



Green Legislative Update

Published Weekly During West Virginia's Legislative Session

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Under the Dome

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Week 1 – It's a New Day

“The old order changeth, yielding place to new.” —
Alfred, Lord Tennyson, *Morte D'Arthur*



November's elections swept a call for change across the nation, and across West Virginia as well.

Here in the Mountain State, voters soundly repudiated an attempt by coal baron Don Blankenship to buy himself a legislature. Blankenship ended up spending a whole lot of money for nothing.

The “old order” was dealt a defeat.

On January 10th the 78th Session of the West Virginia Legislature convened. There are many new faces among the Delegates and Senators.

The “new order” will be most evident in the House of Delegates, where in December the Democrats in the majority party selected Delegate Richard Thompson (D – Wayne County) to replace retiring Speaker of the House, Bob Kiss (D – Raleigh County).

So it's “out with the old, and in with the new,” particularly in the House. Thompson's selection as Speaker delivered a severe blow to the good ol' boy power structure that ruled during the Kiss regime. Thompson promises to be a “more inclusive” Speaker, and more open to input from Delegates who have sat on the backbenches for years.

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"Movin' On Up"

E-Council's New Office

By Denise Poole, WVEC Program Coordinator
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Yep! The E-Council has "moved on up" - out of our basement office - to the east side (of the capitol that is!) The dream of an environmental "green" house for WVEC in Charleston has become a reality! Before I go on and on about the happiness of it all, I first must give the proper respect to our old office, our first office, our one and only office until now. And thank David Grubb.

Actually, our old office was also located on the east side of Charleston - in a wonderful house on Virginia Street owned by David Grubb. David was a key founder of WV Citizen Action Group (WV-CAG) in the 1970's which operated from that location until recently. When the E-Council formed in 1989 as the legislative arm for West Virginia's environmental groups our organization was filtered in, and thanks to too many dedicated individuals to name, 1324 Virginia Street became synonymous with protecting the environment. Even when WV-CAG moved into their new house a few years ago and David renovated the property for his law practice, he seamlessly continued to accommodate WVEC's office space in the lower level ... ok, ok, the basement, of the building.

To say we were paying rent would be a huge over statement. Due to the generosity and support from David WVEC was able to have a place from which to work through the entire 18 years of our existence. Knowing the nonprofit world as he does, and being such an advocate for the environment (including when he served as a progressive WV State Senator) he continued to "rent" office

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WVEC's Legislative Kick Off / Open House

2206 Washington Street East, Charleston
(new office location)

Wednesday, January 17th
5:00 pm - 8:00 pm

Featuring Robin Godfrey on piano

Refreshments will be served



WVEC's E-Day at the Capitol

Friday, March 2nd
10:00 am - 3:00 pm

House & Senate Halls and upper rotunda
WV State Capitol, Charleston WV

**Highlights include: Environmental & Sustainable
business displays, citizen lobbying.**

**To participate please contact Denise at the e-council office
or deniseap@earthlink.net**

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www.wvecouncil.org

Legislative Session 2007 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

(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

Ohio Valley Environmental Coalition: If you want to easily get the latest news during the legislative session, check www.ohvec.org/ovec_news.html and 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.

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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Charleston, WV 25311
(304) 414-0143

So how will these new changes affect the environment?

Well, there is reason for hope. For example, Speaker Thompson has chosen Delegate Carrie Webster (D – Kanawha County) as the new chair of the House Judiciary Committee. It is not a stretch to say that Delegate Webster is a strong advocate for the environment.

Thompson also chose Delegate Bonnie Brown (D – Kanawha County) as the new chair of the Legislative Rulemaking Review Committee. It is also not a stretch to say that Delegate Brown is a strong advocate for the environment.

These two committees are without doubt the most important committees in the House for environmental issues.

However, there is also reason for caution. The “pro-environment” balance did not shift all that much as a result of the election. Good environmental legislation will still face an uphill battle in both Houses.

Perhaps the best way to look at the “new order” when it concerns environmental issues is that the playing field will be much more level than it has been in the recent past.

One thing did seem evident to me in this first week of the legislative session – this new majority that has been cobbled together on the House side has infused hallways and offices at the statehouse with a new optimism.

And, as I sat in the House gallery watching the opening session of the 78th Legislature it was impossible for me to wipe the grin from my face as I gave a big thumbs up to Del. Barbara Fleischauer (D-Monongalia) as she was sworn in to serve yet once again.

Welcome back, Barbara!

Being green may have gotten to be a little bit easier “under the dome.”

The weatherman decided to remind us that it’s winter this week, so remember to keep your bird feeders “open for business.”

“May your trails be crooked,
winding, lonesome, dangerous,
leading to the most amazing view.”

Edward Abbey

space to us for so little I'd be embarrassed to type the figure in.

1324 Virginia Street is now totally the Grubb Law Office building. Thank you David for all the years of housing "the nuts in the basement"!!!

Happiness Runs

Our new enviro headquarters is located just two blocks east of the state capitol complete with a view of the golden dome - a fitting location given our mission and goals.

As a state-wide environmental council, this location is perfect to embrace all the membership organizations, individual members - and the issues facing us today. Our year round lobbying efforts and our renewable energy campaign will truly be stronger as we grow and plan for the future.

For me personally, I've long thought WVEC really needed to expand in this direction. The concept of a house with offices available for groups and the importance of having space enough to organize offers even more to the environmental community. It's essential in my opinion, and working here feels very normal! We even have windows!

At this time, the Ohio Valley Environmental Coalition and WV Community Shares have set up office spaces to use on a regular basis. We have a wonderful conference room for all of our membership organizations to use, and it is available for other group meetings for a nominal fee. We envision and are planning many such meetings, events, and brainstorming sessions of all kinds here. This is the first month of operation, and we are utilizing and enjoying our new digs tremendously!

The new address and phone number is listed on page 2 and at the end of this article. Please take note of them and stay in touch. Our "Legislative Kick Off / Open House" is Wednesday, January 17th between 5:00 pm and 8:00 pm. If you are in Charleston, please come by and join us in honoring our past, present and future as we continue to work for a greener environment.

The West Virginia Environmental Council

2206 Washington Street East
Charleston, WV 25311

Phone: (304) 414-0143

Website: www.wvecouncil.org.

WVEC's Environmental Legislative Agenda

Each year at our annual Fall Conference, the West Virginia Environmental Council adopts a progressive environmental legislative agenda of our own. This agenda is prepared with the input and consultation from all our members and member groups and is agreed upon by consensus.

In addition to the work we are doing on the issue of coal slurry injection, here is our legislative “wish list” for 2007:

Because of our concern about the safety, integrity and contents of coal sludge waste impoundments, we will continue to push for a moratorium on construction of new impoundments and the adoption of alternative methods for disposal of these wastes. Delegate Larry Barker (D – McDowell County) introduced a similar bill last session.

This year we will continue to push for legislation that would require the Department of Public Health to provide a “Public Health Impact Assessment” for any rule proposed by DEP that changes air quality or water quality standards. We feel DEP proposes these rules in a vacuum, without any idea of their impact on public health. Senator Dan Foster (D – Kanawha County) introduced a similar bill last session.

Through our Renewable Energy Campaign, we will continue to push for the state to adopt a comprehensive energy plan that includes a renewable energy portfolio and significant incentives for renewable energy development and some alternative fuel source development. Renewable energy is the future, worldwide. States that have embraced renewable energy development are already seeing new jobs and economic benefits. West Virginia should not miss out on this opportunity.

WVEC will continue to push for a “bottle bill” in West Virginia. Similar bills, that basically establish a deposit and refund system for beverage containers, have been extremely successful in reducing litter and increasing recycling in many other states.

And finally, WVEC strongly supports the “Clean Elections” Campaign in West Virginia. It’s a successful way to provide minimal public financing of political campaigns, reduce the outrageously high costs of running for office, and limit the amount of time politicians are forced to spend on raising money.

Interim Committee Authorizes Slurry Injection Study

By Donald S. Garvin, Jr.
WVEC Legislative Coordinator

At the final Interim session this week, Judiciary Committee members from both the House and Senate approved a resolution mandating that the Department of Environmental Protection and the Department of Health and Human Resources conduct a comprehensive study of the impacts of injecting coal wastes underground.

The resolution calls for a study of the contents of the waste material that results from the washing of coal at prep plants, a study of the hydro-geological effects of injecting that slurry into abandoned underground mines, a study of water wells near slurry injection sites, and a study of possible health impacts resulting from the practice.

The study is to be conducted by DEP and DHHR and requires multiple sampling for access by independent researchers or other government agencies. DEP has agreed to complete the study and report back to the Legislature by January 1, 2008.

The Legislature agreed to take up the issue of slurry injection as an Interim study topic at the request of the West Virginia Environmental Council. This is a direct result of effective lobbying on the issue of sludge impoundments and slurry injection by the WVEC lobby team and members of the Sludge Safety Project over the last 12 months.

Judiciary Subcommittee B devoted almost its entire agenda to this issue for the last four months of Interims. In October the committee heard a powerful presentation from coalfield residents whose water wells have become contaminated with coal sludge and who are suffering health impacts as a result. They also heard presentations from scientists at Wheeling Jesuit University regarding preliminary studies they have conducted on water wells near slurry injection sites.

The study resolution was passed unanimously by Interim Judiciary Subcommittee B and then by the full Joint Judiciary Committee. In order for the study to be fully authorized, however, it will now have to be passed by the Legislature during the regular session.

So our work on this is not over yet. We will keep you posted.

Think Renewable



Battle Looms Over Trout Waters

The biggest environmental battle during the 2007 Legislative Session is shaping up to be a major fight over water quality standards.

The Department of Environmental Protection has proposed two of rules that will significantly impact clean water – for the *better* – in West Virginia.

The first of these is the water quality standards rule package, which contains the Category B2 trout stream list. Industry folks hate this water quality category, because it gives trout streams higher protections than drinking water standards.

The second is the antidegradation rule, which contains the Tier 2.5 stream list. Industry folks hate the Tier 2.5 designation because it limits their ability to degrade the state’s most pristine waters.

The West Virginia Environmental Council strongly supports both these rules, even though we don’t agree with a few of the elements contained in them. Industry is strongly opposed to both rules.

This week at its final Interim meeting, the Legislative Rule-Making Review Committee passed out both these rules as proposed by DEP. The only change made was that DEP agreed to add Loop Creek back on to the Tier 2.5 list.

So now the battle is on. It is likely that this will be one of those issues whose outcome is not clear until the final night of the session. It will be a slugfest.



Calendar of Events

January 13: WVEC Board of Directors meeting. WVEC office.

January 17: WVEC Legislative Kick Off / Open House.

The WV Environmental Council invites you to the new office, 2206 Washington Street East, Charleston. Support the lobby team and WVEC’s legislative efforts and visit the new office!

From 5:00 pm till 8:00 pm. Featuring Robin Godfrey on piano. Refreshments will be served.

For more information: (304) 617-7073

February 1: Clean Elections Day at the Capitol.

For more information: OVEC office at (304) 522-0246

March 2: WVEC’s annual E-Day at the Capitol! Located in the Senate & House halls and upper rotunda.

Approximately 30 environmental organizations and sustainable businesses will be represented with displays. We encourage citizen lobbying.

For more information and to register your organization contact: Denise Poole at deniseap@earthlink.net or call the WVEC office: (304) 414-0143.

March 10: Last day of the 2007 regular Legislative Session.

June 30: 4th Annual "Lavender & More" Fair. La Paix Herb Farm, Alum Bridge WV (Lewis County). Highlights include: workshops, presentations, variety of booths, wood walks, garden tours, gourmet lunch.

For more information contact: Myra Bonhage-Hale, steward: lapaix@westvirginia.net or visit the website: www.lapaixherbfarmproducts.com

Support the West Virginia Environmental Council

2206 Washington Street East, Charleston WV 25311

Phone: (304) 414-0143 www.wvecouncil.org

_____ Renewed Membership

_____ New Membership

Membership Levels

_____ Change of Address

_____ Donation

Name: _____

_____ \$ 10 Student / Senior

_____ \$ 25 Regular

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City, State, Zip: _____

_____ \$ 250 Enviro Steward

_____ \$ 500 Canopy

Phone: _____ e-mail _____

_____ \$ 1,000 Old Growth

_____ \$ Other

Join us for

**WVEC's Legislative Kick Off /
Open House**

**Wednesday, January 17th
5:00 pm ~ 8:00 pm**

See inside for details!