

West Virginia Environmental Council

**G. R. E. E. N.**

Grass Roots Environmental Effort Newsletter

Volume: 16 Number: 3

Winter Issue, December 2005 / January 2006



## Under The Dome

By Donald S. Garvin, Jr.,

WVEC Legislative Coordinator

dsgjr@aol.com

### The Tragedy at Sago

This is the most difficult column I have ever had to write for this newsletter because of the multitude of mixed emotions running through me right now.

I live just five miles from the Sago mine. The miners who died at the mine this week were members of my community. And while I did not personally know any of the men whose lives have been lost, I am deeply saddened nonetheless.

I am also outraged. How could the mining company executives let the miners' families mistakenly think for almost three whole hours that these men were found alive? How cruel was that? How callous?

But then this is obviously a callous company. At one of the press conferences Ben Hatfield, the president of International Coal Group that owns the Sago mine, was asked how this tragedy would affect the company.

Hatfield responded that the Sago mine was only a small part of IGC and that the company was financially strong and would continue to grow and prosper. Apparently the tragedy will have no impact on the company beyond the bottom line. How callous is that?

And, of course, I continue to be outraged at a federal and state regulatory system that fails to protect miners' safety, public health and the environment.

According to press reports, federal inspectors cited the mine for 46 alleged violations of federal mine health and safety rules during an 11-week review that ended December 22, just 10 days before this accident.

Some of these alleged violations were serious, and involved safeguarding against roof falls, and the mine's plan

..... continued on page 3

## WVEC Fall Conference

Our annual Fall Conference was held in Berkeley County at Camp Frame in Hedgesville, West Virginia this past October. The gathering marked our 17th year to come together at a chosen location in West Virginia - the first for the eastern panhandle region.



Senator John Unger, Keynote Speaker, addresses the crowd

Our keynote speaker, Senator John Unger joined us Saturday evening to discuss legislative issues and opened the floor to questions - the brave soul! Thank you Senator Unger.

Special thanks go out to all of our presenters, workshop leaders, organizers and attendees.

WVEC's top three legislative priorities were selected during the conference: 1) Renewable Energy, 2) Ban on Sludge Impoundments and 3) Stormwater Regulation/Water Quality. We will also be working with others on Campaign Finance Reform and the Bottle Bill.

For more about the conference, and issue updates, stay tuned to the *Legislative Update* Newsletter.

## "Legislative Kick-Off Blast" Benefit!

Don't miss WVEC's annual "Legislative Kick-Off Blast"! Help the lobby team start the session with a blast - and raise much needed funding to support WVEC efforts!

**When:** Join us Wednesday evening, **January 18, 2006**

**Where:** Perfater Law Office Building, 1311 Virginia Street East, Charleston

**Time:** 6:00 PM ~ 10:00 PM

**Featuring:** Live music by the **VooDoo Katz!**

Munchies are provided, cash donation bar with your favorite spirits.

**Suggested Donation at the door:** \$8.00 per person or \$15.00 per couple

## E-Day's Just Around The Corner:

Now's the time for all "green" men, women and children to come to the aide of their environment! E-Day is scheduled on **Valentine's Day - Tuesday, February 14th from 10:00 am till 3:00 pm in the lower rotunda.**

Let's show how much we **love** our clean air & water! Help us show our governor, state senators and delegates that citizens are paying attention this session - and we demand our laws protect and improve WV's environment!

Join us as we mark our **16th annual E-Day at the capitol** ..... and take time to visit your representatives. Environmental organizations and sustainable businesses will join us with display booths and demonstrations loaded with the most up to date information on water quality & quantity, mountaintop removal, sludge impoundments, air quality, renewable energy and much more!

**E-Day Reception & Award Ceremony** will follow the same evening at Paul Perfater Law Offices, 1311 Virginia Street East, Charleston from 6:00 PM ~ 10:00 PM. Stay tuned for more details.

## "Personals"

In Search Of Charleston area environmentally-concerned lover of woods, long walks on the beach, who has Friday afternoons free, loves coffee and chocolate and good conversation, has latent strong desires to collate, fold and mutilate.

Join us as we put out the weekly edition of Legislative Update starting January 13th. It's confusion, chaos and conviviality at its best for someone looking for a good green time. Don't be shy. Don't hesitate. Call Denise at 346-5905 for reservations.

## Letters - We Get Letters!

The WVEC conference was fabulous! It was truly inspirational to meet with folks from around West Virginia who are committed to working for environmental justice. I came away with a renewed commitment to work for improving the health of the environment in WV.

I believe that WV will increasingly become targeted for environmental exploitation by industry, developers and even our very own government because of its' valuable natural resources and therefore, economic assets. The Monongahela National Forest is a prime time example of being part of a slick political campaign that thinly disguises greed and false economic gain with abusive practices of land use policy for protected areas.

Thank you for welcoming me into WVEC! I am an environmentalist who really thrives on the creative energies of such dedicated fellow environmentalists.

It is a joy to work with people who really care about what happens to our state and country.

*Sally Fitzgerald*

## West Virginia Environmental Council 2005~2006 Board of Directors

Denise Poole, *President*  
Chuck Wyrostok, *Vice President*  
Fred Sampson, *Past President*  
Danny Chiotos, *Secretary*  
Frank Young, *Treasurer*

Kay Basham Greg Carroll  
Janet Keating  
Liz Garland Don Garvin  
Don Gasper Bob Hamburg  
Chris Hogbin Jim Kotcon  
Chelena McCoy Cindy Rank  
Brent Rowley  
Elizabeth Sampson  
Carol Warren Mary Wildfire  
Gary Zuckett

Chuck Wyrostok  
*Outreach Coordinator*  
wyro@appalight.com

Don Garvin  
*Legislative Coordinator*  
dsgjr@aol.com

Denise Poole  
*Program Coordinator*  
deniseap@earthlink.net

Don Alexander  
*Web Site Coordinator &  
E-Mail Listserve Coordinator*  
paradox@spectrumz.com

*G.R.E.E.N.* is the newsletter of the West Virginia Environmental Council (WVEC), a statewide organization whose mission is dedicated to facilitating communication and cooperation among citizens in promoting environmental protection in West Virginia. Subscribers will also receive the *Legislative Update*, published weekly during the regular 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*  
deniseap@earthlink.net  
1324 Virginia Street East  
Charleston, WV 25301  
304-346-5905

## Under The Dome

### The Tragedy at Sago ..... cont. from page 1

to control methane and breathable dust.

Records show that the mine received 208 citations from the federal Mine Safety and Health Administration during 2005, up from 68 citations in 2004, and 144 notices of violation from the state Office of Miners' Health Safety and Training in 2005, up from 74 the year before.

But it is standing operating procedure in this state for the regulatory agencies to allow the mines to keep operating while they pile up violation after violation. That's politics, and Coal is still King in the political arena.

Thousands of words have already been written about the mine explosion at Sago this week, and thousands more remain to be written. Some network nabobs are already touting more nuclear power plants as a "safer" option than coal for producing electricity. Unbelievable.

Folks, coal is going to continue to be mined in this state for a long time to come. And while there are important things we can do to reduce the demand for energy, like conservation and energy efficiency, and things we can do to reduce the impacts on human health and the environment, such as utilizing renewable energy sources, coal will continue to be mined.

In the meantime, we must demand that our federal and state regulatory agencies enforce the law and protect miners' safety, public health and the environment.

Until they do, coal will continue to be a tragedy to everything it touches.

Please keep your bird feeders full for our fine-feathered friends this winter. They will lift your heart at this much needed time.

## Renew, Renew, Renew!

The 2006 WV Legislative Session begins next Wednesday, January 11 - so it is time to renew your WVEC membership if you want to continue receiving our excellent weekly Legislative Update newsletter beginning Friday, January 13th.

Renewing is also a way to show your support for the WVEC Lobby Team, and we need that financial support more than ever. Remember, we are **your** voice for the environment at the West Virginia legislature.

So please renew today at whatever level you can afford.

## This is what Democracy Looks Like !!!

By Chuck Wyrystok, WVEC Outreach Coordinator  
wyro@appalight.com

In the coming months, we'll be able to practice democracy, as we know it, during the 2006 regular session of the WV State Legislature. As you've probably heard, democracy is a participation sport. The WVEC team of lobbyists this year will be facing heavily-funded, "wine 'em and dine 'em" lobbyists from coal, manufacturing, logging, the chemical industry and other "profit before people" denizens of the dark side. Think David and Goliath here.

Our lobby team at the Capitol does have the skills and background to connect with the people in power there. But you, as **citizen** lobbyist, will provide the crucial backup to outweigh the denizens. When legislation reaches a crucial point, we will call on you to assist our lobby team by calling **your** Senator or Delegate asking them to vote a certain way. I cannot emphasize how important this is (but will try). In this scenario, **your voice** is worth way more than you may think. **You** are a voter from the home district, not one of the suits in the halls of the Capitol. They **will** take note of your stance on the issue. Watch for Action Alerts in your email inbox. No email? No problem. Call us with your phone number and say you want to be a citizen lobbyist caller this year.

We, your staff, have a very pro-active, positive attitude these days, in no small way spawned by the excitement surrounding our emerging Renewable Energy Campaign.

The problems we face as everyday inhabitants of the planet can be formidable, but the fight is not over. Indeed, we all need to be there to help stop the Goliath.

**E ~ Day! at The Capitol**

**February 14, 2006**

10:00 am till 3:00 pm

Lower Rotunda

**Reception at Perfater's**

6:00 pm ~ 10:00 pm



# A Renewable Future

By Allan Tweddle, WVEC Renewable Energy Campaign  
Coordinator  
allantweddle@msn.com

Hurricane Katrina's impact will be felt by all of us in waves of emotion and cost. Rebuilding New Orleans and the Gulf Coast is only the beginning. Here's to doing it wisely, for a change. Take out the surge in profits now slamming into all our wallets. We watched and paid, helplessly, as gasoline prices barreled up before Katrina. The storm's immediate impact was to give even more fuel to the price rise.

Now we are being told that Katrina's impact will affect heating prices, because 80 percent of American homes are heated with natural gas, the bulk of which comes from Gulf Coast offshore platforms. Government models say we could see a 70 percent increase in our residential gas bills this winter.

Not to be outdone, West Virginia's contribution to the energy poker game is raising bidding prices right along with the oil boys - on speculation. With oil so expensive, experts see a rosy future for coal as America searches for lower-cost energy from domestic sources. Coal owners, too, see record profits - at our expense.

The vast majority of us will not profit from these soaring prices. But what choice do we have? Are there alternatives?

One of the biggest customers for West Virginia's coal has already said "Enough!" The government of Ontario studied alternative energy costs for the past two years and concluded that Ontario cannot afford coal. In May, officials announced that they were phasing out all their coal plants and beginning an ambitious program of switching to renewable energy - biomass, wind and solar. How can that be? Everyone "knows" that coal is the most inexpensive form of energy - or is it?

Why can't Ontario afford coal? Because its government also pays for all the health care for its citizens. The cost of coal pollution-triggered health care (children's asthma, heart and lung diseases, cancers, mercury poisoning) outweighs any savings from coal. Even though Ontario owns almost 100 percent of the Provincial Canadian power plants, including some of the largest coal-fired power plants in North America, and is the richest province in Canada, it determined that renewable energy is cheaper.

Ontario also looked at the future and realized that global warming is quite real. Its leaders decided they must accept their share of responsibility and begin to reverse that trend. They must stop emitting the greenhouse gases that are causing it. The hard fact is that global warming demands that we slow down and drastically reduce our burning of fossil fuels, and burning coal is the largest source that has been identified.

Alternative renewable energy is the answer. If the millions of politically motivated investment dollars currently being put into "clean coal" technology were placed in solar research, we, and our children, would be a lot better off. After all, the sun delivers enough energy in one day to give us all the power we need for a year. Yet, another \$50 million is being thrown at carbon sequestration - a fancy term for shoving greenhouse gases down into the ground or the ocean bottom, and telling them to stay there. Why not invest in the one consistent and free energy that is now, always has been, and will be in the foreseeable future ready and available - the sun?

Visionary technologies are already available. For instance, you can buy photovoltaic - cell roof tiles. When you re-roof your home or build a new one, these tiles will provide most of the power you need. At certain times of the day, normally at peak summer heat, they will generate more than you can use. In states with net-metering plans, you sell your surplus to the local utility and it avoids burning fossil fuel. The Sacramento Municipal Utility District, for example, where there has been exceptional economic and population growth, avoided building any new generating capacity by making their customers their partners instead of their victims. (Look up [www.SMUD.com](http://www.SMUD.com))

But West Virginia doesn't have net metering - unless you are a huge corporate user with a co-generation plant on-site. State officials are "studying" net-metering. Net metering has been studied to death everywhere else, and been adopted in many states as a reasonable method of gaining added generating capacity while reducing greenhouse gas emissions.

Looking at the Ontario decision and the renewable energy plans of many states is critical to any discussion of West Virginia's energy future. When I gave the Legislature a proposal to study an REP for West Virginia earlier this year, I was told by open-minded senators that there is definitely "no interest."

There is hope - even for job creation in West Virginia. Many studies have determined that renewable energy creates more jobs than fossil fuel does. As mountaintop removal has mechanized the mining of coal, while wrecking the landscape, it has also wrecked the job market, reducing West Virginia to 15,000 miners today, from 125,000 a half-century ago.

A renewable future is coming. I believe it is inevitable. Fortunately, I'm not alone.

(Allan's article originally appeared in the September 12 issue of the *Charleston Gazette* under the headline: "‘Clean Coal’ Cash Better Spent On Solar Research").



## WVEC's Renewable Energy Campaign

**Campaign Goal:** To diversify West Virginia's energy portfolio from its current dependence on the harmful and costly consumption of fossil fuels toward the use of renewable energy sources and the development of new, economically sustainable businesses and jobs.

**Background:** For the last 150 years fossil fuels have controlled and driven our lives, but global energy needs are outpacing resources at a dramatic pace. In the immediate future – not ten years from now, not five – we will be faced with a life-altering energy crunch. Antiquated habits, like depending solely on fossil fuels, will require a major reevaluation in our thinking and how we live our everyday lives.

The recent energy crisis has raised the public's awareness of the problem, as well as the opportunities. The time for an official commitment to renewable and alternative energy development has come. Many other states, such as Pennsylvania for example, have already embraced renewable energy as an important component of their state energy portfolios to the economic and environmental benefit of every citizen.

West Virginia should not miss out on the opportunity to benefit from the transition to renewable energy that is already underway.

**A viable comprehensive energy plan for the State of West Virginia must include some or all of the following:**

- **"Net metering."** Over half of the states have net metering laws in place, allowing customers who generate their own electricity to be reimbursed at least in part for electricity provided back to the grid.
- A **"Renewable Energy Portfolio Standard"** for West Virginia, setting a target date for the state to achieve a certain percentage of energy generated from renewable energy would stimulate efforts to broaden and diversify our energy portfolio.
- Develop a **comprehensive state energy policy** that includes incentives for the use of renewable energy options and gives the consumer a choice.
- Embrace renewable energy strategies that will **create economic development.**
- Require **true cost accounting** of energy systems, to include health and environmental costs.
- Provide incentives to improve **energy efficiency and conservation** for all energy users.
- Establish one or more **model communities** for renewable energy and energy efficiency.
- State government should set the example. Every government building should become a **"net energy producer,"** through conservation and incorporating renewable energy technologies.

*WVEC's Renewable Energy Campaign is a work in progress. Please join us in our effort to insure West Virginia joins the transition to renewable energy.*

## More of Massey's "Total Environment"

**Sludge Spills: The Gifts Massey Keeps On Giving**  
*By Vivian Stockman, OVEC*

As Massey Energy gave out gifts to low income kids in Kentucky, it gave out another "gift" to the larger community, one it gives out far too frequently: another blackwater (sludge) spill. On the morning of Saturday, December 10, Coal River Mountain Watch (CRW) volunteer Bo Webb was in the group's office in Whitesville when someone knocked on the door. It was a neighbor, with a bottle full of blackwater - evidence of the latest mishap at the Marfork Coal processing plant, a Massey subsidiary. Blackwater was pouring from the plant into Marsh For, a tributary of the Little Coal River. (Water from these streams joins the Kanawha River, which joins the Ohio River, which joins the Mississippi; millions of people live downstream from Massey's messes.)

Bo called CRMW's Sarah and Vern Haltom, who alerted the media and the so-called Department of Environmental Protection. The pair snapped photos and collected samples. Sarah and Vern watched the creek raise about 8 inches during the most intense period of blackwater release from the plant. Vern is CRMW's representative on the Sludge Safety Project, a collaborative effort of OVEC, CRMW and concerned residents of Mingo County.

A pump that moves the heavy metal, chemical-laden waste from processing coal up to the Brushy Fork coal sludge impoundment had failed. As one TV station covering Massey's exploits that day noted, Massey had the pump failure, while simultaneously pumping gifts to low income kids.

The DEP told the media that no drinking water supplies affected, which isn't really accurate. Whitesville draws its water from the Coal River, and did shut down during the blackwater surge. However, not all the blackwater flowed on downstream. Some sludge settled to the bottom, to be stirred up every time there is a heavy rainfall. And what about the water intake plants downstream? For instance, did the St. Albans plant, near where the Coal River flows into the Kanawha, shut down?

Hey Friends of Coal - are you enemies of drinking water?

---

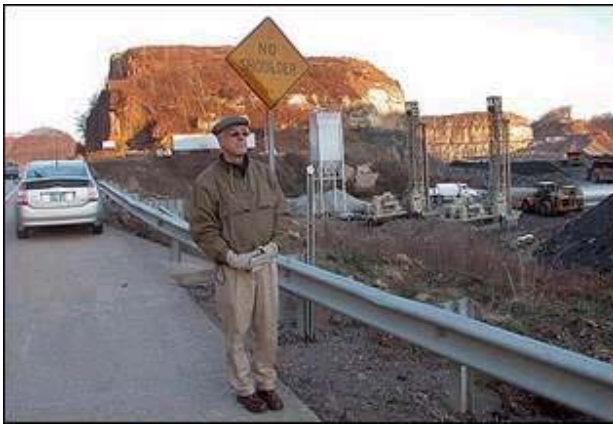
## "Think Renewable"

# Tourists Watch As Mining Firms Lop Off Mountaintops

By Roger Alford, Associated Press  
(As printed on 12/17/2005)

For Lyle Snider, the view from Kentucky 80 is breathtaking, but not in a good way.

Parked on the side of the four-lane highway, the New Hampshire native watches a mountain disappear bit by bit at the hands of miners using explosives and giant earth-moving machines.



"It really does look like a moonscape," Snider says, gazing across a barren expanse of dirt and rock.

Mountaintop removal coal mining, which had largely been relegated to the Appalachian back country, has been edging closer to major highways because of a mining boom sparked by higher coal prices.

And that's created a sort of reverse eco-tourism among people seeking to get their first up-close look at the much-debated practice. It's also provided a new opportunity for environmentalists to try to sway more people into opposing such mines.

"Disaster tourism" is the term used by the Rev. John Rausch, director of the Catholic Committee of Appalachia, who says visitors are adding mountaintop removal sites to their travel itineraries, especially in places where they can watch and take photos from the security of their own cars.

Along with thousands of others who travel Kentucky 80 each day, Snider, who now lives in Hazard, watched as crews prepared a mountain for mining by cutting down all the trees. He has seen dust clouds rise into the sky when explosives were detonated just beneath the surface. He has watched giant bulldozers, dwarfed by even larger dump trucks, move the dirt and rock loosened by the blasts. And he has seen loaders in the distance

scooping up chunks of freshly unearthed coal to be sent off to electric-generating plants across the country.

"Once people observe what is happening their jaws drop in disbelief," says Rausch, a Stanton priest who organizes tours to eastern Kentucky.

"You can't introduce people to Appalachia without addressing mountaintop removal," he says. "It is so large, so in your face. You can't overlook it."

Kentucky Tourism Commissioner Randy Fiveash says his agency doesn't promote tours to see mountaintop removal coal mines, but it doesn't discourage such visits.

"It's legal to do the kind of mining that they're doing, and if people want to come to watch that, then I think it kind of falls into the area of industrial tourism," Fiveash says.

Some people travel to Hazard and Pikeville to drive around highways in search of active mines. Others go for fly-overs sponsored by organizations such as the Kentuckians for the Commonwealth, an anti-mining environmental group. It says it has taken more than 1,000 people on tours of mountaintop mines over the past five years, and 500 turned out for a single event two years ago to take plane rides over surface mines.

Bill Caylor, president of the Kentucky Coal Association, says environmental groups are "stirring the emotional pot" by giving visitors a biased view of the coal industry. They do that, he says, by showing only active mining operations, never restored areas turned into grazing lands for cattle, horses, elk and deer.

"I agree, it looks bad while it's being mined," Caylor says. "But they don't see what it looks like when it's completed. It's beautiful on top of these mountains. The views are gorgeous."

In a rugged region with little level ground, Caylor says mountaintop removal also creates much-needed flat land for factories, airports, subdivisions, golf courses and baseball fields.

"To imply that we're flattening Appalachia is so untrue," Caylor says. "We're creating level land for Appalachia."

Jordan Fisher Smith, a California author, says his visit to eastern Kentucky in October was a wake-up call for him when he saw "deserts of fractured rocks" left behind after the mining companies pulled out.

"The coal companies say they're creating flat places for people, but I went on some of these so-called reclaimed areas," Smith says. "The only things that can grow in these places are the sorts of plants that county agriculture agents have been trying to spray and eliminate elsewhere."



## Sludge Safety or Blackwater Bingo?

By Vivian Stockman, OVEC

If you drink water, take note.

There are hundreds of coal sludge impoundments in Appalachia. These impoundments hold the heavy-metal and toxic-chemical-laden waste that is left over from prepping coal for market. Waste from coal prep plants that doesn't end up in impoundments is either "spilled" directly into streams or injected into old underground mines. One way or another, a significant portion of the billions of gallons of sludge generated ends up in groundwater, well water, surface water - that is, drinking water. It really is true that we all live downstream.

And wouldn't you know it - coal sludge impoundments are not necessary. Alternatives do exist, but they cost more.

By using impoundments, sludge injection and sloppy practices that make for frequent blackwater spills, coal companies get to externalize their costs onto us, while maximizing their profits. Whether they come to us as contaminated groundwater and possible slow chemical poisoning, or flash floods of sludge, externalized costs are higher than the costs of dealing with the waste before it seeps or surges into our water.

During the Legislative Session, please support the efforts of the Sludge Safety Project. Check out this collaborative effort of the Ohio Valley Environmental Coalition, Coal River Mountain Watch and concerned citizens of Mingo County at [www.sludgesafety.org](http://www.sludgesafety.org).

Please join our e-mail action alert list.



In his documentary "Sludge" Robert Slayer of Appalshop documented the destruction from Massey Energy's massive Oct. 2000 coal sludge impoundment spill.

## Marsh Fork High School Burns ... Any Questions?

By Bo Webb, Coal River Mountain Watch Volunteer  
(as printed in the Register Herald)

Marsh Fork High School burned to the ground. Toxic black water sludge pours into the Coal River. Homes damaged from blasting on the strip sites up and down Route 3. Coal silos illegally constructed behind Marsh Fork Elementary School.

Children being forced to breathe coal dust and heavy metals, playing in a toxic schoolyard. A shameless attempt by a governor to deceive the parents of those kids at Marsh Fork Elementary into believing the school is safe.

Massey Energy running roughshod over the entire community, hiring only those who dare not oppose the raping of our mountains and streams. And if those same employees were to be injured on the job, resulting in a Massey safety violation, those same employees would probably be looking for a new job.

It's no secret that Rowland Land Co. and the Raleigh County School Board were feuding over who owned Marsh Fork High School. Rowland Land has stated it has an interested buyer. (Hmmm .... Wonder who that could be?)

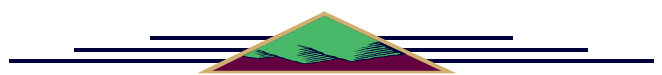
They wanted the school board to tear the building down, but the school board refused to accept ownership. Why is that? Could it be because the school contained asbestos? Need HAZMAT and lots of money to clean that up.

How convenient this fire! The asbestos has disappeared. Burned and breathed into the lungs of those living down wind. I bet the legal wrangling over who owns the school is gone, too. Rowland might even pay for the dozers to clean the damned mess up, but don't count on it. Most likely it will be the taxpayer, the sucker.

We practically begged Bob Kiss and others to help us turn the school into a community center, but us suckers on Coal River don't count.

So when is enough, enough? Had enough yet? If not, there is more to come.

But, if you have had enough, wake up from that apathetic trance you are in and start demanding your rights. A good start would be to demand an outside, independent, professional investigation of the burning of Marsh Fork High School.



## DEP Watch ...

### DEP to Weigh Water Protection Changes

(An excerpt from a December 16 article by *Charleston Gazette* reporter Ken Ward, Jr., who does an excellent job of "watching" the DEP).

State regulators promised December 15 to closely examine industry complaints about a rule (Category A) that protects all West Virginia streams as if someone uses them for drinking water.

Department of Environmental Protection (DEP) officials said that the rule is among several they will examine during a triennial review of state water pollution standards. DEP officials, though, cautioned industry lobbyists not to expect any proposed changes until perhaps 2008.

"If we can improve the situation, we want to do so," said Karen Watson, a DEP lawyer. "We're going to give it our best shot." Watson said that DEP wants to learn more about the burden that industry officials say the rule creates.

"We're going to look at it very carefully to see if there might be a better way that still protects the uses we have to protect," Watson said. "We can't promise you'll see anything this year, but we're going to keep working on it."

The drinking water rule was among several potential changes that DEP officials announced Thursday they would consider as part of their agency's first-ever triennial review.

Until this year, state water quality standards were written - and reviewed every three years - by the Environmental Quality Board. In response to industry complaints about the board, lawmakers this year transferred that job to DEP.

The triennial review is required by the U.S. Environmental Protection Agency as part of its federal Clean Water Act oversight of West Virginia water pollution enforcement.

DEP held the December 15 public meeting to update lobbyists and citizens on its water standards review. Several dozen industry officials attended, but only one citizen representative, Don Garvin of the West Virginia Environmental Council, made it to the meeting. The DEP meeting was scheduled for the same time as an EQB appeals hearing that involved the West Virginia Rivers Coalition.

Lisa McClung, director of the DEP Division of Water and Waste Management, said that her agency probably would not fill a new position to lead the water standards work until January or February. DEP took over the job from the EQB as of July 1.

McClung also said that DEP is already behind schedule to review the standards and hold preliminary discussions with the public. The long-term goal is to finalize any DEP proposed changes next year for review by lawmakers during the 2007 session ....

... McClung said that DEP plans to propose changing the state's rules on bacteria from one that measures fecal coliform to one that measures Ecoli. In public comments submitted to DEP, all sides seemed to agree on the change, McClung said.

Pat Campbell, a DEP assistant water director, said that the agency does not plan to move ahead with a coal industry request to weaken the state's limit on the toxic metal selenium.

... Campbell said that DEP would continue its own fish sampling for selenium around the state, but would wait for EPA to finalize any changes in the federal selenium limit before seeking a state amendment ...

Campbell said that DEP expects EPA to soon approve another coal industry request that weakened West Virginia's limit on aluminum.

DEP will continue to study the state's mercury water pollution limits and may propose changes as part of the triennial review, Campbell said.

---

## In Memoriam

**Cathrine Rodriguez**, a long time environmental activist and former WVEC Secretary, passed away on November 12, 2005. Cathy was 61, and lived in Grant Town, West Virginia with her husband Richard.

Although born in Chicago, she adoped West Virginia as her home in 1972 and was a passionate fighter for all its causes.

Cathy remained a strong supporter and member of WVEC through the years. She also served as President of the Concerned Citizens for the Environment, which successfully fought a sewage sludge recycling facility from locating in Grant Town. In addition, Cathy was past President and Treasurer of the Marion County Education Association and several other social causes.

Richard Rodriguez asked family and friends who wished to give to a charity, to donate to WVEC in memory of Cathy. We are very grateful for his generosity and thoughtfulness at this time and are reminded of Cathy's dedication to our work.

Our deepest sympathy to Richard, daughter Ann Stickley, other family members and close friends.







# Calendar of Events



**January 11:** Regular Legislative Session Begins.

**January 18:** Legislative Session Kick-Off Blast! Live music by the VooDoo Kats. Refreshments. Suggested donation of \$8.00 per person or \$15.00 per couple. Perfater Law Office building, 1311 Virginia Street East, Charleston.

**For more information:** WVEC office, (304) 346-5905.

**Jan. 21:** WV Environmental Council Board of Directors Meeting. 79er Restaurant, Burnsville WV. 11:00 AM - 3:00 PM.

**Jan. 25:** John Hoskyns-Abraham, the founder of Bullfrog Films, presents "Do social issue films have any influence?" Bullfrog Films distributes films about the environment, including "Razing Appalachia," about mountaintop removal mining. Begins at 7 p.m. at the Cultural Center, State Capitol Complex, Charleston, W. Va.,

**Feb. 11 and 12:** The West Virginia Energy Gathering for Students and Youth. This statewide summit meets Feb. 11 at St. John's Episcopal Church in Charleston, W.Va. Feb. 12 field trip to Kayford Mountain. Housing assistance is needed; please contact [abe@ohvec.org](mailto:abe@ohvec.org) if you can provide shelter to the youth.

Saturday begins with folks from different communities/schools relating to the larger group their local issues and activism around environmental/social justice (especially directly related to energy). OVEC's Abraham Mwaura will give a workshop in basic community organizing. Liz Veazy will lead a workshop on Campus Clean Energy campaigns. Participants will discuss potential collaborative projects.

Many non-student youth from around the state, and students from Shepherd, Marshall and WV Universities as well as Glenville State have committed to attend; students from Wheeling Jesuit, Bethany College and Fairmont and other higher education institutions have also expressed interest. Get your college or friends involved!

**For more information:** E-mail [abe@ohvec.org](mailto:abe@ohvec.org)

**February 14:** E-Day! at the Capitol - Valentine's Day, Tuesday, 10 AM ~ 3 PM. Set up time for organizations and sustainable businesses begins at 8:00 am.

**For more information:** Call WVEC office, (304) 346-5905.

**February 14:** E-Day Reception & Award Presentations. Perfater Law building, Virginia Street East, Chas. 6 PM ~ 10 PM.

**For more information:** WVEC office - (304) 346-5905.

**March 11:** Regular Legislative Session ends.

**March 11, 2006: 7 p.m.** West Virginia premiere of "Black Diamonds - Mountaintop removal and the fight for coalfield justice." This documentary charts the escalating drama in Appalachia over the alarming increase in large mountaintop removal coal mining. These mammoth operations have buried or otherwise impacted over 1200 miles of headwater stream; demolished hundreds of thousands of acres of hardwood forest; and destroyed hundreds of Appalachian mountain peaks. Citizen testimony and visual documentation interwoven with the perspectives of government officials, activists, and scientists create a riveting portrait of an American region fighting for its life—caught between the grinding wheels of the national appetite for "cheap" energy and an enduring sense of Appalachian culture, pride, and natural beauty. Filmmakers Catherine and Ann Pancake were born and raised in West Virginia. Catherine has become an award-winning filmmaker and Ann is an award-winning author. Working for more than 4 years on this project, they have traveled throughout Appalachia to chronicle the unparalleled destruction. Interviews with Julia Bonds, Maria Gunnoe, Arley Johnson, Ken Hechler, and William Maxey. Maryland State Arts gave the film's demo tape and Individual Artist Award. See [www.blackdiamondsmovie.com/](http://www.blackdiamondsmovie.com/). The film screens at the LaBelle Theatre/Museum, 311 D Street, South Charleston. See [www.geocities.com/scmuseum/](http://www.geocities.com/scmuseum/). Admission is a \$2.00 donation to the museum.

**May 25-29:** Please hold this date. Heartwood Forest Council/ Summit for the Mountains joint event. Please help plan place, logistics, speakers.

If you want to help, contact Janet 304-522-0246 at: [ohvec@ezwv.com](mailto:ohvec@ezwv.com) or Andy Mahler [atandy@blueriver.net](mailto:atandy@blueriver.net) (812) 723-2430.

**June 24:** 4th Annual Lavender & More Fair. LaPaix Herb Farm, Alum Bridge WV. Sustainable initiatives, workshops, presentations, wood walks, artisan, environmental & herb booths. Music, gourmet food and more. *Stay tuned.*

---

## Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301

Phone: 304-346-5905

Website: [www.wvecouncil.org](http://www.wvecouncil.org)

Renewed Membership  
 Change of Address

New Membership  
 Donation

### Membership Levels:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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

County: \_\_\_\_\_

Phone: \_\_\_\_\_ e-mail \_\_\_\_\_

_____	\$10	Student / Senior
_____	\$25	Regular
_____	\$50	Seedling
_____	\$100	Sustaining
_____	\$250	Enviro Steward
_____	\$500	Canopy
_____	\$1,000	Old Growth
_____	\$ Other	

The West Virginia Environmental Council  
1324 Virginia Street East  
Charleston, WV 25301

