



*West Virginia Environmental Council's*

# Green

# Legislative

# Update

*Published Weekly During West Virginia's Legislative Session*

Volume: 14 Number: 7

Date: February 21, 2003

## Under the Dome

*By Donald S. Garvin, Jr.  
WVEC Legislative Coordinator*

### Week 7 – Zoom, Zoom, Zoom . . .

Every time I hear that little “zoom, zoom, zoom” jingle in some car commercial I think of ATVs and pickup trucks and the newest West Virginia sport of “muddin”.

If you are in Buckhannon on a summer Friday or Saturday night, don't stop for gas at the local Sheetz unless you want to go to the carwash afterwards. The parking lot will be packed with vehicles that are so mud covered you can't tell the color of their paint.

Muddin' has become the latest craze in my small town. And every commercial you see for ANY four-wheel drive vehicle promotes their off-road use. Run those babies right through the mud, right down the middle of a stream.

### **Zoom, zoom, zoom.**

While most of the focus on the ATV bill this session (HB 2121) is on safety, for me these things are an environmental nightmare. Running them thoughtlessly off-road destroys riparian and wildlife habitat and puts a lot of mud in our streams (mud is sediment and sediment is pollution, folks).

Now I know that the ATV bill does not deal with the off-road use of these vehicles, but almost every version I have seen promotes off-road use by allowing them to be driven on roads and highways – the access needed to get off-road.

So while I do hope that the legislature finally puts helmets on the kids who ride ATVs, they also ought to prohibit their use on roads in and around our state parks, state forests, wildlife management areas and federal public lands, such as the Monongahela National Forest.

Get off that ATV . . . and take a walk to feed the birds.

*Green Legislative Update*

## Simple Benchmark Water Quantity Law?

*By Rick Eades*

### Apparently.....

- **The Bush Administration's power to open ALL U.S. water supplies to international treaties and exploding European Corporate interests - in March this year!**
- **Plus, West Virginia ominously being one of only two states east of the Mississippi with NO water quantity protection law!**

. . . .resulting in a straightforward draft of a couple of paragraphs that could lead to a basic water quantity law this session.

House leadership devoted legal resources, and now the Senate may review a draft and consider a simple law directed at establishing sovereign control of our water - before the Bush Administration potentially gives the green light for this incredible economic resource to be offered to non-sovereign interests.

For right now. . .

As we understand it, the preliminary draft language effectively says no more than, the waters of West Virginia are ours! And....our water resources will be governed and controlled by us...for use by our citizens and the future economic prosperity of our businesses.

In a sense, whether this bill actually comes to life is up to powers that already know it's importance, and would have to nurse it carefully through a very crowded calendar without missing a step. For right now, we have to hold our collective breath and hope that Leadership on both sides of the aisle have already decided to do this of their own volition.

*...continued on page 3*

*page 1*

## Dear Friends and Supporters of the WVEC

What a winter this has been, and perhaps not over yet! Some of our lobby team and office staff are experiencing difficulties familiar to our general membership, supporters, and readers of the Green—cold homes and dark nights without power, deep snow drifts, long lines at gas pumps and hazardous roads. Still, we persevere because we must, and because this is our time. We must do our best work during the Session—we can't put it off until later, no matter what the obstacles may be.

As you continue coping with whatever problems the weather is causing for you, please spare us a few thoughts, a few prayers, and—we hope—a few dollars. Your excellent lobby team is working diligently to protect and restore the health and beauty of our beloved state and her citizens, and to promote **healthy** and sustainable economic development. Like you, they need support, appreciation, and money (at least some!) to do their best.

Please remember your WVEC, and send whatever contribution you can. We need it now more than ever!

All our best,

Mary Ellen O'Farrell, *WVEC President*  
Lobby Team & Office Staff

## Please Join Us For E-Day!

This year marks our 14th anniversary for **E-Day! at the Capitol**. The first E-Day! occurred in 1990, one year after WVEC was formed. We (all those wonderful activists at the time) dubbed this "the birth of a movement." 1990 began "The decade of the Environment."

Chuck Chambers was the speaker of the House. Water wars were raging. Large Landfills were looming. There were "Groundwater Groupies" and "Garbage Guys."

The first communication to environmentalists across the state and beyond in 1989 was to the Groundwater Coalition, from Norm Steenstra (who had been hired to work on groundwater issues by David Grubb, founder of WV Citizen Action Group and its Executive Director at the time.)

A strong lobby presence followed, increasing over the years with WVEC lobbyists too numerous to mention here today. We will be writing more about these people, and our history in these pages however in the near future.....promise.

The first E-Day! in 1990 boasts Lois Gibbs as the Keynote Speaker. House Speaker Chuck Chambers received our first award, Mother Jones, and 500 citizen activists attended. So began the birth of a movement, and E-Day! was off to a grand start.

So here we are. Fourteen years down the road. Our environmental battles are many, some we never dreamed we'd be taking on in 2003. We would love to have hundreds of activists arrive for E-Day! So. Take the day off work. Skip class. Come to E-Day! You will be glad you did. Really!

### West Virginia Environmental Council 2002~2003 Board of Directors

Mary Ellen O'Farrell, *President*  
Mary Wildfire, *Past President*  
Fred Sampson, *Secretary*  
Linda Mallet, *Treasurer*

Julie Archer    Greg Carroll  
Doyle Coakley    Don Gasper  
Janet Fout    Chris Hogbin  
Jim Kotcon    Don Garvin  
Vince George    Denise Poole  
Cindy Rank    Laura Spadaro  
Tom Skergan    Bonnie Mallot  
John Taylor    Carol Warren  
Chuck Wyrstok    Frank Young  
Gary Zuckett    Bob Hamburg  
Chelena McCoy    Carmen Silliman  
Norman Googel    Bill Reed  
Chuck Silliman    Shelli Turner

Don Alexander  
*Web Site Coordinator*  
paradox@spectrumz.com

Chris Hogbin  
*E-Mail List Serve Coordinator*  
cahogbin@cs.com

**Legislative Update** is published by the West Virginia Environmental Council (WVEC), a statewide organization dedicated to facilitating communication and cooperation among citizens in promoting environmental protection in West Virginia. *Legislative Update*, is published weekly during the Legislative Session.

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

**Legislative Update**  
Denise Poole, *editor*  
deniseap@earthlink.net  
1324 Virginia Street East  
Charleston, WV 25301  
(304) 346-5905  
www.wvecouncil.org

# E-Day! At The Capitol

Tuesday, February 25, 2003

House & Senate Hallways ~ 10:00 am till 3:00 pm

## Participants/Displays Include:

WV Environmental Council  
Ohio Valley Environmental Coalition  
WV Highlands Conservancy  
Peoples Election Reform Coalition  
WV Citizen Action Group  
WV Environmental Institute  
Coalition on Responsible Logging  
La Paix Herb Farm  
Sustainable Development for West Virginia  
WV Herb Association  
Citizens For Clean Elections  
Spring Creek Natural Foods  
Coal River Mountain Watch  
Mountaineer Chapter ~ Trout Unlimited  
WV Department of Environmental Protection  
Interfaith Global Climate Change Campaign  
Healthcare Education Foundation of WV  
Coalition for Tobacco Free West Virginia  
United Natural West Virginia  
WV Sierra Club  
Stanley Heirs Foundation  
Tyler Mountain Community Association  
Tire Re-use Services, LLC  
WV Eco-Tourism Association  
Glennville State College GEO Students  
Friends of Blackwater Canyon  
Medicine Song Crafts  
Sierra Club Central Appalachian Environmental Justice

## 2003 Award Recipients:

**Mother Jones Award:** *Norman R. Steenstra*  
**Laura Forman Grassroots Environmental Activist:**  
*Judy Bonds and Janice Nease*  
**Chuck Chambers Public Service:** *Del. Mike Caputo*  
**Linda Schnautz Environmental Courage:** *Don Gasper*  
**Green Entrepreneur:** *Chip Chase and Laurie Chase,*  
*Whitegrass Touring Center*

## Reception & Fundraiser to follow:

### The Brick Cellar

1604 Washington Street East, Charleston WV

5:00 pm ~ 10:00 pm

2003 Award Presentations ♦ Fun Silent Auction Items!

♦ Refreshments ♦ \$5.00 suggested donation

*Dinner Buffet Available at an additional cost*

## Music by:

Steve Hill & Ammed Solomen

BigRock and The Candy Ass Mountain Boys

## Long Term Water Policy/Study On Tap

By Rick Eades

SCR 27, directing a year-long interim study to develop a Comprehensive Water Policy for West Virginia most likely will be taken up Monday in Senate Natural Resources. The House will apparently await action on the Senate side.

Senator John Unger has worked long and hard on this issue. He has brought heightened knowledge from years of watching Eastern Panhandle droughts and observing in detail the process neighboring Virginia is currently going through.

Senator Brooks McCabe also has had a longstanding interest in protecting this vital resource for West Virginia, and seems to clearly value our state's economic future and sovereign control of our water resources.

Sen. Unger crafted SCR 27, though some amendments may be considered in the committee from a separate draft Sen. McCabe apparently had been working on early in the session.

Effectively, this Resolution Train is out of the station. An array of interests will no doubt drive the engine from here, though our eyes will obviously be on this process to the end.

It seems all parties are currently on board with this resolution, from state agencies to industries to Legislative leadership.

## Simple Benchmark Water Quantity Law?

*continued from page 1*

The *only* constructive action I can recommend as we go to press might be:

- A gracious call to House Speaker Kiss thanking him (and Majority Leader Staton, and Judiciary Chairman Amores) for recognition of how critical this simple bill might be, and for his leadership's interest and commitment to contribute to the process, and;
- Asking folks you know from "non-environmental" interest groups that might have the ear of Senate President Tomblin to contact him, *if THEIR interests* would be served by moving such a bill.

# Economics and Auditing 101

By Rick Eades

**Overweight coal trucks (SB 583)** in the Senate EIM Committee leads to endless questions, but several that insult economic or enforcement sanity:

- In our economy, can we allow a weight increase to 126 tons to deliver DOH estimates of possibly **\$2.8 billion in roads and bridges damages – or roughly \$20 million dollars for every High School in the state of West Virginia?**
- Even if penalties for overweight violations were dedicated to road and bridge repairs (they are not), would the maximum penalty (\$10K penalty if 35+ tons above the 126 ton limit) be collected **280,000 times** to pay for the taxpayer costs?
- How is an insultingly low \$500 permit fee per truck that is going to a coal road repair fund going to pay for these road and bridge damages?
- As Senator Kessler noted other trucking companies have to post bonds, is there **zero bonds** for coal trucking operations to take care of road and bridge damages?
- Would cheaters dare to **cook the books** or alter weight records, given the allowance of 5 days notice to shippers before any record inspections?
- Would enforcement work best if all **weight shipping records are destroyed** except those of the most recent 3 months?
- Wouldn't Enron love these types of taxpayer paid provisions for repairing their damages, and the really tough records and inspections provisions?

Governor Wise rightly points out that extensive safety provisions have been gutted from the worst of last year's industry supported bills. By the way, the agency charged with enforcement and setting all permit, safety, and inspection rules didn't even show up to the committee meeting – even though every public road in West Virginia would also be opened up to 80 ton trucks!

EIM cancelled the re-scheduled meeting set for Friday, with Senator Sharpe announcing during the floor session that EIM will, "meet early next week sometime."

This coal industry bill has so many problems it's hard to believe anyone could embrace it. This bill sets the bar at it's absolute lowest, and promises the greatest expense to taxpayers and nothing in statute for the safety of our public roads.

Should SB 583 make it out of EIM, it would land in Senate Finance next.

# Slogging Down the Road .....to Clean Elections

By Janet Fout, OVEC

The road to Clean Elections is by no means a high-speed freeway, but little-by-little, this much needed legislation is gaining respect and scrutiny of the West Virginia legislature. And why shouldn't it? Elected officials currently have to spend a huge proportion of their time raising campaign contributions. This voluntary option will not only free them up to spend more time talking to their constituents about important issues, but also can help restore integrity to the political process.

Some may argue that in these times of budgetary shortfalls, the state can't afford to finance political campaigns. But let's face it. As taxpayers, we are already paying and paying and paying. Unfortunately, few regular folks are benefiting from the policies that are being enacted. Instead, our tax dollars are subsidizing those same special interests that finance campaigns (in 2000, fewer than 1/2 of 1% of all West Virginians contributed to legislative races).

For example, the Department of Transportation concluded it would take at minimum \$2.8 billion dollars over the next decade to repair the damage to roads and bridges caused by overweight coal trucks running illegally (a fraction of that amount could fund legislative races!). In 2002 the People's Election Reform Coalition, which tracks special interest contributions to legislators, found that during the special session on overweight coal trucks this summer, thirty-nine out of forty-seven legislators who favored an increase in coal truck limits received a total of \$100,243 from coal, while twenty-four of the forty-eight who opposed the limits received a total of \$14,695.

While some might argue that they wouldn't want their tax dollars supporting campaigns of politicians with whom they don't agree, as a taxpayer, I for one am tired of paying for mess after mess heaped on the state by a coal industry that has the idea it's somehow above the law.

This week, to our delight and their credit, the House Elections Sub-committee recommended to the full House Judiciary committee that The Clean Elections Act be put into an interim study committee. We hope that this will happen. The Senate Elections Sub-committee should take up the bill Tuesday or Wednesday of next week and will probably also recommend that the Act be studied during interims.

**Calls or letters to members of both Judiciary committees asking for an interim study would be helpful. Let them know that you support the West Virginia Clean Elections Act!**

**House Judiciary: 1 (304) 340 3252**

**Senate Judiciary: 1 (304) 357 7880**

# Bill....Hello....Bill.... Who Wrote The Bill!?!

By Chuck Wyrstok

For those of you with a “fondness” in your hearts for those coal lobbyist boys, you will like this.

At Wednesday’s Senate E.I.M. Committee meeting, coal (cleaner, greener, meaner) lobbyists Bill Raney, Chris Hamilton and apprentice Jason sat along the wall of the conference room with that “cat that just ate the canary” look. E.I.M. was about to take up their re-designed, slicker-than-slurry “Crush Thy Neighbor” coal truck bill.

Things started to fall apart right at the gate when Chairman Bill Sharpe asked for a representative of the Department of Transportation to come forward to speak. Nobody stood up. Nobody was there. Sharpe blustered about it...(like “how can we talk about 60 ton behemoths pulverizing your asphalt?!” he did not say)...and went on to the customary staff counsel to explain the bill.

As the details of the bill were unrolled, questions flew about enforcement and bills of lading. Counsel blinked more than once with uncertain answers, and with TV cameras rolling, finally threw a sideways glance toward the coal boys, looking for some support. But they remained uncharacteristically mute, leaving the lawyer swinging in the wind. More questions from committee slurried the waters. Sharpe got more irritated and vowed to get the DOT there for Friday’s meeting at high noon.

The TV and newspaper reporters cornered WVEC’s Rick Eades for comments, after which coal’s Bill Raney tried to make the best of it with his impression of a stoned robot.

Things had fallen apart. What would dubya do, he probably thought.

Finally, an astute reporter asked the obvious question, “Who wrote the bill?”. Raney hesitated momentarily...and unconvincingly replied, “I don’t know”.

Good people and angels everywhere snickered audibly.

## The Infamous ATV Bill

By Conni Gratop Lewis

As of Thursday evening, conferees had been appointed, lawyers had been meeting and everyone gathered for a 4pm conference committee meeting. About 25 people hoped to attend.

Suddenly there was a strange turn of events, and we were all informed that the committee would not meet and we'd try again Friday morning. Apparently, another glitch was found and needed to be fixed.

We shall see what happens. Meanwhile, those ATVs keep rolling where they will.

Green Legislative Update

## Treaty Breaking Coal Bills Still Alive

By Rick Eades

Coal’s “no more stringent than federal standards” bill (SB 480 and HB 2956) still looms. The WV Coal Association apparently will still attempt to break a range of deals and gut the West Virginia surface mining regulations developed and/or passed in large part by the Legislature – many of which were agreed to by the coal industry. These bills are still before Senate EIM and House Judiciary, respectively.

The WV Coal Association materials, accompanying the treaty-breaking bill on the Senate side, cited many provisions that Coal shamelessly want to eliminate from our state regs, including this short list:

- Contemporaneous reclamation rules – is Coal OK if future mining related flood damages and huge taxpayer costs result in budget hemorrhages for West Virginia?
- Postmining land use rules – well, coal did diddle squat to meet federal law for 20+ years (the unofficial 1977-1998 Coal Wasteland Creation Act) until federal court lawsuits forced Coal to *at least* pretend to propose post-mining land uses that are equal or better land uses, when the mountains are not restored to their original contour.
- Coal dam or slurry impoundment safety rules – maybe frequent washouts, scores of violations, expensive reclamation (\$7.5 million ripped from our state’s reclamation fund for one impoundment in Gary this year), and potential for millions of gallons of coal waste slurry gushing through our streams and backyards doesn’t warrant extra safety.
- Restoring material to the approximate original contour (AOC) of the land if no better post-mining land use is provided.
- Ensuring storm water runoff does not increase from pre-mining conditions, by constructing valley fills to prevent such horrors as the Lyburn valley fill disaster last year or the 49 other valley fill washouts in the past 5 years.
- Undoing the Consent Decree agreed to before Federal Judge Charles Haden.

When EIM committee members questioned the Coal Association about eliminating the Office of Blasting and the Office of Coalfield Community Development - which the Legislature devoted immense resources to creating - the Coal Association started backpeddling and effectively acknowledged that as the bills are written, those programs would be done away with. Jeez!

Still harping on how easy everything is in Kentucky, the Coal Association fails to admit that West Virginia was badly trailing Kentucky in tons of coal produced throughout most of the 1980’s. We caught ‘em and blew their doors off in the 1990’s and out-produce them dramatically now. Has it occurred to others that we might not *want* to follow the model of Kentucky’s coal industry?

page 5

# APPALACHIAN SPRING: A breakthrough is evolving

By Allan Tweddle, [allantweddle@bigplanet.com](mailto:allantweddle@bigplanet.com)

As I write this, I am enjoying for the umteenth time Aaron Copeland's uplifting and jovial work, Appalacian Spring. But did you know that it was renamed, by the distinguished American lady for whom, and to whom Copeland originally wrote it, named and dedicated the piece? Who was she, and what has that got to do with us?

This week I testified before the Education subcommittee that was considering our SB2961 "Turn It Off". The primary sponsor, subcommitte chairman Delegate David Perry of Oak Hill, (D Fayette County) commented how nice it was to have the E-Council presenting "AGAIN" a positive and pro-active piece of legislation. After I thanked him, a Republican member, in jest ( I hope) asked: "AGAIN??"

I stated that I would be happy to accept the compliment either way. It was a pleasant and cordial meeting. The questions were good, and all were answered to the members' satisfaction. The Sub committee UNANIMOUSLY voted the bill back to the committtee. And today, Chairman Mezzattesta placed it on the agenda for Monday at 9:30 for the full Education Committee.

Friday, we are meeting with the Senate Leadership to be sure that SB559/590 becomes one bill, and is passed out of Committee. In the Senate, there has been very positive response from Senators Oliverio (Monongahila) and Caldwell, (Mercer) the sponsors, as well as verbal kudos from the Minority Leader, Senator Vic Sprouse, (Kanawha) and Senator Boley (Pleasants).

We are excited, because we have the beginnings of a new image, one that says you can count on us for a positive a proactive approach to some of the State' problems. This positive bipartisan image will cast our team as an dependable resource for the legislature.

And like lady who renamed Aaron Copeland's Appalachian Spring, our voice will achieve new attention. For you see, even though it appears that our School Energy Bill will not make it this year, this developing prescedent with HB2961 and its new attendant image will enable us to gain even more ground....on energy conservation, green fleets, green

*Green Legislative Update*

energy. And we can show the Legislature how to save money by embracing these proven ideas.

Combine that with the brilliant work that Rick Eades has done on the HUGE water quality issues this week, we are on target, and as he would say, "on a roll". Not exactly time to celebrate yet.

There's still a lot of work yet to make these efforts successful, but the reception is very warm. A winter thaw is encouraging us to reach for the sounds of spring

So what appeared in the beginning of the session to be an impossible task is coming together. And hopefully we will make a few more tiny steps of progress in saving the beauty of Spring in our Appalacian Mountains that Copeland described, but Martha Graham named.

QUIDVIS RECTE FACTUM QUAMVIS HUMILE  
PRAECLARUM *Sir Henry ROYCE 1924*

## Some Good News on Environmental Rules

By Rick Eades

**HB 2603, which now has all DEP environmental rules wrapped into it**, passed House Judiciary and was on the House Floor when we went to press. Some battles may later loom on the Senate side on selected items (landowner notification for deep oil and gas wells, and surface mining rules top that list).

Surface mining rules for new valley fill construction, surface water runoff analysis and control, sediment pond improvements all were amended into the "Rules Bundle."

Delegate Virginia Mahan, who served on the interim rules committee and chairs the regular session House Rules Committee made the amendment. Note on the other side of the Legislative aisle, the Senate had not mentioned taken up any of these flood rules in any committee to date.

How good is the news? Judiciary Chairman Amores' committee voted unanimously to approve Del. Mahan's amendment, and include all these surface mining flood-related rules in HB 2603.

Hereafter, every DEP rule (regulation) before the Legislature is wrapped into HB 2603, including all the rules on air quality, water, mining, oil and gas, sewage sludge, etc.

*page 6*

# Save Counties from Managed Timberland Tax Abuses

By Conni Gratop Lewis

Senator Donna Boley has introduced a bill (SB543) to limit the acreage any landowner can claim as managed timberland to 1000 acres per county. This was mentioned a few weeks ago in these pages.

While the bill has not yet moved, there is growing interest. A meeting was held this week with Sen. Boley, the Wirt County commissioners, Vivian Parsons of the County Commissioners Association, and Mike Crane, Sen. Tomblin's attorney. Also yours truly.

The Wirt County representatives explained their plight, showing information verifying that in several counties the only entities affected by this bill are corporations like Georgia Pacific - not individual landowners.

In a few counties there are large family landholdings, but this is rare. No surprises there!

The bill might actually move if Senate Finance ever gets caught up on its work. As of Thursday, workers compensation is finally done. They still face the tobacco tax issue, medical malpractice is still in conference and some 80 other bills are in Finance committee.

## Reorganization

The governor's proposals to reorganize state government were not well received by the Legislature. It wasn't that the proposals were illogical or pricey to implement. It's just that, well, the Legislature thought some of the ideas silly. But the comprehensive bill did move the Division of Forestry to the Department of Environmental Protection. And we liked that.

Forestry is an extractive industry with environmental impacts, all too often negative ones. And therefore should be in an agency that regulates similar industries.

Currently it's in an agency (Commerce) that is about promoting business. The idea that forests are a renewable resource is appealing, but forests are only renewable when soil and water and air quality provide a healthy environment for trees. And that requires enforcement of standards - DEP's job.

While it is true that DEP has fallen short of its responsibilities, it is also true that that agency is better equipped to enforce any laws on the books. In any event, the original bill got no respect from the Senate. The Government Organization committee generated a substitute proposal that adopted two recommendations and assigned everything else to a study commission that will meet until the end of 2003. This is probably a better approach for the state as a whole.

# Bottle Bill - Just in the Nick of Time

Linda Mallet, WV-CAG

Just in the nick of time, SB 552 was introduced on Monday. Now we have bottle bill legislation in both Houses and it's time to get it moving. SB 552 is double-referenced to the Senate's Natural Resources and Finance Committees.

Please call your Senators and Delegates today and ask them to support the WV Container Recycling and Litter Control Act, SB 552 and HB 2926. There are lots of great reasons for a West Virginia Bottle Bill but remind your legislators that we are a state that relies on tourism and this 10-cent incentive to recycle would clean up our state and more than double our recycling rate. It would save you, a taxpayer, money on clean-up costs and landfill fees. If that's not enough, educate your legislators a bit. Here's how:

In West Virginia we use 1 BILLION containers each year. A 10-cent deposit on these containers raises \$100 million. With a recycling rate of 80%, \$20 million in deposit would remain unclaimed (tourists driving through the state, folks not wanting to redeem their containers, etc.). That's a lot of money for a state that has a \$250 million budget deficit.

For more discussion points and bottle bill facts, please see [www.wvcag.org](http://www.wvcag.org).

## Bad Bills Lurking In the Shadows

**HB 2717 (SB 214)** - this bill would create a new water quality board and take rule-making authority away from the current Environmental Quality Board. It's an awful proposal that would give the Secretary of Agriculture and the Director of the Division of Forestry a direct role in setting our state's water quality standards. The bill is currently in House Government Organization Committee and someone is pushing for its consideration. WV Rivers Coalition has requested a public hearing on the bill.

**SB 144** - "Flood Thy Neighbor" - this is Senator Ross' annual "recreational bulldozing" bill that would allow landowners to run heavy equipment in streams without a permit and without penalties. It still sits in a Senate Judiciary Committee sub-committee, chaired by Sen. Ross. He'll no doubt attempt to run the bill the last week of the session, just for fun and games.

**We will keep you posted on both these bad bills.**

## WVEC Bill Tracking List

House	FN	Sponsor	Title	Comm
2071	Y	Evans	Water Rights, Ag Gets First Dibs	Jud
2078	Y	Mahan	Deposits in Stream Fund Used Locally	Jud
2094	N	Caputo	Fish, Non-native Species Release and Stocking	Ag/NR
2188	Y	Mezzatesta	Remove Bond Cap on Coal Surface Mining	Jud
2241	Y	Cann	Tax Credit-Power Companies using WV Coal	Fin
2404	Y	Boggs	Water Grants, Possible Public Utility Grab	GovOrg/Fin
2528	Y	Beane	Establish Flood Task Force (Good)	Fin
2453	Y	Yeager	State Park Timbering at Construction Sites	Jud/Fin
2527	Y	Amores	Clean Elections Act (same as SB 158)	Jud Subcom/Fin
2653	N	Mahan	Oil and Gas Rules, Landowner Rights	Jud
2717	Y	Williams	EQB Water Rulemaking to New WQB (Bad)	Jud/GovOrg
2761	Y	Warner	Bottle Bill	Jud/Fin
2833	N	Brown	Notification to neighbors of timbering	AgNR/Jud
2870	N	Kiss	PSC "Power Grab"- Electric Generator Siting	Passed Jud - to floor
2880	N	Hrutkay	Underground Tank Fee Increase (DEP)	Jud Subcom
2881	N	Craig	Bond Release - Water Requirements (DEP)	Jud Subcom
2882	N	Craig	Mine Appeals – No Hardship Penalty Delays	Jud Subcom
2956	N	Frederick	Coal Gutting Environmental Regs	Jud
2961	N	Perry	Turn-It-Off School Bus Diesel Conservation	Educ
Draft		TBD	Energy Conservation in Public Schools	Leadership Review
Senate	FN	Sponsor	Title	Comm
144	N	Ross	Flood Thy Neighbor	Jud
158	Y	Hunter	Clean elections	Jud Subcom/Fin
214	Y	Ross	EQB Water Rulemaking to New WQB (Bad)	Jud/Fin
217	Y	Bowman	Beneficial Sludge	NR/Fin
249	Y	Ross	Oil and Gas Rules, Landowner Rights	EIM/Fin/Jud
335	Y	Ross	Haz Waste Management (same as HB 2669)	NR
339	Y	Bowman	Flood Task Force	GovOrg
340	N	Bowman	Flood Plain Management/Restrictions	GovOrg
422	N	Chafin	PSC-emergency powers	Jud
451	N	Tomblin	PSC "Power Grab"- Electric Generator Siting	Jud
HB2121	N		ATV Bill (Amended House Subcom Substitute)	Passed Senate 2/7
480	Y	Snyder	Coal Gutting Environmental Regs	EIM/Fin
SCR 27	N	Unger	Conduct study of water quantity laws	TBD
583	Y	Chafin	Overweight Coal Trucks	EIM

**Selected Rules (regs): All bills have now been "bundled" into one: Rules 2603**

FN = Fiscal Note; Comm = Committee refs.

Call 1-877-565-3447 (Legis Services) for Comm Members list

Online bills at <http://www.legis.state.wv.us> (clicks on Bills icon; choose House or SSenate)





# Calendar of Events



**February 25:** WVEC Annual E-Day! at the Capitol, Senate & House halls, state capitol, Charleston WV. 10:00 ~ 3:00. Organizations, groups, eco-friendly business displays and other activities planned. Lobby your legislative representatives!

**For more information and to reserve display area**

**contact:** Denise Poole, 346-5905 or deniseap@earthlink.net.

**February 25:** Annual E-Day! WVEC Reception/ Fundraiser. **The Brick Cellar**, 1604 Washington Street East, Charleston. From 5:00 pm till 10:00 pm. Stop by after E-Day! at the Capitol.....Music provided by Steve Hill & Ammed Solomen and Big Rock & the Candy Ass Mountain Boys! Refreshments, Award presentation, Silent Auction items. Buffet available at an additional cost. *Suggested Donation: \$ 5.00 at the door.*

**For more information:** Denise Poole, 346-5905 or deniseap@earthlink.net

**February 27:** Appalshop documentary "Coal Bucket Outlaw", by Tom Hansell. Begins at 7 pm in the John W. Eye Conference Center - Mountain State University, Beckley, WV. Free Screening - Discussion to follow.

**February 28:** Book Release Party with Denise Giardina. Taylor Books - 226 Capitol Street, Charleston. 6 ~ 8 pm.

**March 8:** Last Day of Legislative Session. Stay tuned for up to date information from the capitol, and any environmental legislation active till the stroke of midnight!

**March 21-23:** Spring Equinox Weekend. Opossum Creek Retreat in Fayette County. Sponsors: Natural Lifeways Inc., United Natural WV, WV Eco-Tourism Assoc. & Opossum Creek Retreat. **For more information:** John Williams, 269-7902

**April 19 & 20:** Stanley Heir's Foundation 14th Year Easter Kick-Off Celebration! Kayford Mountain. Picnicing, Easter egg hunt and more. Open to the public.

**For more info & directions:** Larry Gibson, 542-1134.

**April 26:** "Artists for the Environment" Fundraiser. Perfater Law Office lobby ~ 1311 Virginia Street East, Charleston. From 1:00 ~ 7:00 pm. Artists from around the state are donating their talent in support of WVEC! Items for sale; Silent auction of artwork; Live music; Poetry; WV Wine & Home Brewed beer; Refreshments; Raffle drawing for Mark Blumenstein sculpture! Join us for this post-Earthday event - support the Arts and the WV Environmental Council's environmental efforts!

**For more information or to participate contact:** Denise Poole, 346-5905 or deniseap@earthlink.net.

**October 17-19:** West Virginia Herb Association Fall Conference, "Wisdom from the Herb Garden: An Introduction and Beyond." Jackson's Mill in Lewis County WV. Keynote speaker: world renowned ethnobotanist, herbalist, and author of THE GREEN PHARMACY, Dr. James A. Duke. Culinary, Medicinal, Growing and Hands-on Craft sessions also offered.

**For more information:** WVHA website, [www.wvherb.org](http://www.wvherb.org). or contact Dot Mongillion (304-269-6416) [smokecamp@iolinc.net](mailto:smokecamp@iolinc.net) or Laura Yokochi (304-782-3190) [lyokochi@aol.com](mailto:lyokochi@aol.com).



---

## Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301

Phone: (304) 346-5905 Fax: (304) 414-0629 [www.wvecouncil.org](http://www.wvecouncil.org)

Renewed Membership       New Membership  
 Change of Address       Donation

### Membership Levels

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

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

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

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

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

# The West Virginia Environmental Council's E-Day! At The Capitol

Tuesday, February 25, 2003

House & Senate Hallways

10:00 am ~ 3:00 pm



Featuring:

Groups, Organizations & Green  
Business Displays!

Recognizing our 2003 Award Recipients  
Citizen Lobbying ~ Press Conferences

Reception & Fundraiser to Follow from 5:00 till 10:00 pm:

**The Brick Cellar** ~ See details Inside!!!

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



First Class  
Time Sensitive  
Please Rush  
Thanks!

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