



Green Legislative Update

Published Weekly During West Virginia's Legislative Session

Volume: 20 Number: 2

Date: February 20, 2009

Under the Dome

By Donald S. Garvin, Jr.
WVEC Legislative Coordinator

Week 1 – Venting

Do you ever read the “Ventline” in the *Gazette*? I don’t read it often. There’s just not enough time. But last Saturday while waiting in the barbershop (now there’s a rare event!), I found myself with a lot of time and a newspaper in my hands.

As I scanned down through the usual assortment of “Ventline” rants about Democrats and Republicans and garbage pickup, I found a couple of real gems.

The first one said, “That new Little Caesars commercial is the most annoying thing since I had a cat that couldn’t hit the litter box.” I found myself chuckling even though I haven’t seen the commercial.

But the second one really got me: “To the man that sold me the F-150 in the Wal-Mart parking lot: Stop calling yourself a Christian. You’re giving Christ a bad name.”

I couldn’t keep from laughing out loud. This person was really ticked off!

Now in West Virginia it would be wrong to assume that the person who bought a pickup truck in a Wal-Mart parking lot was either a man or a woman.

But it was obvious that this person had a need to “vent.”

I have friends who regularly submit their vents to the *Gazette*, and on those rare occasions when I do scan through the column I can usually identify some of them.

For some, venting is a lot like therapy. It’s a way to get something off your chest, to blow off some steam,

... continued on page 3

Committee Formed To Discuss Nuclear Development

Legislation Will Not Be Considered At This Time
By Michelle Saxton
Daily Mail Capitol Reporter

Charleston, WV – At least one state senator is treating legislation that would lift West Virginia’s restrictions on nuclear power development as if it were radioactive.

“My wife would kill me if I voted for this bill,” Sen. Frank Deem, R-Wood, said during a meeting of the Senate Energy, Industry and Mining Committee on Wednesday. “I’m opposed to promoting nuclear energy in West Virginia.”

Instead of considering the legislation, the committee decided to form a study subcommittee, with Sen. Evan Jenkins, D-Cabell, as the chairman (*Note: Other members of the subcommittee are Sen. Joe Minard, D-Harrison, Sen. Bob Williams, D-Monongalia, and Sen. Deem*).

“I’m just not sure we have, in this committee, the time and energy to really consider the best way to handle this,” Jenkins told the full committee. “I’m not ready to candidly say, ‘I give my blessing.’”

“I am interested in having a broader discussion about the generation of nuclear power,” Jenkins said after the meeting. “How does this impact the health and safety of our citizens? How does this impact the coal industry? Are there appropriate safeguards in place for how waste is disposed of?”

Sen. Brooks McCabe, D-Kanawha, is sponsoring the bill. It would repeal part of the code that bans nuclear

... continued on page 3

E~Day at the Capitol

Wednesday, March 11th

Lower Rotunda area

WV State Capitol, Charleston WV

9 a.m. ~ 3 p.m.

Displays, Grassroots/Citizen lobbying, more

E-Day Benefit Reception

The Women's Club of Charleston

(Corner of Virginia St. East & Elizabeth St, Charleston)

6:00 p.m. - 9:30 p.m.

Live music

Deluxe Soup & Salad Buffet

2009 WVEC Awards For:

Mother Jones

Chuck Chambers Public Service -

Laura Forman Grassroots Activist -

Linda Schnautz Environmental Courage -

Green Entrepreneur -

Youth Activism

Admission:

\$15 a person - \$25 per couple

WV Environmental Council

2009 Board of Directors:

Danny Chiotos, *President*
Jim Kotcon *Past President*
Chelena McCoy, *Vice President*
Karen Grubb, *Secretary*
Frank Young, *Treasurer*

Greg Carroll John Christensen
Don Gasper Sherry Evasic
Mary Ellen O'Farrell
Denise Poole Bill Price
Cindy Rank Kevin Smith
Matthew Ivan Stiefel
Chuck Wyrostok Gary Zuckett

Membership Organizations:

WV Highlands Conservancy
WV Rivers Coalition
Ohio Valley Environmental Coalition
WV Citizen Action Group
WV Sierra Club
Coal River Mountain Watch
Plateau Action Network
Mountain State Education &
Research Foundation
Mon Valley Clean Air Coalition
Upper Monongahela River Assn.
Sustainable Living for WV

Chuck Wyrostok
Outreach Coordinator
wyro@appalight.com

Don Garvin
Legislative Coordinator
dsgjr@aol.com

Denise Poole
Program Coordinator
deniseap@earthlink.net

Don Alexander

Legislative Session 2009 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

WVEC Office: (304) 414-0143

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

Ohio Valley Environmental Coalition:

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.

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 ... continued from page 1

and to work through your anger. For others, columns like the “Ventline” are merely an opportunity to use the free press to get a message out.

There’s a lot of venting going on these days, particularly within our own environmental community.

I have watched for years now as the frustration of friends and allies in the coalfields just keeps growing. These are the folks who are forced to live the indignities of the scourge of mountaintop removal mining day in and day out. These are the folks who time after time have found their small victories and glimmers of hope turned to dust.

So just try to imagine how these folks must have felt last Friday when the super-conservative 4th U.S. Circuit Court of Appeals – packed with Reagan and Bush appointees – overturned the ruling by U.S. District Judge Robert C. Chambers that would have required more thorough permit reviews of mountaintop removal coal-mining operations.

Seems to me like an awfully good time to vent.

And just yesterday at the West Virginia Coal Association’s annual mining symposium some doofus with the “American Coalition for Clean Coal” reportedly claimed that Americans are beginning to believe the industry’s assertion that coal can be burned cleanly and provide for the nation’s energy future.

This same doofus credited the pro-coal group’s \$40 million propaganda campaign for increasing support for coal-fired electricity generation.

Well, duh!!

Seems to me like an awfully good time to vent.

There’s more snow and cold in the forecast, so don’t forget to keep your bird feeders full this week.

Think Renewable Energy

Solar Energy Tax Credit Bill

Delegate Bill Wooton (D-Raleigh) this week introduced HB 2535, a bill that would provide a state personal income tax credit of up to \$2,000 for the installation of a residential solar energy system.

The bill also would require a “net metering” credit for any excess electricity generated.

Way to go, Bill! And welcome back.

Committee Formed To Discuss Nuclear Development ... cont. from page 1

power plant construction until a national facility is available that can safely and effectively dispose of radioactive wastes.

Deem expressed concern that the nuclear energy road may not be suitable for a state that depends so heavily on jobs in the coal, oil and natural gas industries.

Deem has many decades of experience in the oil and gas business in northwestern West Virginia.

But McCabe said the legislation would level the playing field as West Virginia promotes itself as an energy state.

“I view it as a significant inconsistency that we are banning nuclear power and at the same time we are going to our neighbors around the country and saying ‘Let’s consider coal, we can make clean coal technologies,’” McCabe said.

“If we’re going to be an energy state, we ought to embrace or at least consider all forms of reasonable energy production, of which nuclear power is clearly one.”

Meanwhile, a representative of Appalachian Power views the bill favorably.

“It would make sense to us not to have any barriers like that in place,” said Appalachian Power spokeswoman Jeri Matheney. “So for that reason we would support the bill.”

Appalachian Power’s parent company, American Electric Power, has a nuclear power plant in Bridgman, Mich.

“We don’t have any plans for nuclear in West Virginia, so I wouldn’t want to make people think we did,” Matheney said.

If nuclear power would ever come to West Virginia, it would be decades away, McCabe said.

“Nuclear power is not going to be here tomorrow or next year or five years from now or 10 years from now,” he said. “But if you have a 25 to 50 year time horizon for West Virginia as an energy state, nuclear power may be a very viable alternative ... as a supplement to coal, not as a replacement.

“I want everyone to say, ‘Let’s not be afraid of our shadow. Let’s at least be able to discuss this,’” McCabe said.

(This article appeared in the Feb. 19 issue of the *Charleston Daily-Mail* and reprinted here with their permission).

PSC Drops Plan For Power Line Oversight Hearing

By Ken Ward Jr.

Charleston Gazette Staff Writer

Charleston, WV – State regulators have dropped plans to hold a comprehensive oversight hearing before giving final approval for Allegheny Power to start building a \$1.1 billion power line across northern West Virginia.

The state Public Service Commission granted Allegheny's request to eliminate the compliance hearing, which was required by the PSC's August ruling approving plans for the Trans-Allegheny Interstate Line, or TrAIL.

Allegheny lawyers objected that the compliance hearing would have required the company to obtain all necessary environmental permits and other regulatory approvals before it could start construction of any of the 120-mile project.

Under the new PSC ruling, Allegheny can use "phased construction" that breaks the transmission line into smaller segments that obtain separate approvals from various state and federal agencies.

In a 23-page order issued Friday evening, commissioners said the PSC could still hear concerns about whether the project had met various other permit requirements — listed as conditions of the overall PSC approval — through its normal review process . . .

In its Friday ruling, the commission also turned down requests from the Sierra Club and several citizens to reconsider its overall approval of the TrAIL project.

The PSC approval can now be appealed to the state Supreme Court.

TrAIL is one of two major power line projects proposed in West Virginia, and would cross eight counties from north of Morgantown to northern Virginia. The other is American Electric Power's Potomac Appalachian Transmission Highline, or PATH, which would run from the John Amos Power Plant near St. Albans to Martinsburg.

(This is an excerpt from a February 17 article in the Charleston Gazette, and is reprinted here with their permission).



Manchin Urges Coal Industry To Support Renewable Energy

By The Associated Press

Charleston, WV – Coal producers need to help West Virginia increase renewable energy production to show its commitment to new energy policies, Gov. Joe Manchin said Thursday.

During a speech to the West Virginia Coal Association annual mining symposium, Manchin urged the industry to support his legislation calling for renewable energy sources to generate 10 percent of the state's energy needs by 2015 and 25 percent by 2025.

Coal accounts for about 98 percent electrical production in West Virginia, the nation's No. 2 coal producer behind Wyoming.

By getting behind the proposed standards, the mining industry stands to gain the credibility it needs to influence the national debate on energy policy issues such as global warming, Manchin said.

If West Virginia doesn't become a leader in renewable energy, "no one's going to believe us," he said.

The Democratic governor called his plan realistic because it includes turning coal into liquids for fuel and chemicals, not just wind, solar, hydroelectric and biomass energy. "We can bring balance to the energy portfolio," he said.

Renewable projects such as wind farms and solar panels can also be placed on reclaimed surface mine sites, he said.

(Note: We heard from sources at the Capitol that Manchin's speech was not well received by the Coal Association folks, and we are still trying to determine how much of the Governor's proposed "Alternative and Renewable Portfolio Standard" will actually come from renewable sources. The article above is an excerpt from a February 19 article in the Charleston Gazette, and is reprinted here with their permission).

E-Day - March 11, 2009

Mark your calendars, and join us Wednesday, March 11th in the lower rotunda of the capitol.

Our annual E-Day Dinner Benefit and Reception will be held the same evening from 6:00 - 9:30 PM. Women's Club of Charleston.

'Bottle bill' Uncorked Again In WV Legislature

By Alison Knezevich, Charleston Gazette Staff writer

For years, "bottle bills" have been floating around the Capitol as a way to reduce litter and encourage recycling. Now, legislators are again looking at the issue.

At a joint meeting Thursday of the House Judiciary and Finance committees, delegates heard a pro-bottle bill presentation by John Ferrari, president of California operations for the recycling company NexCycle.

Under a proposal sponsored by Delegate Barbara Fleischauer, D-Monongalia, consumers would pay a 10-cent fully refundable deposit on beverage containers like bottles and cans. Milk containers would be exempt. People would get their deposit back when they took them to a redemption site to be recycled. The state would receive the cash from unclaimed deposits.

Beverage containers make up 40 percent to 60 percent of litter, Ferrari told lawmakers. The 11 states that have bottle bills have greatly cut down on their litter, he said.

Such laws also get people into the recycling mindset, he said: "It's a behavior change."

Supporters also say the bill would spur growth in the recycling industry, because workers will be needed to run redemption centers and haul recyclables.

"This is a job-creating bill," said Gary Zuckett, director of the West Virginia Citizen Action Group, which has long pushed for the law.

A coalition of groups against the plan - including the state's beverage, beer wholesalers, and retailers associations - is circulating a memo calling the bill "a massive tax increase and job killer."

They say it will send shoppers to border states that do not have bottle bills, cutting into retail sales and tax revenue in West Virginia. They also say it could lead to fraud, with residents of other states coming in to collect refunds for deposits they never paid.

Greg Sayre of the Association of Independent & Professional Recyclers, which is part of that coalition, said the program would be too costly for the state.

He also said paper makes up far more of the waste stream than drink containers, and that rural residents would be inconvenienced because they'd have farther to drive to redemption sites.

Delegate Kelli Sobonya, R-Cabell, said she's still

studying the bill. While she supports recycling, she said she's worried about how it could impact businesses such as hotels, restaurants and bars.

"I'm just concerned about the cost," she said.

Transmission Line Training & Strategy Meeting

Thursday, March 19, 2009

8:30 am - 6:00 pm

Cacapon Resort State Park

Berkeley Springs, West Virginia

The Sierra Club is sponsoring a one-day meeting to educate activists, attorneys, public officials, and others on transmission line issues in the east. The goal of the meeting is to bring together individuals and organizations concerned about new transmission lines that are intended to expand coal-fired power generation, with an eye towards the upcoming Potomac-Appalachian Transmission Highline (PATH) in particular.

Topics include, among others: the PJM planning process, how to support transmission for renewables without supporting coal, alternatives to new transmission, the legal framework for transmission line siting, and lessons from the TrAILCo line. In mid-afternoon, those who are interested will break into litigation and organizing strategy groups, which will focus on concrete next steps to push for greener and more economical alternatives to coal-by-wire.

RSVP to Violet Lehrer at:

violet.lehrer@sierraclub.com or 415-977-5766 at your earliest convenience and no later than March 6. Please indicate in your reply whether you plan to attend one of the strategy sessions (litigation or organizing/lobbying). Please see www.cacaponresort.com for lodging and travel information, or call 1-800-CALL-WVA or 304-258-1022 to make a reservation. Lodging is also available in nearby Berkeley Springs.

**"Clean Coal"
is an oxymoron**

McKetchnie Touts Renewable Energy to Legislature

By John Christensen, WVEC Lobbyist

Michael McKetchnie, owner of Mountain View Solar of Berkeley Springs and last year's winner of WVEC's "Green Entrepreneur of the Year" award, made the 300 mile trek down to Charleston this Thursday to talk to the Legislature about renewable energy opportunities in West Virginia.

In the morning Mike was an integral part of a discussion in the Senate Economic Development Committee about SCR 4, the "Gray Energy" study resolution.

In the afternoon he was part of a panel discussion sponsored by "Industries of the Future-WV". All in all, it made for a jam-packed day at the Capitol for Mike.

Michael was invited to participate by Dr. Carl Irwin, a mathematics professor at WVU and co-founder of Industries of the Future-WV, to present his experience as an expert in renewable energy residential construction.

Dr. Irwin introduced McKetchnie as a small business owner involved in residential energy audits. Mike made quite an impression on the senate committee with his green jobs presentation. Members were interested and asked numerous questions about renewable energy and its opportunities in the Mountain State, and how it could save homeowners thousands of dollars in heating and cooling costs just through ordinary, sensible construction procedures.

Mike said we need to build green houses for new construction and renovate existing houses that may not meet today's standards and touted the "weatherization program" currently underway in WV as a step in the right direction.

Dr. Irwin related how a WVU energy audit saved an eastern panhandle company, Quad Graphics, over a half million dollars in recapturing heat energy lost in its production process.

Sen. Mike Hall (D-Putnam) turned the committee discussion to the issue of "net metering." The senator said he was in favor of democratizing the power industry by allowing homeowners, businesses and groups the ability to sell power back to the grid in WV. Committee chair Sen. Richard Browning (D-Wyoming) promised to work hard to pass SCR 4 and to invite Michael back for future discussions.

The afternoon panel discussion was entitled "Industries of the Future-WV" and featured very knowledgeable people from three states. During the discussion it was pointed that even though much of the silicon used in solar panels today is mined in WV (WV is the largest producer of silica in the nation), the raw material is then shipped to Ohio to process, and then shipped to Maryland for final use in solar panels manufactured at BP Solar – begging the obvious question of why this isn't all performed in the Mountain State.

While the meeting was extremely informative, it was disappointingly poorly attended, due to legislative schedule conflicts.

Mike McKetchnie made a great showing Thursday on behalf of renewable energy and green jobs. Thanks for being here, Mike.

Clean Elections Bill Introduced

The WV Public Campaign Financing Act has been introduced in the Senate - SB241.

The Campaign for Clean Elections expects it to be introduced in the House in the next day or so. Delegate Dan Poling is a new sponsor, along with sponsors from last year - Delegates Doyle (lead), Marshall, Hatfield, Brown, Moore, Perdue, Fleischauer, Klempa, Ellem, and Lane.

Carol Warren and Julie Archer are lobbying this bill, and we'll be hearing from them throughout the session as this legislation progresses.



"Judicial Hellhole"??

A Texas law professor told members of the Senate Judiciary Committee legislators Wednesday that West Virginia doesn't deserve its reputation as "judicial hellhole."

We agree.

The "judicial hellhole" is obviously located in Richmond, Virginia, where the 4th U.S. Circuit Court of Appeals decided Friday to overturn a court ruling by U.S. District Judge Robert C. Chambers that would have required more thorough permit reviews of mountaintop removal coal-mining operations.



Calendar of Events



February 22: Go Green Convention. WV Wesleyan College, Buckhannon, WV. Focus is on business, and green economic development.

For more information: www.gogreenconvention.com

March 11: – **E-Day at the Capitol!** Lower Rotunda - State Capitol Complex, Charleston. Citizen / Grassroots Lobby Day! Environmental organizations and sustainable business exhibits from 9 AM - 3 PM. Join us this day for a full day of lobbying, press conference, program, visit exhibits and more.

For more information or to reserve a table, contact Denise: deniseap@earthlink.net or call the WVEC office: (304) 414-0143.

March 11, 2009: E-Day! Benefit Dinner Reception & Award Presentation Ceremony. 6:00 PM - 9:30 PM. Location: Women’s Club of Charleston 1600 Virginia Street East (corner of Elizabeth). Join us after E-Day at the Capitol to unwind, visit with friends, honor our award recipients and lobby team! Dinner will be served. Live music. Admission at the door: \$ 15.

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

March 1: Carefree Snowshoe Tour. Whitegrass Ski Touring Center. Begins at 1:00 PM. Snowshoeing on the Canaan Valley National Wildlife Refuge. Tour includes Natural history and local lore.

For more information: call (304) 866-4114.



April 17 & 18: Annual WV Sustainable Fair 2009 - "Green Makes \$en\$e". Stonewall Resort, Roanoke WV. Jeffrey Barrie, noted filmmaker, serves as keynote speaker addressing "Kilowatt Ours - The Energy Conservation Solution". Seminars, panel discussion, booths, demonstrations, art exhibit, alternative transportation and more.

Admission only \$5. at the door. Early reservations for "Taste of WV - Farmers and Their Chefs" Friday dinner and "Sustainable Feast" Saturday dinner available.

For more information: deniseap@earthlink.net or (304) 617-7073.

May 30: Kanawha Valley Connections: Creating Pathways to Sustainability" Fair. Habitat for Humanity Restore, 815 Young Street, Charleston. Sustainability themes showcased include, local foods, businesses & jobs, conservation, energy sources, recycling, health, economic development, culture, transportation, recreation.

For more information: Will Taylor, (304) 382-1233.

June 27: 6th Annual Lavender Fair - "Just Keep Dancing!". LaPaix Herb Farm, Lewis County. National Historic Landmark (May/Kraus Homestead). Workshops and talks on using herbs for crafts, culinary and medicinal purposes, organic wild edibles, etc. Demonstrations, wood walks, booths, gourmet food.

Admission: \$5/person, \$10/family (one car)

For more information:

www.lapaixherbfarmproducts.com/lavender_fair_2009.htm

Support the West Virginia Environmental Council

2206 Washington Street East, Charleston WV 25311

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

_____ Renewed Membership

_____ New Membership

Membership Levels

_____ Change of Address

_____ Donation

Name: _____

_____ \$ 10 Student / Senior

Address: _____

_____ \$ 25 Regular

City, State, Zip: _____

_____ \$ 50 Seedling

_____ \$ 100 Sustaining

_____ \$ 250 Enviro Steward

Phone: _____ e-mail _____

_____ \$ 500 Canopy

_____ \$ 1,000 Old Growth

_____ \$ Other

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



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.

Help the e-council save resources!



Inside:

Under The Dome
Committee Formed on Nuclear Development
PSC Drops Plans For Power Line Oversight
Manchin Urges Coal Industry To Support
Renewable Energy
Bottle Bill Update
McKetchnie Touts Renewable Energy To Leg.
Clean Elections Update
Calendar of Events
Happenings At The Capitol
More