 3.5 jobs are created elsewhere in the economy." That figure comes reportedly from a 2005 study commissioned by the National Mining Association that is not available on the net. The National Center for Policy Research quotes this figure too but says the study was done in 2009. So... as Mark Twain noted "There are lies, damned lies, and statistics." One would think, as a lawyer, Gardner would have the cite [sic] for those studies he claims that show 11 jobs at his fingertips. I would just advise your readers to be skeptical of all claims by coal companies except maybe those having to do with profits (email 11/26/11).

Through email, SORE brought into doubt the veracity of the job-creating potential. One leader replied to the email: “I'm glad you responded! Someone needed to confront them with the multiplier equation which Gardner seems to mention every time a reporter reaches him.” (email 11/26/11). In general, SORE members considered the job argument to be unconvincing. In the Informal Conference, one SORE member showed that his opinion of the coal argument was influenced by a personal witness of the familiar boom and bust cycle of coal. He explained:

This area has seen coal mining come and go. Coal mining companies come in, they take their profits, employ a few people, and there’s prosperity for awhile, but we’ve seen them go too. They leave behind damaged environment and unemployment and nothing to speak of afterward (ICT 2011).

The speaker is addressing the economic legacy effects of coal. As another speaker reiterated this point; he said: coal mining has “been going on for 150 years and there’s
absolutely no reason why we should believe that it will be any different this time” (IHT 2011).

In addition to citing the economic legacy effects of coal, non-leasing landowner stated plainly that simple economic reasoning explains the faulty assumptions in the job creation argument. She told me about her skepticism in an in-depth interview:

I have a feeling they will bring their own workers anyways, who have managed this heavy equipment before, because they don’t want to take time to teach somebody else. So, I don’t see how there can be many jobs for people around here.

Another SORE member summed it up: “They have very few employees they hire locally. They bring in a crew.” SORE members also questioned the quality of jobs that the coal mine would bring to the region. Another Joy Hollow landowner explained the situation: “I don’t see permanent jobs… It’s going to be in and out after five years. So, whatever jobs there are will be gone anyways. I don’t see that… [argument]… as having much merit.” Instead of grasping for any economic opportunity for the region, SORE members sought a secure economy over the long term. The interviewees from the group advocated for an economy that is based in environmental stability and for one that creates permanent jobs. Through their comments, the group connects environmental health with financial solvency. Many speakers indicated that the coal companies extract profits and natural resources, while leaving depleted natural assets. Some pointed to acid mine drainage as a prime example of such behavior.

In considering the two sides of the debate, it is important to note that a steep decline in the coal-mining labor force has been widely documented (Crowell 1996, Goodell 2007, Woods and Gordon 2011). Between World War I and 1970, the amount of
coal mining jobs in Ohio decreased by 83 percent, even as coal production increased steadily (Crowell 1995).

Both leasing landowners went into detail about the ways in which coal companies insure against environmental degradation. Both noted that Oxford Mining would post significant bonds in case of an unforeseen environmental crisis. The fears of many SORE members were not eased by the claim that money would remedy a harmed natural environment. One resident posed the question: what price could you put on the family needs currently met by Joy Hollow’s natural environment? At the Informal Conference, she described how her three daughters used the ponds on her property for swimming (ICT 2011). Another speaker told DMRM that his child has respiratory problems and that they visit a family home in Joy Hollow to allow her to “run around and get some fresh air and spend some time outside” (IHT 2011). He continues: “As I understand it, this mine would likely mean dust and particulate matter in the air. So where am I going to take…[my daughter]…if I can’t take her to Joy Hollow? What am I going to do if I take her there and she gets sick?” (IHT 2011). From 2006 to 2011, Oxford Mining was cited with 43 safety and environmental violations in Ohio (ODNR 2011). Some of these violations threatened water quality (ODNR 2011).

Apart from this concern, residents of Joy Hollow had several other reasons for worrying about the strip mine. A non-leasing landowner questioned why coal was viewed as the most viable natural resource, claiming that future, sustainable economic opportunities could rely on outdoor recreation. Moreover, members of SORE advocated for the development of renewable resources in the area, including timber harvesting.
Though both leasing landowners rejected the possibility of sustainable timber harvesting, one SORE member noted how a strip mine would completely erase any future potential for the project. During the Informal Conference, he discussed the depletion of top soil and noted that in previously mined areas in Southeastern Ohio, there is now “no possibility for real timber” (IHT 2011). Another SORE member discussed the lost tax revenue due to loss of population. In a heated speech she told the DMRM that if coal mining entered the area she’s “moving to a state that has serious environmental protection. . . And [she’s]…going to take… [her]…tax dollars with… [her]…And this state is going to end up poorer than it is today” (IHT 2011). The lasting impression from these speakers is that a five-year industrial site will actually limit future economic prospects for the region.

The leasing landowners and SORE members disagree on the future need of coal. Both sides recognize the necessity for energy resources, but see the path to this end differently. SORE members stressed a quick end to the use of coal, while the leasing landowners viewed coal as a “necessary evil in our lives.” The leasing landowners emphasized that American reliance on coal fuels our affluent lifestyles. One leasing landowner explained it: “We cannot survive without it. . . Coal is used dramatically with electricity because nothing else can touch the quantity that is being demanded by you and me. When we flip a switch, we want it to come on. If it doesn’t, we’re upset.” In this instance, American demand for coal was used to justify the current strip mine project. The other leasing landowner agrees – appealing to expected levels of comfort which are now common. He explained:
But it all comes back to, we have to sacrifice something to get what we want every day of our lives. We’d all like to see an excess of energy, a perfect environment, a world where everybody’s happy. But the reality is, we are probably not going to have all those at once. So we have to weigh it out, which one do we want?

This landowner continued to explain that he sees himself as a pragmatist. Given the fact that he leased his land, he clearly viewed the environmental sacrifice as a worthy risk. These statements imply that coal should continue to be used, even with its limitations and stresses on the environment. This leasing landowner went on to defend his position: “I think we still need to use coal; we just need to do it responsibly.”

While leasing landowners used the current demand for coal to justify mining, SORE members stressed that continued reliance on fossil fuels means less investment for so-called green technology. In these circles, burning coal for electricity is viewed as an antiquated process that should be replaced as soon as possible. For these citizens, coal cannot be used “responsibly.” A non-leasing landowner expressed, “Coal is something that can be stopped being used as soon as possible for the benefit of Mother Earth.”

When asked about his view on coal, another non-leasing landowner succinctly summed up his opinion as “negative.” He then began to speak of the possibility of renewable resources: “I think that we need renewable resources. I’d certainly prefer sun power and wind power to natural gas, which I see as a lesser evil …[than coal].” This sentiment was also expressed publicly in the Informal Conference. Another SORE member said that “It’s time to move on to . . . base a society on renewable, sustainable energy sources (ICT, 2011).
Even though they were in principle opposed to coal, SORE members were not ignorant of their reliance on it. One SORE member stated that instead of continuing the cycle of burning coal, “We need to learn how to use less energy.” In fact, the knowledge of coal’s negative environmental impact caused many SORE members to personally consume less energy. One of the non-leasing landowners explained, “Of course, I have my lights and all that, so I can’t speak too loudly against coal, but I would be the first one to go off the grid if I could.” The diverging opinions among all these parties show that while everyone was well aware of their reliance on coal, they disagreed about the desirability of prolonging that reliance.

Overall, those in favor of the mine and SORE members disagreed on the economic impacts of the proposed Joy Hollow Strip mine. Those in favor of the mine expressed familiar points of view about the mine’s effect on the area; they thought the mine would be a boon for the region’s economy by creating jobs. On the other hand, SORE members questioned the claim that jobs would be brought to the area and further expressed concern that the strip mine would be an overall negative economic impact for the community.

**Ecology and Ecological Restoration as Central to the Debate in Joy Hollow**

In the midst of these discussions it became apparent that members of SORE and the leasing landowners relied on ‘scientific’ principles of ecology to bolster their claims. The use of ecological reasoning by leasing landowners to build arguments in favor of mining complicates the jobs-versus-environment debate surrounding Joy Hollow. In fact, one of the leasing landowners attempted to use SORE’s environmentalist approach
against the group and claimed they were not paying attention to their own ecological principles. He argued that reclamation will ultimately benefit the environment - particularly if the currently forested property is reverted to pasture after it is mined:

> It’s been questioned why we want to turn it over to pasture land instead of timber, and the reasoning is because if we turn it over to trees- look at all the oxygen. That’s your sense again. Go back to using sense. A tree loses its leaves around half a year; it doesn’t breathe oxygen, okay? The effect of that green absorbing the carbon dioxide isn’t there. A pasture full of green grass stays green all winter, as long as it’s not covered by snow. It’s slow, not at the same pace, but it slowly continues to thrive and provide oxygen. We as farmers have known that for a long time. Tree coverage is not the only thing that provides oxygen. It’s green.

This quotation shows how the landowner used ecological concerns that are similar to those expressed by SORE members in order to undermine their argument. He did this throughout our interview by using words like “green” and apparently relating grass-land ecologies with global oxygen supplies and warming concerns. During the Informal Conference, a SORE member also addressed the issue of turning forest into pasture. The speaker addressed the question of flooding in the valley. He said,

> Each tree will absorb probably 33 gallons of water a day. You’ve got thousands of trees that would go. There’s going to be nothing left there when they get done but some grass roots growing out of… Them [sic] grass roots aren’t going to pull off very much water, so where’s it going to go? (ICT 2011).

The SORE member has a clearer understanding of ecology than the leasing landowner.

In general, SORE members demonstrated a deep understanding of ecology through word and practice. The non-leasing landowners all presented evidence of sustainable actions. One non-leasing landowner in Joy Hollow described an attempt to reduce erosion through the use of ground-cover.

> There were some days that it rained all day long- three, four, five inches. And, of course, the road floods. The valley’s full of water. This little tiny one-acre site
that we had torn up, I was embarrassed about how much soil washed off. We got it seeded and strawed it as quickly as we could. That was my environmental impact.

Another couple living in the valley discussed how they work to rid their land of invasive species and “had done their own reclamation on the old strip mines” by widespread tree planting. The couple talked at length about the amount of topsoil that had accumulated over a short period of time as “nature had reclaimed the land on its own.” During the Informal Conference, this landowner made a beautiful speech about the Great Blue Heron:

Several years ago, …[we]… noted the presence of Great Blue Herons on an occasional basis in a field immediately adjacent to the proposed mine property. These sightings began increasingly frequent, and about 15 years ago a Great Blue Heron rookery was noted in a creek bank sycamore, some three hundred yards north of the county line border to the proposed mine property. There were as many as 24 nests.

A second Rookery was begun behind the village of Joy a little further up the Sharps Fork of Federal Creek. What is particularly relevant in terms of water quality is the movement of Great Blue Herons into the area. The Great Blue Heron by virtue of its size and the concentration of its nests in a rookery is perhaps merely the most obvious of Joy Hollow's wildlife assets which are dependent upon good water. As large birds, which have the capacity to feed upon a wide variety of both fish and wetland amphibians, they occupy a high position in the food chain, that they can be regarded as an indicator species in regard to water quality. (ICT 2011).

SORE members commonly used phrases like “indicator species,” “biological health,” and other expressions endemic to scientific communities (ICT 2011). But as demonstrated by the previous two speakers, the jargon was not used only in the abstract. The non-leasing landowners of Joy Hollow used their land as an opportunity to demonstrate scientific principles of land and water management.
Both SORE members and leasing landowners recounted how the deteriorated environment created by previous coal mining affected the lifestyle and health of residents. The leasing landowners in particular argue that industrial reclamation is necessary to restore their personal economic wellbeing as well as the environment. In contrast, the SORE members recognize that the land and water had been tampered with in the past; therefore, they express desire to see “Mother Earth” restore itself rather than of reclamation through coal mining.

Both leasing landowners who spoke at the Informal Conference publicly expressed their desire for reclamation of the damaged property. The first leasing landowner, representing the family who declined an interview with me, told DMRM and the audience about the current condition of her property. She said: “More than 50 percent of my property, roughly 260 acres, is virtually unusable due to highwalls that remain from previous mining before reclamation was Federally overseen” (ICT 2011). Though the speaker does not expand upon the term “virtually unusable,” the permit application and comments by other respondents indicate the condition (ITC 2011). The map (See Figure 4) shows the location and distribution of the highwalls on the leased property. Three landowners (two non-leasing landowners and one leasing landowner) indicated to me that this speaker intends for the land to be reverted to pasture for use on the horse farm.
The other leasing landowner present at the Informal Conference echoed her concern. While explaining his reasoning for signing the lease, he demonstrated that the use of his land is inhibited due to previous coal mining, “First and foremost, I will receive reclamation on previously damaged land by unregulated strip mining rendering it useless by me and the natural wildlife in the area” (ICT 2011). He explained that his one hope is to bequeath reclaimed land to his family. In private, this same landowner described the condition of his land to me:

The environment is being damaged worse and worse. It’s not being helped. It’s not recovering. It’s eating itself up. There’s sulfur drainage coming down out of the hillside now, continually. That will be sealed when it is reclaimed. So, it’s going to be fixed rather than allowed to stay damaged as the way it is.

The permit application confirms the state of the land. According to the permit application several gob piles are present on the proposed site to be mined. The leftover material areas are considered to be “small, generally less than 1200 square feet in area and less than 1’ thick on average” (Joy Hollow Permit #10458). According to the permit,
these gob piles have contributed to acid mine drainage and toxic leakage. Figure 4 shows the types of disturbances that had occurred on the property (Joy Hollow Permit #10458). Three of the disturbances are related to industry - including previous mining, logging, gas lines and gas wells.

This leasing landowner explained that he only decided to lease his land for mining after years of attempting to get it reclaimed by government officials. He said, “Basically, what I was getting at is that we, me and my family, have tried reclamation on something that just didn’t work.” He went on to discuss the economic burden that the “unusable” land has taken on him.

No we don’t want our neighbors disturbed, but we would like to have fixed what’s damaged. That’s selfish, for ourselves, but also because it’s damaged. My family has paid full property taxes on probably almost fifty acres of unusable land since we bought it. And the state doesn’t care.

This leasing landowner went on to explain that his family bought the property with the promise that it could be reclaimed by the state, but has “finally quit asking” and pursued the mining reclamation route. A few interviewees from SORE agreed that the landowners were “earnestly” attempting to reclaim their land, but questioned if the landowners knew how to access other possible sources of funding. One potential funding source not mentioned by the leasing landowners is Abandoned Mine Land Program, which is paid for by a severance tax on coal (ODNR 2011c). A federal and state funding program exist (ODNR 2011c). Since the state fund’s establishment in 1972, over 2,400 acres of abandoned strip mine lands have been reclaimed in Ohio alone (ODNR 2011c).

While recognizing the previous mining conditions, SORE members claim that, despite the disturbance, the land and water are currently in good condition. Most SORE
members informed me that the current disturbances do not merit the need for industrial reclamation. One non-leasing landowner described the valley’s present beauty, which exists despite the previous mining disturbances:

Roughly around 1962— that’s when I believe the strip mining ended— so it’s been almost 50 years and there are now beautiful ponds with beaver... It’s beautiful blue water. Lots of trees growing on them. Incredible wildlife are using this habitat now that it’s grown back.

During the interview, this non-leasing landowner explained that even though no formal reclamation had occurred on his property, “Mother Earth has taken good care of fixing it.” This sentiment was repeated by two other non-leasing landowners. Together they occupied a parcel adjacent to the mining area and also had previous mining occur on their property. At the time of interviews, past highwalls were also present on their property, though their opinion about them differs from those of the leasing landowners. One non-leasing landowner said this: “Before the area became vegetated, gullying on steep small banks was severe. Erosion is ancient history now” (ITC, 2011). Another SORE member described a similar sentiment in the Informal Conference:

I’ve seen these bare spoils. I’ve seen them develop into good quality stands of grasses and forests. I’ve watched dense thickets of autumn olives and other shrubs develop along with blackberry, raspberry thickets and clumps of multiflora rose (ICT 2011).

In addition to questioning the need for industrial reclamation, the SORE group challenged the idea that the water quality needed restoration. The group preemptively contracted private biologists from Ohio University to measure the water quality of Sharp’s Fork, which is the sub-watershed containing the proposed area to be mined. Sharp’s Fork then discharges into the Federal Creek, finally emptying into the Hocking
River. Though the leasing landowners refused to allow SORE to test on their property, biological samples were taken upstream and downstream from the proposed mining site. The data sampling, conducted one month before the Informal Conference, showed that Sharp’s Fork was in “very good biological health” (Bowman et al. 2011). One of the unofficial leaders in SORE broadcasted these findings at the Informal Conference:

Based on the fish data collected at the upstream site the IBI (Index of Biotic Integrity) score indicates that Sharp’s Fork meets Exceptional Warmwater Habitat criteria as defined by the Ohio Administrative Code (Chapter 3745 -1)… The QHEI value ranged from 65 to 75.5, much higher than Oxford Mining’s testing result of 57 (ICT 2011).

According to these data, the stream qualifies for the designation of warm water habitat, a designation for which only three percent of Ohio’s water qualifies.
Figure 5. A healthy stream segment in Sharp’s Fork, Bowmen et al. 2011.

The acrimony over ecology and restoration is so great that both camps have even gone so far as to present character attacks to undermine the others’ stance. One common rumor was reported in nearly every interview with SORE members, even those who did not live directly in the valley. They called into question the majority leasing landholder’s claim to his land, maintaining that the land transfer occurred in “a sneaky way.” This attack was repeated to me, without prompting, in most of the interviews I did with SORE members. On the other side, attacks against higher education were present while speaking to one of the leasing parties:
Sometimes people who are very overly educated, I don’t mean to have that go, but sometimes they do not use good common sense in making judgments in what may be right or wrong. They use emotion with their intelligence, rather than looking at the big picture. And sometimes it’s an easy thing to do. To allow your emotions to drive what you are doing, rather than your sensibility.

The lack of communication between the groups contributed to the deep mistrust between SORE members and leasing landowners. Of course, there is no way of knowing if further communication would have changed any opinions, but the divide, according to my interviewees, enabled mistrust and animosity to pervade the controversy. The function of such mistrust also served a serious purpose for the SORE group. According to the permit, the leasing landowners assume responsibility for reclamation from Oxford Mining after a few years. SORE members expressed that their previous doubts about the leasing landowners made them more concerned about their ability to sustain reclamation.

Joy Hollow: NIMBY or EJ?

Although the two sides had conflicting positions regarding jobs and the environment, they faced the same dilemma: to mine or not to mine. In this section, I answer my second research question: Can the Joy Hollow Strip Mine project be aptly described as an environmental injustice or is it a case of NIMBYism instead? In this section, I will consider the Joy Hollow strip mine through an environmental justice framework developed in 1991 at the First National People of Color Environmental Leadership Summit. The principles established at the summit affirm common goals for EJ activists (see Appendix C). I also consider the Joy Hollow case through a variety of EJ principles (Appendix C). In particular, I will use principle 7 to evaluate the Joy Hollow situation. Principle 7 addresses procedural injustice by demanding “the right to
participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation” (Ejnet.org 2012).

The demographic composition of SORE differs from typical EJ groups. Given this, one must ask whether this can be considered an EJ case at all. Through my research, I found that SORE utilizes arguments for locally unwanted land uses, or LULUs, but also exhibits a variety of characteristics common to typical environmental justice cases. While these arguments about jobs, the environment, and ecological restoration might at first glance seem to simply be a case of NIMBY, they do carry significant implications for claims to EJ.

It is important to consider that coal extraction will have negative impacts on the area, at least for a portion of time, while also carrying the risk of permanent damage to the watershed. Both SORE and the leasing landowners recognize the potential for harm, though they disagree about the degree of danger. Those who live in the immediate area will be subjected to a wide variety of risks that could dramatically alter their quality of life.

Joy Hollow is a serene valley, offering vistas of rolling hillsides and forests. Visually, the landscape is peppered with relatively modest homes and other signs of human habitation, such as barns and plowed fields. Despite previous mining operations, the valley currently exhibits abundant beauty, which one resident describes as such:

We moved into this beautiful, quiet, peaceful valley to live harmoniously with nature and with our neighbors for the rest of our lives. We live surrounded by lush woods, creeks abundant with wildlife. On a daily basis we see deer, rabbits, raccoons, turkeys, etc., a great variety of birds.
Another resident echoes this regard for the valley, and describes her fears about the potential mining operations: “If the proposed mine permit is approved, most, if not all of this will be taken away from me and my family. The anticipated peace and quiet of our retirement will be ruined” (ICT 2011).

In general, the two sides discuss risk differently. SORE sees the risk as unnecessary and unwelcome by the larger community. Their claim is that, although the central decision-makers are the leasing landowners, environmental risk is distributed throughout the entire community. Though the leasing landowners do not deny the presence of this widespread risk, they tend to view it as a necessary and common element of life that should not deter the mining operation. As stated in Chapter 2, Schively (2007) outlined six common arguments that citizens use while fighting the risks posed by locally unwanted land uses (LULUs). While gathering data I found that members of SORE utilized five of the six arguments, including:

- the decline in property values; the inability of the community to keep out other undesirable land uses once one has been sited; the decline in quality of life because of noise, truck traffic, odor, and the like; the overburdening of community services and community budgets; and the aesthetically objectionable quality of the facility” (Schively 2007).

The one criterion that was absent from the respondents’ language was the “decline in image of the community” (Schively 2007).

During interviews and the Informal Conference, many landowners expressed concern for the decline in property values. One non-leasing landowner explained the situation this way:

Just the concept that there’s a permit in process makes my farm worthless. Most people would not want to buy a piece of land that might have a coal mine across
the road. . . one of my goals would be to sell this place, obviously. It’s too much for one person to work on and it’s just a wonderful place to live, but I am fifty-three years old. So, I really don’t want to be doing this the rest of my life.

During the Informal Conference, another party echoed the concern,

What about the devaluation of our property? We intended to live here until we die but what if the unforeseen circumstances will force us to sell our home in the next five years? Would Oxford Mining Company compensate us for a substantial loss (ICT 2011)?

Finally, one resident claimed that he would not want to own any property near the proposed strip mine. He said, “At one time I thought I’d like to have some property down there. If they strip mine that, you couldn’t give that to me” (IHT 2011).

The SORE group was also fearful of “the inability of the community to keep out other undesirable land uses once one has been sited” (Schively 2007). Many SORE members believe that the coal company was simply attempting to get a foothold in the region and then lease more land for mining. In an email to the SORE group, one of the leaders attempted to incite action by telling the other members of potential expansion:

If this strip mine is permitted…think of this. The affected landowners will live in environmental hell. Your travels by the scenic State Route 550 will most likely be behind a coal truck spewing diesel smoke and coal chips flying everywhere. The fight to stop the mine after a permit is in court with waaaay [sic] too much money and time spent. The mining will not stop on that site. Oxford Mining has plans to get more leases and mine more coal. We must stop them!” (email 10/26/11).

In the Informal Conference, another resident made a similar claim: “I think that if this permit is granted that Oxford will—it will be a doorway to step and do more of the same” (IHT 2011). Though this may appear brazen, the claim was given some merit by one of the leasing landowners during a private interview. When discussing the mining project the leasing landowner relayed some information about the future plans for the project:
“There are leased properties besides just the three of us in this venture. Which means, what… [Oxford Mining is]… planning on doing is moving progressively into other damaged areas to mine and to reclaim.”

The SORE members and the leasing landowners recognized that the coal mine will alter life in the valley. The third component of a LULU is that there will be an associated “decline in quality of life because of noise, truck traffic, odor, and the like” (Schively 2007). Quality of life will change for those living in the valley. One Joy Hollow resident discussed the infringement on his lifestyle accordingly:

It creates significant possibility of air pollution, water pollution, noise, light pollution - the whole bit. The concerns of having 100 semis a day for buses, for traffic, for breakdown of the roads. So yes, it does have the possibility of significant infringement on my lifestyle.

Another SORE member calculated the amount of times the coal company would cause disruption, simply from the truck traffic:

The dust and the rumbling noise of the heavy equipment will take away enjoyment of living in what has been a quiet place. . . . The strip mine planned calls for extracting 1,382,500 tons of coal. That’s . . . 138,250 times the 20-ton trucks will rumble up and down Athens County roads for five years. Assuming five years of mining, eight-hour day, 300 workdays a year, that’s a truck every five minutes. This does not include trucks needed to service the equipment and deliver fuel to power the generators (ICT 2011).

Additionally, the members of SORE expressed concern over the “the overburdening of community services and community budgets” (Schively 2007). One of SORE’s main concerns was the toll the mining operation would take on the local roads and bridges. During the Informal Conference many speakers asked DMRM who would pay for damages to the local road and bridges. The county roads are not designed for
industrial truck traffic. Though Oxford would have to post a bond, the residents wanted a direct answer to questions about the potential damage to their infrastructural amenities.

Lastly, SORE was concerned about “the aesthetically objectionable quality of the facility” (Schively 2007). The area will be turned into a “bare industrial site” (ICT 2011). An interview excerpt indicated that this 350 acre facility will be in a neighborhood. One non-leasing landowner pointed out her front window and showed me where the mine would be sited; she said, “If you look out here, you’ll see where the strip mine used to be, the old strip mines. And, that pond down across from Nagy’s would be from there on down, we would see it all, what’s happening.”

As one might expect, rural residents typically do not have the luxuries available to urban dwellers and prefer their pastoral lifestyle to those of crowded city life. Many residents asked about the fate of their gardens, their clotheslines, and the atmosphere for outdoor recreation. At the Informal Conference, one non-leasing landowner asked,

What would Oxford Mining do if our roofs are covered by coal dust and other windborne contaminants and we cannot collect clean drinking water? Will I be able to dry my clothes on clotheslines? Will my vegetable garden be polluted by dust? (ICT 2011)

Another non-leasing landowner predicted that the mine would have similar negative effects for his lifestyle: “The anticipated peace and quiet of our retirement here would be ruined. We will have at least five years of noise/water pollution, and basically an industrial site to live with” (ICT 2011).

In addition to a decline in property values, non-leasing landowners expressed concern over the fate of local businesses. This concern was probably omitted from Schively’s categories again due to the rural character of Joy Hollow. The businesses in
Joy Hollow rely on a healthy, unsullied rural environment to be sustainable. Two prominent business ventures in the immediate area include horse-rearing and sustainable farming. One non-leasing landowner expressed concern over the possible deleterious effects of the strip mine on the “Pony Club.” He explained:

The Ohio Valley Pony Club uses our facility on a regular basis. The Pony Club is an organization for kids ages 6 to 25 that focuses on proper riding skills, competition, and safety. I am concerned about the noise factors from semis, equipment, and blasting in regards to their safety while at my farm. What is my recourse if a horse gets spooked by a coal mine-related startling noise resulting in someone being injured? (ICT 2011).

Another non-leasing landowner expressed concern about the fate of the family tree farm. In both instances, a coal mine could potentially damage the water resources upon which these businesses rely.

Though SORE’s response to the Joy Hollow mine as a LULU might be interpreted as an instance of NIMBYism, the group was not simply expressing narrow self-interest. SORE also acted in accordance with principles of environmental justice, as outlined by Bullard (2005). First, SORE was attempting to use the public health model of prevention, which is the preferred strategy that focuses on eliminating threats before they occur (Bullard 2005). Through preemptive action, the group was adhering to the Precautionary Principle (Bullard 2005). Though the group’s members admitted that their preemptive efforts may be futile, they recognized that the other option was to wait for the company to make a misstep because such a mistake could mean environmental damage that would persist for the members’ entire lifetimes.

The members of SORE were acting to protect “all individuals … from environmental degradation” (Bullard 2005). If the group simply opposed the strip mine in
their area, then the case would more aptly be categorized as an instance of NIMBY, but this was not the case. SORE members viewed their actions as contributing to the larger struggle against coal. One SORE member, when directly asked if this was a case of NIMBYism, explained her perspective: “I don’t like coal mining. But, my having an impact on a coal mine in Missouri is… I can’t. I can’t have an impact there, but I can have an impact here. So, you fight it on whatever level you are able to.” She recognizes her limited abilities to completely rid the country of coal mining, but stresses the importance of battling it on the scale that she can have an effect. Principle 4, outlined in the national EJ framework, calls for the “universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food” (Ejnet.org 2012). Though the group is fighting the mine in a particular region, members felt that their efforts would contribute to the greater culture shift away from the damage caused by coal extraction.

SORE members demonstrated the spirit of principle 1, which states that EJ “affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction” (Ejnet.org 2012). One SORE member stressed the interdependence of the environment as a reason to deny the strip mine in Joy Hollow. She said: “Strip mining will directly exploit the living conditions, health, and quality of life for the people of Athens County, and ultimately the rest of the world” (IHT 2011). As stated previously in this chapter, many members of SORE felt that the area should remain unadulterated for its own sake.
Additionally, SORE members viewed public education and outreach as a main purpose of their work that reflects principle 16, which “calls for the education of present and future generations which emphasizes social and environmental issues” (Ejnet.org 2012). A few active members in SORE do not live in the immediate area or even the county. They had been involved with previous strip mine battles in Southeastern Ohio and felt that their expertise could enhance SORE’s efforts. One leader in the field presented information on water quality, which spurred the SORE members to protect the mine by contracting their own water quality testing. One leader of SORE used her position as in broadcasting to educate the public. She told me:

I have gotten involved in mountaintop removal and done stories on mountaintop removal. And I am kind of crossing the line between journalist and activist, you know, but somebody’s got to step out front and do it.

Furthermore, SORE members were dedicated to educating the public about the current strip mine. As I will discuss later, they fought to use the Informal Conference as a platform to inform the public about the negative effects of coal extraction.

Lastly, SORE members connected their activism with their personal actions, thus exhibiting adherence to principle 17, which requires that:

Individuals, make personal and consumer choices to consume as little of Mother Earth’s resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.

As stated in the first section of this chapter, SORE members and those living in Joy Hollow had strong personal commitments to reducing their personal reliance on coal and other fossil fuels. One member decided to quit her job, partially on the basis of the environmental impacts of her long commute. Most members talked at length about their
long-term efforts to reduce their coal use. For these residents, the location of a coal mine in their area was not just a threat to their health, it was an affront to their personal philosophies.

In addition to SORE’s commitment to EJ principles, there may exist an injustice in Oxford Mining’s pursuit of seemingly desperate leasing landowners. One SORE member explains the situation in this manner: “It sounds like…[the leasing landowners]… got swindled. I don’t know any of them personally. They seem like the good old boys who thought they could make a pretty penny.” As Bell and York (2010) found, those who are economically dependent on an extractive industry will “even fight for the companies.” To do so, direct marketing is employed to convince the dependents that the reduction of the industry is not in their interest or for the interest of the community. Through the interviews I conducted, it appears that Oxford Mining has communicated the same misleading arguments to the leasing landowners. Even though there were no formal lines of communication between the two leasing landowners, they often voiced the same rationale about the safety of mining, including the company’s trustworthy reclamation methods. One leasing landowner explained his trust of Oxford’s ability to reclaim the land:

Like I said, I did some research on the company. What they’ll do is they’ll permit a small area at a time. At our area, they’ll permit the whole area, but they’ll actually only permit a small area at a time in their bond. So, they only mine a small area at a time. They’ll bond that, mine it, and move on. They’ll re-bond another area. While they are mining that, this area’s being reclaimed. When they are done reclaiming it, they’ll recover their bond from that area and move it on into their progressive area until they are done. That’s how they work on their sites and that’s smart business.
The other leasing landowner I interviewed explained Oxford Mining’s reclamation process using nearly identical terms:

If you visit a site where Oxford is mining, you will also see an adjacent site that is being reclaimed, actively. That meant a lot to me. It makes good business sense. Not only that, it makes me feel more secure because if a company’s allowing for reclamation to lag back a year, two years, and they are mining all this coal in front of it, what’s going to happen to that land if they go bankrupt? Whereas if they are keeping that reclamation up close and they go under, it’s a very small portion of land now that needs to be reclaimed.

Though neither states the source of their information, the two men are using approximately the same argument. For instance, the idea that Oxford uses “good business sense” gives them assurance that the risk is minimized. Therefore, it is possible to assume they are receiving their information from the same source, most likely Oxford Mining. Additionally, there even appears to be trips to Oxford Mining’s reclamation sites in order to convince the leasing landowners to sign. One leasing landowner told me, “There have been visits made to a couple of the areas where they have reclaimed…. by a couple of the other landowners. I could not make it. But they did.” The other leasing landowner told me he had visited four of Oxford Mining’s reclamation sites. Though it is not confirmed, it again is a strong possibility that Oxford Mining had a hand in organizing these tours. One non-leasing landowner recognized the company’s probable influence in their neighbors’ decision making process:

I’d say, I think they are a little misguided. They are probably sincere in what they are trying to do. I think part of the problem is that they have been misled by the coal companies. Oxford did a song and dance, you know, about improvements which are not going to occur. I can’t speak with authority on that but…[sic].

I argue this is an instance of environmental injustice because the leasing landowners needed to have their land mined further if it is to be fixed from the first wave of
extractive activity years ago. The leasing landowners lacked the financial ability to reclaim their land in any other way and therefore felt pressure to lease their land to Oxford Mining. Accordingly, the leasing landowners cited the financial burden of the property as the primary reason for leasing their land to the coal companies. The leasing landowners were paying taxes on “unusable” land, which they cannot have repaired due to the cost. One leasing landowner even claimed that he was paying liability insurance due to the presence of residual highwalls. He explained:

Let’s assume that my neighbor allows them to come in and coon hunts, which is common in this neck of the woods… and that person falls over one of my highwalls and is dramatically injured or killed. The state says in their infinite wisdom that they have the right to sue me for negligence. Because I allowed a highwall to be there . . . so I have to pay a large amount of liability insurance to avoid that.

The leasing landowner’s claim about this remuneration was viewed as embellishment by non-leasing landowners. Whether or not there is any truth in the liability insurance claim, the leasing landowner identified his vulnerabilities. He was suffering from unrectified harm incurred from prior mining and therefore liable to be lured by the relatively large earnings and reclamation offered by Oxford Mining. I therefore argue that the apparent conflict between the leasing landowners and the SORE members is misguided. In essence, they face the same looming problem of enduring environmental degradation.

The foremost difference between the two groups lies in their vulnerability to the monetary offers and susceptibility to being persuaded by the coal company’s rationale for mining.
**Procedural Environmental Injustice in Joy Hollow Permitting Process**

In the following section, I answer my third research question, which asks: Is this a case of procedural injustice? Procedural justice considers the social and political circumstances which allow for unjust allocation of environmental amenities and disamenities (Bullard 2000). For example, it is well-documented that communities of color and those lacking resources bear a greater environmental burden than communities with wealth. As described in Chapter 2, Appalachia has suffered from unequal allocation of hazards due to the legacy of resource extraction. Yet, distribution of environmental hazards only answers questions related to correlation, not causation (Bullard 2000).

To better understand this case study, the Joy Hollow strip mine permitting process must also be evaluated through a procedural justice lens. Though SMCRA outlines a variety of methods for including community voices in the permitting process, SORE still encountered a lack of access to information and input into decision-making. Even with the group’s previous expertise and dedication, the citizens had limited power over the outcome of the permit application. This is a direct violation of Principle 7, which addresses procedural injustice by demanding “the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation” (Ejnet.org 2012). As I will outline, the events that occurred point to unequal power distribution between the state and opposing community members in the SORE group.

The two divergent organizational methods of the leasing landowners and the SORE group reflect the unequal power held by each party. The leasing landowners had
no apparent need to work in an organized fashion. By the time the formal permitting process began, the leasing landowners had completed their portion of the procedure. Their participatory actions occurred before the mining company formally submitted the permit application to DMRM. Prior to this, the leasing landowners were responsible for deciding if they wanted to sign a lease and what conditions they wanted to include in the lease. After making these decisions the landowners were left to wait for the process to unfold. One leasing landowner described his personal involvement:

I’m not into the political end to this. I am a landowner who was approached to sell my resources. I investigated the situation really good before I became involved in it. I think I put a good enough addendum together that I protected myself and my neighbors. To get involved politically beyond that, I am not interested.

This landowner further discussed the degree of his trust in the permitting process to produce a fair outcome. He told me:

There’s a review board in place. They are professional people hired by the state. They are going to evaluate it. Does what I say as a neighbor affect the facts any? No. The facts are there. The studies have been done. Let them decide. If they say it’s a bad thing, then it’s a bad thing.

As this interviewee expressed, the leasing landowners had professionals from the mining company working for their cause. These professionals wrote the lease and then submitted it to DMRM for review. As a result, the leasing landowner felt no need to get involved politically. Due to his faith in the process, he did not understand SORE’s insistence to be involved in the process.

SORE required a sustained, vocal group of concerned individuals to counter the power of the professionals who worked for the mining company and the state. When it came to making a case that established legitimate concerns about environmental health,
the burden of proof fell on the opposition group. Given the amount of research involved in making their case, the group divided responsibilities among the members. Their task was daunting, given that the Joy Hollow Permit #10458 is a 350-page document that is overflowing with technical jargon. The group chose to divide the document into manageable portions and then assign a section to one or more active members in order to locate potential problems. One non-leasing landowner described the group’s actions: “We have several good attorneys helping and many, many people picking apart the permit, and reading SMCRA and all that and then going to educate the press, go to the meetings and share with people.”

It is important to note that the time and effort put in by SORE’s members was entirely voluntary and thus uncompensated. One leader estimated that she and others worked about 20 hours per week in preparation for the Informal Conference. This degree of dedication is impressive considering that the majority of these members had full-time jobs, families, and other personal obligations. Additionally, the scheduled time of the Informal Conference illustrates a kind of power differential between citizens and the DMRM. The meeting was held at 3pm on a Wednesday - a time when people are commonly working. But whereas DMRM officials were being compensated for their time, citizens were not.

Even though SORE members were willing to work to find the pertinent information about the permit, accessing the information was difficult. First, for any group of individuals, understanding the permit would be challenging. After the group had “picked apart the permit” and formulated questions about the plan, members had to
knock on the doors of state officials in order to access information. Even though the members operated under state policies, there was still a pervasive feeling that the group was not given enough details about the permit. Prior to the Informal Conference, the lawyer representing SORE mentioned many public records requests that the DMRM did not answer. He wrote to the group in an email: “If and when we get this information it should help to answer a lot of points we haven’t been able to get information on or answers to.” (email 9/24/11, his emphasis). The lawyer representing SORE testified in the Informal Conference that DMRM had “to deny this permit because over and over and over again procedures haven’t been followed. Necessary information hasn’t been gotten.” (IHT 2011).

Even with the expertise of the veteran SORE members, there was often a general confusion about procedures and events, showing a lack of communication between DMRM and the citizens’ group. In another email, one non-leasing landowner wrote to the SORE group:

Today four DMRM people came out to our property and took water samples from the creek at the bottom of our driveway…[My husband]… invited them to our home and they also took samples from our pond and cistern! I was at work. What does this mean? (email 11/08/11).

In addition to the lack of effective communication, officials from DMRM responded slowly to requests for meetings that were not mandated by law. One such meeting happened in June 23, 2011 at The Grange in Amesville, Ohio (see Appendix D). In this public assembly, the members of SORE and leasing landowners were present to ask questions about the permit. SORE members also prepared questions. In general, the response from DMRM to SORE members during this meeting was that they could not
answer specific concerns because although the permit had been submitted, it had not yet been deemed complete (see Appendix D for the permit timeline). The sentiment of the SORE group was thankful that the officials visited the area and met the individuals who would be affected, though they remained frustrated by the lack of information provided. They hoped their questions would instead be answered during the Informal Conference, the subsequent meeting mandated by law.

According to SMCRA, an Informal Conference is legally mandated to be the main forum for public sentiments and concerns can be expressed, while also providing a venue at which pertinent information could be relayed to the greater public. The way in which DMRM attempted to structure this meeting was seen as an egregious attack on the original intent. DMRM first arranged for the meeting to be set up so that citizens’ comments would be read to the officials in a room separate from where the public was situated.

In addition to preparing effective questions that would ensure the health of Joy Hollow, SORE had to fight to have comments and questions from the community read in a public forum at the Informal Conference. In an email on September 9, 2011, one SORE member wrote to the group, “There was a decision to hold the Informal Conference by DMRM in private!” (email 9/9/11). The group expressed outrage at the concept of holding a public meeting in private. The following is an excerpt from an email sent by a SORE member to the DMRM officials about the topic. She wrote:

To put it in perspective, just think of the learning opportunities (listening to both people’s words and the way they express them) that will be lost by Athens County residents if the Informational Conference is held in private. I know of one OU
professor who has contacted ODNR to find the date so her students could attend and learn. As Thomas Jefferson said, "Information is the currency of democracy." Democracy requires an exchange of ideas. ODNR can, and should, control the exchange - to make it a safe space for people to voice ideas. But, it should not insist that those ideas to be expressed in private. If people want to submit their ideas in private they have many opportunities to do so in writing, and you could create a space for them to do that - if they wish - at an Informal Conference. By privatizing the comments, you destroy the public discourse (email 9/13/11).

In this email, the writer offers alternative solutions to the questions of safety, which was cited as the reason for the private structure. After weeks of discussing the meeting format with officials and alerting the press to the proposed format, DMRM officials agreed to allow the public comments to be read in public.

The Informal Conference occurred on November 2, 2011. Even with the agreed change in meeting structure, the format of the Informal Conference was not an exchange of ideas and information; instead, it was a presentation of citizen concerns to the state. Each speaker was given exactly three minutes to present his or her opinion, and then had to submit further questions and comments in written form. If citizens wanted a response to an issue, they had to ensure they phrased their concern in the form of a question. This format precluded citizens from expressing fully their concerns by making comments.

In theory, DMRM would provide answers to these formally submitted questions within a sixty day period, though this did not happen in practice. DMRM did not uphold their duty to respond to these formal questions from SORE members within sixty days, even though the rule is outlined explicitly in the Ohio Revised Code. The group and those present at the Informal Conference did not even receive a copy of the transcript of the Informal Conference until 1/23/12, two and a half months after the event (Email
1/23/2012). This means that the date at which SORE received the transcript was after the date that these questions posed during the Informal Conference were supposed to have been answered by the DMRM. In an email to the SORE members, a lawyer representing SORE explained the loophole: “The ability of ODNR to continue to ask questions from the mining company allows for the ODNR to evade the 60 day requirement of SMCRA” (email 02/16/12, his emphasis).

When weaker groups lack adequate and accurate information, inequalities of power are reinforced. If a group cannot access pertinent information, their ability to formulate an appropriate response to the situation is hampered: their response will be more akin to ‘striking out blindly’ rather than applying precise tactics. (Gaventa 1980). SORE’s insistence on acquiring crucial information eventually allowed them to develop a deep understanding of the situation, and also the possibilities for resistance that were available to them within that situation.

Subsequently, another meeting (which was not mandated by law) was held while residents were still awaiting answers to the questions they posed in the Informal Conference held nearly three months earlier (See Appendix D). On January 30, three officials from DMRM, including the chief of DMRM, the coal permitting manager, and a DMRM lawyer met with concerned citizens in Joy Hollow (Meeting 2/05/12). This group from DMRM first met with members of the SORE group and the non-leasing landowners to address their concerns. Then, at the request of a leasing landowner, DMRM met with the leasing landowners later that day in a separate meeting. It is important to note that these meetings were a direct result of a concerted effort of those involved in working to
get the permit denied. The SORE group held a meeting to gain support and write letters to the DMRM requesting that the chief of DMRM hear their concerns.

_The Permit Application: “Shamefully Inadequate”_

The SORE group shed light upon many issues in the permit which warranted further attention, with one member referring to the document as “…shamefully inadequate. Shamefully incomplete” (IHT 2011). In general, SORE members relied on their previous expertise and the knowledge of the group’s professionals to understand how to navigate the permitting process. In order to prepare for the Informal Conference, SORE held several meetings and communicated through emails. They began planning three months ahead, though at the time the group did not know the exact date on which the meeting would be held. One community member describes the group’s role in the permitting process:

DMRM… plays by certain rules, but at the same time, they are not going to be as picky as SORE would be going through this permit. We basically picked it apart tooth by tooth and came up with pretty major issues, which all the other permits that had gotten looked at were as riddled with errors as this one is.

In combing the permits for crucial details, SORE members identified many valid issues which may have been overlooked by DMRM officials. These inadequacies and oversights were voiced publicly at the Informal Conference.

One main issue that was called to attention at the Informal Conference was the lack of specific information in the permit application. One non-leasing landowner mentioned an existing strip pond that straddled the boundary between her property and the leasing landowners’ property. The pond was entirely absent from the Oxford permit. In the Informal Conference, the owner asked DMRM a variety of questions about the fate
of this pond. Another non-leasing landowner asked the DMRM why her home was not on Oxford Mining’s maps; permitting the mine near to her house would have serious implications for her quality of life. She said: “Although we live within one-half mile limits, our home has not been on any version of the permit application . . . and neither are we to be notified when the blasting will take place” (IHT 2011). SORE members also identified questions in the permit that were insufficiently answered. One SORE member pointed out a lack of specifications about channel stability. He said, “Oxford Mining considered detail: channel reconstruction and buffer zone restoration will begin at the time of final reclamation. One sentence is considered detail” (IHT 2011).

SORE members also asked for further information about off-site impacts such as the trucking routes and the care of roads and bridges. In the Informal Conference, many members asked about the planned coal truck routes from the proposed mining site. In reference to particular bridges, members inquired about who would be responsible for paying for any damages to these community resources. One SORE member asked “what will be done to clean …[the coal trucks]… as they leave the site?” (IHT 2011). A Federal Hocking High School student asked DMRM about the danger of large coal trucks travelling the same roads as school buses, especially on country roads “with several blind corners” (IHT 2011). She asked how these dangers were “going to be addressed and financed?”

Another SORE member inquired about “downstream users and critical structures” (Gooseman IHT). The permit application states that neither will be “impacted by the mining operation.” The speaker went on to explain his concerns:
This is incorrect. The Village of Amesville is affected by any excess water generated by Joy Creek . . . any decrease in tree and vegetative cover caused by this mine would increase runoff into Sharps Fork and into the Federal Creek Watershed. This has significant potential for increased flooding in Amesville.

The speaker claimed that no suggestions have been offered in the case that a flooding event occurs and causes property damage to the town.

Additionally, during the Informal Conference, the SORE group attempted to disprove the assumption that the Sharp’s Fork area requires reclamation. One of the caveats of the Clean Water Act is that the company cannot negatively impact the area if it meets a particular water quality standard. One non-leasing landowner called attention to the section of the permit application that addressed the negative impacts:

In Oxford Mine application question 3, ODNR asked Oxford, “What negative impacts to the land and water does the applicant intend to correct through remining of the area?” Oxford gives a one sentence answer: “Remining the area will result in elimination of existing highwall and pit impoundments and reestablishment of vegetation, restoration of pre-mining damage, drainage patterns, and an improvement in water quality (ITC 2011).

The non-leasing landowner and her husband then explained that the area is already in high quality - citing the fact that leasing landowners procure drinking water from the impoundment pits, and thus concluding that they “must already be in high quality” (IHT 2011). Additionally, the biological information that SORE members had collected through independent professionals found that Sharps Fork was significantly higher than the value Oxford Mining claimed on the permit application. I cannot say with certainty that DMRM would not have addressed the aforementioned issues without prodding from SORE. Yet, the SORE group played an important role in ensuring that the permit application could not be approved without first remedying its deficiencies.
The Path of Least Resistance?

As of March 2012, the community members had still not received responses to the questions they posed in the Informal Conference. The SORE members believed that the slow response from DMRM, though frustrating and unjust, was a positive sign for their cause. After the Informal Conference, one SORE member wrote this to the group:

I spoke with… the permit specialist…the one that will recommend a go or no go to the chief…after the meeting asking how long it may take for the chief to issue a decision. He said it was going to take them a very long time to review all the comments. This is actually good (email 11/3/11).

In essence, the longer it took DMRM to complete its formal duties, the longer the SORE group was stalling the approval of the permit.

SORE’s strategy is directly connected to the fact that DMRM has never formally denied a coal permit. The SORE members were fully aware of this reality, though they believed that they could work to encourage Oxford to retreat from pursuing the Joy Hollow permit. Many members stated during interviews, emails, and meetings their awareness that the only way to fight the permit was to demonstrate inadequacies or violations in the permit that directly relate to state law. Despite the many community concerns listed above, as Cole and Foster (2001) state:

Permitting laws generally do not specify evaluation criteria that allow for formal assessment of the demographics, health problems, quality of life, and infrastructure of the surrounding community, or the cumulative environmental or health effects of other facilities in the area.

The SORE members voiced concern over the basic rights of a community. In an interview, one SORE member explained her frustration, which echoes Cole and Foster’s point: “The philosophical and cultural piece is missing. The community doesn’t have the
same voice as the leasers. We [the SORE community members] are not bringing in money.” During the Informal Conference, a concerned citizen explained the lack of voice of the opposition: “Now, I’ve noticed that most people who have spoken today have spoken against this site. I think if you were to take a vote today, it wouldn’t happen. I’d like to support the idea that people should rule their own lives…” (IHT 2011).

One SORE member explained the response from DMRM in an email to the rest of the SORE group. She described the process:

The chief…is quite frank and I believe quite accurate in describing the extent of his powers. He has the authority to keep asking questions and requesting more information, and when he does not like the answer and/or the completeness of the information he can keep on asking additional questions, and requesting new information. He indicated that this can go on for as long as nine years, or . . . until the application is withdrawn voluntarily . . . perhaps as I would suspect to save face (Email 2/23/12).

Basically, the SORE member is describing the path of least resistance for such permits. Though permits are not formally denied, they will eventually be abandoned by the mining company if the process appears to be taking too long. Within a month of the email excerpt above, SORE members were “cautiously relieved” by Oxford’s announcement that Joy Hollow was no longer considered its mining priority. DMRM thus ceased reviewing the permit—though the application is not formally withdrawn.

This necessarily reflects the power dynamics in the case study. As Gaventa (1980) writes,

In situations of inequality, the political response of the deprived group or class may be seen as a function of power relationships, such that power serves for the development and maintenance of the quiescence of the non-elite. The emergence of rebellion, as a corollary, may be understood as the process by which the relationships of power are altered.
As this passage makes apparent, when relatively powerless groups are confronted by forces who wield a greater degree of social power, the more powerful groups will define the parameters in which power is exercised. Weaker groups are thus compelled to carefully examine and understand those parameters in order to determine which possibilities of resistance are available to them. Even though the power structure was left intact and unaltered, SORE was able to exploit the law in such a way that enabled them to succeed without upending power relationships. In this case SORE failed in their attempt to have the permit application formally denied; had they achieved this goal the existing power structure would have been altered significantly.

Since I argue this is a case of environmental injustice, I am compelled to ask whether the success at Joy Hollow was necessarily contingent on a failure to prevent mining elsewhere. As one SORE member described, Oxford has a “long list” of permits on its books. A leasing landowner described the information he had received from Oxford Mining about the status of the Joy Hollow permit:

Oxford Mining…They have other permits that are more important to them right now than Joy Hollow. The reason is because the . . .[other permits] . . . are adjacent to other mining areas. So, they want to work where they can keep their equipment. So, they want those done quickly. They have a priority they’ve set up. So, our priority has been cut back because of Oxford’s request. It has nothing to do with anything other than it’s more important to them to deal with other mines that they have. And that’s a business decision on their part.

The leasing landowner rejected the idea that SORE’s actions had any influence on the decision to abandon the Joy Hollow permit. But on the other hand, SORE members considered their actions vital to the outcome. In an email to the group, one member wrote:
We are confident...that our unrelenting attention to the regulatory process of the permit review let...[DMRM]...know that SORE is playing the public role of watch dog. The law states there must be public involvement, therefore we took that seriously. By doing so we established a relationship with...[DMRM]....that was positive. (Email 3/20/12)

Of course, the longer the process for the permit approval, the more resources Oxford would be putting into the project. As Cole and Foster (2001) point out, communities that are most at risk for environmental hazards are those “least likely to express opposition.” In this sense, SORE’s actions most likely have had an impact on their choice to place Joy Hollow low on the priority list. Still, the exact reason for Oxford Mining’s pursuit of other mining properties remains unknown. It is a bittersweet victory that is contingent on the continuation of coal mining operations in another location.

This provides mixed evidence for procedural injustice in the case of permitting the Joy Hollow coal mine. Certainly SORE members feel that the permitting process has been less than transparent and they have had difficulty getting their concerns adequately addressed. Based on these concerns it appears that they have suffered a procedural injustice. However, there is the possibility that their efforts have delayed or stopped the mine. In this instance perhaps SORE has achieved a form of procedural justice despite the long odds against them. Although the threat has quieted for Joy Hollow, Oxford Mining according to some of my interviewees will continue its mining business at other sites. This of course is problematic in that the environmental hazard may be following the path of least resistance- which is not what members of SORE want to happen when it comes to coal mining.
CHAPTER 5: CONCLUSION

The size of the proposed Joy Hollow strip mine may seem insignificant in comparison to larger mining operations like mountaintop removal that commonly garner public attention. Yet, the cumulative effects of smaller mines produce a significant environmental and social impact on the Appalachian landscape, too. Moreover, these small-scale environmental hazards are habitually located in communities that are economically disadvantaged, a phenomenon which has created environmental injustices for host communities. The result is an American landscape in which the consumers of energy are disconnected from places and people damaged by extractive forms of economic production.

Each proposed mining site is characterized by a unique relationship between the local community, the mining companies, and the relevant governing regulatory agencies. In the permitting process, mining companies and the governmental institutions tend to rely on uniform, standard policies and protocol that likely do not take fully into account the unique concerns individuals and communities have. In cases like Joy Hollow, it seems the community is fortunate enough to have sufficient social capital to capture procedural justice that perhaps prevented the mining company from gaining control over the fate of the landscape. SORE efforts in Joy Hollow are noticeably benefitted by the voluntary and committed efforts of professionals in various fields, such as law and marketing. In this instance, concerned citizens were successful at raising concerns about the permit and delaying its approval to such a degree that it is possible that their efforts caused the company to back down. Unfortunately, we will probably never learn why
Oxford chose to temporarily suspend their effort in Joy Hollow, as they refused my request to be interviewed. However, this case study has provided some insights into the struggles communities wage against environmental degradation as well as the applicability of environmental justice framework for understanding these controversies.

The breakdown of communication quickly became apparent in this case study, with ramifications in two particular areas. Firstly, both leasing landowners and SORE members engaged in the divisive jobs versus environment debate without realizing they likely have common interest around environmental remediation in relation to previously mined lands in Joy Hollow. In this regard I argue that both the SORE opposition and the leasing landowners suffer an injustice because they are forced to live with the ramifications of past mining activities in the form of highwalls, gob piles, and acid mine drainage. In particular, the argument the leasing landowners make about needing to have Oxford mine their properties in order to eventually fix it should be considered an untenable choice. They claimed they could not get assistance to fix their lands in any other way. If in fact this is the case, even they could be considered a party subjected to a form of distributional and procedural environmental injustice as they lack the political power to get their lands remediated. Ultimately their mutual interest in ecology apparently alongside opposing SORE members was thus perhaps a lost opportunity to form a constructive dialogue regarding how to properly mitigate their degraded lands.

The second breakdown in communication is between the DMRM and SORE members who lacked access to information from state regulatory agencies. Inadequate access to information and communication breakdowns caused continual frustration
amongst the SORE group. Anti-mining activists were denied pertinent information necessary to formulating a cogent response. Also, their ability to act as equal participants in the decision-making process was also prevented—despite the fact that SMCRA mandates such inclusion. But even though an observer could interpret the abandonment of procedural norms and protocols as a negligence of duty on behalf of state officials that handicapped the activists’ efforts, the ensuing confusion served to cause further delay which likely exhausted Oxford’s patience with the permitting process.

Despite the outcome, a lack of information given to SORE should be considered a procedural injustice. There was a diverse array of interests involved a single debate about a topic that would affect both particular individuals and the public. Social inequities and power differentials amongst regulatory agencies and concerned citizens produced sharp antagonisms that made the situation seemingly irresolvable. However, the result is perfectly welcome by those who opposed the mining. SORE insisted on enhancing public involvement in the permit process, thus asserting its own claim to procedural justice in a situation normally lacking participatory politics. The result is that Oxford’s fast-paced approach was bogged down to such an extent that one can speculate the company found it too difficult to proceed. The way in which the events unfolded reveal a strategy that proved successful for the anti-mining activists despite the fact that denial of the permit application was not ultimately achieved.

Even if a direct causal relationship cannot be established with full confidence, the evidence for the existence of such a relationship is too compelling to entirely dismiss the possibility. Just as it would be presumptuous to conclude that a direct causal relationship
definitely exists, it would also be academically irresponsible to disregard the likeliness that citizen awareness and action did not influence Oxford Mining’s final decision to some degree. And despite the fact that a direct causal relationship cannot be established, one cannot help but conclude that if SORE did not exist, and community activism did not rally to rebuff the mining company, then Oxford would have proceeded with their plans.

However, simply because the activists achieved their immediate goal does not guarantee that their ultimate goal of repelling Oxford’s mining operations has succeeded. As I mentioned, at this time DMRM has ceased reviewing Oxford’s permit. Although the review process has paused does not mean it cannot resume in the future. Oxford’s application has not been formally withdrawn. Therefore, it is a possibility that Oxford could potentially gain access to the Joy Hollow site if the review process resumes. If SORE relaxes their efforts, then they might be caught off guard if the review process continues unannounced and concludes in favor of Oxford. Of course, one successful community effort does not thwart the injustices associated with the whole mining business. Yet, SORE has deployed a nonviolent, legal strategy for resistance that can be shared with other communities facing the prospect of extractive industry.

For communities with similar characteristics, this case can serve not only as a source of inspiration, but also a potential source containing strategies which they then could adopt. A careful reader could also detect ways in which this strategy could be improved. For example, the animosity between leasing landowners and anti-mining activists prevented possible dialogues on common interests around mine land remediation. One potential way in which this acrimonious politics could be prevented is
by solidifying and enriching social connections within the community before it is faced with the permitting process. For example, if SORE and landowners had conversations about land remediation before the entrance of Oxford, perhaps the leasing landowners would not have needed to lease their lands to get them fixed. Potentially this could create the social solidarity which would better defend itself against businesses that attempt to exploit them. Moreover, an increase in social cohesiveness would better guarantee that a segment of the population would be less economically vulnerable, and therefore less susceptible to surrendering their mineral rights. Natural resource extraction is a widespread phenomenon that typically afflicts underprivileged communities who are forced to muster whatever meager social resources are at their disposal. Of course my argument here is predicated on the truthfulness of the leasing landowners in regards to their ecological claims for the justification of signing leases to mitigate the former damage on their lands.

The strategy may also suggest a shift in tactics employed by EJ activists. In contrast to strategies typically employed by grassroots activists, SORE successfully manipulated the regulatory framework by forestalling the permitting process to stave off the hazard. Therefore, even for those who lack power, mechanisms are in place to allow people who are politically and economically powerless to gain leverage over their adversaries by simply appealing to law. As in the case of Joy Hollow, a few veteran activists introduced this approach to the at-risk community. Potentially, this strategy can be universalized. Though many channels of power are typically closed off to grassroots environmental movements because their opposition exercises a decisive amount of
influence in those channels, grassroots movements can gain an intimate understanding of regulatory intricacies. Thus, this neutralizes the influence of the well-connected powers to which they are opposed.

At this point I should quickly reflect on the merits and shortcomings of my methods of inquiry. As an independent observer who was primarily interested in viewing the Joy Hollow case through the lens of environmental justice, I was not sufficiently expert to scrutinize the scientific data or the minutiae of legal contracts involved in the permitting of the Joy Hollow mine. However, I was able to carefully observe the way information was circulated and exchanged, while also observing the procedural mechanisms for mediating differences between opposing interest groups. Because the core of my project was concerned about procedural (in)justice, I was most interested in exploring the dynamic of power differentials between the parties involved in the permitting process. Since procedural justice can only be evaluated by examining the degree to which all the concerned parties were included in the process and given equal say in the result, my qualitative approach that combined participant observation, interviews, and careful analysis of the correspondence between participants produced comprehensive results. That said I am not in the position to fully analyze the legal, technical, and ecological arguments based on quantitative approaches made by interested parties.

When I began this project I expected the Joy Hollow case to provide a clear example of environmental injustice. But after much reflection, I have arrived at a conclusion that my hypothesis did not predict the complicated outcome of this research
project. In the end, the Joy Hollow case presents us with what appears to be a paradox. Even though the breakdown in communication, manipulation of procedural protocols, and limitations of participatory input make this a case of environmental injustice, the outcome of the permitting process to this point is what the anti-mining activists had hoped for. Therefore, from an environment justice perspective, the case presents us with an unjust process that ended in success for SORE members. It was successful according to SORE’s goals because the group demanded a voice in the permitting process. In doing so they also demanded and asserted procedural justice in Joy Hollow.
REFERENCES


Armstrong & Okey, Inc., (2011). Columbus, Ohio: [Informal Conference Transcript (ITC)].


Ohio Department of Natural Resources. (June 2011). Joy Hollow Permit #10458. Oxford Mining Company, LLC.


APPENDIX A: OHIO UNIVERSITY CONSENT FORM

Title of Research: A Comprehensive Study of a Proposed Strip Mine in Bern Township, Ohio
Researcher: Mary Leciejewski
You are being asked to participate in research. For you to be able to decide whether you want to participate in this project, you should understand what the project is about, as well as the possible risks and benefits in order to make an informed decision. This process is known as informed consent. This form describes the purpose, procedures, possible benefits, and risks. It also explains how your personal information will be used and protected. Once you have read this form and your questions about the study are answered, you will be asked to sign it. This will allow your participation in this study. You should receive a copy of this document to take with you.

Explanations of Study
This study is being done to examine the processes as well as community action regarding the permitting of a strip mine. It falls within the framework of environmental justice, which considers where and in what type of communities environmental risks are placed.
If you agree to participate, you will be asked to participate in an interview(s).
Your participation in the study will last the duration of the interview. You may stop the interview at any time. Interviews are expected to last about an hour.

Risks and Discomforts
No risks or discomforts are anticipated.

Benefits
This study is important to science/society because it will help answer the question on the equity behind the decisions to permit coal mines. The study will also fill in the gap in environmental justice literature that lacks information on small, rural communities in places like Southeast Ohio.
You may not benefit, personally by participating in this study.

Confidentiality and Records
Information collected during interviews will be kept confidential through a password protected phone and computer. In addition, I will keep all written information to myself and my advisor, and the material will be secured in my personal apartment or locked in my office desk.
Additionally, while every effort will be made to keep your study-related information confidential, there may be circumstances where this information must be shared with:
  * Federal agencies, for example the Office of Human Research Protections, whose responsibility is to protect human subjects in research;
  * Representatives of Ohio University (OU), including the Institutional Review Board, a committee that oversees the research at OU;

Contact Information
If you have any questions regarding this study, please contact
Researcher:
Mary Leciejewski
(740)-534-6334
e-mail: ml678710@ohio.edu
Advisor:
Dr. Harold Perkins
(740)-593-9896
E-mail: perkinsh@ohio.edu
If you have any questions regarding your rights as a research participant, please contact Jo Ellen Sherow, Director of Research Compliance, Ohio University, (740)593-0664.
By signing below, you are agreeing that:
  * you have read this consent form (or it has been read to you) and have been given the opportunity to ask questions and have them answered
  * you have been informed of potential risks and they have been explained to your satisfaction.
• you understand Ohio University has no funds set aside for any injuries you might receive as a result of participating in this study

• you are 18 years of age or older

• your participation in this research is completely voluntary

• you may leave the study at any time. If you decide to stop participating in the study, there will be no penalty to you and you will not lose any benefits to which you are otherwise entitled.

Signature_______________________ Date___________________

Printed Name_____________________________
APPENDIX B: INTERVIEW GUIDE FOR COMMUNITY MEMBERS

Background Information

▸ How long have you lived in the region? Why have you chosen to reside in this area/community?
▸ What are the assets of your community?
▸ What is your educational background?
▸ Where in relation to the proposed mine do you live?

Strip Mine Perspective

▸ Please describe your view on the proposed strip mine. What do you feel is at stake in the Joy hollow permit?
  ▸ What are the possible benefits/risks that you see?
▸ Do you feel you understand the process by which a coal permit is approved? How did you learn about the process? Was this information easy to access?
▸ What would you say to someone who considers this opposition a simple case of NIMBYism?

Community Involvement

▸ What is your view on Save Our Rural Environment?
▸ What is your view on those who have leased their property?
▸ How have you been involved with the organization?
  ▸ Do you identify any leaders in your organization or faction?
    ▸ Have you or any other members of your group been involved in a similar process in the past? If so, what was the result of that effort?
  ▸ Do you feel your group’s or faction’s effort has been effective? Why or why not?
▸ How do you feel the groups actions have been received by government officials?
  ▸ Please describe how you have contacted governmental agencies and how the group/officials have responded.
▸ Have you asked for anything specific from government officials (ex. information, meetings, etc.)? What was the response?
▸ Do you see any apparent barriers to achieving your goals?
APPENDIX C: 17 PRINCIPLES OF EJ (Ejnet.org 2012)

PREAMBLE

WE, THE PEOPLE OF COLOR, gathered together at this multinational People of Color Environmental Leadership Summit, to begin to build a national and international movement of all peoples of color to fight the destruction and taking of our lands and communities, do hereby re-establish our spiritual interdependence to the sacredness of our Mother Earth; to respect and celebrate each of our cultures, languages and beliefs about the natural world and our roles in healing ourselves; to ensure environmental justice; to promote economic alternatives which would contribute to the development of environmentally safe livelihoods; and, to secure our political, economic and cultural liberation that has been denied for over 500 years of colonization and oppression, resulting in the poisoning of our communities and land and the genocide of our peoples, do affirm and adopt these Principles of Environmental Justice:

1) **Environmental Justice** affirms the sacredness of Mother Earth, ecological unity and the interdependence of all species, and the right to be free from ecological destruction.

2) **Environmental Justice** demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias.

3) **Environmental Justice** mandates the right to ethical, balanced and responsible uses of land and renewable resources in the interest of a sustainable planet for humans and other living things.

4) **Environmental Justice** calls for universal protection from nuclear testing, extraction, production and disposal of toxic/hazardous wastes and poisons and nuclear testing that threaten the fundamental right to clean air, land, water, and food.

5) **Environmental Justice** affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples.

6) **Environmental Justice** demands the cessation of the production of all toxins, hazardous wastes, and radioactive materials, and that all past and current producers be held strictly accountable to the people for detoxification and the containment at the point of production.

7) **Environmental Justice** demands the right to participate as equal partners at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation.
8) **Environmental Justice** affirms the right of all workers to a safe and healthy work environment without being forced to choose between an unsafe livelihood and unemployment. It also affirms the right of those who work at home to be free from environmental hazards.

9) **Environmental Justice** protects the right of victims of environmental injustice to receive full compensation and reparations for damages as well as quality health care.

10) **Environmental Justice** considers governmental acts of environmental injustice a violation of international law, the Universal Declaration On Human Rights, and the United Nations Convention on Genocide.

11) **Environmental Justice** must recognize a special legal and natural relationship of Native Peoples to the U.S. government through treaties, agreements, compacts, and covenants affirming sovereignty and self-determination.

12) **Environmental Justice** affirms the need for urban and rural ecological policies to clean up and rebuild our cities and rural areas in balance with nature, honoring the cultural integrity of all our communities, and provided fair access for all to the full range of resources.

13) **Environmental Justice** calls for the strict enforcement of principles of informed consent, and a halt to the testing of experimental reproductive and medical procedures and vaccinations on people of color.

14) **Environmental Justice** opposes the destructive operations of multi-national corporations.

15) **Environmental Justice** opposes military occupation, repression and exploitation of lands, peoples and cultures, and other life forms.

16) **Environmental Justice** calls for the education of present and future generations which emphasizes social and environmental issues, based on our experience and an appreciation of our diverse cultural perspectives.

17) **Environmental Justice** requires that we, as individuals, make personal and consumer choices to consume as little of Mother Earth's resources and to produce as little waste as possible; and make the conscious decision to challenge and reprioritize our lifestyles to ensure the health of the natural world for present and future generations.
APPENDIX D: TIMELINE OF THE PERMITTING PROCESS

January 19, 2011- Oxford Mining submitted permit to DMRM
March 2011- Meeting at Athens County Commissioner, at which mine was discussed, with some opposing and some supporting project.
June 23, 2011- DMRM representatives held a question and answer session at a community center for concerned individuals including SORE members and leasing landowners.
July 26, 2011- DMRM deemed Joy Hollow Permit Application #10458 complete.
August 2011- September 14, 2011- Formal Comment period
September 2011- SORE contracted for private testing of water quality.
September 10, 2011- SORE found out that Informal Conference comments planned to be taken in private.
September 16, 2011- SORE received notice that the Informal Conference will be held in an open forum.
November 2, 2011- DMRM held Informal Conference.
November 11, 2011- DMRM representatives came to a Joy Hollow property to take water samples.
January 23, 2012- SORE received transcript of Informal Conference.
January 30, 2012- DMRM representatives visited Joy Hollow. DMRM had one meeting with SORE members and another with leasing landowners.
March 9, 2012- DMRM ceased review of permit.