



West Virginia Environmental Council's

Green Legislative Update

Published Weekly During West Virginia's Legislative Session

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Under the Dome

By Donald S. Garvin, Jr.
WVEC Legislative Coordinator

Week 6 – Whine, whine, whine . . . I'm getting sick and tired of all this whining.

Webster's Dictionary defines whining as an "unmanly complaint." Well, the legislators at the state house ought to start reminding the good ole boys in the coal and timber industries of that.

Year after year, coal industry lobbyists whine that they'll be forced out of business if the legislature adopts strict environmental or safety regulations, and year after year a weak-kneed legislature capitulates to coal's "unmanly complaints."

This year their whining has reached the ears of the Division of Environmental Protection (which has always been weak-kneed in its dealings with King Coal). In a proposed regulatory rule passed this week by the Senate Energy, Industry and Mining Committee, the DEP has agreed that the coal industry should pay only HALF the fee rate that is charged other industries for their water pollution discharge permits.

The coal industry whined that they'd go broke if they were forced to pay the going rate for NPDES permits – never mentioning, of course, that they've been given a free ride for all these many years (the Clean Water Act was passed in 1972). So DEP has capitulated and instead of a fee structure that would bring in \$5 million annually to the state for processing coal's water pollution permits, they have agreed to accept half of that — another \$2.5 million subsidy for coal.

And while the Coal Industry whines about
continued on page 4

"Floods of Problems ~ Mountains of Solutions" E-Day! February 22, 2002

Bunches of eco-folks will gather at the state capitol on Friday, February 22 for our 13th annual E-Day!: "Floods of Problems ~ Mountains of Solutions".

As our theme this year implies, we are examining the various "floods" (literally) of problems we currently face, and just as importantly, focusing on the "mountains" of sustainable solutions - and hope for West Virginia's future.

Remember, this is *our* day, *our* time to take this opportunity to bring *our* issues, *our* solutions, *our* vision for West Virginia to *our* capitol. This is *your* day to come to E-Day!

Don't miss this opportunity to meet with the WVEC lobby team (they will be available as a resource and guide for citizen lobbying), hear inspiring speeches, applaud the 2002 award recipients, check out the informative exhibits, graphic photos & videos, and demonstrations!

We are very pleased and honored to have noted columnist Dave Peyton as our Keynote Speaker this year. Dave is a wonderful and opinionated writer, who has written for years for *The Herald Dispatch*, in Huntington, *The Charleston Gazette*, *The Charleston Daily Mail* and several other publications. Dave will be addressing the issue of West Virginia and our environment.

A few other highlights include: A display by National Energy Technology Laboratory with a solar panel, H₂O₂ generator, a fuel cell; Bob Gate's videos;

continued on page 5

Industrial Hemp Bill An Example of Sustainable Development

By John Taylor

Senate Bill 447, previously described by Chuck Wyrstock on these pages, is moving at a very leisurely pace through the legislative process. It's in the Senate Agriculture Committee and is apparently going to be discussed about once a week.

Representatives of the West Virginia Agriculture Department and a lobbyist from the Farm Bureau testified on Wednesday this week. They all said that there needs to be more research on Industrial Hemp, particularly on the availability of processing facilities since it's no use to encourage farmers to grow crops that have to be exported to other states or even countries. For example, Ontario, Canada has a substantial and thriving hemp industry.

They also complimented Senator Karen Facemeyer (R-Roane) for her attempt to increase West Virginia farmers' incomes by the cultivation of a new crop. That's really the point—a new crop for West Virginia that's also environmentally sound.

There's a big market for hemp paper so trees wouldn't have to be cut down to make paper. Also, there's no need to bleach hemp with chlorine in the paper-making process so we avoid having dioxin in our water.

So why is the cultivation, sale and use of industrial hemp an example of sustainable development? Most importantly, it strikes

a favorable balance between our current need for economic development and the needs of future generations. We need our trees now for all the reasons so familiar to us—air, water, soil, beautiful terrain, wildlife habitat—and so will our children and our children's children down through the generations.

We need to ask our legislators: How soon can we expect them to push for research on markets for hemp products and the industrial facilities to prepare them for marketing? Six (6) states have already done this. We don't want to get any further behind, do we?

Public Hearing on Flood Damage Prevention Bill

Monday, February 18, 2:00 P.M.,
Room 208W

This public hearing will deal with SB 518, a bill proposed by Senator Larry Rowe (D-Kanawha). The bill would "create within the governor's office a state control office to prevent flood damage" and would provide "for a director of the office ad for a flood control board." The bill directs the board "to study problem areas in the state relative to flooding and flood insurance and to report on cost-effective means to prevent flooding."

"Man must go back to nature for information"

Thomas Paine

House Sub-Committee on SB 431 Meeting

Monday, February 18, 4:30 P.M.,
Room 252M

The public may attend this meeting of a sub-committee of the House Agriculture Committee that will discuss provisions of SB431 relating to the Logging and Sediment Control Act. WVEC is seeking important amendments to this bill.

"Nature is always
hinting at us.
It hints over and
over again. And
suddenly, we take
the hint."

Robert Frost

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Legislative Update welcomes letters, articles, and art work from readers and reserves the right to edit or reject submissions. Please send materials (preferably on disk) to:

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Coal On The Skids

By Chuck Wyrostok (chuckwyro@hotmail.com)

You can really tell when an outdated concept is on the slippery slope. Desperate logic and admissions of guilt surface. Consider some of the testimony at the House Judiciary Sub-Committee on overweight coal trucks this week.

Coal said if they can't continue to break the law (they verbally admitted this), then many jobs would be lost. Well, it seems like drug dealers could make the same case. So could the mafia. Maybe I'll try using that line next time I get pulled over for speeding on my way to a job site: "Officer, I'm sorry, but I'm late for an important appointment and I CAN'T AFFORD TO OBEY THE LAW!" . . . cRight!

Apparently, they've been breaking the law for decades. Chuck Bradley is a truck dealer whose company sells trucks he says can safely haul 139,000 pounds. For years, he said, coal trucks have hauled 165,000 to 175,000 pounds. "This is a practice we have done for many, many years," he told the legislators. Now that coal is being forced to deal with it because of a string of highway fatalities, they have come to the legislature with a demand: Let us carry heavier loads so we can remain competitive and we will accept heavier enforcement of the new weight rules. Enforcement indeed! Where has enforcement been all this time? Drivers are caught in the middle, really, being forced to haul dangerously heavy loads that many of them admit is more weight than they would like to carry. Coal area resident Freda Williams put it in perspective, saying to haulers "wouldn't you check out the legal weights before buying your trucks?"

Heavier weight limits? I don't think so! Not with my tax dollars paying for roads in WV. A state Division of Highways report issued last month said that if you took the 2,684 miles of state roads on which coal is hauled and created a 20-year upgrade plan to handle trucks carrying those heavier loads, it would cost AT LEAST \$2.8 BILLION!

House Judiciary Chairman Jon Amores, D-Kanawha, seems to be afflicted with the same twisted logic. He said "To leave the weight limit where it is would be to keep our head in the sand on the economic arguments. It would put truckers and the coal industry at risk. To ignore that wouldn't be discharging our responsibility to create good law." Well, Delegate Amores, what about your responsibility to people driving those roads in little cars. What about the all those poor crushed lives, all those broken-hearted families? Could we get a comment on that from you?

Hundreds of residents, union members, environ-



Julian Martin, Janice Nease, Don Garvin and others at the Rally on Thursday!
photo, Viv Stockman

mentalists, law enforcement officers, county commissioners and state legislators gathered on the steps of the capitol Thursday afternoon to rally in support of upholding current law.

While coal field residents held up tiny crosses with the names of dead coal truck crash victims, UMWA President Cecil Roberts, Delegate Mike Caputo, Attorney General Darrell McGraw and others spoke of the need to rein in the outlaw attitude that operates outside the realm of civilized society.

The balmy sunshine of the day seemed to carry a ray of hope, toward a day when law would rule and people could feel comfortable driving the roads of their neighborhoods again.

Please imagine this carnage going on in your part of West Virginia and then contact the delegates from House Judiciary Committee and demand that they be JUDICIAL! If you live in any of their districts, be sure to let them know you are a constituent. Members are Jon Amores (Chairman), Dale Manuel, Larry Faircloth, Mike Caputo (our champion), Tom Coleman, Kevin Craig, Joe Ferrell, Barbara Fleischauer, Roy Givens, Lidella Wilson Hrutkay, Ginny Mahan, Dave Pethtel, John Pino, Joe F. Smith, Sharon Spencer, William Stemple, Richard Thompson, Carrie Webster, Randy White, Mark Wills, Tim Armstead, Dale Riggs, Robert Schadler, Jody Smirl and Charles "Rusty" Webb.

Coal lobbyists want our sympathy as they destroy roads, bridges and lives while their CEO's rake in salaries and bonuses of MILLIONS of dollars. **Give me a break!** If you can't stay competitive while obeying the law, it seems like there's something wrong with your business plan. This is not Podunk Hollow anymore, boys. You are wearing us out with this sad, sad argument. Enough! **BAD DOG! BAD DOG! UNACCEPTABLE! PERIOD!**

Under The Dome.....continued from page 1

strict environmental regulations, the timber industry continues to whine that they can't afford ANY regulation at all.

Sen. Mike Ross (D-Randolph Co.) made that exact argument this week while pontificating against a provision of SB 431 that would have required loggers to file their logging plans with the State Division of Forestry three days prior to beginning their operations. The good senator even went so far as to attempt to relate the "economic hardships" facing loggers and farmers to the events of Sept. 11th.

And we'll hear much more of this sort of whining as more timber legislation is introduced in both houses and as currently proposed legislation begins to move. SB 431 which passed the Senate last week has been assigned to a sub-committee of the House Agriculture Committee. The sub-committee will take up the matter on Monday, Feb. 18, at 4:30 P.M.

Meanwhile, Senator John Mitchell (D-Kanawha Co.) this week introduced SB 564 which would give DEP and DNR officers the authority to write notices of violation and issue cease and desist orders when they encounter flagrantly bad timber jobs while performing their normal duties in the field. I'm sure we'll hear more whining about this, even though the Division of Forestry admits they are understaffed and can't inspect all the active logging sites in the state – even those that are registered.

So as the session heats up, we're going to hear more and more of this god-awful whining. You can count on it. I wish our elected officials could find the courage to put an end to it, to say "Enough is enough, already."

I, for one, am sick and tired of industry's "unmanly complaints."

"I fish, therefore, I am"

Don - the Troutguy - Garvin

Feature Lobby Team Member:

Conni Gratop Lewis

Like many people, I thought I had a normal childhood. There were no traumas, no fights, no extended bad times. There was respect for people who were different. Toledo is populated by lots of hyphenated Americans who like to celebrate their roots. Diversity is normal. Also, I spent a lot of time in quiet pursuits like reading. Dad went to work every morning and Mom was content to stay home. (Until the 70s-then she became a librarian) So it wasn't really normal, was it?

At a recent job interview I was asked to describe something that formed my character. That's easy: Girl Scouting. Ours was an active outdoor group and for city girls we got in a lot of camping, even backpacking. Did I tell you that I was the smallest girl in the troop and it was a challenge to keep up with girls who were at least 6" taller than me? I learned a lot: respect for the natural world and how to succeed when you're not supposed to.

Thousands of acres of city parks also helped form my outlook on the environment. I learned teamwork playing viola for eight years. It's not an instrument for people with large egos, since it rarely carries the melody and it's never the center of attention.

I learned about the rest of the world from books and my family's attention to current events and involvement in politics. Dad was an admirer of Robert Kennedy. My sister is a big Mike Moore fan. He's just another sensible Midwesterner you know.

After college at Ohio University in the late 60s, I married a Kanawha County native and let him return home. You know how it is when a West Virginian puts down roots. Actually his are deeper than almost anyone. Ray tells folks he's descended from the first white people to settle in the Kanawha Valley and live long enough to breed. We have one son, a college senior living in St. Louis. Ray and I now share our home with 5 cats and one box turtle who really likes bananas and fried chicken.

I began lobbying in 1990 for the Quakers. It was full time and volunteer and more fun than anything I had ever done. It was, as we say "a leading." I didn't think I would be any good at it, but I was drawn into it almost against my will. That I was successful beyond imagining the first several years was proof that God wanted me to do this work. Quakers generally believe that there is that of God in everyone and that we are all redeemable human beings. This belief forms the basis of my lobbying ethic and has served me (and West Virginia I trust) well over the years. There is also the matter of my Lutheran roots, which contribute to an overdeveloped sense of responsibility. My

continued on page 5

E-Day!.....continued from page 1

several displays, award presentations, a photo display and more!

The WVEC Board of Directors voted to re-name the "Grassroots Environmental Activist" award after Laura Forman in honor of her memory. Also, we've added a new one! The "Green Entrepreneur of the Year." West Virginia has so many sustainable/green initiatives and businesses, so we decided it's time we started recognizing them!

WVEC 2002 Award Recipients:

Mother Jones.....

Laura Forman (accepting for Laura will be Mike Forman, Laura's husband)

Laura Forman Grassroots Environmental Activist..... *Margaret Janes*

Chuck Chambers Public Service.....

Senator Jon Hunter

Linda Schnautz Environmental Courage.....

Pauline Hanson

Green Entrepreneur.....

Susan Sauter, Flying Ewe Farm

Please Join us on E-Day! to honor these recipients, bond with old friends, and meet new ones. Don't forget about the Fundraiser at The Empty Glass from 5:00 until 9:00!!!!

"Floods of Problems ~ Mountains of Solutions"

**E-Day! at the Capitol
February 22, 2002**

**Fundraiser: The Empty Glass
410 Elizabeth Street
Charleston, WV**

**Featuring "Blue John"
and "Big Rock & The Candy-Ass
Mountain Boys"**

Green Legislative Update

Lobby Team Member, Conni Gratop Lewis.....continued from page 4

current clients are CORL and the domestic violence coalition. Past clients have included the Lesbian and Gay Coalition. Safe Roads and Bridges and local health departments. I have been blessed to have such wonderful people to work with. Unfortunately, none of these groups are blessed with deep pockets. Oh well.

(Conni is the lobbyist for the Coalition for Responsible Logging -- CORL, and works closely with the WVEC lobby team. In fact, we consider her just a part of our team.)

Shameless Plea – a Rerun

“What? Not Again!!”

Yes, friends and fellow travelers, I'm baaaack. Back to remind you that the WVEC lobby team depends on your financial support. Actually, we TOTALLY depend on your financial support, and this year in particular we need your help more than ever.

By now most of you know that we have new and expanded expenses this year – new office space, more rent to pay, more phone and communications costs. And we have a really great lobby team again, a team that deserves to be paid something closer to a living wage.

So if you haven't sent us a contribution or renewed your membership, please do so today. And if you have already renewed, why not consider sending WVEC an additional donation?

You rely on the lobby team to represent environmental interests at the legislature and to keep you updated on what's going on. Please remember as well that the team relies on you.

*Don Garvin,
For the Lobby Team*

**"The truth is more important
than the facts."**

Frank Lloyd Wright

Photo From Rally Against Overweight Coal Trucks



"Greed, intimidation, callous disregard for life and laws and a heartless indifference to the well-being of the citizens and workers of the state have been pillars of the industry. It is time for the governor and the Legislature to put people before profit."

Bill McCabe, organizer with Citizens Coal Council

Oh, What a Valentine!

We received the biggest and sweetest Valentine you can possibly imagine this week from Hugh and Ruth Blackwell Rogers. Hugh and Ruth, everyone on the WVEC lobby team wants you to know that you will be our sweethearts forever! Thanks for all you do for the environment, and all you donate to the cause.

With love,

The WVEC Lobby Team

Bills Introduced This Week

Senate Bills

562	Sprouse	Jud	Domestic animal trapping
564	Mitchell and Rowe	Nat Res	Enforce logging sediment act
575	Snyder	Nat Res	Federally property species on property
576	Helmick, Anderson...	Nat Res	Nonresident Class E hunting licenses
577	Helmick, Anderson...	Nat Res	Defining crow as game bird
578	Craigo, Kessler...	Jud	Tax commissioner to share info with GIS
582	Plymale, Craigo...	Gov Org, Fin	Creating western highway authority
596	Sharpe, Kessler...	Fin	Establishing fees for surface coal mining operations
602	Wooton, Redd...	Nat Res, Fin	Authorizing reimbursement for emergency cleanup of water
604	Snyder, Bailey...	HHR	Rule on indoor smoking
605	Wooton, Redd...	EIM, Fin	Certification fee for Haz waste generators
609	Snyder, Oliverio...	Nat Res, Jud	Clarify criminal penalties under Solid Waste Management Act

House Bills

4322	Kiss, Varner...	Ed, Fin	Higher ed to provide money and property to corps for R&D
4456	Armstead, Harrison, Trump	Jud	Reducing tort awards
4481	Boggs, Yeager	Ag, Nat Res	Hunters and fishers- donations to feed poor
4485	Evans	Jud, Fin	Determining use by volume of surface water

Calendar of Events

February 22: 13th Annual WVEC E-Day!: "Floods of Problems ~ Mountains of Solutions". State capitol, Charleston. Displays open from 10:00 until 3:00 p.m. Keynote speaker, Dave Peyton. *For more info contact: WVEC office, 304-346-5905*

(Fun)raiser at: The Empty Glass, 410 Elizabeth Street, Charleston - 5:00 until 9:00 p.m. Music by: "Blue John" and "Big Rock & The Candy-Ass Mountain Boys". \$5.00 suggested donation.

February 25: The Last Great Wilderness Project multimedia presentation on the Arctic National Wildlife Refuge. 7:30-9:00 p.m. - Don Morris Room, Marshall University Student Center (Huntington, WV). Presented by film-maker and Arctic activist Jeff Barrie. *For more info: OVEC office 304-522-0246, or Judy Rodd, 304-345-7663.*

February 26: 30th Anniversary of the Buffalo Creek Disaster. Showing of two films by Mimi Pickering of Appalshop: "The Buffalo Creek Flood: An Act of Man" and "Buffalo Creek Revisited" - Alumni Lounge, Student Center, Marshall Univ. Huntington, WV.

March 9: "Propagation of Lavender, Cultivation & Harvesting" workshop. LaPaix Herb Farm, Alum Bridge WV. 1:00 - 5:00 p.m. Cost: \$15. *For more information: Myra Bonhage-Hale, lapaix@iolinc.net*

March 9: Legislative Session 2002 ends at stroke of midnight!

March 22: OVEC's Annual "Tree Huggers Ball", Calamity Cafe' located on Hal Greer Blvd. & 3rd Ave., Huntington. 9:30 till ? *For more info: 304-522-0246.*

March 26: UC Speakers Series: Erin Brockovich, speaker. University of Charleston - Geary Auditorium, 6:30 p.m. Free and open to the public.

April 13-14: West Virginia/Pennsylvania Wilderness and National Forest Planning Training & Volunteer Weekend. *For more information: contact Dave at WV Highlands Conservancy: 304-284-9548, or e-mail: daves@labyrinth.net.*

April 26: WV-CAG Annual Earth Day Fundraiser. Coonskin Park. Music, great food & drink and an auction. *To donate to the auction or for more information: Linda Mallet, 304-346-5891 or e-mail: linda@wvcag.org.*

April 29-30: Sustainable Tourism Conference. Flatwoods Days Inn. *For more information: Dave Bassage or Candice Shrewsbury - 304-926-3647.*

May 4: "Propagation of Culinary Herbs, Cultivation & Uses" workshop. LaPaix Herb Farm, Alum Bridge, WV. 1:00 - 5:00 p.m. Cost: \$15. *For more information: Myra Bonhage-Hale, lapaix@iolinc.net.*

May 24: Dr. Kevin Danaher with Global Exchange, speaks about the global economy. Charleston Unitarian Univ. Church, 7:00 p.m. *For more info: Linda at WV-CAG, 304-346-5891.*



Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301

Phone: 304-346-5905

_____ Renewed Membership

_____ New Membership

Membership Levels

_____ Change of Address

_____ Donation

Name: _____

_____ \$ 10 Student / Senior

Address: _____

_____ \$ 25 Regular

_____ \$ 50 Seedling

City, State, Zip: _____

_____ \$ 100 Sustaining

_____ \$ 250 Enviro Steward

Phone: _____ e-mail _____

_____ \$ 500 Canopy

_____ \$ 1,000 Old Growth

_____ \$ Other



All the Shades of Green
WV Environmental Council

Friday, February 22, 2002

13th Annual E-Day!

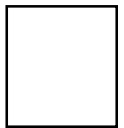
10:00 till 3:00, State Capitol

**"Floods of Problems ~
Mountains of
Solutions"**

Fundraiser: The Empty Glass

Live Music! ~ 5:00 till 9:00

*West Virginia Environmental Council
1324 Virginia St. East
Charleston, WV 25301*



First Class
Time Sensitive
Please Rush
Thanks!

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