



THE WET HEN

A shameful legacy

For more than five weeks now, environmental regulators, scientists, conservationists, and coal execs have scrambled to explain it. Outdoor enthusiasts and newspaper editors have decried it. And everybody is talking or blogging about it.

But one photo from a grandma (here and on our front cover), says more about the Dunkard Creek fish kill, and says it more poignantly, than all those talking heads put together.

Most grandparents will gladly show you pix of their little ballerinas and baseball stars, but Betty Wiley is not your average grandma. The Monongalia County native and longtime president of the Dunkard Watershed Association has devoted much of her life to the care of the creek that flows by the house where she grew up—now the unfortunate site where 161 species of aquatic life were slaughtered in September. (Something rotten in Dunkard, Pages 15-16)

Smile if you will at these two little kids with T-shirts pulled up over their noses, but shame on you if your heart doesn't break when you look at the big picture.

It is to our collective shame if we can't do better than this.

There's plenty of shame to go around. Public watchdogs hired to look out for our resources have apparently been doing everything but their job. The ramifications, both economic and political, of getting in the face of the coal industry—and especially the fledgling gas industry (much of which is also owned by subsidiaries of the coal companies)—are enormous. However, a number of the actions or non-actions that seem to have led up to this disaster are just inexcusable:

- Since 2004, the West Virginia DEP has granted extensions to allow Consol to dump chloride-laden water at Blacksville No. 1 and Loveridge in direct violation of the Clean Air Act.
- The EPA was apparently “unaware” of this situation. What do these people do all day, other than avoid reporters' questions?
- Poorly staffed and monitored, Consol's Morris Run Borehole (Blacksville No. 2) became a sitting duck for illegal dumping—of fracking water or whatever. Way out there in the sticks, why pay someone to watch it?
- In the last couple of years, Greene County, already a rape survivor of the coal industry, is now being defiled again with unbridled gas drilling operations. We need jobs, but the lack of taxes and regulations on drillers, along with truckers who are desperate to dump chemical-laden wastewater and cash-hungry property owners who lease now, think later, have surely played a part in this new abuse of our county and subsequent devastation of Dunkard Creek.

• Our local, state, and federal elected officials have sold us out, covering their noses with their own T-shirts, probably making profitable land deals in the background, so the proportions are now epic. The commissioners can stop a power line that would have personally affected one of them, but they aren't paying much attention to the drillers who don't provide one dime of tax money and who don't even have to tell anyone what's in that yummy wastewater, because this is a “trade secret.” Does anyone on the county payroll bother to read all those permits filed in the commissioners' office?

Fortunately the public outcry from some big conservation dogs is being heeded, such as the Chesapeake Bay Foundation, Susquehanna River Basin Commission, and Damascus Citizens. State legislators are considering taxing the industry (HB1531) and the feds are looking at the FRAC Act which will force disclosure of these wastewater chemicals. Call or write these people and add your voice to the fray.

Surely Betty's grandkids and generations to come deserve a much better legacy than this.



Update

Woman convicted of Homicide by Vehicle re-sentenced to 'county intermediate' punishment
WAYNESBURG—In what he described as a “highly technical adjustment,” Judge William Nalitz resented Britnee Moore, 21, of Waynesburg, Sept. 28th in Greene County Court.

Moore has been convicted of homicide by vehicle and other offenses in the death of Hope Maley, 16, in March 2007. In the moments before the crash, Moore was using her cell phone, checking text messages and voice mails, while driving at an unsafe speed, and was probably reaching for her phone when she smashed head-on into Hope's car, killing her instantly.

Moore, who was dressed in street clothes, but whose handcuffs were removed when entering the courtroom, was informed that her sentence will basically stay the same, (five to 36 months, fines, court costs of more than \$7,000, and 300 hours of community service, including addressing the 5 county school districts), but will now be considered “County Intermediate Punishment.”

This classification of sentencing will allow the county probation office to oversee Moore when she is released from Greene County Prison.

Nalitz had been contacted by the state parole board, which indicated that they would oversee Moore because they typically oversee parole matters for convicted persons whose maximum term is 24 months or more.

Nalitz disagreed, noting, “I still think I'm right and I think the (state) parole board is wrong, but it is not profitable to continue.”

In another matter, defense attorney Mike Bigley asked that Moore be relieved of some court costs, including payment to the doctor who never took the stand but who had prepared a toxicology report on Hope Maley.

District Attorney Marge Fox said that the report was necessary to rule out other causes of death and is typically included in all autopsy reports.

Bigley agreed to write a memorandum on the matter, but changed his mind, withdrawing all motions after the judge re-sentenced Moore.

Also, Hope's mother, Darlene Maley, requested to address the court since she had been prohibited from making a Victim Impact Statement at the original sentencing hearing. But the judge would not allow it.

Afterwards, Darlene Maley said she was disappointed that the judge was in effect reducing Moore's sentence, adding, “I don't see why we

had to have another hearing and go through this again.”

She said she opposes Moore speaking to local school children about cell phone safety which could make her something of a celebrity.

Regarding the toxicology report, Darlene Maley said, “Why do they have one for my daughter and not for Britnee Moore?”

After the hearing, Greene County Prison Warden Harry Gillespie said he didn't understand why Moore was in street clothes, adding that she left the jail in an orange jumpsuit, handcuffs, and ankle chains.

Sheriff Dick Ketchum said that a few minutes before the hearing began, the judge ordered that she was allowed her to wear her street clothes.

Gillespie and Ketchum both said this was unusual, adding that inmates are usually only allowed to wear street clothes during jury selection, jury trials, and custody hearings when an inmate's children will be present.

Law & Order News

DOC looking at former Right Way Academy in Morgan Twp to house low-level inmates
WAYNESBURG—Dan Davis, public information officer at SCI-Greene told *GreeneSpeak* last month that the state Dept. of Government Services hopes to work out an agreement to house 500 state-sentenced inmates, Level 2 or lower, at the former Right Way Academy in Morgan Township. The Academy property is owned by Charles Powell, Davis said.

“Level 2 inmates are low security risks and would not include any high-profile inmates,” he said, “They have no violent background or sexual issues. They're usually serving two to five years.”

Statewide, Davis said, prisons are currently overcrowded by about 1,100 inmates. SCI-Greene is also experiencing overcrowding, he said, adding, “We're at 105 percent as we speak.” The former Academy will once again have to undergo renovations to meet standards for inmates serving state sentences, Davis said.

DOC officials have approached the Greene County Commissioners about possibly housing low-level inmates at the county jail, for which the county would be reimbursed.

Although Warden Harry Gillespie said he does in fact have adequate staffing and room, the commissioners have deferred on this until the state budget is passed.

LETTER TO THE EDITOR

Blame game in Perry Township

Dear Editor:

It seems there is no accountability nor respect for the constituents in Perry Township by our elected officials and our newly appointed Right-to-Know officer. They all believe the Perry Township Park and facilities, and all Funds belong to them so don't ask me any questions nor hold me accountable.

The same holds true for the Audits for Perry Township. If one asks questions concerning the audits, especially the 2006 audit, in which Jim Milinovich prepared and showed the township to have a shortage in the General Fund of \$52,156 and in the Special Revenue Fund of \$53,121, we get the blame game and the Right-to-Know Officer points the finger at a constituent that it is her fault the township had to pay an extra \$7,500 for the 2006 Audit to be done again.

RaeAnn Tronetti, CPA, CFE, appointed to re-do the 2006 Audit of Perry Township, identified the following deficiencies in a two-page report attached to the audit:

- Inadequate design of internal control
- Failure in the operation of effectively

designed controls over significant accounts

- Failure of the information and communication component of internal control to provide complete and accurate information due to deficiencies in timeliness and accuracy.

- Failure of controls designed to safeguard assets from loss, damage or misappropriation.

- Lack of antifraud programs and control

I believe the above could rise to be nonfeasance in office by our elected officials (the non-performance of some distinct duty which one is bound by legal or official duty to perform) .

We also could have malfeasance in office by an elected official (doing of an act which he ought not to do at all) and won't resign; consequently, we have a township in a state of stalemate and confusion.

It is our duty to hold the elected officials accountable, to attend public meetings, and keep abreast of how our tax dollars are used.

If we don't like what we see, we need to correct the stagnation and dereliction at the polls. On Nov. 3, I hope the constituents in Perry Township will take a stand to put our township on a new road to success.

Patti Lemley
Perry Township