

SLUDGE

A Documentary By Robert Salyer

www.appalshop.org/sludge

Whitesburg, Kentucky, June 6, 2005.....Appalshop, the internationally acclaimed media arts and education center based in Whitesburg, Kentucky is pleased to announce the release of **Sludge**. A production of Appalshop Films, **Sludge** is a digital video documentary that examines the consequences of a national energy policy dedicated to fossil fuels and how government policy decisions affect the well-being and health of citizens and communities.

Shortly after midnight on October 11, 2000, a coal sludge pond in Martin County, Kentucky, broke through an underground mine below, propelling 306 million gallons of sludge into Wolf Creek and Coldwater Fork, two tributaries of the Tug Fork River. At a volume thirty times greater than the Exxon Valdez, the spill polluted hundreds of miles of waterways, including the Tug Fork of the Big Sandy River, and eventually reaching all the way to the Ohio River. By morning, Wolf Creek was oozing with the black waste; on Coldwater Fork, a ten-foot wide stream became a 100-yard expanse of thick sludge.

Filmmaker Robert Salyer began documenting the spill three days after it occurred and has continued over five years to document the aftermath,

the effect on the community, and the effort to hold Martin County Coal Company and its parent company Massey Energy responsible for the disaster. **Sludge** is a story of the residents and communities in the coalfields, but it is also a look behind the curtain: a story of the overseers and regulators responsible for health and safety and the agencies and departments that house them. This intimate, character-driven documentary chronicles the massive disaster, and its aftermath, using a straightforward style that allows the subjects to speak for themselves.

"I started getting phone calls, people were saying that there is something in the creek, it's black. After about eleven phone calls I was growing concerned about what I was going to see when I went up there."

Lilly Adkins, reporter for the Martin County Sun

"The gooey mixture of black water and coal tailings traveled downstream through Coldwater and Wolf creeks, and later through the river's main stem, Tug Fork. ten days later, an inky plume appeared in the Ohio River. On it's 75-mile path of destruction, the sludge obliterated wildlife, killed 1.6 million fish, ransacked property, washed away roads and bridges, and contaminated the water systems of 27,623 people. Incredibly, no lives were lost. Even so the EPA declared the spill the largest environmental catastrophe in the history of the southeastern United States."

*Clara Bingham, Under Mined
Washington Monthly, January/February 2005*

The Mine Safety and Health Administration, in conjunction with other federal and state agencies, launched an investigation into the cause of the spill. The investigation eventually revealed that the sludge pond was an engineering disaster: at several points along the pond bottom insufficient barriers separated the sludge from the old underground mine below. In places, a barrier of less than twenty feet supported the massive weight of the 72-acre impoundment. The site had a history of problems, including a 1994 failure caused by a similar erosion of the pond barrier.

"The charge was pretty clear. We were to find out why it happened and not pull any punches, no matter how it looked for the agency. Then, in January 2001, a new administration came in ---; when the Bush Administration came in, most of the interviews were stopped and then the interference began in the actual writing of the report. So, I made my concerns known publicly and asked to resign from the investigative team. When the official report was released, I was asked by the head of the agency to sign the report. I refused . . . I still refuse."

Jack Spadaro, the former director of the National Mine Health and Safety Academy and investigator of the Martin County spill

Months after Spadaro's resignation from the investigative team, the Mine Safety and Health Administration's investigative report was released to the public. MSHA issued two violations and fined Martin County Coal \$110,000. The initial recommendation, before the administrative change, was to cite the company for eight violations. In January 2004, an administrative law judge reduced the fine further to \$5,500.

“Spadaro returned to his day-to-day government job as superintendent of the National Mine Safety Academy. But after Martin County he had begun to see himself as a whistle blower on a mission to draw attention to the corruption's of the Mine Health and Safety Administration. First he continued to press the Martin County case, charging, in his conversations with reporters and in letters he sent to the department of Labor's Inspector General, that MSHA had covered up Massey's transgressions.”

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On June 4, 2003, Spadaro was called to a routine administrative meeting at MSHA headquarters in Arlington, Virginia. It was after this meeting that Spadaro was given notice that he was to be placed on administrative leave. When he phoned his office to inform his secretary of the news, he learned that three MSHA investigators were searching his office, confiscating his files, and computer hard drive. They even dismantled the framed photographs of his wife and daughter in search of incriminating documents.

“On October 2, 2003 Jack Spadaro was fired. A ten page memo written by Frank Schwamberger, deputy director of education policy and development at MSHA, listed a series of case where Spadaro allegedly abused authority and failed to follow official procedures and instructions. It detailed complaints from academy employees who were upset about being forced to move from one office to another, employees upset over having to change the scope of their jobs, and in one case being denied a promotion. The memo also detailed the \$22.60 in cash advance fees on Spadaro's government credit card. Spadaro

fought back by filing a grievance with the Office of Special Council (OSC), a federal agency that handles whistle-blower complaints, and four months later, his status was switched back from termination to administrative leave.”

Clara Bingham, Under Mined

Washington Monthly, January/February 2005

Massey Energy, the parent company of Martin County Coal and fourth largest coal company in the U.S., averaged revenues of 3.2 million dollars a day in 2000, roughly \$130,000 for every minute of the day.

In May 2005 Massey Energy Company announced that it was advised on March 24, 2005, that the federal government terminated its grand jury proceedings investigating the slurry spill.

There are over 700 sludge ponds nationwide and 230 of those are at risk of breaking through to underground mines and causing the kind of devastation experienced in Martin County.

“The Martin County disaster should have been national, world news. Instead, it made a few headlines, I don't understand that.”

Judy Bonds, Coal River Mountain Watch

Robert Salyer is co-producer, director, and editor of **SLUDGE**. A native of the southwest Virginia coalfields, he was trained in film and video at Appalshop through being mentored by Herby Smith and Elizabeth Barret on all aspects of media production while working on documentaries such as **THE RALPH STANLEY STORY** and **STRANGER WITH A CAMERA**. As a freelance editor, Salyer is involved with documentary production work based in Louisville, Kentucky as associate producer for director Walter Brock.

Appalshop is a media arts and education center based in Whitesburg, Kentucky. For over thirty-five years Appalshop has been at the forefront of efforts to document not just the traditions and culture of central Appalachia, but also the often disastrous impacts of resource extraction on the region. In 1972 a coal slurry spill in Buffalo Creek, West Virginia sent a 20 foot column of sludge down the narrow hollow of Buffalo Creek, crushing homes, leaving 4,000 people homeless, and killing 125 people. Appalshop filmmaker Mimi Pickering documented the Buffalo Creek disaster in the Appalshop films “Buffalo Creek Flood: An Act of Man” and later in “Buffalo Creek Revisited,” an examination of the attempts by the survivors to rebuild their communities, while being thwarted by government insensitivity, and a century old pattern of corporate control of the region’s land and resources. **Sludge**, the first film by a member of a new generation of Appalshop filmmakers ensures that the voices and experiences of the people in Appalachia will not be lost or forgotten.

Appalshop’s mission is to revitalize, document, and disseminate the lasting traditions and contemporary creativity of Appalachia; to tell stories the commercial industries wont tell, challenging stereotypes with Appalachian voices and visions; to support communities’ efforts to

achieve justice and equity and solve problems in their own ways; to celebrate cultural diversity as a positive social value; and to participate in regional, national, and global dialogue towards those ends.

For more information on **Sludge**, or to read more of Clara Bingham's article *Under Mined*, and for links to groups featured in the film, visit the **Sludge** website.

www.appalshop.org/sludge

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