

Chronology of a Disaster

Buffalo Creek at the Time of the Flood

Buffalo Creek, in Logan County, is reasonably typical for the southern part of West Virginia – a long, winding hollow, snaking between steep ridges on both sides for more than 20 miles from the town of Saunders, at its headwaters, to the town of Man, where the creek empties into the Guyandotte River, which flows north to join the Ohio River at Huntington. The narrow valley is just wide enough for the creek, the railroad, and an almost unending line of company-built houses stretching along both sides of the tracks. There are occasional wide places in the valley where tributaries flow into Buffalo Creek, and in the wide places there used to be towns—small towns that nobody ever heard of, places like Kistler, Crown, Accoville, Braeholm, Fanco, Becco, Amherstdale, Robinette, Latrobe, Crites, Stowe, Lundale, Craneco, Lorado, and Pardee. Some of the names come from coal companies that no longer exist. As coal towns go, these were old, most of them built before World War 1. They were in varying stages of decline. Some of them were not much more than post office addresses. The old frame two-family houses were settling unevenly. Some had collapsed altogether. Others, considering their age and the haste with which they had been built, were in surprisingly good shape. As a general rule, if a house was freshly painted you could assume that a working miner lived there.

The population of Buffalo Creek has fluctuated with time, declining when the industry declined, recovering when the industry recovered. In 1970, coal had its best year since 1947, and a rosy glow of optimism suffused National Coal Association predictions for the future. Big companies opened new mines along Buffalo Creek and stepped up production in their old ones.

Excerpted from *The Pittston Mentality* ([link](#)) by Thomas N. Bethell and Davitt McAteer

Coal In Logan County

The evolution of the coal industry in Appalachia between 1870 and 1910 resembles the pattern of colonialization of undeveloped countries in other parts of the world. This pattern of industrial exploitation and control lingers: in 1980 ten coal or coal-related corporations owned seventy-five percent of the privately held land in Logan County; two-

thirds of the nonpublic land in West Virginia was owned or controlled by energy companies or out-of-state investors.

The Pittston Company Before The Flood

At the time of the Buffalo Creek disaster, the Pittston Company was the leading independent producer of coal in America and ranked fourth in production among all U.S. coal-mining concerns. The company owned 374,969 acres in Appalachia, making it the fifth largest corporate landowner in the region, and had reserves of 1.5 billion tons of mostly high-grade metallurgical coal-the coal needed to make steel. Headquartered in New York City, Pittston also owned an oil company, Brink's armored car company, forty percent of the warehouses in New York City, and a large trucking firm.

Pittston bought the Buffalo Mining Company in June 1970 to increase its supply of immediately available metallurgical coal. The company completed construction of the large coal-waste dam on Buffalo Creek and was running the production from eight mines through the preparation plant located above the dam.

In 1971, Pittston's profits were \$43.4 million, about triple what they were three years before, and lucrative long-term contracts with the steel industries in Japan, France, and other countries assured the company of a continuing market for its coal.

In 1971, there were nine deaths and 743 serious disabling injuries in Pittston's mines, which meant that the company was second in terms of fatal frequencies and non-fatal frequencies among U.S. coal companies. In this same year, federal inspectors found more than 5000 safety violations in Pittston's mines for which the Bureau of Mines assessed the company \$1.3 million in fines. At the time of the disaster, Pittston had paid \$275 in fines, using appeals and delays to avoid each penalty.

Events Leading To The Buffalo Creek Disaster

1904: The Chesapeake and Ohio Railroad completed its Charleston to Logan, WV run and thus opened up Logan County's coal to east coast markets.

1912: The first spur line was laid up Buffalo Creek by the C&O Railroad and the first coal camps on the Creek were built.

1945: The Lorado Coal Company (a local concern now defunct) opened Mine No 5 on Middle Fork of Buffalo Creek and began producing coal. Coal-refuse was dumped at the mouth of Middle Fork, one of the three stream-beating hollows that come together to form Buffalo Creek.

1947: Lorado Coal Company built a preparation plant for cleaning the coal produced by its mines in the Buffalo Creek area. The plant used 500,000 gallons of water a day and discharged black sludge directly into Buffalo Creek.

1964: Buffalo Mining Company, another local concern, bought out Lorado, Coal Company. B.M.C. inherited two problems: 1.) large quantities of water had accumulated behind the refuse dump on Middle Fork; 2.) new state anti-pollution laws prohibited draining the black, sludge-filled water from the preparation plant straight into Buffalo Creek. The company solved both problems by building a coal-waste retaining dam above the big refuse dump. The pond behind the dam allowed waste materials to settle out of the dirty water. The clean water was then pumped back to the cleaning plant to be used again or allowed to filter through the dam to end up in Buffalo Creek.

1966: After a coal-waste dump in South-Aberfam, Wales, gave way killing 147 people, then-Secretary of the Interior Stewart Udall asked the U.S. Geological Survey and the Bureau of Mines to conduct a joint investigation of potentially dangerous slag heaps in, the coal-mining sections of the United States. A USGS geologist inspected 38 dams in West Virginia, including the one on Buffalo Creek. His report stated that the Buffalo Creek dam was basically "unstable," that "the bank subject to large wash-out on north side from overflow of lake."

1967: In March, the Interior Department's *Report on Conditions of 38 West Virginia Coal Waste Dams* was given to the Governor, senators, congressmen, and local officials in southern West Virginia. Four of the dams were cited as in need of immediate repair and were fixed by coal company crews and State Highway Commission workers. Nothing else was done about inspecting other dams or correcting those listed in the Report.

Buffalo Mining Company's dam #1 had silted up and it failed causing a steam explosion in the burning refuse dump and doing damage at Saunders, the first community below the dam. The company built dam #2, which was constructed of coal wastes dumped about 600 feet

upstream of dam #1.

1968: In February, residents on Buffalo Creek feared the collapse of the dams and the refuse pile and wrote the Governor asking that he do something about it. Inspectors from the Public Service Commission and Water Resources Division looked at the dams but no further action was taken.

1969: Dam #2 was silting up so Buffalo Mining Company began dumping tons of gob 600 feet further up the valley to form a third dam.

1970: In June the Pittston Company acquired Buffalo Mining Company and completed the half finished dam #3. This enormous "filtration bank " extended 550 feet across the valley, was over 400 feet wide from front to back, and was at least 45 feet deep. Dams #1 and #2 had impounded relatively small ponds but dam #3 blocked a 700-acre watershed impounding over 130 million gallons of water.

1971: Dam #3 collapsed in February. One-half of the downstream side slumped. There was no flood, but black water bubbled up into the impoundments behind dam #2. The company dumped in more coal refuse to fill in the break in the dam.

1972: At the beginning of the year, about 5000 people lived on Buffalo Creek, representing approximately ten percent of Logan County's population. There were over 1000 working miners living on the Creek and they were enjoying the relative prosperity that their \$40-a-day wages provided them.

February 1, dam #3 was being added to at a rate of about 1000 tons of refuse a day, carried from the preparation plant to the dam in 30 ton trucks. The company was operating eight mines in the vicinity and ran all the coal through the preparation plant above the dams. The plant was pumping about 500 tons of water-saturated waste into the pond behind dam #3 every day.

February 22, a federal mine inspector and the company safety engineer observed the dams and found conditions satisfactory.

February 25, fed by heavy rains, the water behind dam #3 was rising one or two inches per hour.

February 26, at 1:30 am the water was only twelve inches from the dam's crest and oozing through the surface of the dam.

February 26, at 8:03 am dam #3 failed. Dams #2 and #1 were carried away. The wall of water caused an explosion in the burning refuse pile before cascading into the valley of Buffalo Creek.

After the Flood

Corporate Responsibility

On March 28, 1972, the Pittston Company announced in a press conference and letter to their stockholders that offices would be opened on Buffalo Creek to process claims arising out of losses sustained by residents. The company continued to deny any responsibility for the disaster stating in the press release "we believe that the investigations of the tragedy have not progressed to the point where it is possible to assess responsibility." Residents who took their claims to the office were asked for lengthy documentation -- documentation that most often had been washed away in the flood -- and were asked to sign disclaimers stating that no further claims would be made against the company. The claims officials told residents they would receive the same amount of settlement whether or not they hired a lawyer.

Meanwhile, Pittston advised stockbrokers in New York to advise their clients that Pittston would continue to be a good investment. These brokers said confidentially that Pittston told them the company was fully insured against disasters such as Buffalo Creek and would suffer no losses. After a number of large claims were filed in U.S. District Court, Pittston filed a statement on March 31 with the Securities and Exchange Commission stating that, "Pittston believes that the ultimate effect of such claims should not be material in relation to its consolidated financial position."

By April of 1972, over 1000 claims had been registered at the company's temporary offices on Buffalo Creek. Pittston had made one payment -- \$4000 to one of its employees whose home was destroyed.

In May of 1972, a group of Buffalo Creek survivors chartered a bus and traveled to Richmond, VA, to present their complaints about fair restitution to the annual meeting of the Pittston Company stockholders. The group was not allowed to speak to the assembly. In

the meeting a resolution was read by one stockholder, the Field Foundation, calling for the company to spend more money for safety of miners and their families. The resolution was passed "in spirit only." An effort to make it binding on management was defeated by a vote of 12 million shares to 1,217 shares.

An Unprecedented Lawsuit

Instead of accepting the small settlements the Pittston Company was offering through its claims office, some 600 survivors banded together to sue the company for negligence and recklessness in building the dam and to demand payment for all their losses, mental suffering as well as property damages. In April 1972, the Washington law firm of Arnold and Porter agreed to handle the \$64 million case on a contingency-fee basis.

On June 26, 1974, the case was settled out of court. Tacitly accepting that the flood had caused "psychic impairment" as well as deaths and property damage, the Pittston Company agreed to an overall settlement of \$13.5 million. Approximately \$5.5 million was provided for property and wrongful-death damages, with approximately \$8 million for the psychic impairment claims. Out of the total settlement, Arnold and Porter took a legal fee of \$3 million. Each of the plaintiffs ended up with about \$13,000.

Although there is little evidence to suggest that the Pittston Company was hurt financially by the settlement, this case did force Pittston to accept responsibility for the disaster and set a legal precedent by forcing the company to pay for mental anguish caused by its negligence.

Government Aid

The Red Cross and Salvation Army set up mass care shelters immediately after the disaster to provide food and lodging for the survivors. A consortium of federal, state, and local government agencies was brought together under the President's Office of Emergency Preparedness (O.E.P). The railroads were the first thing to be rebuilt and the mines were operating again within a week of the flood. Debris was then removed from the Buffalo Creek communities, bridges and the road in the valley were temporarily repaired, and trailer camps were installed to house those whose homes were destroyed.

A Phase II plan was announced by the O.E.P. in May of 1972: a large-scale redevelopment of "Buffalo Valley," as it was now called by agency officials, scheduled a variety of goals for completion within the next two years. Included in the plan were new water, sewage and waste disposal systems; public transportation in the valley and a connecting state highway; health care, recreation and public safety services; and permanent housing for the disaster victims.

Two years later, construction had just begun on the water and sewage systems, the temporary road was still in use, public transportation consisted of antiquated buses no longer used by the school district, and fewer than 100 permanent homes had been built since the disaster.

By 1975, \$27 million in flood emergency funds had been spent to build a highway that took 400 badly needed home sites through right-of-way proceedings and went nowhere, dead-ending at the coal tipples at the head of Buffalo Creek with no plans by the state highway department for an extension. Work on the other goals had been postponed indefinitely.

In 1976, roughly 100 families were still displaced, living in the last of the mobile home camps set up by the Federal Government. Efforts to incorporate the communities along Buffalo Creek so that the residents could levy their own taxes and provide public services had been rejected by the Logan County Board of Supervisors.

Government aid ran out of steam, money, and leadership. There was emergency relief but little redevelopment.

Government Reform

Six months after the Buffalo Creek disaster, Congress passed the National Dam Inspection Act of 1972. The Act authorized the inventory of all dams in the U.S. (approximately 50,000) and called for an inspection of each to determine how safe each was, to be carried out by the U.S. Army Corps of Engineers.

Until directed to do so by President Carter on December 2, 1977, the Office of Management and Budget had refused to appropriate money for the inspections and the Corps of Engineers had failed to inspect a single dam as required by the Act. Although the Corps had developed a national inventory of dams, the General Accounting Office termed it

"incomplete, inaccurate, and misleading."

In the five years after the Act was passed, there were four dam collapses resulting in major loss of life -- 245 persons killed and \$600 million in property damages. A 1978 report from the House Subcommittee on Environment, Energy, and Natural Resources states that "high or significant hazard potential exists at 20,000 dams in the United States."

Nearly four years after the Buffalo Creek disaster, new regulations governing coal-waste dams and refuse piles went into effect to augment the already existing provisions of the 1969 Coal Mine Health and Safety Act. Even officials at the Interior Department, whose Mine Enforcement and Safety Administration was responsible for drawing up and enforcing the new regulations, conceded that the new laws would not prevent repetition of the type of calamity that hit Buffalo Creek.

The new regulations reflected the position that the Interior Department had taken since the Buffalo Creek disaster-that under the 1969 Coal Mine Health and Safety Act it can only act to assure the safety of miners on the job. Although a number of Congressmen involved in writing the 1969 Act contended that Interior's responsibility went far beyond worker safety, the Department continued to argue that mining conditions that affect nearby communities or might endanger public health and welfare lie outside its jurisdiction.

The Psychology of Disaster

Psychologists have studied the effects of disasters and have found that survivors of different disasters have certain reactions in common. In each disaster there is an initial shock and a state of depression. Victims usually report that a state of euphoria then follows when the people who suffered the same horror can share their grief. By so doing, they find a community of strength to help them recreate their lives. According to *Everything In Its Path: Destruction of Community in the Buffalo Creek Flood*, a study produced by Yale sociologist Kai Erikson, that did not happen on Buffalo Creek.

Instead of a state of euphoria, Erikson found there was a second trauma right after the first, one that lent "a degree of permanence to what might otherwise have been a transitional, state of shock." Not only had 125 people been killed, the physical and social communities of the survivors were also victims of the flood. The Federal

Government only added to the psychological problems of the survivors by relocating them in mass mobile home camps without any consideration for former neighborhood ties. The Buffalo Creek survivors could not find communal strength in the sharing of their grief since there was literally no community left.

Glossary

The definitions below are relevant to the discussion of the films.

coal waste: also called "slag," "gob," or "sludge," coal-waste is a heavy mixture of rock, coal-dust, slate, shale, clay, and other unburnable materials that sometimes amount to one-fourth of the raw production of coal. This material is sorted out of the coal at a preparation plant and is then trucked to a disposal site or impounded in settlement ponds.

filtration tank: a disposal site for coal waste. These dams, which are often used as anti-pollution devices, impound the sludge produced in cleaning the coal and purify the water used in the process. The solids settle out of the wash water, the clean water on the top is then allowed to filter through the dam or is recycled through the preparation plant.

wholly-owned subsidiary: a company owned and controlled by another, usually larger corporation.

Act of God: (legal definition) an inevitable event occurring by reason of the operations of nature unmixed with human agency or human negligence.

Criminal Gross Negligence: (legal definition) Gross negligence is culpable (meaning deserving of blame or censure) or criminal when accompanied by acts of commission or omission of wanton or willful nature, showing a recklessness or indifferent disregard of the rights of others, under circumstances reasonably calculated to produce injury or which will make it not improbable that injury will be occasioned and the offender knows or is charged with knowledge of the probable results of his act.

survivors' syndrome: social problems generated or exaggerated by the trauma of a disaster, including alcoholism, drug abuse, nervous breakdowns, nightmares, divorces, and violence between neighbors and within families.