



West Virginia Environmental Council's

Green Legislative Update

Published Weekly During West Virginia's Legislative Session

Volume: 18 Number: 4

Date: February 02, 2007

Under the Dome

By Donald S. Garvin, Jr.
WVEC Legislative Coordinator

Week 4 – Rules, Rules, and More Rules

This was the week that all the “rules” were introduced in both houses of the Legislature.

So it’s time for my annual legislative tutorial.

The Legislature passes laws (or statutes), and then they pass rules (or regulations).

Generally speaking, the laws or statutes set out the broad guidelines for government actions, and the rules set out the specific details or regulations. Generally speaking, the laws establish the authority for the government to act and create an agency to implement the action. Generally speaking, the agency then develops (or “promulgates”) the individual rules needed to enforce the laws.

Agency rules are not proposed by individual legislators. They are developed annually by the specific agency and are then presented to the Legislative Rule-Making Review Committee during the Interim sessions.

Usually, the Legislative Rule-Making Review Committee then simply approves the rules and passes them on for consideration by the full Legislature during the regular session.

So this week all the “rules” from the various agencies were sent to the Legislature. By my count there are more than a hundred of these rules. If you look at the legislative web site, you will see a long list of bills in both the House and the Senate with titles like, “Authorizing Division of Forestry promulgate legislative rule relating to ginseng” (yes, folks – that’s an actual rule title this year).

..... continued on page 3

Clean Elections Day At The Capitol Huge Success

By Denise Poole, WVEC Program Coordinator

Clean Elections Day brought a powerful message to the state capitol Thursday: The WV Public Campaign Financing Act (S 118 and H 2371) would bring positive change to the face of politics and there's plenty of support in West Virginia to do just that!

Not only is the bill gaining steam, we are truly on the edge of making history in West Virginia. The Senate Judiciary Committee is scheduled to take up the bill next week and the votes to pass this legislation out of Judiciary and on to Senate Finance looks **very** promising.

Fifty citizens supporting efforts for clean elections attended the early morning lobby training session as well as the 10:30 am press conference at the capitol. This was one of the best press conferences I've attended. Janet Keating, Coordinator for Citizens For Clean Elections, laid out the dynamics of how a voluntary public financing program would work. "Such a program would open up the possibility for more candidates to run for office and get their message out to voters without needing to spend time raising enormous amounts of money or special interest dollars."

To participate, candidates must simply meet qualifying contributions of \$5. each, which vary for Delegates and Senators. Similar clean election laws in Maine and Arizona have succeeded with candidates winning elections. In the 2004 election, 71% of eligible candidates in Maine, and 55% of eligible candidates in Arizona ran as publicly financed candidates.

Speakers in support of the bill included Rev.

..... continued on page 3
page 1

Notices ~ Announcements

Bottle Bill Day At the Capitol: Thursday, February 8th.

Meet at 10 am in the upper rotunda in front of Robert C. Byrd's statue and then lobby senators and delegates before their floor session. At noon we will re-group in front of the governor's office for a press conference. Please plan to be flexible as **we expect Governor Manchin to speak at the press conference** and we will need to work around his schedule. Please bring photos you have from litter clean-up events. If you are with a group such as Adopt-A-Highway or a watershed association, please wear something to let legislators know (for instance Adopt-A-Highway volunteers will be wearing their orange vests). These are effective ways to get the attention of legislators.

For more information, please contact Linda Frame with WV Citizen Action Group at 304-346-5891 or toll-free at 1-866-WVB-FAIR. **See you Thursday!**



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 ... stay tuned for more details!

To participate: Please contact Denise at the e-council office - (304) 414-0143 or deniseap@earthlink.net

E-Day Reception & Benefit

Friday evening, March 2nd ~ 5:30 pm - 9:00 pm

Perfater Law office lobby - 1311 Virginia St. East, Charleston

Highlights include: WVEC's 2006 awards' presentation, deluxe dinner buffet, live music.

Suggested donation of \$10. per person at the door

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 posts links to make it easier for you to stay informed.

West Virginia Environmental Council 2006~2007 Board of Directors

Jim Kotcon, *President*
Carol Warren, *Vice President*
Denise Poole, *Past President*
Danny Chiotos, *Secretary*
Frank Young, *Treasurer*

Myra Bonhage-Hale
John Christensen Greg Carroll
Norm Googel Janet Keating
Liz Garland Don Garvin
Don Gasper Chelena McCoy
Mary Ellen O'Farrell
Cindy Rank Brent Rowley
Chuck Wyrostok
Gary Zuckett

Chuck Wyrostok
Outreach Coordinator
wyro@appalight.com

Don Garvin
Legislative Coordinator
dsgjr@aol.com

Denise Poole
Program Coordinator
deniseap@earthlink.net

Don Alexander
*Web Site Coordinator &
E-Mail Listserve Coordinator*

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. *LegislativeUpdate*, is published weekly during the Legislative Session.

www.wvecouncil.org

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

Denise Poole, *editor*
deniseap@earthlink.net
2206 Washington Street East
Charleston, WV 25311
(304) 414-0143

Under the Dome continued from page 1

But you can't find out what's in these rules on the legislative web site. Each agency files its rules with the Secretary of State's office, and that's where you have to go to read them, unless you can get a copy from the specific agency.

You can also find these rules on the Secretary of State's web site, but only if you know the correct section of the state's legal codes to look under. It's not a particularly citizen friendly arrangement.

When these agency rules are introduced they are assigned to committees in both houses. The normal practice is that they are "double referenced" for consideration by two committees. This year, for some strange reason, several of the rules are "triple referenced," which will make it more difficult for them to reach final approval.

On the Senate side almost all of the rules from the Department of Environmental Protection are first assigned to the Energy, Industry and Mining Committee. The EIM chairman is Bill Sharpe (D – Lewis). It is fair to say that Chairman Sharpe, and indeed most of this committee's membership, is strongly pro-industry.

But there's a new twist in EIM this year: Chairman Sharpe is likely to be out for the rest of the session, recovering from major surgery. And that means that Senator Jon Hunter (D – Monongalia) will be the acting chair of this committee for most of the session. That should prove interesting, and should provide a little balance to this committee.

Also fortunately, almost all DEP rules are double-referenced to the Senate Judiciary Committee, where they receive a more serious and even-handed treatment.

Likewise, on the House side, almost all DEP rules are referred to the Judiciary Committee, where this year we are fortunate to have Delegate Carrie Webster (D – Kanawha) as the new committee chair. This will also make things interesting, to say the least.

So, what DEP rules are we concerned about this year?

There are two rules that we feel have serious flaws. The Ambient Air Quality Standards Rule (45-CSR-8) removes the legislative antidegradation mandate for air quality. And a new rule for Filtrate from Water Treatment Plants (33-CSR-9) would allow using sludge from water treatment plants as a normal fill material. These are problematic.



However, the rules we are most concerned about this year are two important water quality rules: Rule 47-CSR-2 (Water Quality Standards – B2 Trout Stream List) and Rule 60-CSR-5 (Antidegradation – Tier 2.5 Stream List). Even though these rules aren't perfect, we strongly support both water rules as proposed by DEP. And you can bet money that industry will attempt to defeat or gut both of them.

Well, that's the legislative tutorial for the week. My annual diatribe about allowing legislators to replace proposed agency rules by substituting totally new language will have to wait for another time.

Please keep your bird feeders full this week. It's the "rule."

Clean Elections Day At The Capitol Huge Success .. cont. from page 1

Dennis Sparks (WV Council of Churches), Father Brian O'Donnell (Catholic Conference), Larry Matheny (AFL-CIO), Richie Robb (Mayor, S. Charleston), Gary Zuckett (WV Citizen Action Group) and Senator Vic Sprouse (R-Kanawha), one of the sponsors of the bill.

Senator Sprouse spoke passionately about the need for West Virginia to pass such a bill. "Candidates can spend time going door to door to meet with their constituents as I like to do rather than spending time in what becomes a money tug of war as to how much is in each others treasure chest. Regardless if you are a Democrat, Republican or Mountain Party candidate, this will help everyone."

The citizen lobbyists stayed at the capitol all day meeting with as many Senators and Delegates as possible. We still need your help! Please continue to contact your Senators and Delegates and ask them to **support Senate bill S 118 and House bill H 2371.**

To call the capitol toll-free: 1-877-565-3447.

Anti-Wilderness Absurdity

Senator Karen Facemyer (R – Jackson) has once again introduced her annual rant against wilderness.

This year's resolution is SCR 29, and it contains the same exact ridiculous and inflammatory language as her Anti-Wilderness resolutions that were aborted in the last two sessions.

SCR 29 deserves a similar fate. The WVEC lobby team is working to make that happen.

Greenhouse Gas Bill

A “greenhouse gas inventory” bill (SB 337) was introduced this week by a group of Senators acting on behalf of DEP.

The bill would establish a “program to inventory all emissions, reductions and carbon sequestrations of greenhouse gases.” 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 the reductions under future federal greenhouse gas emission reduction programs.”

This bill is similar to a bill DEP first introduced in the last year of the Wise administration. It is also similar to last year’s DEP bill, which was defeated in committee when coal lobbyist Chris Hamilton called it “the worst piece of public policy the Legislature is considering this year.”

“This is a disaster for the coal industry,” Hamilton whined.

Meanwhile, in Paris this week the Intergovernmental Panel on Climate Change released a report saying that global warming is “very likely” caused by man, and that hotter temperatures and rises in sea level “would continue for centuries” no matter how much humans control their pollution.

The 21-page summary of the panel’s findings released Friday represents the most authoritative science on global warming. The panel comprises hundreds of scientists and representatives of 113 governments.

The scientists said the changes are “very likely” caused by human activity, a phrase that translates to a more than 90 percent certainty that global warming is caused by man’s burning of fossil fuels. That was the strongest conclusion to date, making it nearly impossible to say natural forces are to blame.

A top U.S. government scientist, Susan Solomon, said “there can be no question that the increase in greenhouse gases are dominated by human activities.”

(The IPCC report is from an Associated Press article).

**E~Day at the Capitol
Friday, March 2**

Meet the Team

By Donald S. Garvin, Jr.

WVEC Legislative Coordinator

The WVEC lobby team has some new faces this year.

Along with me as Legislative Coordinator, and Denise Poole as Program Coordinator, team lobbyists this year include two new guys – John Christensen and Dennis Cunningham. John is a WVEC board member from the Eastern Panhandle and has a long history of involvement with us, beginning with the “garbage wars.” Dennis, on the other hand, moved to West Virginia fairly recently, so he will be bringing a fresh perspective to the work we do.

In addition, Chuck Wyrostok will be in touch with many of you as Outreach Coordinator; Don Alexander will again manage our website and email action alert list; and Dot Henry is back this year helping out in our new office.

Previous lobby team members Allan Tweddle, Julie Archer and Ted Boettner have moved on to other pursuits, but they are still around and are helping out when they can.

You can look forward to learning more about each of the team members in upcoming issues of the *Legislative Update*.

Bottle Bill Introduced

By Linda Frame, linda@wvcag.org

The WV Bottle Bill was introduced this week in both the House and Senate. SB 370 sponsors are Senators McCabe (D-Kanawha), Foster (D-Kanawha), White (D-Webster), Wells (D-Kanawha) and Stollings (D-Boone). HB 2773 sponsors are Delegates Fleischauer (D-Monongalia), M. Poling (D-Barbour), Hatfield (D-Kanawha), Fragale (D-Harrison), Hamilton (R-Upshur), Brown (D-Kanawha), Tabb (D-Jefferson), Miley (D-Harrison), Manchin (D-Marion), Beach (D-Monongalia), Canterbury (R-Greenbrier). You can read the bill at www.wvbottlebill.org.

Thursday, February 8th is Bottle Bill Day. Meet at 10 am in the upper rotunda (in front of Robert C. Byrd's statue). Please see *page 2* for all the details, and I'll see you on Thursday!





Calendar of Events



February 8: Bottle Bill Day at the Capitol. Participants are asked to meet at 10 am in the upper rotunda in front of Robert C. Byrd's statue and then lobby senators and delegates before their floor session. If you are with a group please wear something to let legislators know (for instance Adopt-A-Highway volunteers will be wearing their orange vests). These are effective ways to get the attention of legislators.

For more information contact: Linda Frame with WV Citizen Action Group at 304-346-5891 or toll-free at 1-866-WVB-FAIR. **See page 2 for more details.**

February 26: Anniversary of Buffalo Creek disaster.

March 2: WVEC's annual E-Day at the Capitol! Located in the Senate & House halls and upper rotunda area. Approximately 30 environmental organizations and sustainable businesses will be represented with displays. This is YOUR day at the capitol! Visit your Senators and Delegates - 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 2: WVEC E-Day evening reception & benefit. Perfater Law office lobby, 1311 Virginia Street East, Charleston. From 5:30 pm till 9:00 pm. Highlights include: 2006 Environmental awards bestowed; live music; buffet dinner.

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

March 23-24: "Yes Fest". Clarksburg, WV area. Renewable energy issues as a focus. Presentations, booths and more. *Stay tuned for more details.*

For more information contact: Sally Egan, (304) 842-9511

March 24: WV Environmental Council Board of Directors meeting. WVEC office, Charleston. 11:00 a.m. - 4:00 p.m.

June 22-24: WVEC Board of Directors June Retreat. *Location to be announced.*

June 30: 4th Annual "Lavender & More" Fair. La Paix Herb Farm, Alum Bridge WV (Lewis County). Highlights include: workshops, presentations, demonstrations, variety of booths, wood walks, garden tours, plants, gourmet lunch. Admission: \$5. per person or \$10. per family.

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

Mid to Late September: WV Environmental Council's Fall Conference. Stay tuned for exact date, location and other details for our 19th annual Fall Conference, "Making A Difference - Creating A Sustainable World".

April 2008: Sustainable Fair. Davis & Elkins College - Elkins, WV. Highlights include: workshops, presentations, booths, local organically grown food, music and much more. Stay tuned as plans develop for a wonderful event featuring renewable energy and many aspects of sustainable living. Sponsored by Sustainable Living for West Virginia org.

For more information and to participate contact: Denise Poole, deniseap@earthlink.net or Myra Bonhage-Hale lapaix@westvirginia.net Co-Directors.

Think Renewable

Support the West Virginia Environmental Council

2206 Washington Street East, Charleston WV 25311

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

_____ Renewed Membership
_____ Change of Address

_____ New Membership
_____ Donation

Membership Levels

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

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____ e-mail _____

West Virginia Environmental Council
2206 Washington Street East
Charleston, WV 25311



Gary Zuckett, with WV
Citizen Action Group
speaks in favor of Clean
Elections during a press
conference Thursday.