



# 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 8 – Whine, Whine, Whine

After six years lobbying the legislature, I thought I'd heard it all.

But this week the West Virginia Coal Association twice rose to new heights of the political absurd. And they did it each time with a straight face.

The first incident occurred during what looked like it would be fairly routine consideration by the Senate Judiciary Committee of SB 756, a bill sponsored by DEP (and backed by the Governor) that would have established a voluntary program for the reporting of greenhouse gases.

As is the custom, DEP Secretary Stephanie Timmermeyer explained the program to the committee. She said it would provide an inventory by industry of all emissions, reductions and carbon sequestration of greenhouse gases. And she told the senators that it would create a *voluntary* registry for the reporting of *voluntary* reductions of greenhouse gas emissions if the reductions are made before they are required by law, and it would provide consideration of these reductions to the benefit of the reporting industries under future federal greenhouse gas emission reduction programs.

While the Secretary fell short of saying to the committee that global climate change was reality and already occurring, she did tell the committee that future federal regulation of greenhouse gases was a certainty.

And she told the committee that SB 756 was an "agreed upon" bill. Companies like Dupont and AEP agreed with the need for this legislation, she said.

That's when coal lobbyist Chris Hamilton walked to the podium. He told the committee he was speaking on

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## Is West Virginia Ready ... ... For Renewable Energy?

By Allan Tweddle, WVEC Lobbyist

On the bridge from the Senate offices to the main building, and then later in a crowded corridor on the Senate side, I had interesting conversations with two Senators. I queried why they voted against the greenhouse gas bill which died as a result. The bill asked for voluntary reporting by those who are emitting Green House Gases (GHG's) and currently keeping records.

The first Senator said he couldn't because he didn't believe the science! He stated that no one has used a [rigorous] "scientific method" to prove that global warming exists! Exxon says the same thing.

When I suggested that the evidence is pouring in from independent scientific sources, from all corners of the globe...reporting the accelerated melting of Greenland's ice pack, the Antarctic calving of the ice cap, rising ocean levels, increased famine and drought, cooling and shifting of the Gulf Stream...he answered "Where's the proof?"

The second Senator stated that, while he thought that there was ample evidence to justify the fears of global climate change, he was more afraid of what he might do to West Virginia jobs in the coal industry if he voted for the bill. Of course, that came after Coal Association's Chris Hamilton challenged the Judiciary Committee that *he didn't want the committee to know* what might be happening because of all the GHG's that coal burning power plants are emitting.

Ironically, I was talking earlier that day in the lower well to a chap who is involved with the study of bats. We talked about the bat deaths at the Tucker County wind farm.

While he was quite concerned about the deaths, which

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## Last Legislative Update This Session

**Readers** ~ This is the last issue of our 2006 *Legislative Update*. The session ends on Saturday, March 11th at midnight. We will continue to send out action alerts, bill tracking updates, and post pertinent information on WVEC's website.

**Please watch** your e-mail "in box" for those all important WVEC action alerts coming your way through Don Alexander, our e-list serve coordinator.

**Check our website regularly for all newly posted items.**

**The next publication** will be the 2006 *Legislative Wrap Up* newsletter, at the conclusion of the session - after "the dust settles" and we know the outcome/fate of all legislation working its way through the house and senate. Keep an eye out for this issue in April.

**Our regular quarterly newsletter, GREEN** (Grassroots Environmental Effort Newsletter) will be published in the spring, summer, fall & winter.

### Special Nod to WVEC Volunteers & Lobby Team!

Let's give a special round of applause to everyone who has been taking time to help out during the session with so many things ..... of course each Friday dedicated folks turned up in the office to help put together *Legislative Update* - thanks to **Julian Martin, Mary Ellen O'Farrell, Greg Caroll, Sandy Fisher, Bob Hamburg, Regina Hendrix**. And our lobby team members usually pulled double - no, make that triple - or quadruple! (at least) duty and came in just to be sure it went out - special applause to **Julie Archer, Ted Boettner, Allan Tweddle & Don Garvin**. These folks work all day every day at the capitol, then write their articles and still stay till the end to see this through.

**Chuck Wyrostok**, our Outreach Coordinator (and your Vice President!) has been working half-time during the session, including every Friday, coming in to do "whatever is needed" - and especially proof-reading the newsletter before the final copying .... and of course, also staying till its completely done! Thanks Chuck!

**Don Alexander**, our E-List Serve Coordinator, has been consistently there to send out *Update* to our e-list members & posting them on our website, sending out action alerts & notices - all within a short turn around time. He is available non-stop during the session not knowing exactly when anything may be coming his way. Thanks Don!

Our "Legislative Kick Off Blast" and "E-Day" festivities would not have been the same without all the energy and endless details provided by **Chuck Wyrostok, Greg Carroll, Linda Frame, Missy Wolverton, Sheila McEntee, Mary Ellen O'Farrell, Abby Chapple, Mike Forman, Bob Hamburg, Mary Wildfire, Mary Ann Maul**.

**Paul Perfater**, who always allows us to descend upon his law building space for our events every session - and this one was no exception. We really can't thank you enough! But we'll keep trying .....

Thanks to musicians **Steve Himes** and all the **VooDoo Katz** for once again working their magic and making our events this session so much more enjoyable!

I personally really appreciate all you do for WVEC and beyond everyone - you've certainly made my part in this session so much easier,  
*Denise Poole, Update editor / Program Coordinator*

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### Legislative Session 2006 Information Sources:

#### **Legislative Reference & Information Center:**

MB-27, Bld. 1 - State Capitol Complex, Charleston WV 25305

**WV Legislative web-site:** [www.legis.state.wv.us](http://www.legis.state.wv.us)

(For bill tracking, bulletin board (journals), legislators' e-mails.)

**To Call Toll Free:** 1-877-565-3447 or local Charleston area: (304) 347-4836

**WV Environmental Council Web-site:** [www.wvecouncil.org](http://www.wvecouncil.org)

**Ohio Valley Environmental Coalition:** If you want to easily get the latest news during the legislative session, check

[www.ohvec.org/ovec\\_news.html](http://www.ohvec.org/ovec_news.html) and [www.ohvec.org/news\\_gen.html](http://www.ohvec.org/news_gen.html) daily.

Every morning, OVEC checks scores of news sources and post links to make it easier for you to stay informed.

*Green Legislative Update*

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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 to:

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## Under The Dome ... cont. from pg. 1

behalf of the WV Coal Association and the United Mine Workers of America. The UMWA lobbyist remained in the hallway outside the committee room during the meeting.

“This is the worst piece of public policy the Legislature is considering this year. This is a disaster for the coal industry,” Hamilton whined.

He told the committee that West Virginia would be the first state to implement such a program. Actually, Chris, 26 states already have similar greenhouse gas inventory programs.

Hamilton then amazingly went on to detail to the committee just how big a problem greenhouse gases are for the mining, production and burning of coal. An inventory program can only lead to regulation, he said, which would shut down the coal business.

So there it was. Out in the open. The Coal Association was admitting to the committee that the mining and burning of coal was a significant contributor to greenhouse gas emissions, but it doesn't want the state or the public to know how much of a contributor coal is.

Apparently most of the senators don't want to know either, because they voted the bill down on a voice vote. Industry's whining worked again.

I couldn't help but sympathize with Secretary Timmermeyer sitting there in the committee room with a stunned look on her face. But she should not have been surprised. Coal's opposition to the state and the public having information about the industry is simply business as usual.

However, later in the week the other well-known Coal Association lobbyist, Bill Raney, was not to be outdone by his younger compadre, as he attempted to shepherd through the Senate a huge tax break for coal company expenditures on mine safety equipment.

Talk about bravado. The state should reward coal companies for doing what the law requires them to do in the first place — provide for the safety of coal miners? Like it's not the legal and ethically moral thing to do in the first place?

Amazing.

Fortunately, because it was late in the session, there were not enough votes on the Senate floor to suspend the rules to pass the legislation.

But don't worry. The whining will continue. After all, in West Virginia Coal is still King.

It's a jungle out there.

Yesterday it was 74 degrees in Charleston. Today it is 34 degrees and snow is in the forecast. So remember to keep those bird feeders full.



## Is WV Ready? ... cont. from pg. 1

were more than anyone had anticipated, and that they were still trying to understand them, *he went on to say that wind energy must have a place in the future energy mix for all the Eastern US because we must stop the emission of GHG's from burning fossil fuels...because that is **killing bats, humans and the planet alike!***

What a contrast. Politicians who are beholden to coal interests *ignore* our health interests...so entrenched in a coal culture that renewable energy is an overwhelming threat to jobs and security of the severance tax revenues. A scientist who is interested in bat deaths due to wind turbines is *more interested* in our health interests and the important energy mix of the future in West Virginia.

When it comes to renewable energy, environmentalists can't even agree to disagree. We have divisive, strident voices even among ourselves. We can't seem to get beyond the “either/or” and “all or nothing” mentality on all sides.

Are we ready to embrace renewable energy, even flawed or embryonic technology to start being responsible about GHG's and global climate change? Do we not see that every other state around us is embracing renewable energy portfolios (REP's), and is enthused about the expansion of jobs and new businesses that will result? Can we not understand, as those other states do, that having an REP will even help us **sell coal energy** to those customer states where we **now export the bulk of our energy?**

**Can we not see what energy of the future is?** We and our partners in E-Council are committed to implementing a comprehensive energy plan that includes renewable energy of all forms in the belief that we are preparing West Virginia to meet the future...not live in the past.

Do we stand alone?

## Public Health Impact Assessment

**SB 663** would have required the Department of Health and Human Resources to prepare a “Public Health Impact Assessment” on any new rule proposed by the Department of Environmental Protection, and would have required the DEP consider these assessments in its rulemaking process.

Even though this bill was not taken up by committee and therefore will not advance this year, we want to thank Senator Dan Foster for introducing it on behalf of WVEC. We are already discussing with the good Dr. Foster how to proceed with this bill next year.

# Reform Only When Corruption Prevails?

By Julie Archer, WVEC/WV-CAG

We are disappointed that the WV Public Campaign Financing Act did not make it back onto the Senate Finance Committee agenda this week, however, we can take pride in the continued progress we've made in advancing the Clean Elections this legislative session. The Finance Committee got its first real exposure to the concept, and Chairman Walt Helmick is on the record as saying that campaign finance reform will be given serious consideration next year. We will definitely come back to the legislature with a bill next year and we need to hold Senator Helmick to taking it up.

In the meantime, we thought you might be interested in an "insiders" take on the Vermont spending limit case currently before the Supreme Court. Like Maine and Arizona, Vermont has public financing, which it implemented along with contribution limits ranging from \$200 for Vermont House races to \$400 for statewide races and strict mandatory spending limits. These limits have so far been upheld by the lower courts. The Supreme Court's decision is expected in June. Here are some excerpts from a National Voting Rights Institute E-News Update:

Vermont's comprehensive campaign reforms came in for hard questioning in the U.S. Supreme Court [Tuesday], but the Court arguments only underscored the fundamental values at stake: the belief that government must be responsive to voters, not to moneyed interests that fund campaigns; that elections must be open to broad participation and competition, not controlled by massive campaign war chests that leave so many elections effectively uncontested; that elections should be about finding the best representative, not the best fundraiser.

Debate over these values was on display in much of the questioning, such as Chief Justice Roberts' suggestion that Vermont should not be permitted to enact reforms aimed at deterring corruption because the state has had no bribery convictions. Regardless of bribery convictions - which the Court never before has required as a precondition for campaign finance regulation - Vermont has seen extremely disturbing examples of how the need for campaign cash compromises the independence of officeholders. For example, the Vermont Senate President refused to sponsor a food-labeling bill, even though he agreed with it on the merits, because "I can't afford to

lose the food manufacturer money." If these and other troubling examples of money-driven decision-making are insufficient, the result will be a true Catch-22 for campaign finance reform: a state will be permitted to enact reforms only if it is so permeated by corruption that there is virtually no possibility it will enact the reforms in the first place.

One revealing point in the argument came when Justice Stevens asked James Bopp, the attorney for Vermont Right to Life, whether he was arguing that the Constitution entirely forecloses campaign spending limits, regardless of how strong the evidence demonstrating the need for them. His answer was "no," and indeed a number of the Justices appeared to agree. If so, the terms of the debate clearly have shifted from the assumption that Buckley automatically invalidates any limit on candidates' campaign spending, a shift reflecting over a decade of efforts by NVRI and its allies seeking to revisit the issue.

For more information on NVRI and the Vermont case visit: [www.nvri.org](http://www.nvri.org).

## St. Marys Refinery Meeting

DEP has announced that an "informational meeting" has been scheduled to discuss cleanup progress at the St. Marys Refining Company site in Pleasants County. The meeting is set for 6:30 p.m. on March 23 at the Pleasants County Public Library in St. Marys.

Representatives from the West Virginia Department of Environmental Protection and the U.S. Environmental Protection Agency will be on hand to present information and answer questions about the refinery site. Several projects are under way, including corrective action at the former refinery site, the voluntary remediation cleanup where the city's wastewater treatment plant is scheduled for construction, and DEP's environmental enforcement investigation into pipeline leaks and riverbank contamination.

Since 1997, DEP and EPA have been working with Shell Lubricants to determine the extent of groundwater and soil contamination as a result of the production of petroleum products. The refinery is no longer in operation. Shell Lubricants is currently working to clean up the 70-acre property and monitor groundwater at the site.

An information repository is maintained at the Pleasants County Public Library. Information can also be found on EPA's Web page at [www.epa.gov/reg3wcmd/correctiveaction.htm](http://www.epa.gov/reg3wcmd/correctiveaction.htm).

# "Coal Resource Transportation System" ~ Coal Trucks

By Julie Archer, WVEC/WV-CAG

Although it's been a while since you've read about coal trucks in *Legislative Update* or *GREEN*, some issues never really go away. Many of you undoubtedly remember back to 2002 when WVEC joined forces with West Virginia Citizen Action Group, Coal River Mountain Watch, the Ohio Valley Environmental Coalition, the United Mine Workers and others to defeat a bill to raise coal truck weights.

This ad hoc coalition scored a major victory during the July 2002 special session when truck weight increase opponents passed an amendment offered by Delegate Mike Caputo that struck down Governor Bob Wise's proposal of an increase to 120,000 pounds for West Virginia coal trucks. The suspense was incredible and it was coal's most visible defeat in recent memory.

Unfortunately, our victory was only temporary. The coal industry continued to call for a near **doubling** of the legal limit on coal trucks, some of our legislative allies were defeated in the 2002 election. During the 2003 session, the legislature passed and Governor Wise signed a bill raising the legal weight limit for coal trucks to 126,000 pounds. The bill authorized the Department of Highways to designate any roads in ten southern coal producing counties and specified routes in eight other counties into the "Coal Resource Transportation System" (CRTS). Since the bill's passage, coal companies have returned to the legislature each year seeking to have additional roads incorporated into the system.

In order to slow down the expansion of the CRTS and open the process up to public scrutiny, in 2005, the UMWA successfully lobbied for the creation of a committee to approve the designation of additional coal resource transportation roads. The committee is comprised of the Commissioner of Highways, the Superintendent of the State Police and three representatives appointed by the governor - a coal industry representative, a representative from the UMWA and a representative "from the largest citizen action group." I have been appointed by Governor Manchin to be the "citizen action group" representative and pending confirmation by the Senate next week.

The Coal Resource Transportation Designation Committee (CRTDC) held its first meeting, slated to be an organizational meeting, earlier this week. Late last week I

received a letter from an attorney for United Coal Company asking the committee to hear the company's petition to incorporate a portion of several routes in Randolph County into the CRTS at this meeting. I wasn't exactly surprised by this request – what I interpreted as a request from the company to circumvent the designation process contemplated in the law. Typical coal company, I thought, thinking they are somehow above the law. I wasn't exactly surprised, but I was pissed.

Over the weekend I spent some time crafting a response letter, making it clear that I felt that the attorney's suggestion that we forgo the various steps of the designation process, which include conducting a public hearing in Randolph County, was without merit, not to mention a dereliction of our duties and responsibilities, as well as premature given that those members appointed by the governor have not yet been confirmed. Anticipating the worst, imagine my relief when there was no serious attempt at the meeting to fast track or push through any designations.

While I have no way to know whether or not my initial response to the companies request had any impact on the outcome, I came away from that first meeting feeling confident that I had made my position clear and that at least the designation process prescribed in the law will be followed. At the same time, I find the responsibility associated with my duties as a committee member somewhat daunting. I also feel conflicted about my role in a process that may be only delaying the inevitable – allowing more dangerous, overweight – though technically legal – coal trucks on even more West Virginia roads.

## Bottle Bill Hits Special Interest Wall

SB 136, the WV Container Recycling and Litter Control Act, was reported out of subcommittee this week, and the full Senate Judiciary Committee voted to send the bill to Senate Finance with recommendation for passage and for another study resolution during Interims.

While having the bill get closer scrutiny is certainly our goal, we were in this same position last year with the promise of a study that never came. Facing strong opposition from the likes of the beer and soft drink industries, which apparently have money to burn, this legislation is being blocked by enormous greed and self-interest.

So it goes. We are going to work hard to get the Bottle Bill studied during the Interims.

# Mountaintop Mining Comes To A Head

By Dave Peyton, davepeyton@davepeyton.com.

(This article is excerpted from the *Charleston Daily Mail*, March 03, 2006)

It's a topic in the current issue of "National Geographic" magazine. You'll also find stories about it in recent issues of "Grist," "Orion," "Waterkeeper" and "E-Magazine," among others.

On March 11, the South Charleston Museum premieres a documentary about it.

Later this year, a Marshall University symposium will feature a discussion of it among regional writers.

And a recently published book, "Missing Mountains," is a collection of poems, essays and more about it.

What is it? Mountaintop removal mining in Appalachia.

The practice of taking the tops of our mountains off to get to rich coal seams is either the glue that holds this region's economy together or the practice that's destroying all that's special about Appalachia and its culture.

Environmental groups that have had only limited success in throttling the method of coal-mining are apparently turning to various popular media for help in getting the word out about how mountaintop removal mining is not only changing the Appalachian landscape forever, it's altering the culture as well.

It has always seemed ironic that folks all over America have raged against the possibility of oil drilling for oil in the Arctic wilderness while virtually ignoring what removing the tops of the oldest mountains in North America is doing to the great East Coast wilderness and the people, plants and animals who live there.

Now it appears that those who print magazines and books and those who make movies are turning their attention to what mountaintop removal is bringing to the mountains. The expositions in the media are quietly being assisted and encouraged by environmentalist groups in Kentucky and West Virginia.

The reason is simple. They believe if folks across the country are exposed to what the practice is doing to Appalachia, they'll put pressure on lawmakers to change the way coal operators scalp the mountains to get to the coal.

These groups are sponsoring trips to mountaintop removal sites for those who write and make movies about

the issues. These creative folks are introduced to the people who live in the mountains, many of whom claim their ways of life have been forever changed by mountaintop removal.

These groups, who have had only limited success in getting mining laws changed, hope that the books, magazine articles and documentaries will get them mountains of support from voters nationwide, and that people who are concerned about drilling oil wells in the Arctic, global warming and a dozen other environmental issues will become educated about removing the tops of mountains in Appalachia.

Once they are educated, environmentalists believe, they will become vocal about the practice and that will translate into national legislation.

Meanwhile, the tree-huggers must be aware that the coal companies won't take it sitting down.

They'll continue to spend money on their message: Mountaintop removal is good for Appalachia. It's the backbone of central Appalachia's economy and without it, there would be no future for the region and its people.

This fight has been going on for nearly 30 years, but it appears as if an escalation has begun. Environmentalists have vowed to make it a national issue, and the coal companies have accepted the challenge.

It's clear that some interesting days are ahead.

## Shamelessly Shameless Plea

OK, folks, the lobby team is workin' damn hard here at the Legislature, and the session is almost over, and some of you haven't renewed your membership yet. What's up with that??

Surely you know and appreciate that we are YOUR voice for the environment at the Capitol. Surely you realize that the lobby team has serious medical expenses to cover after doing battle with the likes of the Coal Association and the Chamber of Commerce day in and day out.

Surely you meant to send us your renewal or an additional contribution, but you have just put it off or forgotten.

Seriously, folks, we do need your financial support to maintain our legislative presence. And we thank those of you who have already thought of us.

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

## **Anti-Wilderness Resolution Sent To Sub-Committee**

Due to lots of pressure from phone calls and e-mail messages placed by our members - and especially from members of the groups that comprise the WV Wilderness Coalition, Senate Natural Resources Committee chairman John Pat Fanning removed SCR 13 from the committee's agenda last week. This is a terrible resolution that urged the U.S. Forest Service not to propose any new wilderness areas in the Monongahela National Forest.

Hopefully, that's the last we will hear of SCR 13.

## **The Sludge Bill**

Our sludge safety bill (HB 4583) was introduced last week in the House of Delegates and sent to the House Judiciary Committee upon introduction.

House Judiciary Chairman Jon Amores has told us he will not consider putting the bill on the agenda, or schedule a public hearing. But he has agreed to move forth with a study resolution on banning sludge impoundments and injection and the alternatives that exist. The House study resolution was drafted by Delegate Larry Barker, who has been a real champion on this issue.

Senator Jon Hunter has also introduced a study resolution (SCR-49) that would study sludge impoundments and mining subsidence. The good news is that both of these resolutions can move out of committee and onto each floor anytime before the legislative session ends.

We will keep you posted on the progress of these resolutions.

## **Clean Elections Dead Again**

The WV Public Campaign Financing Act (SB124) has suffered another inglorious death in the Senate Finance Committee, in spite of all the diligent lobby work by Julie Archer and Si Galperin.

The bill was on the committee's agenda last week so members could hear testimony from Todd Lang, the executive director of the Citizens Clean Elections Commission in Arizona, one of the nation's pioneering Clean Elections states. However, there was no discussion of the West Virginia legislation by the committee, and the

bill was not put to a vote.

The bill's major stumbling block is Finance Committee chairman Walt Helmick, who opposes public financing of election campaigns. By all the counts we can come up with, there are at least 10 votes in favor of our bill on the committee, more than enough for passage.

Will another study resolution help this bill? Who knows.

## **Compromise Reached on Mercury Rule**

On Friday, Feb. 24, the House Judiciary Committee unanimously adopted a strengthening amendment to DEP's proposed rule for regulating mercury contained in air pollution — Rule 45-CSR 37 (SB 316 and HB 4140). The amended rule was then "bundled" with all the other DEP rules and was passed as a package by the House this week.

The Senate Judiciary Committee will take up the rule package next week before it is taken up by the full Senate. We are working hard to insure the Senate concurs with the House amendment.

Mercury is a highly toxic, persistent and bioaccumulates in the food chain. There is a fish advisory recommending that individuals limit their consumption of fish caught in every West Virginia stream due to the high levels of mercury. Most mercury is emitted from coal fired electric plants. DEP had proposed adopting a controversial Bush administration EPA rule, a weak regulation for governing mercury emission. The regulations would, at best, require a 43% reduction in mercury by 2010 and a 77% reduction by 2018.

The House Judiciary Committee, however, had second thoughts. They have adopted an amendment that will allow the weak regulation to go into effect, but also requires DEP and the Bureau of Public Health to conduct a study of the potential human health risk from mercury. DEP is also required to examine the availability and cost of technologies to limit mercury emissions. If DEP determines that West Virginians are exposed to potential health risk due to mercury contamination, then DEP is to submit a new rule to the legislature next year requiring reductions in mercury emissions "more stringent" than the federal EPA rule.

" Think Renewable Energy"

# Bills We Are Tracking

<u>Bill Number</u>	<u>Title</u>	<u>Committee</u>
<b>Senate Bills</b>		
SB 7	Establishing Flood Protection Planning Act	<b>Passed Senate – to H Finance</b>
SB 52	Redefining “managed timberland”	Dead
SB 59	Requiring notice to adjoining landowners of timbering operations	Dead
SB 62	Providing tax incentive to nonresidential owners of managed timberland	Dead
SB 106	Creating West Virginia Regulatory Flexibility Act	Dead
SB 124	Creating Public Campaign Financing Act	<b>Died in Senate Finance</b>
SB 136	Creating Beverage Container Recycling and Litter Control Act	<b>Finance – Study Resolution?</b>
SB 153	Establishing Jobs Impact Statement Act	Dead
SB 206	Relating to floodplain management and flood debris cleanup (also SB 207 and SB 208)	<b>Passed Senate – to H Finance</b>
SB 247	Creating Mine and Industrial Accident Rapid Response System	<b>Signed by Governor</b>
SB 278	Creating office of State Energy Coordinator (Chamber of Commerce bill)	Dead
SB 302	Voluntary Farmland Protection Program Rule	House Rule Bundle
SB 352	State road rights-of-way and adjacent areas Rule (Coal Haul Roads)	House Rule Bundle
SB 371	Reducing severance tax on timber	<b>Passed Senate, On H Consent Calendar</b>
SB 411	Providing Agricultural Land Protection Authority power to retain executive director and staff	Dead
SB 425	Expanding counties participating in Hatfield-McCoy Regional Recreation Authority	Dead
SB 434	Reducing petroleum-based fuel consumption by state and political subdivisions	Dead
SB 443	Continuing hazardous waste management fee	<b>Passed Senate – to H Judiciary</b>
SB 461	Water supply replacement requirements for surface mine operators	<b>Passed Senate – to H Judiciary</b>
SB 567	Creating Energy Policy and Development Act	<b>Passed Senate – to H Gov Org</b>
SB 572	Restricting underground longwall mining permits	Dead
SB 655	Creating opening day for trout fishing season (heaven forbid!)	Dead
SB 663	Requiring public health impact statement relating to certain air or water rule (WVEC bill)	Dead
SB 665	Requiring Public Service Commission promulgate rules relating to wind power projects	Dead
SB 688	Establishing Voluntary Wetland Protection Program	Dead
SB 697	Creating Managing for Results Act	Dead
SB 756	Creating net greenhouse gas inventory	<b>Died in Senate Judiciary</b>
SB 764	Creating 2020 Rural West Virginia Agricultural and Resource-Based Industry Development Act	Dead
SB 774	Organizing offices in Department of Environmental Protection	<b>Passed Senate – in H Finance</b>
SB 777	Replacement of underground water supplies damaged by coalbed methane wells	<b>Passed Senate – to H Judiciary</b>
SB 778	Relating to State Conservation Committee and conservation districts	<b>Passed Senate – to H Judiciary</b>
SB 779	Clarifying county commission authority regarding voluntary farmland protection programs	Dead

## House Bills

HB 2330	West Virginia Beverage Container Recycling and Litter Control Act	Dead
HB 3318	Requiring jobs impact statement for certain proposed legislation	Dead
HB 3343	Defining “fill material” in the Water Pollution Control Act	<b>Dead (keep your fingers crossed)</b>
HB 3344	Regarding Army Corps of Engineers permits for surface mines	Dead
HB 4006	Adding counties to the Hatfield-McCoy Regional Recreational Authority	<b>Passed House – to S Gov Org</b>
HB 4057	Public Land Corporation authority to condemn abandoned structures in waters of the State	Dead
HB 4059	Relating to flood plain management and flood debris generally	Dead
HB 4114	Providing for a two percent rebate to the taxpayer of the timber severance tax	Dead
HB 4116	Increasing the amount of timber that can be sold on state Wildlife Management Areas	<b>Passed House – to S Nat Res</b>
HB 4131	Providing for the election of members of the Public Service Commission	Dead
HB 4242	Allowing certain county or regional solid waste authorities to designate carriers of solid waste	Dead
HB 4267	Creating a New River and Gauley River Citizens’ Board	Dead
HB 4277	Establishing the West Virginia Clean Elections Act	Dead
HB 4290	Relating to establishment of coal resource transportation roads	Dead
HB 4294	Providing Agricultural Land Protection Authority power to retain executive director and staff	Dead
HB 4322	Removing the severance tax for timber	Dead
HB 4336	Creating office of State Energy Coordinator (Chamber of Commerce bill)	Dead
HB 4374	Providing for the election of Public Service Commissioners	Dead
HB 4496	Relating to qualifications of the Commissioner of Agriculture	<b>Tabled on 3<sup>rd</sup> Reading/Special Calendar</b>
HB 4550	Clarifying current law requiring legislative approval of final designation of Tier 2.5 streams	<b>Passed House – to S Nat Res</b>
HB 4583	Banning Coal Sludge Impoundments and Underground Injection of Sludge (WVEC bill)	<b>Dead – Study Resolution</b>
HB 4622	Reducing certain oil and gas well and methane gas well performance bonds	<b>Passed House – to S Finance</b>
HB 4667	Establishing the position of state trails coordinator within the West Virginia Development Office	Dead
HB 4678	Exempting land-based finfish aquaculture facilities from certain sludge management requirements	<b>Passed House – to S Judiciary</b>
HB 4704	Classifying wind power projects as pollution control facilities	Dead
HB 4723	Placing a five cent tax on bottled water	Dead
HB 4728	Increasing the membership of the environmental protection advisory council	<b>Passed House – to S Judiciary</b>

(All the DEP rules have been passed by the House as a bundle, HB 4135, and are now before Senate Judiciary Committee).





# Calendar of Events



**NOW Through Mid-March:** Photographs by Russell Lee (dated 1946) and Earl Dotter (2006) documenting coal community health issues over the past 60 years. On display at the John XXIII Center in Charleston, WV. The exhibit is described at <http://www3.cet.edu/appalachianinstitute/> John XXIII Center is on Hodges Road, off of Corridor G, approx. 1 mile south of Oakwood Road (Hodges Rd. dead-ends at the Center) and is open from 7AM-11PM seven days a week.  
**For more information call:** (304) 342-0507.

**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." The film screens at the LaBelle Theatre/Museum, 311 D Street, South Charleston. Documentary charts the escalating drama in Appalachia over the alarming increase in large mountaintop removal coal mining. 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. . See [www.blackdiamondsmovie.com/](http://www.blackdiamondsmovie.com/) . and [www.geocities.com/scmuseum/](http://www.geocities.com/scmuseum/). Admission is a \$2.00 donation to the museum.

**March 22:** Cultural Heritage Lecture Series: William C. Blizzard discusses his book, "When Miners March". Begins at 7 p.m. at the Cultural Center (on the state Capitol Grounds). Presented by the WV Division of Culture & History.

**March 25:** WVEC Board of Directors Meeting. 11:00 a.m. ~ 3:00 p.m. *Location to be announced.* All WVEC members are welcome.  
**For more information:** WVEC office (304) 346-5905.

**April 22:** OVEC's Annual Meeting & Spaghetti Dinner (Fund-Raiser). St. Cloud Commons, 17th Street West, Huntington. Begins at 5 p.m. Suggested donation: \$5.00  
**For more information:** Call OVEC office, (304) 522-0246.

**April 22:** Earth Day Celebration. Appalachian South Folk Life Center all day. Highlights include several high quality music acts, children's craft activities, food, informative tables and speakers. *More details to be announced.*  
**For more information:** Lori McKinney, (304) 320-8833.



**April 29:** Greenbrier River Trail Association's 20th annual "Race of the River & Trail" - Marlinton, WV.  
**For more information:** [www.greenbrierrivertrail.com](http://www.greenbrierrivertrail.com).

**May 13:** Migration Celebration 2006 - Little Beaver State Park. Featuring: Live birds of prey; photography workshop; nature & birding walks; WV Wildlife diversity exhibits; kids activities all day; door prizes and more. From 9 a.m. ~ 5 p.m.  
**For more information, contact:** Three Rivers Avian Center (304) 466-4683. A full schedule of events will be posted on [www.tracwv.org](http://www.tracwv.org).

**May 19-21:** Annual Greenbrier Trail Bike Trek. Sponsored by the American Lung Association of WV. This three-day, 100 mile ride begins at the Inn of Snowshoe - and takes participants along the Trail through Pocahontas & Greenbrier counties - ending at Greenbrier County Youth Camp near Lewisburg.  
**For more information, and to register:** Rachelle Beckner, (304) 342-6600 or visit [www.alawv.org](http://www.alawv.org)

**May 25-29:** "Healing The Mountains" - The 16th annual Heartwood Forest Council and the 6th annual Summit for the Mountains. Cedar Lakes Conference Center, Ripley, WV (38 miles north of Charleston). Includes programs on Forests, Mountains, and Coal: the connections between them; their impact on air, water, and climate; their role in our history, economy, and culture; with a special focus on ending the devastation of Mountaintop Removal coal mining. Invited and confirmed speakers include: Granny D\*, Cynthia McKinney, David Orr\*, Jack Spadaro\*, Woody Harrelson, Judy Bonds, Maria Gunnoe\*, Larry Gibson\*, Willie Nelson, Bobbie Ann Mason, Erik Reece, Ed Wiley, and more. (\*confirmed )  
**For more information & to register:** Janet at (304) 522-0246. [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, entitled "Livin' Easy". LaPaix Herb Farm, located in Alum Bridge WV (Lewis County). All day event - from 10 am till 5 pm.  
**Highlights include:** garden tours; sustainable initiatives; workshops; demonstrations; plants; presentations; wood walks; artisan, environmental, sustainable business, plant & herb booths. Straw bale style building (demonstration & hands-on workshop). Live music, gourmet food prepared by chef Dale Hawkins. **Admission:** \$5. per person or \$10. per family. *Stay tuned for more detailed information & updates as this event draws closer. Please visit the website listed below!*  
**For more information & to register:** [lapaixherbfarm.com](http://lapaixherbfarm.com)

## Support the West Virginia Environmental Council

1324 Virginia Street East, Charleston WV 25301

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

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***"Don't mind him. As we take out the coal,  
he fills in the spaces with nuclear waste."***