



## West Virginia Environmental Council

# G. R. E. E. N.

### Grass Roots Environmental Effort Newsletter

Volume: 13 Issue: 3

October 2002

## Looking Back

by Mary Wildfire, WVEC Board President

When I assumed the presidency of the E-council a year ago, I had two goals.

We were in the midst of a major transition, separating from CAG; my primary goal was to complete the transition as smoothly as possible. I hoped that when we had our next annual meeting, this September, we'd be back to talking about the issues. This goal was clearly achieved.

My other goal was to move to a more proactive agenda, envisioning and depicting policies we'd like to see adopted, rather than focusing on things we're against. Our region being what it is, the most obvious example was moving to sustainable and clean energy production technology.

This goal I don't believe we achieved; as far as I'm concerned that just means it's still on the list. But actually, it probably makes more sense for other groups like OVEC and the Sierra Club to do the initial work, researching and describing and publicizing these alternatives - our job is to push them through the legislature when they crystallize into policy initiatives.

I think that I've been less of a "hands-on" president than most, and that's probably not good. One thing I did accomplish, though, is improving our board meetings. Finding ways to get information exchange and socializing accomplished outside the meeting time has allowed us to put more time into decision-making, while still somewhat shortening the meetings. I believe this has improved the quality of our decision-making and I hope it continues.

In terms of issues, it was a pretty quiet year. The one exception was the coal truck issue. There, we had an unprecedented win against the coal industry, thanks to a coalition which holds the promise of wins on other issues in the future - if we have sense enough to nurture it. Go, blue-green alliance!

"One touch of nature makes  
the whole world kin" Shakespeare

## Dear Friends of WVEC

by Mary Ellen O'Farrell, Upcoming Board President

The purpose of my column is to say hello to you as WVEC's new president. Our by-laws state that the current Vice President shall become president and may serve for as long as two terms. New terms of office for president, vice-president, secretary and treasurer will begin at our next board meeting in Charleston on October 26th. All WVEC members are welcome to attend.

We are currently preparing to field our lobby team (*see our request for proposals*), and planning E-Day and fundraising activities, as well as developing WVEC's own legislative agenda for the 2003 session. Outreach efforts to college students within our state look promising, and we are hoping to involve more younger people in our activities and plans.

Although the current political climate, both state-wide and nationwide, offers little encouragement to those working on behalf of environmental health and safety, we know that we must continue to do what we can. And we will be able to do so much more with your participation!

Please call, write and/or drop in with your ideas, problems, complaints and words of encouragement. Talk with your neighbors, friends, co-workers and pastors or rabbis about environmental issues and why you believe these issues matter. Continue to call and write your legislators and your local papers. Together, we can accomplish much!

Please plan at least one fundraiser for your region during the coming year, and don't forget to call or write your regional reps with your ideas and concerns. They need to hear from you. If you aren't sure what region you are located in, or who your regional reps are, call our office and leave a message and we'll get back to you. We can also assist you with ideas for fundraisers, letter or phone campaigns, press conferences, etc. Your WVEC staff and board want to help you participate more effectively!

Without our generous, loyal and brave members, friends and supporters, the work of WVEC wouldn't be possible.

**Thank you so much - Mary Ellen**

## Request For Proposals for Lobby Team Coordinator

The WVEC Governmental Affairs Committee is seeking proposals for a person to work full time during the 2003 Legislative Session as our Lobby Team Coordinator.

Duties will include lobbying, leading and assembling a lobby team, budget planning, liaison with WVEC officers and the Governmental Affairs Committee.

Proposals should include: personal background information, appropriate experience, and monetary expectations.

**Notification of intent** to submit a proposal must be received at the WVEC office: 1324 Virginia Street East, Charleston, WV 25301 - no later than Friday, October 25th.

**Written proposals** will be accepted only through Friday, November 1, 2002. (*No proposals can be considered unless the WVEC office has received an intent to submit by the deadline of October 25th*).

## Request for Proposals for Lobby Team Members

The WVEC Governmental Affairs Committee is seeking proposals from persons interested in: Full time or Part time position as a member of the 2003 WVEC Legislative Lobby Team.

The activities of the Lobby Team will be coordinated by the Lobby Team Coordinator.

Proposals should include personal background information, appropriate experience information, monetary expectations, and hours available each week.

**Written proposals** will be accepted through Friday, November 1, 2002 at the WVEC office.

## Last Chance to Support Hinchey Amendment

Rep. Maurice Hinchey (D-NY) is sponsoring an amendment that would **fully restore the \$25 million in funding necessary to safeguard our public health and natural resources**. With adequate enforcement, we can put environmental cops on the beat to catch and help prosecute polluters. Without them, we risk serious damage to our air and water.

### Now's our last chance in the House Committee.

Call the Appropriations Congress members today! Tell them to vote in support of the Hinchey amendment! Tell them to show up and vote in support of protecting the environment and public health!

**Kentucky:** Rogers (R) 606 679-8346; 202 225-4601

Northup (R) (Member of Sub-committee) 502 582-5129; 202 225-5401

**West Virginia:** Mollohan (D) (Ranking member of Sub-committee) 304 428-0493; 202 225-4172

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**G.R.E.E.N.** is the monthly newsletter of the West Virginia Environmental Council (WVEC), a statewide organization dedicated to facilitating communication and cooperation among citizens in promoting environmental protection in West Virginia. Subscriptions are consistent with membership donations. Subscribers will also receive the *Legislative Update*, published weekly during the Legislative Session.

*G.R.E.E.N.* welcomes letters, articles, and art work from readers and reserves the right to edit or reject submissions. Submit materials (preferably e-mail or on disk) to:

*G.R.E.E.N.*, Denise Poole, *editor*  
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1324 Virginia Street East  
Charleston, WV 25301  
304-346-5905  
www.wvecouncil.org

# Thoughts on Latest Coal Truck Tragedy

by Julie Archer

In the early morning hours of September 28, three college students were killed when their car was struck by an overloaded coal truck on U.S. 60 near Shrewsbury. According to reports in the Charleston Gazette, the students' car skidded out of control and into the path of the truck. The coal truck weighed more than 131,000 pounds. The weight limit on that stretch of road is 65,000.

Although initial investigation of the accident by Kanawha County sheriff's deputies showed the driver of the truck did not cause the accident, investigators will be reconstructing the accident to determine how much harder the truck hit the car because of the additional weight. Division of Highways officials have cited the trucking company for hauling overweight and say they may change the schedules of weight enforcement crews if overweight trucks are running more in the early morning and late night hours.

Here are some thoughts on this recent tragedy from coalfield resident and Coal River Mountain Watch member Bill Price taken from an e-mail exchange on the accident.

"Yes coal truck traffic has increased late at night in order to avoid the possibility of scales. I don't really know why they bother since the scales are out so seldom anyway. ... In the first article there was not to be any further investigation. Guess Kanawha County Sheriff's Department thought better of that. They need to know that everyone is watching this investigation and that a cover-up will not be allowed.

"Also, the overweight violation needs to be tracked all the way through Magistrate court to see if the fine is reduced and actually paid. If the fine is \$1,600 ... \$1,600 divided by three = \$533.33 – Is this what the Legislature and Governor believe our young people are worth?

"Assume for the moment that the "accident" was unavoidable. Does it matter? If a person is driving a vehicle intoxicated beyond the legal limit and is in an "unavoidable" accident, will they still not be convicted of manslaughter? Three people died while a crime was being committed. Justice will only be served if the driver, owner of the truck and shipper are convicted.

"These are just some of my thoughts on this tragedy. These victims were the same age as my son who is now beginning to drive on roads that are infested with lawbreaking trucks."

Bill makes some excellent points. We need people sharing thoughts like these in letters to the editor. It's

important to keep this issue on people's minds. As OVEC organizer Dave Cooper said, this would be a good time to mention the "Coal Keeps the Lights on in West Virginia Funeral Homes" slogan in our letters to the editor. And we need to be asking questions. Why was the truck on the road at 2:30am? Wouldn't the driver be more fatigued at this time? And will the same reconstruction specialist who said weight was not a factor in the accident that killed a brother and sister in Hernshaw last year investigate this accident? Regardless of who is at fault the fact remains that the truck involved in the accident was hauling an illegal load.

We also need to continue to pressure our Legislators and the Governor. Call or write your Legislator(s), especially if they voted to increase the weight limit for coal trucks during the special session (If you're not sure how they voted find out at [www.wvcag.org](http://www.wvcag.org)). Call Governor Wise and tell him the time to act is now. Ask him how many more lives must be lost before he decides to crack-down on these scofflaws? The Governor's phone number is (304) 558-2000 or 1-888-438-2731.

## The Herbal Family Tree WV Herb Association Conference

**The Herbal Family Tree** is the theme for the annual Fall Conference of the West Virginia Herb Association. The Conference is open to the public and will take place Friday October 18 through Sunday, October 20th at Jackson's Mill in Lewis County.

The Keynote Speaker is Susanna Reppert, sixth generation herbalist and owner of the Rosemary House, a successful retail shop in Mechanisburg, PA. Reppert will give her unique views on the many uses of herbs and also will offer a workshop on Making Your Herb Business Profitable.

**Other workshops include:** Stress Management with Herbs, Greenhouse 101, Herbal Cosmetics, Controversies and Herbal Alternatives, Plant and Mushroom identification walks and more. Continuing Education Credits are offered to Health Professionals.

Sunday's Herbfest, *The Celebration of Herbs*, will offer how-to sessions on herbal crafts, teas, vinegars, liqueurs, soapmaking, body care products and organic gardening techniques as well as a lecture by master herbalist David Hawkins on *Herbal Use in Daily Life*. The Grower's network will have their annual meeting on Sunday morning including a presentation on "The Art of Apprenticeship".

The Popular bluegrass band, Norfolk and Southern, will be performing Saturday evening and Sunday. For more information: Dot Montgillion at (304) 269-6416 ([smokecamp@iolinc.net](mailto:smokecamp@iolinc.net)) or David Hawkins (304) 428-1024 ([herbdoc@citynet.net](mailto:herbdoc@citynet.net)) or visit [www.wvherb.org](http://www.wvherb.org).

## It's Time for A West Virginia Bottle Bill

by Linda Mallet, WV-Citizen Action Group

Last year in this country we could have built **33,764** Boeing 737 jets with the 759,625 tons of aluminum we threw away. We throw out over half of the aluminum cans we purchase. In fact, West Virginians used over 1 billion containers in 1999. Where do all these containers go? With a national recycling rate of only 38%, most of them end up in landfills or littering our neighborhoods and highways. We need a West Virginia bottle bill – a 10-cent incentive to recycle.

Annually, if we recycled just 50% of our containers (bottle bill states enjoy a rate of 85% and higher), we would save 365 billions BTUs of energy annually (62,979 barrels of oil). We would also save about 77,000 cubic yards of landfill space. Our greenhouse gas emissions would be reduced by at least 11,600 tons. We would also drastically reduce litter on our highways and in our neighborhoods.

Bottle bills are popular with the public. Eleven states have container laws and, once a bottle bill has become state law, it has never been repealed.

**What can you do?** West Virginia Citizen Action Group is forming a coalition to work toward the passage of a West Virginia Bottle Bill. To find out more, please contact us at 346-5891 or visit our website at [www.wvcag.org](http://www.wvcag.org). You can e-mail us at [linda@wvcag.org](mailto:linda@wvcag.org).

A simple action you can do today is to **sign our on-line petition**. It takes just a minute. While you're at it, why not send out our website to the names in YOUR address book and get your friends to sign on, too? Prefer paper? Call me and I'll send you info on our paper petition drive.

Working together we can make a West Virginia bottle bill a reality!

## Interested in Learning to Cob?

The Sustainable Development For West Virginia Organization's focus in 2003 will be natural building techniques. The organization plans to offer workshops on the subject throughout the year. Highlighted is a technique known as 'cob'.

Who is interested in learning to cob? This is a totally natural way to build from the products on your own land for 1/10th the cost of usual construction and little or no environmental damage. Cob consists of part dirt (high clay content), hay, sand and water. We will explore the history of cob building, techniques, and hands on workshops. For more information, contact Myra at [lapaix@iolinc.net](mailto:lapaix@iolinc.net) or [www.deatech.com/cobcottage/](http://www.deatech.com/cobcottage/)

## West Virginia on the Road to Clean Elections

by Julie Archer

Thanks to the work of the People's Election Reform Coalition and its members, the West Virginia Clean Elections Act was introduced this year in both houses of the Legislature. Although the bill didn't get passed during the regular session, this spring the Joint Committee on the Judiciary agreed to do an interim study. Modeled after laws in Maine, Arizona, Vermont and Massachusetts, the West Virginia Clean Elections Act would establish a voluntary alternative to the current system of funding political campaigns. Legislative and gubernatorial candidates qualify for public funding by agreeing to limit their spending and reject all private donations.

Citizens for Clean Elections, a new coalition of groups (including WVEC) and individuals formed this spring to support the West Virginia Clean Elections Act and to promote Clean Money election reform in West Virginia. Citizens for Clean Elections will be holding a candidate forum on Tuesday, October 15. The forum will be held at Christ Church United Methodist at 1221 Quarrier Street in Charleston. There will be a reception with light refreshments beginning at 6:30pm. The forum itself starts at 7:00 pm with the showing "On the Road to Clean Elections," a video narrated by journalist Bill Moyers, highlighting the success of Clean Elections in Maine and Arizona. Candidates will be asked to respond to the video and share their thoughts on the Clean Elections alternative. The public will be given an opportunity to ask questions on other issues as well. Please attend, and spread the word.

If you would like more information on the West Virginia Clean Elections Act or to find out what you can do to help promote meaningful reform in West Virginia contact Citizens for Clean Elections at (304) 522-0246 or (304) 346-5891.

To those of you who attended the Fall Convention and signed up to host a Clean Elections house party: Many thanks and we'll be in touch!

"I only went out for a walk,  
and finally concluded to  
stay out till sundown,  
for going out I found,  
was really going in."

*John Muir*

## The Ball's in Bob's Court . . .

by Donald S. Garvin, Jr.

The science linking bad timbering and mining practices to dramatic increases in the frequency and severity of flooding is "sound" and incontrovertible. The WV Division of Environmental Protection deserves credit for producing an unbiased report that was supported by peer review from leading scientific experts, in spite of tremendous pressure from the timber and coal lobby to scuttle the final report.

Members of the Coalition for Responsible Logging met recently with Keith Burdette of the Governor's staff to urge the Governor to implement the recommendations in the DEP report as an emergency rule. Mr. Burdette is the Governor's chief political advisor, and we were told that he had already met with representatives of the timber industry who had produced their own report in an effort to discredit the science and conclusions of the DEP report.

CORL members also supported the DEP report with testimony at the September meeting of the legislature's Timber Management Review Committee. It is a rare event, indeed, when the environmental community has the opportunity to fully support any DEP proposal. However, both the science and the recommendations contained in the DEP Flood Advisory Task Force report are sound and indisputable.

Obviously the issue has now been thrown into the political realm, where our side is almost always at a distinct disadvantage. It may be different this time. This time real people have been affected – lives have been lost, and homes and businesses destroyed.

### Take Action

It's time to let the Governor know that you care about this issue. It's time to urge Governor Wise to implement the recommendations in the DEP report. Here's where to contact him:

#### Governor Bob Wise

1900 Kanawha Boulevard, E, Charleston, WV 25305  
Phone Toll-Free: 1-888-438-2731

#### Email Online At:

<http://www.state.wv.us/governor/eForm.asp>

## Wise Undecided on Proposed Anti-Flooding Rules

*This account is an excerpt from an article that appeared in the Charleston Gazette on August 31, and is reprinted here with their permission.*

Governor Bob Wise has not decided yet whether he will approve new (emergency) rules meant to limit the runoff from logging and mining operations . . . "The governor is still reviewing it," said Amy Shuler Goodwin, the governor's press secretary. "He hasn't made any final decision."

After the July 2001 floods in Southern West Virginia, Wise ordered the Division of Environmental Protection to study the potential impact of logging and flooding. On Aug. 6, DEP officials gave Wise the final version of their report on the flooding. Agency officials hoped Wise would approve their proposal for new strip mining and timbering runoff guidelines as emergency rules, until lawmakers can consider the measures during the 2003 session.

Coal and timber lobbyists have criticized the DEP proposals as unnecessary. Industry lobbyists also say the proposals would harm their businesses, making it difficult for them to compete. DEP made a few changes to the proposals contained in a draft study by agency experts, but not the major revisions that industry wanted. Goodwin said that the governor's staff has heard "from quite a few folks" about the DEP proposals . . .

. . . Among other things, the DEP proposal would require coal operators to do extensive runoff studies. Before they could obtain permits, operators would have to show that their mining would not increase runoff during heavy rains. DEP also wanted to force coal operators to build valley fills from the bottom up, instead of just dumping rock and dirt over the hillside and letting gravity pull it to the bottom of the hollow.

In their report, DEP officials also called for much stricter state oversight of logging operations. Under the DEP proposals, the state Division of Forestry would be able to limit logging in particular watersheds to control runoff. DEP also wants forestry officials to mandate inspections of all timber operations. Currently, the agency does random inspections and responds to citizen complaints.

## If Only We Had More Money!

by Mary Ellen O'Farrell

**If only we had more money!** This is the cry that prompts my column, in view of the difficulties and challenges that we are all facing in our efforts to protect and restore the health and beauty of our beloved state.

Many battles await us: overweight coal trucks on our highways, mountains of coal waste precariously balanced above our communities, old dirty power plants emitting hazardous particles for us to breathe, and hundreds of mountain streams at risk of further pollution from industries. This list is not complete, by any means, but then we are not easily discouraged, are we?

Clearly, our determination to work for what is rightfully ours - a clean and healthy environment - is as tenacious as the problems we face. As long as the problems continue, our efforts will also. But it is so much more doable if we have a little more (rather than a little less!) money.

Yes, the stock market is plunging, retirement plans are in the toilet, and we're all worried about money, but sometimes there is still a way to send a contribution. In our case, even a small contribution has great value.

Your donations help to pay our rent, buy paper for our copier & computer, field our lobby team and put out this very newsletter that you are reading. Surely these are good purposes for a contribution!

Thank you once again for all that you have done on behalf of WVEC. Without you, it wouldn't be possible!

All best wishes from the staff & board of your WVEC.....

*Mary Ellen O'Farrell*  
*WVEC President 2003*

## WVEC's Wish List!

Thanks to every one of you who have so generously donated your time, money and items to help furnish and supply our "new" office this past year!

We are still in need of several items, so here's our updated "Wish List": **Computer, VCR, refrigerator, microwave oven, 6' table, slide projector, computer printer, fax machine.** If you happen to have any of these items to spare - send them our way!!!

G.R.E.E.N. News

## Last chance to enter the Raffle Drawing for this Mark Blumenstein Sculpture!



*Mark Blumenstein's work has been the exploration of the physical properties of recycled metals. He uses parts created in the past and applies intense heat to sculpt new creations. Since 1973 the process, the shapes and interaction of materials with the elements has intrigued him. His sculptures are the product of this search and the direction that it takes is dictated by the discoveries divulged in their creation.*

Mark has donated this piece, *untitled*, to the West Virginia Environmental Council as a means to support our organization in a creative way.

**To enter:** There are still several ways you can enter! (Each raffle ticket is only \$1.00):

1) Come by the office to purchase tickets  
2) Send in as many raffle ticket chances as you like to the WVEC office - 1324 Virginia Street East, Charleston, WV 25301 - and we'll enter your name, and send you the receipts.

3) Attend our "Artists for the Environment" Fundraiser on November 15th at Taylor Books Gallery between 6:30 and 9:30. The sculpture drawing will take place at 9:15.

***Thank you Mark, for this generous donation to WVEC!***

# Calendar Of Events

**October 16-19:** Canaan Valley State Park and Resort "Heritage Landscape Celebration", Davis, WV. Includes Technical Symposium, Public Forum, Field Trips & Celebration. **For more information:** Paula Worden, 1-800-922-3601 or P.O. Box 673, Davis, WV 26260; paula.worden@canaanvi.org.

**\* Please Note:** The West Virginia Highlands Conservancy's Fall Review 2002 is in conjunction with this event.

**October 18-20:** WV Herb Association Conference. Jackson's Mill in Lewis County.

**For more information:** Dot Montgillion (304) 269-6416 (smokecamp@iolinc.net) or David Hawkins (304) 428-1024 (herbdoc@citynet.net).

**October 23-24:** West Virginia Water Conference. Charleston Civic Center, Charleston WV. The conference will recognize WV's water issues and identify how technology, policy, and education can be harnessed so that the full value of this critical resource is realized. Sponsored by WV EPSCoR, Marshall Univ., WV Univ., WV Bureau for Public Health, WV DEP. For more information and to register: 304-363-3744 or [http://www.wri.nrcce.wvu.edu/EPA/wvwc\\_reg.htm](http://www.wri.nrcce.wvu.edu/EPA/wvwc_reg.htm)

**October 26:** WVEC Board Meeting, Charleston, WV. To be held at the WVEC office, 1324 Virginia Street East. Potluck at noon. Meeting begins at 1:00.

**Ongoing:** West Virginia Patriots For Peace Silent Vigil (signs provided) Every day, Monday through Saturday noon till 1:00. Robert C. Byrd Federal Courthouse steps, 300 Virginia Street East in downtown Charleston. **For more information:** Rev. Jim Lewis, 345-0427

**November 15:** Artists for the Environment & Wine and Cheese Fundraiser to benefit the E-Council. Taylor Books Gallery, Charleston, WV. From 6:00 till 9:00. \$5.00 suggested donation. Featuring: Live Music, Silent auction of beautiful art pieces by talented West Virginia artists & and other unique items. **For more information:** Denise Poole at the WVEC office, 304-346-5905 or [deniseap@earthlink.net](mailto:deniseap@earthlink.net).

**January 24, 2003:** WVEC Western Region Fundraiser. Enjoy live music, a delicious "Potato Bar", with lots of toppings to choose from, vegetable soup & bread! Ebineser Church - Huntington, WV - 5:30 till 8:30. **For more information:** Denise Poole at [deniseap@earthlink.net](mailto:deniseap@earthlink.net) or John Taylor, 522-8296

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## Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301 (304) 346-5905 [www.wvecouncil.org](http://www.wvecouncil.org)

**Renewed Membership:** \_\_\_\_\_ **New Membership:** \_\_\_\_\_ **Donation:** \_\_\_\_\_

**Membership Levels:**

Student/Senior ~ \$10.	_____	Canopy ~ \$500.	_____
Regular ~ \$25.	_____	Old Growth ~ \$1,000	_____
Seedling ~ \$50.	_____	Other	_____
Enviro Steward ~ \$250.	_____		

**Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **e-mail:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

West Virginia Environmental Council, 1324 Virginia Street East, Charleston WV 25301 (304) 346-5905

"There appears to be no good reason for a tree to take on scarlet, gold or wine. A brilliant flower can attract the pollinating insect or bird it needs for the plant's reproduction, but a brilliant leaf attracts only the gaze of its admirer."

Ron Lanner

*Fall Greetings from the  
West Virginia Environmental Council*

*The West Virginia Environmental Council  
1324 Virginia St. E.  
Charleston WV 25301*

