



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 8 – We Can Only Dream

Our good friend Perry Bryant, long-time progressive lobbyist at the capitol, sent out his legislative update this week to West Virginians for Affordable Health Care with the following header:

“Opening the process at DHHR (Medicaid) is referred to two committees in the Senate, data-mining bill dies, removal of soft drinks in school dies, and the Senate is considering a way to substantially reduce health care costs for a select group of West Virginians — legislators.”

That sums up the way things are going for environmental issues as well.

I began this session feeling fairly upbeat about our legislative agenda. With less than two weeks remaining, all that has changed and things are looking pretty gloomy.

The Tier 2.5 stream list in the Antidegradation Implementation Rule was gutted by three Senate committees, down to just 108 streams – and then the Tier 2.5 category itself was eliminated by a vote of the full Senate. In addition, the coal boys have managed to get the new list of trout streams removed from the Water Quality Standards Rule.

A bill that would help make a mega-dump out of the McDowell County landfill (SB 770) sprung to life on the final day that bills could be introduced, and was passed on the fast track by the Senate.

We have managed to get some improvements to HB 4438, the “mysterious blue haze” bill that would “streamline” air pollution permits and actually allow construction to begin before all the permits are received for new “minor sources” of air pollution. But, as I said last

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## Open For Garbage

By John Christensen, WVEC Lobby Team

**Action Alert:** House Finance Committee chairman Harry Keith White has granted our request for a public hearing on SB 770. The hearing is scheduled for 9:30 A.M. on Monday, March 3 and will be held in the House Chamber.

Just when you thought we might get through the session without having to deal with a garbage bill, we get **three** on the last day to introduce bills (Feb. 18). SB 703, SB 727, and SB 770 are utilizing a different strategy to undo our nationally recognized solid waste laws. They all bear the title “reduced solid waste assessment fee”, which sounds almost palatable until you read the details.

SB 770 is the active bill, and the one that we are concerned about.

The premise of this bill is to reduce landfill tipping fees statewide, once the amount of garbage collected statewide reaches 570,000 tons per month during a three month period.

The only way this can be accomplished is by boosting the garbage tonnage at the McDowell Landfill and force the state to consider making it a mega-landfill, lifting the cap from 50,000 tons a months to 100,000 tons a month.

The provisions of this bill will primarily benefit one private landfill operator, waste haulers, some municipalities and the McDowell county budget.

And, if the bill is passed as is, the tipping fees will remain at the reduced rate, even if McDowell Landfill garbage collection decreases in the future.

**The only incentive contained in this bill is to produce more garbage, and the bill is a disincentive to West Virginia's recycling efforts.**

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**WVEC lobby team at the "well" - hard at work  
John Christensen, Don Garvin, Vickie Wolfe  
(E-Day at the Capitol, February 22, 2008)**

*Photo by, Chuck Wyrstok*

**Reminder:** The 2008 Legislative Session ends at midnight Saturday **March 8th**. As soon as the dust settles, we will publish our **Legislative Wrap Up** newsletter. Look for this around the end of March or early April. There will be no **Legislative Update** this Friday due to the complexity of the end of the session. Be on the look out for any ACTION ALERTS we may send out.

**Last Day of Session WVEC Open House:** If you would like to come to the capitol on Saturday, March 8th to watch the action, stop by the WVEC office at 2206 Washington Street East between 12 noon till ??? Bring your favorite dish and beverage. Lots of folks will be going to and from the capitol as bills of interest pass or fail. We are just a block from the capitol, and parking behind our office is plentiful on Saturdays ... word has it some may bring instruments along ....

## 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.

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

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

week, it is the very concept of HB 4438 that is bad public policy in the first place, and it, too, has been fast-tracked for passage in the House.

Once again both the Bottle Bill and the Clean Elections Bill – for the umpteenth year in a row – will languish without being advanced by committees. On E-Day, the Clean Elections bill actually appeared on the House Judiciary Committee agenda for about four hours before it was removed! I still haven't figured that one out.

And to round things out, not one of the half a dozen or so renewable energy or energy conservation bills we have supported this session has even been taken up for consideration by any committee. Meanwhile, AEP yesterday asked the state Public Service Commission for a 17 percent rate increase.

Contrast all this to another piece of email I received this week from Conni Lewis, also a long-time progressive lobbyist at the capitol, including several stints on the WVEC Lobby Team.

Conni is also an active member of the American Friends Service Committee and she passed on this legislative update from the "Friends" group in the State of Washington:

"This past Tuesday, February 19th, was the last day for legislation to pass either the state House or Senate. We're happy to report that each of the four Priorities for a Healthy Washington has made it over this hurdle . . .

- **Climate Action and Green Jobs** passed the House, 64 – 31.
- **Local Solutions to Global Warming** passed the Senate, 31 – 17.
- **Evergreen Cities** passed the House, 73 – 22.
- **Local Farms – Healthy Kids** passed the House, 95 -1; the Senate passed companion legislation, 48 – 0."

Well it's obvious immediately that the legislature in the State of Washington is on a different planet than the legislature here. They actually seem to have a plan; they actually seem to have a progressive environmental agenda endorsed by their legislative leadership.

Or perhaps they even have a progressive environmental agenda sponsored by their **Governor!** Imagine that!

Conni's wistful comment was, "We can only dream."

Yes, Conni, we can only dream.

Our fine-feathered friends are getting ready to nest, so remember to keep your bird feeders full this week.

## "Open for Garbage" ... cont. from pg. 1



WVEC's John Christensen on Hoppy Kercheval show February 28th  
Photo by Gary Zuckett

The bill would be administered by our understaffed DEP. The bill does nothing to promote recycling, actually reduces recycling dollars by thousands per year unless we bring in MORE garbage. This is not a good deal for WV citizens.

It also hurts the LCAP program, which helps county solid waste authorities close old landfills in an environmentally safe manner and provide perpetual monitoring, by reducing the funding for that program. Currently only ten million dollars are in that account. When a landfill must be closed, the host county commission will have to make up the difference in the event of a shortfall.

And remember folks, once our WV code is opened for some special interest idea like this, the protective tonnage caps will be in jeopardy statewide.

**Where will all this garbage come from?** It's no secret - it will come from New York, New Jersey and Philadelphia, thousands of trainloads of plastic-cubed garbage from the east's biggest cities direct to McDowell County.

Senator Truman Chafin (D-Mingo) is SB 770's lead and only sponsor. Chafin has stated publicly that he will come back to the legislature in the future to ask for lifting the cap at McDowell.

The bill breezed through the senate, and will next be dealt with in the House Finance Committee.

This bill is nothing more than a classic case of "Bait and Switch" - citizens will be lured by lower garbage fees in return for higher tonnages and lifting of caps in the future. This bill should be killed.

Ask your all your House of Delegate members to **oppose SB 770**. Contact them by phone or e-mail - or better yet, come to the Public Hearing on Monday.

Let your voice be heard - **West Virginia is not "Open for Garbage"**.



# Good Bye, Tier 2.5?

By Donald S. Garvin, Jr.

WVEC Legislative Coordinator

In a surprising turn of events late this week, both the Senate and the House Judiciary Committee actually eliminated the “Tier 2.5” category from the Antidegradation Implementation Rule.

You heard me right, folks. Tier 2.5 is gone, and there is now a new definition of Tier 3 that was adopted by House Judiciary.

Under the House language, Tier 3 streams are now **“all Federally designated rivers under the ‘Wild and Scenic Rivers Act’, 16 U.S.C. #1271 et seq.; all streams and other bodies of water in state parks and forests, waters in national parks and forests and waters designated under the ‘National Parks and Recreation Act of 1978’ as amended; and pursuant to subsection 7.1. of 60CSR5, those waters whose unique character, ecological or recreational value, or pristine nature constitutes a valuable national or state resource.”**

The Tier 2.5 category is now gone in both the Antideg rule and the Water Quality rule, and the new Tier 3 definition was put into both rules. In addition, the additional trout streams that DEP had included in the updated B2 list were removed, leaving the definition of “trout waters” in tact, along with the old list of B2 streams.

My instant analysis is this: **all streams on public lands in WV would now be Tier 3 automatically.** Streams on private lands could be nominated for Tier 3 designation. **And there will be no tier lists for the legislature to approve!**

Just so everyone knows how we got to where we are, here is a brief re-cap:

Last year, DEP proposed 309 Tier 2.5 streams in the Antideg rule. A Senate Committee cut that to 38 streams. House Judiciary kept it at 309. The Speaker of the House and DEP Cabinet Secretary Stephanie Timmermeyer proposed 156 streams as a compromise, but lobbyists for the Farm Bureau, etal, wouldn’t take it. The Speaker withheld the rule for final passage and none of the DEP rules passed. Timmermeyer said she would file the rules as “finalized” with the Secretary of State’s office (since the legislature did not act), but she did not.

This year, DEP proposed 156 Tier 2.5 streams (the compromise from last year). Just prior to the regular legislative session, the Interim Joint Legislative Rule-

Making Review Committee restored the list to 309 streams.

Last week the Senate Natural Resources Committee amended the Antideg rule to include just 108 streams (a Farm Bureau proposed number). This week, Senate Finance Committee defeated an amendment to restore the list to 156 streams, and adopted the Natural Resources amendment (108 streams).

Then Senate Judiciary Committee voted to accept the amendments reducing the list to 108 streams. Also, after a bunch of whining from the coal lobbyists, the Judiciary Committee voted to remove the additional trout streams that DEP had included in the updated B2 list (leaving the definition of “trout waters” in tact, along with the old list in Appendix A).

I think it is fair to say that Senate Judiciary Committee chairman Jeff Kessler (D-Marshall) was furious, because members had assured him they would support at least 156 streams (which obviously didn’t happen). So he reported all the rest of the DEP rules to the Senate floor in a bundle, and reported the Antideg rule and the Water Quality Standards rule separately.

When the rules were sent to the floor of the full Senate, Senator Kessler spoke about how corrupt and unworkable the Tier 2.5 process had become, and offered an amendment that removed entirely the Tier 2.5 category from the Antideg rule. That amendment passed, and the Senate then passed the DEP rules bundle (SB 373), the Water Quality Standards rule (without the additional trout stream list), and the Antideg rule (without a Tier 2.5 category).

That brings us to yesterday, where in a move orchestrated by the Speaker of the House Richard Thompson (D-Wayne) and House Judiciary Committee chair Carrie Webster (D-Kanawha), the House Judiciary Committee amended back into the rules bundle (SB 373) both the Water Quality Standards rule and the Antideg rule, and included the new definition of Tier 3.

So that’s where things stand at this hour. Yesterday was a long day. I was involved in “negotiating” meetings with an increasingly expanding list of lobbyists for the Dirty Water Coalition at 8:30 in the morning, and suffered through it most of the very long day. The new rules bundle was reported to the House floor last night.

For those of you who may not like the new Tier 3 definition, or the removal of the Tier 2.5 category, don’t worry. There’s a week left in the legislative session, and the Dirty Water Coalition boys and girls are already lobbying hard to kill the rules.

# Mountaintop Removal Foes, Supporters Speak

By Phil Kabler,

Charleston Gazette Staff writer

In what could be the swan song of his 12-year legislative career, Sen. Jon Blair Hunter, D-Monongalia, Wednesday (Feb. 27) gave opponents of mountaintop removal mining a rare opportunity to voice their concerns before a legislative committee.

“In 12 years here, I felt people from the coalfields had not had an opportunity to address the Legislature,” Hunter said. “I felt it was important as a people’s Legislature to listen to the people.”

Wednesday’s public hearing drew an overflow crowd to the traditionally pro-coal Senate Energy, Industry and Mining Committee.

Ostensibly, the debate was over Hunter’s bill (SB588) to effectively prohibit valley fills by coal operations. Realistically, though, the bill had been dead from the moment it was introduced Feb. 6, with Hunter as its sole sponsor.

“I didn’t seem to have a lot of support. I didn’t have any co-sponsors,” said Hunter, who is not seeking re-election after three terms in the Senate.

He said he was encouraged that a majority of committee members turned out to hear the testimony of those opposed to mountaintop removal mining. “Hopefully, some of them were as moved as I was,” he said.

During the hearing, both supporters and opponents spoke on the bill.

Coal industry representatives stressed the economic impact of banning valley fills. “The economic devastation would be equal to a modern-day Great Depression,” said Jason Bostic of the West Virginia Coal Association.

Bob McLusky, a Jackson Kelly attorney who has represented the Coal Association in numerous lawsuits, said Hunter’s bill would not only halt surface mining, but most deep mining as well. “The state will face the largest takings case . . . probably ever filed against a state, for billions of dollars,” McLusky warned.

However, the majority of the speakers said there is an environmental, societal and moral imperative to protect the state’s mountains.

Author and former gubernatorial candidate Denise Giardina said that the Appalachian Mountains are among

the oldest on earth, which she said makes them one of God’s first creations.

“We, in one generation, are destroying them. Who do we think we are?” she said, pointing a finger at Coal Association representatives in the crowd.

Cindy Rank, with the West Virginia Highlands Conservancy, emphasized the societal price of mountaintop removal mining, naming a number of southern West Virginia communities that have been “obliterated” in the path of mining operations.

“The people in these small communities are worth more than that, and deserve more than that,” she said.

Environmental lawyer Joe Lovett said federal Environmental Protection Agency studies have projected that a significant amount of surface mining that would be lost with limits on valley fills would be made up with an increase in underground mining.

“We are losing our mountains forever for that amount of coal in the short term,” he said.

Hunter, meanwhile, said he hopes future Legislatures will be able to accomplish what he could not.

“I have been a long-time supporter of coal mining, but not mountaintop removal,” he said.

(This article appeared in the Feb. 28 edition of the *Charleston Gazette* and is reprinted here with their permission).

## Not-so Shameless Plea

With only one week left in this legislative session, the WVEC lobby team is busy working night and day, seven days a week, to represent our members and member groups at the capitol.

We need your continued financial support in order to sustain this effort.

So, please help feed our starving lobby team by sending your pennies, nickels, dimes, and big dollars today! Do it before you forget .... the lobby team appreciates it. Thanks!

"Clean Coal" ...  
is an oxymoron

## You Say You Want a Res-o-lu-tion

By Vickie Wolfe, WVEC Lobby Team  
wolfev@verizon.net

Well, at this point only one of the energy-related bills we were following is still alive. HB 4028, which allows counties and municipalities to enter into contracts for energy savings, passed the House some time ago and has a good chance of getting through the Senate before the final bell tolls.

The ideas contained in several other environmental bills are now being proposed as study resolutions, which means the Joint Committee on Government and Finance studies these things over the next ten months and then makes recommendations as to appropriate legislation for next year's session.

"Green buildings" will be the subject of one of those resolutions and, to tell the truth, I think this may be a better outcome than having had this year's bill pass. You may remember that the House version of the green buildings bill would have mandated that new and renovated state buildings be built in such a way as to satisfy the LEED silver standard (the Senate version removed the mandate). Well, it turns out the new DEP building is LEED silver certified, and just this week we met with the guy who oversaw the construction of the building. He told us, among other things, that the U.S. Green Building Council was very difficult to work with, and that after DEP moved into the building in 2004, *three more years* of negotiating were required before certification was finally granted.

Now, can you imagine how much complaining such a requirement would engender about people who sit in marble buildings and dream up laws that make others' lives miserable? This gentleman said he thought EPA's Energy Star certification was a better way to go. We've also been studying a "green buildings" bill passed by the North Carolina legislature last year, and I think that if next year's bill adds some other things like water conservation and accountability language on top of Energy Star, we'll end up with a better "green buildings" bill than we would have had this year. But I digress.

Another proposed resolution would result in a study of the effect of climate change on the Mountain State, and a plan for mitigation thereof. Still another one would focus on solid waste, including the proposals of the "bottle bill" and the bill that would have banned plastic shopping bags. Another resolution proposes a study of the staffing and enforcement performance of DEP, and yet

another will propose studying in general the economic impacts of coal mining in West Virginia, and mountaintop removal mining in particular.

So let's stay optimistic that these studies will result in more and better environmental legislation for next year, and maybe some of it will even pass . . . ☺

## Bottle Bill Update

By Linda Frame, WV Citizen Action Group  
linda@wvcag.org

While this year's bill does not sit on the governor's desk awaiting his signature, we did keep the issue alive and in the news. We received several newspaper endorsements again this year, several hits on the always-informative Reader's Vent line in the Charleston Gazette (I say if you make it to the vent line, then Joe Citizen is paying attention), met with the governor and his staff - as well as leadership in both Houses, and raised public awareness.

One of the most enjoyable parts for me this session was watching the involvement of the Student Environmental Action Coalition (SEAC) and members. They are taking it to the streets themselves - setting up recycling programs on campus, calling and meeting with the governor, and starting petition drives. What great new energy to our efforts!

I get many calls each week from citizens who want to help make the Bottle Bill a law in West Virginia. People don't just call to find out more - they call to find out what they can do. When you're going up against industry that can spend thousands of dollars on perks for legislators (it's a drop in their budget bucket) you have to be in it for the long haul. Only with this continual growing grassroots support will we be able to match the staying power of big money and access to fight our efforts. Thank you!

Our key event of the session was the visit by John Ferrari to present the basics of the California deposit law. By using the format of a Joint Judiciary and Finance Committee meeting, legislators had the chance to ask questions and learn more about our bill - contributing to taking the "fear" out of changing the status quo and let legislators know that this concept works - and businesses can make money under this law.

A serious study during the interims would be a big step and a way to continue to educate legislators on why this concept makes so much sense. It already works in so many places. I'll keep you posted on post-session news.

Please remember to call Governor Manchin and ask him to support the Bottle Bill. He needs to keep hearing from citizens, and has told us he supports the concept. We need to remind him that citizens do too!

## Senate Bills We Are Tracking (as of 3/01/08)

<u>Bill Number</u>	<u>Title</u>	<u>Committee</u>
SB 7	Establishing Flood Protection Planning Council	<b>Passed Nat Res to Finance</b>
SB 11	Reducing state vehicles' petroleum-based fuel consumption	<b>Passed Gov Org to Finance</b>
SB 23	Public health assessment of DEP rules ( <b>WVEC Bill</b> )	Died
SB 80	Requiring verification of notice to adjoining landowners of timbering operations	Died
SB 88	Creating brownfield economic development districts	<b>Passed House Finance – 2nd Reading</b>
SB 124	Prohibiting timbering operations near brook trout streams	Died
SB 135	Establishing returnable beverage container deposit program ( <b>Bottle Bill</b> )	Died
SB 216	Eliminating coalbed methane tax exemption	<b>Passed EIM to Finance</b>
SB 240	Creating WV Public Campaign Financing Act ( <b>Clean Elections</b> )	Died
SB 299	Creating Renewable Portfolio Standards Sustainable Energy Act	Died
SB 300	Disallowing accelerated rate recovery for transmission lines	Died
SB 302	Public comment process for Health & Human Resources rules	H&HR
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>In House Judiciary</b>
SB 467	Reauthorizing Dam Safety Rehabilitation Revolving Fund PEND Senate	<b>In House Judiciary</b>
SB 474	Sales tax holiday for Energy Star appliances	<b>Passed Senate to House Finance</b>
SB 482	Oil and Gas Surface Owner's Bill of Rights	Died
SB 487	Authorizing counties and cities to enter into energy-savings contracts	<b>(See HB 4028)</b>
SB 499	Eliminating timber severance tax	<b>Passed Senate to House Finance</b>
SB 501	Transferring Stream Partners Fund from DNR to DEP	<b>Passed Senate to House Judiciary</b>
SB 502	Placing blasting program penalties' deposit in Special Reclamation Fund	<b>Passed EIM, 2nd Reading, to Finance</b>
SB 503	Requiring fingerprinting of solid waste facility permit applicants	<b>Passed House Judiciary – 1st Reading</b>
SB 517	Authorizing DEP Secretary to sign NPDES permits (Bad Bill)	EIM
SB 553	Creating Permitting Information Act	<b>In House Gov Org</b>
SB 555	Limiting classification of managed timberland	<b>Passed Judiciary to Finance</b>
SB 567	Banning ATV's from all paved roads	<b>In House Roads &amp; Trans</b>
SB 568	Green Buildings Act	Died
SB 578	Changes to Oil and Gas Severance Tax Act	EIM
SB 584	Expanding membership of boards of zoning appeals	Gov Org
SB 588	Preventing excess spoil or overburden near certain streams ( <b>Anti MTR Bill</b> )	Died
SB 609	Creating Innovation and Development Act	Finance
SB 613	Regulating liquefied petroleum gas-consuming equipment and appliances	Judiciary
SB 614	Limiting certain land use in growth counties for nonenergy purposes	Econ Dev
SB 622	Creating Voluntary Rural and Outdoor Heritage Conservation Act	<b>In House Finance</b>
SB 626	Expedited air pollution permits for minor sources ( <b>Terrible Bill</b> )	Judiciary
SB 641	Amending Water Resources Protection and Management Act	<b>In House Judiciary</b>
SB 643	Public-Private Transportation Facilities Act of 2008	Transportation
SB 652	Relating to private investments for Stonewall Jackson Lake State Park	<b>Passed Nat Res to Finance</b>
SB 669	Relating to private investments for Stonewall Jackson Lake State Park	Nat Res
SB 700	Requiring coal prospectors to record and report certain geological information	<b>Died in EIM</b>
SB 703	Reducing solid waste assessment fees	Judiciary
SB 706	Providing for liner placement through mined-out coal seams	<b>In House Judiciary</b>
SB 710	Eliminating gas well spacing consent from certain coal entities	<b>In House Judiciary</b>
SB 712	Authorizing Coalbed Methane Review Board to propose legislative rules	<b>In House Judiciary</b>
SB 716	Clarifying definitions of "shallow well" and "deep well"	EIM
SB 727	Relating to county solid waste assessment fees	Judiciary
SB 737	Limiting certain companies' use of eminent domain for electric transmission lines	Judiciary
SB 746	Establishing recycling recovery program for electronics	<b>In House Judiciary</b>
SB 751	Surface Coal Mining Special Reclamation Fund	<b>In House Finance</b>
SB 757	Requiring Public Service Commission promulgate wind power projects' rules	Judiciary
SB 770	Reducing certain landfill solid waste assessment fees ( <b>Terrible Bill</b> )	<b>Passed Senate to House Finance</b>
SB 775	Designating and limiting WV State Parks and State Forests	<b>House – 2nd Reading</b>

(NOTE: All the DEP rules have passed the Senate in a bundle – SB 373 – and are now on the House side).

# House Bills We Are Tracking (as of 3/01/08)

<u>Bill Number</u>	<u>Title</u>	<u>Committee</u>
HB 2184	Prohibiting solid waste authorities from competing with private recycling businesses	Judiciary
HB 2212	Requiring DEP to adopt federal surface coal mining regulations ( <i>Terrible Bill</i> )	Judiciary
HB 2321	Increasing penalties for discarding trash on land and in streams	Judiciary
HB 2367	Requiring the DEP to remediate waste tire piles	<b>Passed Judiciary to Finance</b>
HB 2385	Increasing DEP Advisory Council membership to nine members ( <i>Terrible Bill</i> )	Gov Org
HB 2474	Establishing a volunteer litter reporting program	Ag & Nat Res
HB 2492	Defining "fill material" in the Water Pollution Control Act ( <i>Terrible Bill</i> )	Judiciary
HB 2719	Verifiable Science Act ( <i>Terrible Bill</i> )	Education
HB 2773	Establishing returnable beverage container deposit program ( <b>Bottle Bill</b> )	Judiciary
HB 3041	Prohibiting oil and gas operators from daylighting	<b>Died in Interims</b>
HB 3104	Imposing additional coal severance tax on surface mining activities	Finance
HB 3147	Allowing DEP to use portion of civil penalties collected for watershed projects	Finance
HB 3154	Increasing timber severance tax and eliminating exemptions from the tax	Ag & Nat Res
HB 3210	Protecting consumers of failed water or sewer utilities	Finance
HB 3231	Increasing managed timberland tax	Finance
HB 4005	Extending alternative-fuel motor vehicle tax credit	Finance
HB 4006	Including bicycle and pedestrian ways in planning state roads	<b>Died in Roads and 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	<b>In Senate Finance</b>
HB 4050	Creating WV Public Campaign Financing Act ( <b>Clean Elections</b> )	Died
HB 4066	Green Buildings Act	Died
HB 4083	Creating Renewable Portfolio Standards	Died
HB 4095	Creating commission to study impact of global warming	Died
HB 4133	Strengthening vehicle emission standards	Roads & Trans
HB 4138	Public comment process for Health & Human Resources rules	<b>Passed House to Senate H&amp;HR</b>
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	Died
HB 4305	Tax exemption for energy efficient products	Finance
HB 4323	Tax exemption for shredding and recycling of paper and paper products	Finance
HB 4342	Creating a State Trail Authority within West Virginia Development Office	Gov Org
HB 4363	Authorizing county noise abatement ordinances	Pol Sub
HB 4408	Eliminating plastic bags from use in retail establishments	Ag & Nat Res
HB 4411	Exempting aquaculture facilities from sludge management requirements	<b>Passed House to Senate Judiciary</b>
HB 4434	Establishing higher education energy and water savings revolving loan fund	<b>Passed Finance – 3rd Reading</b>
HB 4436	Creating solar hot water heating course at community and technical colleges	Education
HB 4438	Expedited air pollution permits for minor sources ( <i>Terrible Bill</i> )	<b>Passed Judiciary – 1st Reading</b>
HB 4440	Changes to Oil and Gas Severance Tax Act	Finance
HB 4451	Creating Permitting Information Act	Gov Org
HB 4454	Requiring public utilities to file all rates with county commissions	Pol Sub
HB 4469	Allowing state colleges and universities to better manage real property	Education
HB 4476	Public-Private Transportation Facilities Act	<b>In Senate Transportation</b>
HB 4501	Amending Water Resources Protection and Management Act	Judiciary
HB 4511	Relating to zoning ordinance adoption by election or otherwise	<b>In Senate Gov Org</b>
HB 4514	Authorizing a fee to stock trout on the Gauley River	Judiciary
HB 4534	Tax credit for the purchase of new wood and pellet stoves	<b>Tabled on 3rd Reading</b>
HB 4567	Relating to private investments for Stonewall Jackson Lake State Park	<b>In Senate Nat Res</b>
HB 4590	Limiting classification of real property as managed timberland	Ag & Nat Res
HB 4594	Authorizing DEP Secretary to sign NPDES permits (Bad Bill)	Gov Org
HB 4600	Prohibiting mining on cemetery land	Judiciary
HB 4606	Tax credit for installing a solar hot water heater	Finance
HB 4638	Requiring coal prospectors to record and report certain geological information	Judiciary
HB 4654	Limiting certain land use in growth counties for nonenergy purposes	Judiciary
HB 4673	Requiring a Jobs Impact Statement ( <i>Terrible Bill</i> )	Judiciary
HB 4682	Increasing the fine for littering from fifty dollars to one hundred dollars	Judiciary
HB 4702	Providing regulation, penalties, and administration for natural gas and methane gas wells	Finance

(NOTE: All the DEP rules have passed the Senate in a bundle – SB 373 – and are now on the House side).





# Calendar of Events



**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 St. E., 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:** 2008 Sustainable Fair, "Green Makes \$en\$e". Davis & Elkins College - Elkins, WV.  
Highlights: Keynote speaker is Deborah Koons Garcia, "The Integrity of Food"; Four tracks of Workshops all day Saturday on: renewable energy; sustainable economic development; eco tourism; food & agriculture; health; architecture / Green Building; Public Policy; Transportation; Sustainable Booths; Children's program; Art Exhibit; Live music by *Public Outcry*; Two sustainable benefit dinners; WV Symphony concert; Tours to sustainable locations ... more.  
Friday or Saturday dinner reservations: Jan Myers, (304) 269-7019. Friday "Taste of WV" buffet features 15 WV gourmet chefs - cost \$25. Saturday dinner, "Living in Concert: A Sustainable Feast" is spearheaded by gourmet executive chef Dale Hawkins, with Stonewall Resort. Cost is \$40. (reservations limited, please reserve early).  
For WV Symphony Tickets: Carol Schuler w/Davis & Elkins, (304) 637-1338 or [schulerc@DavisAndElkins.edu](mailto:schulerc@DavisAndElkins.edu). Cost is 12. per ticket.  
**For more information and to participate contact:** Denise Poole, [deniseap@earthlink.net](mailto:deniseap@earthlink.net) or call (304) 617-7073

**May 24:** WVEC's "Artists for the Environment" Benefit Celebration. To take place at the WVEC office building, 2206 Washington Street East, Charleston. From 12 noon till 5:00 p.m. Featuring live music, art exhibit & sales, artisan creations, baked goods, refreshments and more. The drawing for Mark Blumenstein's sculpture, "Un-frayed" will occur at 4:00 p.m. You do not need to be present to win. A donation to WVEC of \$5. (or whatever you can afford) is requested to support our organization. This event is lots of fun - don't miss it!  
**To participate, and more information:** (304) 414-0143 or e-mail Denise Poole at [deniseap@earthlink.net](mailto:deniseap@earthlink.net).

**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 (early reservations encouraged - cost is \$25. Menu is on the website). Delicious Ala carte food and drinks are also available all day.  
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.  
Visit WVEC's website: [www.wvecouncil.org](http://www.wvecouncil.org) for more information and details as this event draws near.  
**To participate or more information:** (304) 414-0143

## 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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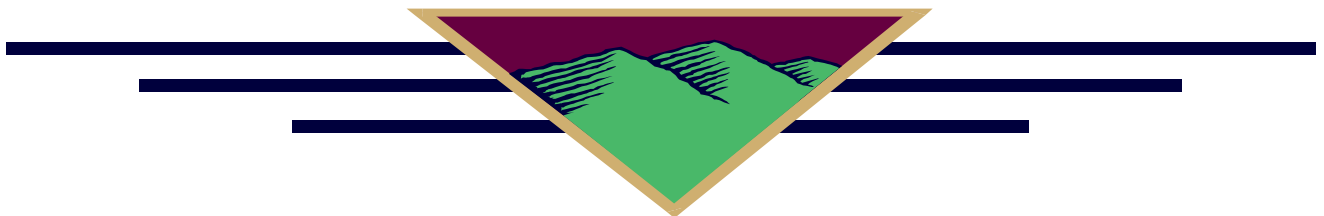
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- \_\_\_\_\_ \$ 100 Sustaining
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- \_\_\_\_\_ \$ 500 Canopy
- \_\_\_\_\_ \$ 1,000 Old Growth
- \_\_\_\_\_ \$ Other

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



**End of session - March 8, 2008**  
WVEC Open House - noon till ?  
*See details on page 2*