



West Virginia Environmental Council's
Green
Legislative
Update

Published Weekly During West Virginia's Legislative Session

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Under the Dome

By Donald S. Garvin, Jr.
WVEC Legislative Coordinator

Week 5 – Bills, Bills and More Bills

In this week's edition of the *Legislative Update* you will find our first bill-tracking list for this session. The version we provide you here is a much pared down version of the one I keep on my own computer.

We are only halfway through the session and so far 542 bills have been introduced in the Senate, and 992 bills have been introduced in the House. Political reporters pointed out this week that the Legislature has only completed a handful of bills up to now.

The fact is that most of these bills will never see the light of day. Most will never even get a committee hearing. And for that I say, "Thank goodness." Because there are some really, really terrible bills included in the lot.

For example, HB 2821 and SB 469 are identical bills introduced in each house. They are identically bad. The language was written by the state Chamber of Commerce, and the purpose of the proposed legislation is to streamline and fast-track air pollution permits.

If this legislation passes, permitting time would be dramatically reduced, as would the opportunity for public comment. Even the DEP opposes these bills; Secretary Timmermeyer has gone so far as to say they "would gut the air permitting process."

Unfortunately, there are some sponsors for these two bills who should have known better than to sign on. So we are going to have to expend unnecessary time and energy trying to defeat them.

... continued on page 3

Clean Elections Passes First Hurdle

By Norm Steenstra, *For the Clean Elections Coalition*

On Thursday afternoon, the Senate Judiciary Committee passed the Clean Elections Bill after a contentious debate. Chairman Jeff Kessler and clean election supporters appeared somewhat surprised by an organized attempt by conservative republicans to kill the bill.

During the debate, the NRA was invoked several times as possibly being hindered by provisions in the bill. Senator Frank Deem, arguably the most reactionary of all the senators called the bill "a liberal socialist view" and cited as proof the supporters of the bill such as "the environmentalists, Unions and those Community Action people". Deem failed to include the Council of Churches, League of Women Voters and Catholic Church.

With some clever parliamentary moves Kessler cut off the debate and stifled any amendments. The bill then passed with a voice vote. Next the bill goes to the Senate Finance Committee- the Committee "to which good bills go to die" as it did last year.

The big task next week is to persuade Chairman Walt Helmick to take up the bill within the next 10 days. I am convinced that your calls and your lobbying efforts made the difference in passing the bill out of Judiciary Committee and now more than ever your contacting Finance Committee members will be the key to future success. Nice work!

Quote of the Week: "I'm just against the public getting to elect public officials," – *Senator Frank Deem (R – Wood County)*, at yesterday's Judiciary Committee meeting.



Linda Frame with Governor Manchin during the **Bottle Bill** press conference 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.

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Chuck Wyrostok
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deniseap@earthlink.net

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

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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

A lot of these bills are simply reintroduced year after year, just to make a point. One of those, for example is HB 2719, the “Verifiable Science Act.” This is one of those conservative Heritage Foundation “sound science” propaganda pieces that Delegate Ron Walters (R-Kanawha County) likes to trot out repeatedly.

Another example is HB 2492, which I have dubbed “the fill bill.” This is the coal industry’s annual attempt to change West Virginia law to allow the spoil from mountaintop removal mines to be used for valley fills. I know that you are probably thinking that they are doing this anyway. Well, no matter, it is *still* against the law in this state. So go figure.

Hopefully, both these bills will again die a well-deserved death.

It’s not just the “bad guys” who annually introduce the same bills. Senator Jon Hunter (D-Monongalia County), bless his heart, each year reintroduces his proposal to require timber operators to notify adjacent landowners before beginning a timbering operation (SB 86). Well, why not? It’s a good idea.

There are a couple of other good ideas we are keeping our eyes on.

SB 401 would require the Public Service Commission to “propose and adopt rules governing the use, construction and installation of wind power projects.” I suppose the intent is to get the PSC to find a better way to address siting requirements. We’re all for it.

HB 2818 and SB 441 are identical bills that contain the Governor’s proposals for more equitable taxation of wind farms. While this legislation may not go far enough, we are surely supportive of the direction it is heading.

HB 2898 and SB 509 are ATV bills that would ban all-terrain vehicles from all paved roads. WVEC has been supportive of such a ban for several years now – irresponsible riders use these roads to get access to (and run roughshod through) our wild public lands.

So that’s a look at just some of the hundreds of bills we are dealing with that you may not hear us mention again. You can check out all the bills that are introduced at the Legislature’s web site: <http://www.legis.state.wv.us/>.

This week Denise and I watched a beautiful big hawk on the snow-covered lawn at the Capitol. It was munching away on a much less fortunate little squirrel.

So that’s my cue to remind you to keep your bird feeders full this week.

Baby, it’s cold outside!

Green Legislative Update

Bottle Bill Gets Big Boost

By Denise Poole, WVEC Program Coordinator

Bottle Bill Day at the Capitol was a big boost to our efforts this year. Thursday reflected the commitment see this bill through both the House and Senate by legislators and citizens alike. West Virginia needs to finally pass a container law.

The day was organized by Linda Frame with WV-CAG, who has been working on this issue for years. A well attended and interesting press conference was held in the Governor’s office lobby / press room of the capitol, and other activities included: an interview from the capitol on Hoppy Kercheval’s radio show by both Linda and Mike McCray with Strategic Materials in Maine (a state who is reaping the benefits of a container law that has been in effect for 30 years) who came to West Virginia’s capitol to talk directly with our legislators; and lobbying our representatives.

The crowd who gathered for the press conference represented 'Adopt A Highway' volunteers, state Delegates & Senators, Mayors, former candidates for office, concerned citizens - all of whom came to the capitol to visit their legislators to encourage support for, and passage of this bill.

Two of the sponsors of the Bottle Bill, SB 370 and HB 2773, Senator Brooks McCabe and Delegate Barbara Fleischauer were among the speakers - along with Governor Manchin and an 'Adopt A Highway' representative. Although Governor Manchin did not come out and "speak the words" and actually say he would sign such a bill if it passed both houses, he spoke of the history of West Virginia’s litter, and referred to the REAP program he reinstated that his uncle, A. James Manchin began in the 1960’s.

Even as we go to press, Linda and Mike McCray are at the capitol again today meeting with legislators. Lets hope their efforts are greeted with open minds under the dome, and more of our representatives support the bottle bill.

You can help! Keep those calls and e-mails coming in. Call the capitol’s toll free number: 1-877-565-3447 to get through to your legislators. You can read the bill at: www.wvbottlebill.org.

Think Renewable

In Their Own Words - Meet WVEC Lobby Team

JB's Garbage History

By John Christensen, *WVEC Lobbyist*

When I remember back to the days of the spirited garbage wars across West Virginia, it brought to mind so many wonderful firsts in mine and many other citizen activist lives.

It was the first time I ever got involved in local and state government issues at the ripe old age of 32, and after getting a taste I wondered to myself, what took me so long? I attended my first community organizing meeting, wrote my first letter to the editor, and became initially acquainted with local and state elected officials.

I was enticed to donate time and money to a cause that I believed in. I got involved in something greater than myself and my young family for the greater good of the community I resided in. I became a meeting organizer, host, and attendee - so many meetings it's a wonder my wife didn't divorce me sooner! I remember that people came into the environmental movement and people left the movement, but the hard core stayed the course never giving up on the concept of life, liberty, the pursuit of happiness and clean well water.

I met my first governor Arch Moore, aka Shelley's Dad, who would later be convicted of taking bribes well before Shelley would be elected to the U.S. Congress. I thought he was on our side when he gave political speeches at Hedgesville High School's packed auditorium. I made my first trip to Charleston where I realized I lived closer to five other state capitols.

Since the beginning of my civic education, I always wondered what if anything it would lead to: could we stop the LCS landfill, could we elect a green governor, or could we keep our waters clean and protected ... and the answer is that it never ends with any of these goals but it keeps on keeping on with more issues coming every session.

It was with that in mind that I told Don Garvin I would be honored to join him in this year's 78th Legislative session and try to help fight the good fight along side so many like-minded environmentalists. Finally a job that I can enjoy and get the rewards that hopefully we'll harvest in the way of new legislation that protects the citizens of the great state of West Virginia - not necessarily open for **all** businesses. I thank E-council for the opportunity to do just that.

Green Legislative Update

From Connecticut to West Virginia

By Dennis Cunningham, *WVEC Lobbyist*

My name is Dennis Cunningham. I recently joined the West Virginia Environmental Council lobby team, working part time. I first became aware of WVEC by attending a spaghetti supper fundraising party hosted by board member Chelena McCoy.

Shortly after moving to West Virginia in the Summer of 2005, I learned about the serious environmental issues facing West Virginians by attending rallies at the Capitol to protest mountain top removal and to hear first hand from families affected by this devastating practice.

Prior to moving to West Virginia I helped start a non profit housing development organization in Hartford Connecticut and worked as its executive director for 19 years. The organization acquired vacant buildings and rehabilitated as multi-family dwellings. Through a program of urban homesteading, low income families were able to cooperatively own their homes, after completing significant amount of sweat equity and attending cooperative ownership training.

The similarity between the work I did in Hartford and the work of WVEC is that both involve convincing government officials that low income families have rights too, and deserve to be heard.

Grassroots Lobbying Making A Big Difference

This year WVEC has been particularly fortunate in having more grassroots lobbyists - folks from legislators' home districts - than we've had in recent years.

And it's paying off.

Each Tuesday a team of coalfield residents and other WVEC supporters converge on the capitol to talk to Senators and Delegates about the dangers of coal sludge impoundments and coal slurry injection. They are being well received.

We have also had two great lobby days - first for Clean Elections, then for the Bottle Bill.

Come join us and make a difference!

Tortuous Week for DEP Water Rules

By Donald S. Garvin, Jr.
WVEC Legislative Coordinator

This was the week that the “regulated community” – i.e., the polluters – began its attempt to gut the two regulatory rules that provide water quality protections promulgated by the Department of Environmental Protection.

It was a difficult week, to say the least.

It took three different meetings for the Senate Energy, Industry and Mining Committee (EIM) to pass out SB 255, the Antidegradation Rule containing the Tier 2.5 stream list (60-CSR-5).

But eventually the committee defeated an amendment by Senator Dave Sypolt (R-Preston County), and passed the rule out “without recommendation.”

Sypolt had proposed an amendment that would have stricken 272 of the 310 streams on the proposed Tier 2.5 stream list, leaving just 38 streams on the list, purportedly only the streams that had received no objection during the extensive comment periods DEP allowed in considering this rule.

In addition, Sypolt’s amendment would have required DEP essentially to begin again on each of the 272 streams removed from the list, and provide “good scientific rationale” for placing the stream on the Tier 2.5 list.

Thankfully, a majority of the committee did not agree.

SB 255, with the Tier 2.5 stream list that DEP proposed still intact, will next be considered in Senate Natural Resources Committee, and then by Senate Judiciary Committee. This is the first DEP rule I have ever encountered that has been triple referenced.

In contrast to the EIM process, things went way too smoothly in Senate Natural Resources Committee this week when members considered SB 259, the Water Quality Standards rule (47-CSR-2) that contains the “Category B2” trout stream list.

Category B2 provides water quality standards that are protective of supporting aquatic life, which is a higher level of protection than even drinking water standards. Category B2 applies to a list of streams that are capable of supporting trout year-round (this is a different sub-set of trout streams than the reproducing native brook trout streams on the Tier 2.5 list).

Industry has wanted to change the definition of what a trout stream is for a long time, but apparently they have decided to fight their battle in Senate Judiciary Committee. Because after a very excellent description of the rule by committee staff, the committee voted the rule out without one comment from any Senator. Not one.

So SB 259 now goes to Judiciary Committee for further consideration. This rule is only double referenced.

House committees have not yet begun to take up the DEP rules.

So with less than half the session remaining, both these rules have a long way to go.

And I find myself in a strange new position – supporting regulatory rules proposed by DEP!

Kanawha State Forest Bill Makes Headlines

By Gary Zuckett, *WV- Citizen Action Group*

The bill supported by the Kanawha State Forest Coalition to protect the popular forest from further abuse by Oil & Gas drillers was introduced this week in both House and Senate. The following day it got front-page attention by the Charleston Gazette with supportive quotes by several of the bills sponsors. All the districts Senators are co-sponsors and nine of the areas eleven Delegates have signed on to this measure that would apply only to Kanawha State Forest (KSF).

This bill would not ban drilling on the forest property (the state doesn’t own the minerals) but provide for public comments, additional advance reporting by drillers to park officials, an enforcement action plan for violations, and public disclosure when new drilling permits are being considered. It would also provide for minimum surface disturbance, revegetation using native plants and prohibit “daylighting” - the practice of cutting a 60-foot wide swath for wooded roads in the hopes that the sun will dry out the road surface.

In the Senate, it is SB 460 in Natural Resources Committee. Chair Fanning indicates he will run the bill next week so calls, e-mails and visits to members of this committee would be most welcome.

In the House it is HB 2848 and was sent to Ag & Nat Resources then Judiciary. Same treatment is needed for members of these committees.

WV-Citizen Action, who was a leader in the effort to have commercial logging banned in KSF nearly a decade ago, is again actively working with the KSF Coalition to add these additional protections to this much loved and utilized forest located just a short drive from our state capitol.

Bills We Are Tracking

Bill Number	Title	Committee
Senate Bills		
SB 19	Requiring jobs impact statement for certain proposed legislation	Econ Dev
SB 83	Restricting longwall mining	Nat Res
SB 86	Requiring verification of notice to adjoining landowners of timbering operations	Nat Res
SB 111	Determining ownership of real estate involved in surface mine application	EIM
SB 118	Creating WV Public Campaign Financing Act (Clean Elections)	Passed Judic – to Fin
SB 170	Prohibiting timbering operations near streams harboring brook trout	Nat Res
SB 177	Creating Division of Energy	Finance
SB 337	Establishing greenhouse gases inventory program (DEP bill)	EIM
SB 353	Reducing state vehicles’ petroleum-based fuel consumption	Finance
SB 370	Establishing returnable beverage container deposit program (Bottle Bill)	Nat Res
SB 396	Exempting site-specific data on certain rare plant or animal species from disclosure	On 3rd Reading
SB 401	Requiring Public Service Commission promulgate wind power projects’ rules	Judiciary
SB 440	Establishing Voluntary Wetland Protection Programs	Nat Res
SB 441	Relating to wind power projects tax treatment	Finance
SB 460	Requiring DNR to promulgate rule applicable in Kanawha State Forest	Nat Res
SB 469	Relating to air pollution control permits (bad Chamber of Commerce bill)	Judiciary
SB 493	Providing managed timberland owners tax incentives	Nat Res
SB 499	Redefining “managed timberland” for certain tax reduction purposes	Nat Res
SB 509	Banning all-terrain vehicles from all paved roads	Tech & Infrastructure
<i>(SB 242 through SB 261 are the DEP “rules” bills).</i>		

House Bills

HB 2102	Prohibiting salvage yards from storing any salvage within two hundred yards of a stream	Judiciary
HB 2184	Prohibiting solid waste authorities competing with private recycling businesses	Judiciary
HB 2207	Tax credit to electric power generators for the use of West Virginia coal	Finance
HB 2212	Requiring DEP to adopt the federal regulations governing surface coal mining activities	Judiciary
HB 2222	Authorizing the Governor to appoint an additional member to the Surface Mine Board	Labor
HB 2258	Prohibiting DNR from approving or rejecting dredge and fill permits	Judiciary
HB 2260	Creating the “West Virginia Joint Coal Owners Trust and Conservation Act”	Judiciary
HB 2321	Increasing the penalties for discarding trash on land and in streams	Judiciary
HB 2341	Allowing harvesting of mature timber under the “Farmland Preservation Act”	Ag and Nat Res
HB 2367	Requiring DEP to remediate any waste tire pile with more than twenty-five tires	Finance
HB 2371	Creating WV Public Campaign Financing Act (Clean Elections)	Judiciary
HB 2385	Increasing the environmental protection advisory council membership	Gov Org
HB 2399	DNR license fees that may be used for capital improvements and land purchases	Ag and Nat Res
HB 2407	Natural Gas severance taxes	Ag and Nat Res
HB 2446	Creating the office of State Energy Coordinator in the Office of the Governor	Gov Org
HB 2474	Establishing a volunteer litter reporting program	Ag and Nat Res
HB 2492	Defining “fill material” in the Water Pollution Control Act (bad Coal bill)	Judiciary
HB 2719	Verifiable Science Act (bad “sound science” bill)	Education
HB 2769	Establishing a program to inventory greenhouse gases (DEP bill)	Judiciary
HB 2773	Establishing a returnable beverage container deposit program (Bottle Bill)	Judiciary
HB 2818	Wind Farm taxes	Judiciary
HB 2821	Relating to air pollution control (bad Chamber of Commerce bill)	Ag and Nat Res
HB 2848	Requiring DNR to promulgate rule applicable in Kanawha State Forest	Ag and Nat Res
HB 2854	Providing for removal and election of Public Service Commissioners	Judiciary
HB 2898	Banning all-terrain vehicles from all paved roads	Gov Org
HB 2946	Removing the five year coalbed methane severance tax exemption	Finance
<i>(HB 2597-2602, 2630-2642, and HB 2694 are the DEP “rules” bills).</i>		



Calendar of Events



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: 2007 Environmental awards bestowed; live music; buffet dinner.

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

March 21: WV Environmental Education Association Conference: 'Environmental Education Pathways: Gather, Share, & Collaborate.' Jackson's Mill, Weston WV. From 8:00 am - 4:00 pm. Registration fee: \$25 (Before March 2nd) \$35 after March 2nd). Includes: all conference materials, breakfast, lunch, and breaks. Highlights include: presentation on the National Project for Excellence in Environmental Education, Concurrent Sessions.

For more information contact: Valerie Reed at vreed@oionline.com or (304) 242-6855.

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.

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

Support the West Virginia Environmental Council

2206 Washington Street East, Charleston WV 25311

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

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



Send Us Your Love!

Valentine's Day is next week and you are all our "sweethearts" and we just *know* that we are your sweethearts, too.

So why not send us your love "offerings" to help warm us up? We really do rely on your contributions to keep the WVEC lobby team working on your behalf at the capitol. And we need your support now more than ever.

So send us a Valentine gift today, and you'll see how much it will warm your heart as well.

Happy Valentine's Day to all our Sweeties,
Don Garvin
WVEC Legislative Coordinator