



*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 – Doing the Right Thing

This Wednesday I witnessed an amazing speech by an amazing man.

It was one of those rare moments that I will add to the few really unforgettable memories that will be with me the rest of my life.

As I sat there in the Senate Gallery, I watched as my good friend and fishing buddy Senator Jon Blair Hunter rose from his chair to address his fellow Senators.

He shuffled through the pages of his speech to make sure they were in order. His secretary had printed the speech out in a large typeface, because the Senator had misplaced his glasses that morning.

“Mr. President,” he began, “I stand here today to offer my confession.”

He continued in a calm, steady voice. “God created our mountains. God created our clear, clean mountain streams and rivers. God created our lush green forests and God created our hardy mountaineer ancestors who settled these hills because of our mountains, our clear, clean streams, and our lush green forests.”

“And, yes, God also put the coal in those mountains,” he continued.

“But I firmly believe He did not intend for us to destroy the mountains, the streams, the forests and His people to mine it.”

“Coal can be mined without mountaintop removal, Mr. President.”

*..... continued on page 3*

## D.C. Circuit Court Declares EPA's Mercury Rule Illegal

Note to the West Virginia Department of Environmental Protection and members of the West Virginia Legislature: **WE TOLD YOU SO!**

In a complete victory for public and environmental health, the U.S. Court of Appeals for the District of Columbia today invalidated a pair of EPA rules that would have allowed coal-fired power plants to overwhelm waterways, fish and communities with harmful levels of mercury for decades to come. The Court found EPA's 2005 rules removing power plants from the Clean Air Act's list of toxic sources and creating an anemic “cap and trade” regulatory scheme to be in violation of the Act.

Two years ago the WVEC Lobby Team made these same arguments to DEP and the legislature and the WV Bureau of Public Health, and all we could salvage was a whitewashed study report from the two agencies that continued to ignore the strong science that showed clearly that EPA's proposed rules were inadequate to protect human health and the environment.

Instead, West Virginia became the first state to adopt the flawed EPA rules.

Today, the Court, in striking down EPA's actions, found that the Bush Administration's explanation for delisting power plants “deploys the logic of the Queen of Hearts, substituting EPA's desires for the plain text of (the Clean Air Act).”

Power plants, the largest source of manmade mercury in the country, spew 48 tons of the dangerous neurotoxin into the air each year, while a single gram – 1/70th of a teaspoon – of mercury per year is enough to

*..... continued on page 3  
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# E~Day at the Capitol

Friday, February 22nd

House & Senate Halls / Upper Rotunda (well) area  
WV State Capitol, Charleston WV  
10 a.m. ~ 2 p.m.

Displays, Grassroots lobbying, more

## E-Day Benefit Reception

The Women's Club of Charleston  
(Corner of Virginia St. East & Elizabeth St, Charleston)  
6:00 p.m. - 10:00 p.m.

**Live music by: The Blue Notes!**

**Deluxe Soup & salad buffet**

**Suggested Donation:**

**\$15 a person - \$25 per couple (or whatever you can afford!!!)**

### 2008 WVEC Award Recipients:

**Mother Jones - Senator Jon Blair Hunter**

**Chuck Chambers Public Service -**

**Delegate Mike Burdiss & Delegate Joe Talbott**

**Laura Forman Grassroots Activist -**

**Matt Keller and Chuck Nelson**

**Linda Schnautz Environmental Courage -**

**Chrystal Gunnoe**

**Green Entrepreneur -**

**Mountain View Builders / Mountain View Solar**

**Youth Activism - Danny Chiotos**

### WV Environmental Council

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### Legislative Session 2008 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)

**CAPWIZ:** <http://capwiz.com/catholicconferencewv/issues/alert/?alertid=10836991>

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

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

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

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

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

Earlier that morning SB 588 had been introduced. Senator Hunter was the sole sponsor of that bill, a bill that would put a halt to the practice of burying hundreds of miles of streams with tons of rubble blasted off the tops of mountains.

While I have known for years that the Senator is a devout Catholic, this was the first speech I have heard him give where he spoke openly of his faith.

“To intentionally destroy God’s creations, be they human or a mountain, is a Sin of Commission,” he said. “To stand by and do nothing is a Sin of Omission.”

“On this holy day, Ash Wednesday, I wish to confess my sin of omission, and I promise to sin no more.”

I’m not sure how the Senator managed to keep his composure at that point – I was about to lose mine listening to him from the Gallery – but he never faltered.

He continued to speak about the “1.4 million acres or 2,200 square miles” of mountains that have been destroyed, and the “1,200 miles of streams” that have been buried.

“And what about our people?” he asked, as he spoke of the loss of both jobs and population that this form of strip mining on steroids has brought to southern West Virginia.

The Senator spoke emotionally about the serious impacts caused by mountaintop removal mining to the lifestyle and health of the citizens of the coalfields.

Senator Hunter concluded his speech by saying that he knew that the Senate would not pass his bill, “but as one of my last confessions, I had to confess my sin of not doing this sooner during my eleven years in this body.”

While my friend was giving this speech I was desperately trying to take it all in. The Senate Chamber was absolutely quiet – you could hear a pin drop. And when he finished Senator Randy White rose and asked for “unanimous consent” that Senator Hunter’s remarks appear in the official Journal of the State Senate.

And then the moment had passed. The Senate went back to business as usual.

But that moment will be with me forever – a rare moment when an extraordinary man did the right thing for all the right reasons.

So, please keep your bird feeders full this week. It’s the right thing to do.



## EPA’s Mercury Rule ... cont. from pg. 1

contaminate a 25-acre lake to the point that fish are unsafe to eat. EPA estimates that as many as 600,000 babies may be born in the United States annually with irreversible brain damage because pregnant mothers ate mercury-contaminated fish. Mercury risks also include delayed developmental milestones, reduced neurological test scores, and cardiovascular disease. Nearly one-third (32 percent) of America’s lakes and nearly one-fourth (24 percent) of our rivers were subject to advisories for mercury contamination in 2003.

Fish consumption advisories due to mercury pollution have been posted for every river and stream in West Virginia.

Despite the devastating impact these emissions are having on the environmental and human health of the nation and clear mandates under the Clean Air Act, EPA has steadfastly refused to regulate power plant mercury pollution, instead coming up with a non-control plan that allowed the energy giants to continue emitting significant amounts of mercury. “These rules represented what was perhaps the biggest sellout to industry in the history of EPA,” said Waterkeeper Alliance Legal Director and attorney on the case, Scott Edwards. “It’s a real tragedy that we’ve had to spend two years getting this industry-scripted scheme struck down while energy companies continue to poison our children with mercury.”

With EPA’s delisting action declared illegal, the Agency is now obligated to develop “Maximum Achievable Control Technologies” standards for power plant mercury emissions. Several U.S. Department of Energy studies conducted over the past few years have demonstrated that upwards of 90 percent of power plant mercury emissions can be eliminated using affordable and available reduction technologies.

Fourteen states and dozens of Native American tribes, public health and environmental groups, and organizations representing registered nurses and physicians were plaintiffs in this case.

## Critters

Legislators have introduced resolutions that nominate the timber rattlesnake as West Virginia’s official state reptile, while a giant prehistoric ground sloth, the *Megalonyx jeffersonii*, has been nominated for designation as the official state fossil ... and all this time we thought the official state fossil was Robert C. Byrd!

# Why Coal-to-Liquids Is a Bad Idea

By Vickie Wolfe, WVEC

We're hearing a lot these days about so-called "clean coal" technologies, one of which is a process for producing liquid fuel for use in motor vehicles. The fact is, however, that of all the things that can be done with coal, this is the worst - for a number of reasons.

First, the process that produces liquid fuel from coal is only about 50 percent efficient, meaning that, in order to obtain 1,000 BTUs of usable fuel, about 2,000 BTUs must be invested. This makes coal-to-liquids (CTL) a very wasteful use of coal.

Because this process is so energy-intensive, the volume of greenhouse gases (GHGs) emitted is more than twice those emitted in the production and use of gasoline and diesel. Advocates of CTL propose to capture and store the GHGs that result from the production process. However, carbon capture and storage (CCS) is relatively new and untried, and is not expected to be viable for at least ten years. Even if CCS is successful, the liquid fuel produced from coal releases more GHGs when it is burned than do either gasoline or diesel.

Advocates of coal-to-liquid argue that it will decrease our country's demand for foreign oil, which accounts for about 60 percent of our supply. There are, however, several problems with this argument. First, the new federal Energy Independence and Security Act of 2007 mandates that by 2020, U.S. automobiles, SUVs and light trucks must average 35 mpg - an increase of 40 percent. This increase in fuel economy eliminates about 2/3 of our foreign oil demand.

Second, our largest foreign supplier of oil is *not* an unstable Middle Eastern country, but rather is Canada, with which the U.S. enjoys an excellent relationship.

A third problem with the "energy independence" argument is that CTL simply is not the best way to achieve this objective. The National Coal Council itself found that burning the same amount of coal to produce electricity to power plug-in hybrid cars would replace twice as much oil without generating nearly as much greenhouse gas. Plug-in hybrids are on the way; General Motors' Volt is scheduled to be available in 2010. Other models may be available even sooner.

If West Virginia does get into the coal-to-liquids business, one result will be an increased demand for coal. This means more mountaintop removal, which West

Virginians oppose by a margin of at least 2:1, according to polls.

The CTL process uses huge volumes of water - a precious resource that will doubtless become even more precious in the future.

Finally, if producing liquid fuels from coal were a sound economic proposition, the private sector would already be doing it. In a world so threatened by climate change, investing taxpayer funds in any type of carbon-based energy is questionable at best. In the case of CTL, which is plagued with all the problems outlined above, it is ludicrous. Further, the economics of CTL become unfavorable if oil drops below about \$55 per barrel, which is not inconceivable.

"Clean Coal" .....  
is an oxymoron



## 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*



# Get Up, Stand Up

## Grassroots Citizen Lobbying Essential

By Chuck Wyrstok, WVEC Outreach

Stand up for your rights! This timeless advice from reggae legend Bob Marley has *never* been more relevant. Perhaps you've noticed the general unwillingness of our state government to do the right thing. This intransigence can only be stopped by convincing our legislators that compromising the quality of our air, water and land is completely unacceptable.

WVEC's team of lobbyists is working full-time at the capitol right now to achieve this goal, but their efforts would be immeasurably boosted if *you* would pay a visit to your delegates and senators during this Legislative Session.

The effectiveness of this cannot be overstated. Nothing replaces the face-to-face meetings from constituents. There are many progressive bills this session, and we need support from our representatives at the capitol. It's time to stop doing business as usual and ensure a safe and secure environmental future. You will be there representing many others...you will be there for your family, your grandchildren and people who simply think that you "can't fight city hall".

When legislators are visited by voters from their home districts, they pay attention. It will be important for you to emphasize that you *sacrificed* that day to come to Charleston and that you want action and results or people in their home district will hear about it.

We'll arrange for a member of our lobby team to meet you on your arrival, brief you on the status of specific bills being considered and guide you to your legislators' offices. First timers may be struck by the sense of empowerment you experience. It's grassroots at its best.

We've selected Tuesday as the optimum day for your visit, but Mondays, Wednesdays and Thursdays work as well (Fridays, legislators are leaving for the weekend).

All you have to do is contact me with your plans at [wyro@appalight.com](mailto:wyro@appalight.com) or 304 927-2978 and I will arrange for you to meet our lobbyists and make your day as painless, effective and satisfying as possible. If you live a great distance from Charleston, try to carpool with people from your area. We'll try to arrange overnight lodging if you need it. Charleston area folks, please let me know if out-of-town travelers can stay overnight at your home.

Oh, one last thing. Friday, February 22<sup>nd</sup> is E-Day at the Capitol.

It's an excellent time for citizen lobbying, as well as networking in person with our member groups and having fun together in the evening at our benefit reception. Highlights include our 2008 Environmental Awards, live music by The Blue Notes and a buffet dinner. So, whatever you decide fits your schedule best, just let me know and we'll make your day worthwhile.

## Plastic Grocery Bags?

### House Bill Would Ban By 2011!

*Excerpted from Associated Press, February 8, 2008*

A bill introduced this week in the House would require retail establishments to phase out the use of plastic bags by 2011.

The measure would also require retailers to provide compostable bags such as paper; or offer reusable bags for purchase; put recycling labels on bags and place recycling bins at stores for customer use.

"Plastic bags have become a public eyesore, cluttering river banks and roadways," said Delegate Ralph Rodighiero (D-Logan), the bill's lead sponsor.

"A ban on the bags would also benefit the environment. If we switched back to paper bags, the paper itself goes back into the dirt. Ten years from now, plastic bags will still be hanging out alongside the roads," he said.

Other states have considered similar legislation but retail opposition has prevented the measures from gaining momentum. The first local government to ban plastic shopping bags was San Francisco last March.

There is debate .... whether plastic bags are actually the better environmental choice. At issue are concerns about the trees cut down to make paper bags, the pollution created during production, the extra transportation costs for a heavier, less compact product and that plastics are produced from the waste products of oil refining.

## Look Who Filed

Long-time WVEC member and former board president **Elizabeth (Liz) Sampson** has filed to run for the 11th Senate District seat being given up by Senator Shirley Love, D-Fayette.

There can be no doubt how Elizabeth Sampson would vote on environmental issues. Way to go, Liz!

## Stream “Shuffle” Begins

By Donald S. Garvin, Jr.

It was an ugly scene in the Senate Natural Resources Committee meeting Wednesday, as the “Tier 2.5 Stream Shuffle” began in earnest.

For starters, the room was packed to overflowing with angry misinformed farmers and loggers who just happened to be at the Capitol for Farm Bureau and Forestry Association day. What a coincidence!

The big item on the committee’s agenda was SB 456, the antidegradation implementation procedures rule (60CSR5). You will recall that just prior to the session the Joint Legislative Rule-Making Review Committee voted to restore the Tier 2.5 stream list to the 309 streams proposed in last year’s Antidegradation Implementation rule.

Well, on Wednesday, after only brief discussion of the rule, the Natural Resources Committee voted to accept an amendment made by Senator Karen Facemyer (R-Jackson) to reduce the Tier 2.5 list down to 108 streams.

Only two senators voted in opposition: Senator Randy White (D-Webster) and Senator John Unger (D-Berkeley).

In addition, the committee voted to add a third committee reference to the bill, sending it first to Senate Finance Committee before sending it to the Judiciary Committee. The Finance Committee chair is Senator Walt Helmick (D-Pocahontas), who was the author of last year’s amendment to gut the list to just 38 streams.

So at the halfway point in the session the battle over protecting the state’s cleanest streams and rivers has begun. Where it will end up is anybody’s guess at this point.

## Water Resources Plan

The Joint Legislative Oversight Commission on State Water Resources approved today a proposed bill that would continue the state water resources survey, authorize DEP to develop a state water resources management plan and authorize designation of regional and “critical area” water resources planning areas.

The commission’s proposal will be introduced next week as a bill in each house. Commission chair Senator John Unger (D-Berkeley) said this is the next step necessary to protect water quantity in West Virginia.

## REAP Rules....

### Read ‘Em and Weep!

By John Christensen, WVEC

Rules are rules - or so they say on the ball field. But, down here at the legislature it seems to be a convoluted, unsympathetic mess. The whole process begs for revision.

The one rule that we’ve been watching closely from DEP lately is SB 385 and involves a change in the Recycling Assistance Grant Program known affectionately as REAP. I’m sure you’ve heard the radio commercials featuring our beloved governor, aka “MoJo” touting this program as the best thing this side of Monaco.

Our county Solid Waste Authority’s (SWA) have utilized this recycling funding mechanism for over ten years in the mountain state - building state of the art recycling facilities for collecting clean, separated materials and turning them into cash, products and valuable landfill space to be used for future generations.

The program has worked very well up to now, so why would the state regulators decide county solid waste authority grant money will NOT be used for permanent structures and capital improvements? There is no way that a program could survive without small to medium-sized buildings, sheds, loading docks, retaining walls and the like. Those structures are inherent to a successful recycling program.

In their infinite wisdom, our DEP regulators specifically banned new structures and capital improvements in the new rules despite a letter writing campaign during interims. What’s a county solid waste authority to do? Luckily they have old garbage crazies like us to do a little ground work that may rectify the situation. We’ve crafted an amendment to allow permanent structures, fix the problem of regulatory omission and allow our county recycling programs the discretion needed to operate a workable facility.

It’s our intent that recyclers can expand and become more efficient and sustainable. The more we recycle the less we landfill. What a concept!

Thanks to Senator John Unger II for assisting our efforts in the finance committee and Delegate Bonnie Brown (D-Kanawha) for her unwavering support. Our county solid waste authorities, private recyclers, solid waste management board, and the mostly volunteer staff deserve our help on this important matter.

# State Should Protect Wild Trout Streams

By David W. Bott

West Virginia is “Open for Business.” The National Shooting Sports Foundation recently released numbers on the impact that sportsmen have on the economy. In West Virginia it is significant.

Overall hunting and fishing provide a big boost. The report is truly shocking. There have always been suspicions, and small indicators about the benefits from sportsmen, but few economists have placed much leverage on outdoor activities as a development factor because the impact is diverse and found mostly in the rural counties.

We are speaking of a business force here, one that has been overlooked for the most part by economists and reports such as *Unleashing Capitalism*. Outdoor activities in West Virginia support 25,000 jobs with salaries and wages totaling \$491 million, federal taxes of \$138 million, and state and local taxes of \$172 million with a ripple effect of \$2 billion. These are some serious numbers that should grab the attention of all elected officials.

The impressive numbers also demonstrate anglers have four times the monetary effect, and they spend twice the number of days on the water than hunters do afield. Angling doubles, triples and even quadruples the impact of hunting in all categories. This in no way implies there is a competition between hunting and fishing since many people do both. Angling tends to be a family affair and has a longer season, while hunting is a more solitary activity. The important differences are strictly economic. Income, jobs and taxes are strong from all outdoor activities, but angling does provide the foundation in West Virginia.

A recent *Gazette* article concerning the Associated Press Panel on the Economy of West Virginia, which met Jan. 4, reveals that several participants are still marching with the same old parade. On the other hand, the National Shooting Sports Foundation report and recent commentary by Charlie Nichols (Jan. 2) focus upon the voting power of sportsmen and a political force that might be tapped. But the firm reality of this report is the economic potential of angling. Every local, county and state government body should be exploring how they can benefit from the financial force angling presents.

Growing angling opportunities in the state mean growing the economy and jobs. If the governor and Legislature are truly committed to getting West Virginia out

of the basement economically, the National Shooting Sports Foundation numbers should be encouraging. These numbers rival economic indicators for logging and exceed all numbers for agriculture. Most employment supported by outdoor activity tends to be located in small businesses in rural communities, and they do not have the lobbying ability of the more predominant industries. Do our governor and Legislature have the good sense to look beyond the expected and embrace a new direction to diversify the economy of West Virginia?

The recent addition of Stonewall Jackson Lake set Lewis County on a new path of economic growth. The lake has been a magnet for anglers from all around the country and sparked the growth of small businesses in the area. The opportunity to repeat this success in Pocahontas and Randolph counties is staring us in the face. West Virginia is blessed with an abundance of quality streams and we have the opportunity to highlight two of the unique fisheries with the Wilderness designation for Seneca Creek and the East Fork of the Greenbrier River.

Don Gasper, a retired DNR biologist, said in a June 17, 2007, commentary: “Improved brook trout fisheries would be highly sought after, and of increasing economic value. Wilderness designation will protect them from future threats and would assure minimal disturbance. Seneca Creek is a prime example of a stream that would benefit from Wilderness protection with its erosion-prone Mauch Chunk geology, its rare wild rainbow trout population and its many spectacular waterfalls. It is the Monongahela’s centerpiece. It is listed in ‘America’s 100 best trout streams.’ This is why Trout Unlimited has a bumper sticker that reads, ‘Wilderness, A Great Place to Hunt and Fish.’”

The governor must see this as an excellent opportunity to round out the fishing opportunities in the state from bass fishing to brook trout by protecting two of the state’s best fisheries. Doing so will boost the impact of angling on the state economy.

He should call on Reps. Shelley Moore Capito and Nick Joe Rahall to endorse Seneca Creek and the East Fork of the Greenbrier for Wilderness designation. The National Shooting Sports Foundation report shines a light on a bold new initiative for a new year of economic opportunity. It is up to us to continue to build on these numbers.

Dave Bott, of Westover, is a former chairman of the West Virginia Council of Trout Unlimited. This op-ed article appeared in the Feb. 5 edition of the *Charleston Gazette*.

# Bills We Are Tracking

<u>Bill Number</u>	<u>Title</u>	<u>Committee</u>
<b>Senate Bills</b>		
SB 7	Establishing Flood Protection Planning Council	<b>Passed Nat Res to Finance</b>
SB 11	Reducing state vehicles' petroleum-based fuel consumption	Gov Org
SB 23	Public health assessment of DEP rules ( <b>WVEC Bill</b> )	H&HR
SB 80	Requiring verification of notice to adjoining landowners of timbering operations	Nat Res
SB 124	Prohibiting timbering operations near brook trout streams	Nat Res
SB 135	Establishing returnable beverage container deposit program ( <b>Bottle Bill</b> )	Judiciary
SB 216	Eliminating coalbed methane tax exemption	EIM
SB 240	Creating WV Public Campaign Financing Act ( <b>Clean Elections</b> )	Judiciary
SB 299	Creating Renewable Portfolio Standards Sustainable Energy Act	EIM
SB 300	Disallowing accelerated rate recovery for transmission lines	Judiciary
SB 438	DNR rule on drilling in state forests	<b>Passed Nat Res to Judiciary</b>
SB 466	Administration of Dam Safety Rehabilitation Revolving Fund Loan Program	<b>Passed Nat Res to Finance</b>
SB 467	Reauthorizing Dam Safety Rehabilitation Revolving Fund PEND Senate	<b>Passed Nat Res to Finance</b>
SB 474	Sales tax holiday for Energy Star appliances	Finance
SB 482	Oil and Gas Surface Owner's Bill of Rights	EIM
SB 487	Authorizing counties and cities to enter into energy-savings contracts (see HB 4028)	Gov Org
SB 501	Transferring Stream Partners Fund from DNR to DEP	Judiciary
SB 503	Requiring fingerprinting of solid waste facility permit applicants	Judiciary
SB 517	Authorizing DEP Secretary to sign NPDES permits (Bad Bill)	EIM
SB 553	Creating Permitting Information Act	Gov Org
SB 555	Limiting classification of managed timberland	<b>Passed Judiciary to Finance</b>
SB 568	Green Buildings Act	Gov Org
SB 588	Preventing excess spoil or overburden near certain streams ( <b>Anti MTR Bill</b> )	EIM
SB 614	Limiting certain land use in growth counties for nonenergy purposes	Econ Dev
SB 622	Creating Voluntary Rural and Outdoor Heritage Conservation Act	Econ Dev
SB 626	Expedited air pollution permits for minor sources ( <b>Terrible Bill</b> )	Judiciary
<b>House Bills</b>		
HB 2321	Increasing penalties for discarding trash on land and in streams	Judiciary
HB 2492	Defining "fill material" in the Water Pollution Control Act ( <b>Terrible Bill</b> )	Judiciary
HB 2773	Establishing returnable beverage container deposit program ( <b>Bottle Bill</b> )	Judiciary
HB 4005	Extending alternative-fuel motor vehicle tax credit	Finance
HB 4006	Including bicycle and pedestrian ways in planning and development of state roads	<b>Died in Roads &amp; Trans</b>
HB 4028	Authorizing counties and cities to enter into contracts for energy-savings	<b>Passed House to Sen Gov Org</b>
HB 4039	Giving abutting landowners right of first refusal to lease or buy public lands	Judiciary
HB 4041	Eliminating coalbed methane tax exemption	Finance
HB 4050	Creating WV Public Campaign Financing Act ( <b>Clean Elections</b> )	Judiciary
HB 4066	Green Buildings Act	Gov Org
HB 4083	Creating Renewable Portfolio Standards	Ag & Nat Res
HB 4095	Creating commission to study impact of global warming	Ag & Nat Res
HB 4133	Strengthening vehicle emission standards	Roads & Trans
HB 4267	DNR rule on drilling in state forests	<b>Passed Ag &amp; Nat Res to Judiciary</b>
HB 4286	Oil and Gas Surface Owner's Bill of Rights	Ind & Labor
HB 4305	Tax exemption for energy efficient products	Finance
HB 4342	Creating a State Trail Authority within West Virginia Development Office	Gov Org
HB 4408	Eliminating plastic bags from use in retail establishments	Ag & Nat Res
HB 4411	Exempting aquaculture facilities from sludge management requirements	Ag & Nat Res
HB 4434	Establishing higher education energy and water savings revolving loan fund	Finance
HB 4436	Creating solar hot water heating course at community and technical colleges	Education
HB 4438	Expedited air pollution permits for minor sources ( <b>Terrible Bill</b> )	Gov Org
HB 4451	Creating Permitting Information Act	Gov Org
HB 4454	Requiring public utilities to file all rates with county commissions	Pol Sub
HB 4476	Public-Private Transportation Facilities Act	Roads & Trans

(NOTE: We are tracking all the DEP rules. Senate bill numbers for these rules are SB 369 – SB 392 and SB 456. House bill numbers for these rules are HB 4179 – HB 4194, HB 4221 – HB 4230, and HB 4284).



# Calendar of Events



**February 22:** WVEC's annual E-Day at the Capitol. To be held in the House & Senate halls and around the well. From 10:00 a.m. ~ 2:00 p.m. Environmental & sustainable business displays, citizen lobby day, press conference and more.

**For display reservations contact:** Denise Poole, (304) 414-0143 or deniseap@earthlink.net.

**February 22:** WVEC's E-Day Benefit Reception. Location: The Women's Club, on the corner of Elizabeth Street & Virginia Street, Charleston. From 6:00 p.m. till 10:00 p.m. Highlights include: 2008 Environmental awards bestowed; live music by *The Blue Notes*; deluxe soup & salad bar buffet dinner and more.

**Suggested Donation:** \$15 per person, or \$25 per couple - or whatever you can afford!!!

**For more information:** WVEC office, (304) 414-0143 or e-mail deniseap@earthlink.net.

**February 26:** Anniversary of Buffalo Creek disaster.

**March 8:** Last day of the 2008 regular Legislative Session. Join WVEC for an "Open House End of Session" gathering. To be held at our office, located at 2206 Washington Street East, Charleston. Bring your favorite dish and beverage! Easy walk to and from the capitol to watch the floor session action till midnight. Convenient Saturday parking behind our office.

**For more information:** WVEC office, (304) 414-0143.

**April 5-9:** 3rd Annual Mountaintop Removal Week in Washington.

**For more information:** Contact Mary Anne Hitt or visit [www.iLoveMountains.org](http://www.iLoveMountains.org).

**April 18- 20:** Sustainable Fair. Davis & Elkins College - Elkins, WV. Keynote, Deborah Koons Garcia, "The Integrity of Food"; Workshops; Sustainable Booths; Children's program; Art Exhibit; Live music by *Public Outcry*; Two sustainable benefit dinners; WV Symphony concert; Tours to sustainable locations ... more.

Spearheaded by, Sustainable Living for West Virginia org. in conjunction with Davis & Elkins college and a host of groups and green businesses.

**Dinner Reservations:** Friday night "Taste of West Virginia" buffet - \$25. Saturday night benefit dinner, "Living in Concert - A Sustainable Feast", \$40 (reservations only - limited seating), contact Jan Myers, (304) 269-7019 or send to Jan at 295 Simpson Run Rd, Weston WV 26452.

**WV Symphony Concert:** Saturday evening at 7:30 p.m. Contact Carol Schuler at D&E College, (304) 637-1388 or by e-mail, [schulerc@DavisandElkins.edu](mailto:schulerc@DavisandElkins.edu).

**For more information and to participate contact:** Denise Poole, [deniseap@earthlink.net](mailto:deniseap@earthlink.net) or call (304) 617-7073

**June 28:** 5th 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: [lapaixpeace@gmail.com](mailto:lapaixpeace@gmail.com) or visit the website: [www.lapaixherbfarmproducts.com](http://www.lapaixherbfarmproducts.com)

**October:** WV Environmental Council's annual Fall Conference. Join WVEC this fall as we set our 2009 agenda, offer workshops, recreation outings and more. Stay tuned for exact date, location and other details for our 19th annual Fall Conference.

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## Support the West Virginia Environmental Council

2206 Washington Street East, Charleston WV 25311

Phone: (304) 414-0143 [www.wvecouncil.org](http://www.wvecouncil.org)

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### Membership Levels

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

\_\_\_\_\_ \$ 10 Student / Senior

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

\_\_\_\_\_ \$ 25 Regular

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

\_\_\_\_\_ \$ 50 Seedling

\_\_\_\_\_ \$ 100 Sustaining

\_\_\_\_\_ \$ 250 Enviro Steward

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

\_\_\_\_\_ \$ 500 Canopy

\_\_\_\_\_ \$ 1,000 Old Growth

\_\_\_\_\_ \$ Other

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Members ... if you are still receiving your *Legislative Update* newsletter via U.S. Post, and would like to receive via e-mail only: Please send your e-mail address to Denise at: [denisap@earthlink.net](mailto:denisap@earthlink.net).

Help the e-council save resources!

