



# Green Legislative Update

Published Weekly During West Virginia's Legislative Session

Volume: 20 Number: 5

Date: March 13, 2009

## Under the Dome

by Donald S. Garvin, Jr.  
WVEC Legislative Coordinator

### Week 5 – Whine, whine, whine . . .

The “Whiner of the Session” Award – so far at least – goes once again to the good ol’ boys from the WV Coal Association. Seems like state government just can’t do enough for these poor souls.

This time they want a more than two-year extension to comply with water quality standards for the toxic selenium they discharge from their mining operations.

Never mind that they fought implementing the standard for years in the first place, good neighbors that they are.

Never mind that in 2007 the West Virginia Environmental Quality Board granted them a generous three-year extension for complying with the state standards.

Never mind that Randy Huffman, Secretary of the WV Department of Environmental Protection says he expects them “to meet that deadline of April 2010 . . . because that’s when we intend to begin to enforce the law on them.”

No, they whine, they need more time.

Never mind that EQB and DEP won’t listen to more of their whining.

They can go whine some more to the Legislature.

Incredibly, twenty State Senators – many of whom should have known better – caved in to their whining and sponsored SB 461, a bill that would allow coal companies until July 1, 2012 – more than two years after the current deadline – to meet the selenium standards in their pollution discharge permits.

.....continued on page 3

## Senator Randy White Shares "Sludge Water" With Senate

by Leslee McCarty, WVEC Lobbyist

Senator Randy White (D-Webster) shared his concerns about the possible contamination of state residents' drinking water supplies by toasting the entire West Virginia Senate with a long drink from a bottle of nasty looking "sludge water."

Every Senator had a bottle of the horrid-looking brownish gray water placed on his desk, but not one joined Senator White in taking a swig!

The Bill (SB568) provides, "That effective May 1, 2009, new permits or modifications of existing permits may not be approved for the underground injection of coal slurry until the studies required by Committee Substitute for Senate Concurrent Resolution 15, dated March 9, 2007, are submitted to the Legislature and it determines that the injection of coal slurry underground is not harmful to human health and the environment."

It seems that the DEP and the Health Department have never found out whether water supplies near such injection sites are safe. The Legislature told them to perform the studies, but they have not.

White says that until the studies are done to show the water is safe, no more injection wells should be permitted. He cited reported health problems and complaints from coalfield residents who believe that injection wells have contaminated their drinking water and declared that the citizens need to have their concerns addressed. A modest proposal, Senator White, and cheers to you for raising your glass and, hopefully, the Senate's and the public's awareness.



# A Very Busy Week

by Donald S. Garvin, Jr.  
WVEC Legislative Coordinator

We are halfway through the session and the level of activity is really picking up.

The Governor's carbon sequestration bill (HB 2860) was assigned to House Judiciary Subcommittee C and the committee met to discuss the bill for the first time late yesterday afternoon. By my count there were 13 industry lobbyists in the room, 3 labor lobbyists, 3 folks from the Governor's office, two folks from DEP, and me – until Norm Steenstra III showed up for CAG.

The Governor's transmission line tax bill (HB 3000) has also been assigned to this committee.

Coal River Mountain folks were busy this week lining up sponsors for a resolution supporting the Coal River Mountain windfarm.

Sludge Safety Project folks were busily lining up sponsors for bills banning sludge impoundments and slurry injection.

OVEC folks had a press conference late last week (at a cemetery in Charleston no less – great move!) to promote their two cemetery protection bills — HB 2905, which would increase the buffer zone around a cemetery, and HB 2928, which would enhance existing West Virginia laws, ensuring citizen access to cemeteries and helping prevent desecration from mining.

WVEC lobbyists are working with Maya Nye and People Concerned About MIC to come up with an alternative to the Governor's weak emergency reporting bill, SB 279 and HB 2565.

A new "bottle bill" was introduced – HB 3037 – and the Governor met with a big group of supporters and opponents on E-Day.

House Judiciary Subcommittee A is dealing with a variety of elections and voting bills, including our bill for public financing of state legislative races, HB 2764.

All of our renewable energy bills were introduced in the House during the last ten days, and Delegate Barbara Fleischauer added another, HB 3033, which would strengthen vehicle emission standards.

Senator Don Caruth introduced a slew of terrible new bills on behalf of the WV Coal Association. He's become their new "main man" apparently.

Then there was E-Day on Wednesday.

And my senator, Senator Randy White, drank a bottle of "coal slurry" on the Senate floor yesterday.

Whew! What a week.

## 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](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)

WVEC Office: (304) 414-0143

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

### Ohio Valley Environmental Coalition:

[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.

**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](mailto:wyro@appalight.com)

Don Garvin  
*Legislative Coordinator*  
[dsgjr@aol.com](mailto:dsgjr@aol.com)

Denise Poole  
*Program Coordinator*  
[deniseap@earthlink.net](mailto:deniseap@earthlink.net)

Don Alexander  
*Web Site Coordinator &  
E-Mail Listserve Coordinator*  
[paradox@spectrumz.com](mailto:paradox@spectrumz.com)

[www.wvecouncil.org](http://www.wvecouncil.org)

**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](mailto:deniseap@earthlink.net)  
2206 Washington Street East  
Charleston, WV 25311  
(304) 414-0143

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

And on Wednesday this week the Senate Energy, Industry and Mining committee voted unanimously by voice vote in favor of a slightly amended version of the bill and sent it on to the Senate Judiciary Committee for further consideration.

So why is this important?

Well, back in 2003 U.S. Fish and Wildlife Service biologists found “troubling” amounts of selenium in fish downstream from mountaintop removal mine sites.

According to *Charleston Gazette* reporter Ken Ward Jr., “Selenium is a naturally occurring mineral element that is found in many rocks and soils. In very tiny amounts, it is an antioxidant and is needed for good health. But in only slightly greater amounts, selenium is highly toxic. In humans, it can cause hair loss, nail brittleness and neurological problems such as numbness. In aquatic life, very small amounts of selenium have been found to cause reproductive failure.”

Ward cited a report prepared for a federal court case in which “selenium expert” Dennis Lemly warned that pollution from a Magnum coal operation is dangerously poisoning Mud River fish, leaving some with serious deformities. Fish samples taken by state officials showed some specimens with two eyes on one side of the head, and others with curved spines, according to Lemly’s report.

A Coal Association lobbyist told a reporter this week that coal companies aren’t completely convinced that selenium is toxic in the amounts found in West Virginia rivers in the first place.

But then he said it’s a “legacy problem.” New mines can meet the standard, but old mines — “that were designed, permitted, and operated before we understood selenium was a problem” — can’t meet the standard.

And then he apparently admitted to the reporter that “an increasingly strict standard could cause the state’s massive mountaintop removal mines to be scaled down.”

Whine, whine, whine.

Well, not to worry, Coal Boys. You were probably misquoted. Just have another glass of selenium-laced water and you’ll no doubt feel much better.

It’s snowing in Charleston tonight, so keep your bird feeders full.



## Meet the Lobby Team

by Leslee McCarty, WVEC Lobbyist

Hi, I am Leslee McCarty, WVEC’s newest lobbyist. Lobbyist. Wow, I can hardly believe it! For years I have been an advocate for environmental causes, and sometimes have even come to Charleston to lobby, but now well, it’s official, it’s full-time, if only for a month, and it’s scarier than ever.

So, I have left my cozy house in Pocahontas County and delegated my duties with the Humane Society, Farmland Protection Board,

Greenbrier River Trail Association and Watershed Association for the last month of the session and come to Charleston to do battle for our side.

I love bears and hate oxymorons, like “Clean Coal.” I find outright lies, like “carbon neutral coal” extremely ironic. I think clean water, clean air and intact mountains are part of humanity’s birthright and I look forward to sharing those views (in a nice way, of course) with our elected representatives.



## Sludge Safety “Lobby Thursday”

Grassroots advocates with the Sludge Safety Project lobbied the legislature this week for a ban on sludge impoundments and slurry injection, and got to watch Senator White introduce his bill for a moratorium on slurry injection.

Members of the group included Roberta Allison, Jim Rymer, Heather Sprouse, Chuck Nelson, James Tawney, Luther Payne, Joe Stanley, Mike Morrison, “Mr. T”, Julia Sendor, Matt Noerpel, Natalie Vanderpool, and someone named Seth (don’t know his last name).

These SSP citizen activists will be at the capitol every Thursday. In their bright yellow t-shirts with “No Slurry” logos - you can’t miss them!

# West Virginia Must Confront Climate Change

by James Kotcon, Immediate Past President  
West Virginia Environmental Council

A wide variety of bills to change energy policy faces the Legislature. Some of these focus on specific West Virginia issues, such as the need to reform the Public Service Commission and their siting rules for controversial projects such as transmission lines or wind farms. Others seek to address mining or gas development issues. But the most important will be the efforts to shift West Virginia's energy industries to more sustainable, renewable forms of energy as America begins to grapple with the reality of global warming.

Governor Manchin is to be commended for proposing legislation such as his Alternative and Renewable Energy Portfolio Standard, or his bill to regulate carbon sequestration. Other legislators are proposing important initiatives such as tax credits for solar energy or alternative-fuel motor vehicles. These are issues that WVEC has supported in the past, and still supports.

But unfortunately, these are now too little, too late, and by themselves, they will not take us where we need to go. The time for voluntary incentives and incremental measures is long past.

West Virginia, indeed the whole planet, faces a climate crisis which calls for much stronger measures. Surrounding states have already responded, and unless West Virginia matches these initiatives, we will have positioned ourselves out of the energy markets of the future and will lose the opportunity to effectively use those resources we do have to develop that new energy future.

That is why the West Virginia Environmental Council developed a "Citizens Energy Plan" (available at [www.wvecouncil.org](http://www.wvecouncil.org)). That is why we support legislation to dramatically change our energy use. This comprehensive plan calls for dozens of measures to reduce our dependence on fossil fuels, and to encourage far greater efficiency in the energy we do use.

We call for a Renewable Portfolio Standard (HB 2891) to mandate that by 2020, 20% of the electricity sold in West Virginia come from renewable sources. Governor Manchin's bill may be well intentioned, but a utility could technically meet the standard in his bill without using ANY renewable energy at all.

We must do better.

We call for changes in how the Public Service Commission reviews major new facilities (HB 2887). Currently, they have no real standards for protecting scenic

views or wildlife habitat, and decline to even consider indirect impacts on property owners, air pollution, or greenhouse gas emissions. Worst of all, people may lose their homes, farms or businesses to transmission lines without ever having been directly notified or given a chance to intervene to save their property.

We must do better.

A huge portion of the energy we use is wasted by inefficient building design. We propose that all publicly-funded buildings should meet "Green Building" standards to reduce energy use and conserve environmental resources. Here is an excellent way to cut waste in government, with the benefits accruing every year for the life of the building.

Is anyone "for" waste in government?

The most important change is an Energy Efficiency Standard (HB 2980). Similar laws are already in effect in Ohio and Maryland. This bill mandates that utilities reduce their customers' electricity consumption by 15 % by 2015.

Currently, utilities have no incentive to conserve electricity; they make money by selling it, not by conserving it. Until we alter their rate structure, utilities will continue to give lip service to energy efficiency while they push the most inefficient approaches possible.

Endless growth in energy consumption is neither necessary nor desirable. HB 2980 provides that utilities that save customers' money by implementing energy efficiency can share in the profits through a higher rate of return. And utilities that cannot meet these efficiency standards may suffer financial penalties. We saw with the TrAILCo case just how far the utilities will go and how quickly they want to raise rates when they have a financial incentive. Let's put this kind of incentive to work for efficiency and lower costs. Our utilities are already meeting these kinds of standards in Ohio and Maryland, why not West Virginia?

Some type of carbon tax or cap-and-trade program has already been implemented in many Northeastern states, and a nationwide cap is virtually inevitable this year. This is a necessary but painful step to reduce our greenhouse gas emissions, and it will fall particularly hard on West Virginia if we do not prepare for it now. The bills we propose offer the kind of solutions that are needed and are large enough to make the significant changes in energy use that we must have.

The time for denial, delay and half-measures is long since over. Our dependence on fossil fuels has left us with a serious problem.

We must do better.

*(This article appeared in the Gazette as an op-ed on Friday, March 13, 2009. Reprinted here by permission.)*

**Think Renewable Energy !**

## So You Want To Be A Lobbyist?

by John Christensen,  
WVEC Lobbyist

I was thinking about the unpredictable, exciting, and sometimes mundane life of a lobby team member the other day when it occurred to me that lobbying for WVEC has many challenges compared to lobbying for industry or other non-profit groups.

When I look at our bill-tracking list I can't believe the sheer volume of bills that we as a small group have to follow on a day to day basis for the sixty-day session.

We lug around volumes of information (fact sheets and copies of bills) on many different topics, just so we can have the correct information at hand. We have to be ready to testify in a legislative committee on a moment's notice, give television, newspaper, and radio interviews and pull it off like we know what we're talking about. And we do this and more on a shoestring budget.

We have to remember to wear the badges that identify us as lobbyists to the legislators, staff, and the general public. We have to subscribe to a strict code of ethics and file quarterly reports with the Ethics Commission in Charleston. We have to keep from falling asleep during committee meetings that turn out to be about as exciting as watching the grass grow in your front yard. So you want to be a lobbyist?

When you are hoping to get a bill through a committee but it is last on the committee agenda, you hope these lawmakers would just sit tight and pass the bills ahead of yours . . . but it never happens. When it's the last day for bill introduction and you are hoping that a rumored bill isn't introduced . . . it is. When you want to watch your favorite basketball game on a Thursday night but you haven't finished your weekly article for the Update . . . you don't. So you want to be a lobbyist?

Obviously, in the end I think it's worth it. We are very blessed to have many associates to take the lead on many of our issues so we don't have to be "the expert" all the time. We have groups like CAG, Sludge Safety Project, the clean elections coalition, the Council Of Churches, OVEC, (and the list goes on and on). All these folks help tremendously in our mutual efforts and we appreciate the help because we know it couldn't be accomplished without it. It helps to have friends in the marble halls, otherwise it would be totally unfulfilling.

So you want to be a lobbyist? Come on down. We could use a few more good friends.

## Who Supports SB 461 ?

Lead sponsor for SB 461 – "extending selenium effluent limits compliance time" – is Senator Don Caruth (R - Mercer). Co-sponsors include Senators Herb Snyder (D - Jefferson), Truman Chafin (D - Mingo), President Earl Ray Tomblin (R - Logan), Richard Browning (D - Wyoming), Larry Edgell (D - Wetzel), Mike Green (D - Raleigh), Walt Helmick (D - Pocahontas), Robert Plymale (D - Wayne), Ron Stollings (D - Boone), Evan Jenkins (D - Cabell), Bill Laird (D - Fayette), Joe Minard (D - Harrison), Jack Yost (D - Brooke), Clark Barnes (R - Randolph), Mike Hall (R - Putnam), Frank Deem (R - Wood), Michael Oliverio (D - Monongalia), Bob Williams (D - Taylor), and John Pat Fanning (D - McDowell).

"Clean Coal ...  
Is An Oxymoron"

## In Congress: Omnibus Public Land Bill Fails

Landmark public lands protection legislation that would have added 37,000 acres of wilderness to the Monongahela National Forest failed to achieve a two-thirds majority vote in the U.S. House of Representatives on Wednesday.

Wednesday's vote was conducted under the suspension of House rules, requiring a two-thirds majority to pass it. While 282 House members voted for the bill and 144 voted against it, it failed to achieve the two-thirds majority, just two votes short.

"There are a lot of good bills contained in it [the Omnibus Public Land Management Act] that deserve passage," said Rep. Nick Rahall, D-W.Va., chairman of the House Natural Resources Committee. "We will continue to determine the best course of action to advance these measures."

In addition to designating nearly 40,000 acres of wilderness in the Monongahela, the act would protect millions of acres of federal land from Virginia to Alaska. The bill passed the Senate by a 73-21 vote in January.

*(Compiled from various press reports).*

# Governor and House Subcommittee Consider Bottle Bill

by Linda Frame, [linda@wvcag.org](mailto:linda@wvcag.org)

It was a busy week for the Bottle Bill. On Tuesday, HB 3037, a revised version of our bill, was introduced. The main distinction between this bill and others introduced this session is that the deposit was lowered to 5 cents. Legislators have voiced concerns about a 10 cent deposit and we hope this change will help get more of them on board.

On Wednesday, stakeholders both supporting and opposing the Bottle Bill met with Governor Joe Manchin. Out-of-state guests speaking on our behalf included Strategic Material's Tex Corley and John Ferrari. They have watched our progress closely as they needs all the clean recyclable glass available and prefer to get it from Bottle Bill states. Peter Walker and Katie Flight from Saint-Gobain, one of Strategic Materials customers, came in from Indiana. Governor Manchin told us he "philosophically supports" the Bottle Bill but is worried about what would happen to retailers on the borders. He said he would contact neighboring governors to work on a coalition. We encouraged him to take the lead on this issue to attract recycling industry jobs here first, instead of them going to other states.

Saint-Gobain is such an industry. It turns cullet (recyclable glass) into new glass bottles and other materials. It, too, prefers feedstock from Bottle Bill states. In fact, by 2013, the Glass Packaging Institute, which represents the glass container industry, has set a goal to use at least 50% recycled glass for the manufacture of new glass bottles. With the glass industry setting this high benchmark it will need a container deposit system in place in more states to reach it.

We were also fortunate to have Betty McLaughlin, the Container Recycling Institute's Executive Director, in town for the Governor's meeting. Betty was instrumental in getting Connecticut's Bottle Bill passed in 1980. Not only has that bill enjoyed widespread public support, it was expanded earlier this month to include water and other plastic bottles.

On Thursday, House Judiciary Subcommittee A took up HB 3037. Industry representatives from both sides of the issue addressed the subcommittee and answered its questions.

Please call subcommittee members to ask for their support of the WV Bottle Bill (HB 3037). Their contact info is:

Del. Barbara Fleischauer, Chair - 340-3169  
[barbaraf@mail.wvnet.edu](mailto:barbaraf@mail.wvnet.edu)

Del. Bonnie Brown - 340-3106 [bbrown1@mail.wvnet.edu](mailto:bbrown1@mail.wvnet.edu)

Del. Mike Caputo - 340-3249 [caputo@mail.wvnet.edu](mailto:caputo@mail.wvnet.edu)

Del. Tal Hutchins - 340-3270 [thutch@mail.wvnet.edu](mailto:thutch@mail.wvnet.edu)

Del. Patrick Lane - 340-3275 [patlane@mail.wvnet.edu](mailto:patlane@mail.wvnet.edu)

Del. Patti Schoen - 340-3141 [pschoen@mail.wvnet.edu](mailto:pschoen@mail.wvnet.edu)

Need inspiration? Recycling just one six-pack of glass bottles a week saves enough energy to:

- Light a compact florescent bulb for 1 day, 18 hours.
- Light a standard 60-watt bulb for 10 hours
- Operate a computer for 2 hours
- Operate a TV for 1 hour, 20 minutes

(source: The Glass Packaging Institute)

Linda Frame

WV-Citizen Action Group

1500 Dixie St., Charleston, WV 25311

304-346-5891 (phone); 304-346-8981 (fax)

[www.wvcag.org](http://www.wvcag.org)

## Clean Elections Update

by Carol Warren, *WV Citizens for Clean Elections*

HB 2764 – our bill that would provide public campaign financing for state legislative races, is now being considered by House Judiciary Subcommittee A, along with a number of other election issues. Please contact the subcommittee members listed below and ask them to take the bill up quickly:

Del. Barbara Fleischauer (D-Monongalia), Chair - 340-3169 [barbaraf@mail.wvnet.edu](mailto:barbaraf@mail.wvnet.edu)

Del. Bonnie Brown (D-Kanawha) - 340-3106 [bbrown1@mail.wvnet.edu](mailto:bbrown1@mail.wvnet.edu)

Del. Mike Caputo (D-Marion) - 340-3249 [caputo@mail.wvnet.edu](mailto:caputo@mail.wvnet.edu)

Del. Tal Hutchins (D-Ohio) - 340-3270 [thutch@mail.wvnet.edu](mailto:thutch@mail.wvnet.edu)

Del. Patrick Lane (R-Kanawha) - 340-3275 [patlane@mail.wvnet.edu](mailto:patlane@mail.wvnet.edu)

Del. Patti Schoen (R-Putnam) - 340-3141 [pschoen@mail.wvnet.edu](mailto:pschoen@mail.wvnet.edu)

A public financing bill for Supreme Court elections (SB 311) is still being worked on, and we expect it to be ready to be taken up shortly. Senator Kessler is the lead sponsor of the Senate bill, and Delegates Fleischauer and Manchin are leading the House effort.

We will keep you posted.

# Surface Owners' Bill of Rights Introduced In House

by Julie Archer and Norm Steenstra III

The Surface Owners' Bill of Rights (HB 3023) was finally introduced this week in the House. As expected, it was assigned to Energy, Industry & Labor/Economic Development & Small Business (EIL/EDSB), then Judiciary. House Speaker Rick Thompson (D-Wayne) has set a deadline of next week for bills to be passed out of minor committees. We have been working to get HB 3023 on the EIL/EDSB agenda, but EIL Chair Larry Barker (D-Boone) has gotten cold feet about taking up the bill, unless he gets the OK from House leadership. While there is no merit to the industry arguments that a surface owners' bill will inhibit economic growth, slow down drilling and interfere with royalty owners making money, apparently, some members of the leadership are saying that with current troubles facing the industry it is not politically expedient to pass any bill the industry doesn't like.

**Please call Chairman Barker and Speaker Thompson over the weekend. Tell them the citizens for West Virginia deserve more than the same tired excuses and that the Surface Owners' Bill of Rights should get a fair hearing.**

**Speaker Richard Thompson – (304) 523-5658  
Delegate Larry Barker – (304) 369-3367**

We requested a public hearing on Tuesday, March 17 to coincide with WV SORO Day at the Legislature. This is seeming increasingly unlikely give the sudden reluctance to take up the bill; however, we should know by Monday whether our request will be granted. Either way, we hope you will join us that day at the Capitol and encourage your legislators to support surface owners' rights. We'll gather in the Governor's Press Conference Room (located in the Secretary of State's Office, Room 157-K) at 9AM for refreshments and a short legislative briefing before heading out to speak with legislators. We'll meet back at the Press Conference Room for a media event at 2PM.

Our lobby team will be available throughout the day to direct and guide you to the right places. (If you arrive after 10AM please call Norm (304) 881-8664 or Julie (304) 610-9094 to meet up.) We recommend you contact your legislators in advance to schedule an appointment for that day.

Whether or not you're able to join us next Tuesday, we hope you will contact EIL/EDSB members and urge their support of the HB 3023, the Surface Owners' Bill of Rights. **More importantly, call the Speaker and Chairman to help ensure that the bill is taken up.**

Energy Industry & Labor/Small Business & Economic Development Committee Members:

Delegate Larry Barker (D-Boone) - Chair EIL - (304) 340-3149, barker100@verizon.net  
Delegate Stan Shaver (D-Preston) - Vice-Chair EIL - (304) 340-3146, sshaver@mail.wvnet.edu  
Delegate Steve Kominar (D-Mingo) - Chair EDSB - (304) 340-3186, kominar@verizon.net  
Delegate Kevin Craig (D-Cabell) - Vice-Chair EDSB - (304) 340-3350, kcraig1@mail.wvnet.edu  
Delegate Kelli Sobonya (R-Cabell) - Minority Chair EIL - (304) 340-3175, ksobonya@mail.wvnet.edu  
Delegate Carol Miller (R-Cabell) - Minority Vice-Chair EIL - (304) 340-3176, carolmil@mail.wvnet.edu  
Delegate Craig Blair (R-Berkeley) - Minority Chair EDSB - (304) 340-3122, craig@delegatecraigblair.com  
Delegate Troy Andes (R-Putnam) - Minority Vice-Chair EDSB - (304) 340-3121, tandes@mail.wvnet.edu  
**Delegate Bonnie Brown** (D-Kanawha) - (304) 340-3106, bbrown1@mail.wvnet.edu  
Delegate Greg Butcher (D-Logan) - (304) 340-3113, gbutcher@mail.wvnet.edu  
Delegate Mike Caputo (D-Marion) - (304) 340-3249, caputo@mail.wvnet.edu  
**Delegate Barbara Fleischauer** (D-Monongalia) - (304) 340-3169, barbaraf@mail.wvnet.edu  
Delegate Nancy Guthrie (D-Kanawha) - (304) 340-3156, nguthrie@mail.wvnet.edu  
Delegate Orphy Klempa (D-Ohio) - (304) 340-3378, oklempa@mail.wvnet.edu  
Delegate Virginia Mahan (D-Raleigh) - (304) 340-3102, vmahan@mail.wvnet.edu  
**Delegate Mike Manypenny** (D-Taylor) – (304) 340-3139, mmanyp@mail.wvnet.edu  
Delegate Charlene Marshall (D-Monongalia) - (304) 340-3900, chmarsh@mail.wvnet.edu  
**Delegate Dale Martin** (D-Putnam) - (304) 340-3134, dmartin1@mail.wvnet.edu



## Major Bills We Are Tracking

Bill Number	Title	Committee
<b>Senate Bills</b>		
SB 14	Requiring jobs impact statement for proposed legislation ( <i>Perennial Bad Bill</i> )	<b>Passed Econ Dev to Judiciary</b>
SB 28	Public health assessment of DEP rules ( <b>WVEC Bill</b> )	H&HR
SB 45	Authorizing DEP Secretary to sign NPDES permits ( <i>Bad Bill</i> )	EIM
SB 79	Requiring PSC promulgate wind power project rules	Judiciary
SB 234	Exempting fish farm sludge from DEP sludge management requirements ( <i>Bad Bill</i> )	Agriculture
SB 237	Establishing returnable beverage container deposit program ( <b>Bottle Bill</b> )	Nat Resources
SB 240	Repealing nuclear power plant ban ( <i>Terrible Bill</i> )	<b>Died</b>
SB 241	Creating WV Public Campaign Financing Act ( <b>Clean Elections</b> )	Judiciary
SB 279	Industrial accidents and emergency response regulations ( <b>think MIC</b> )	<b>Passed EIM to Judiciary</b>
SB 289	Creating WV Innovation and Development Act	<b>Passed Econ Dev, to Finance</b>
SB 297	Alternative and Renewable Energy Portfolio Act ( <b>Governor's Bill</b> )	Judiciary
SB 301	Creating Green Buildings Act ( <b>WVEC Bill</b> )	Transportation
SB 325	Creating WV Energy Efficient Buildings Program Act	Transportation
SB 371	Creating Energy Efficient Building Act	Transportation
SB 374	Creating Oil and Gas Surface Owner's Bill of Rights ( <b>SORO Bill</b> )	EIM
SB 375	Relating to Office of Coalfield Community Development ( <b>Governor's Bill</b> )	<b>On Third Reading</b>
SB 396	Regulating carbon dioxide sequestration and storage ( <b>Governor's Bill</b> )	EIM
SB 461	Extending selenium effluent limits compliance time ( <i>Terrible Bill</i> )	<b>Passed EIM to Judiciary</b>
SB 478	Creating Surface Owners Protection Act ( <b>Committee Bill</b> )	EIM
SB 505	Imposing tax on electricity transmission lines ( <b>Governor's Bill</b> )	Finance
SB 506	Conforming state mine subsidence laws with federal laws ( <b>Coal's Bill</b> )	EIM
SB 507	Relating to Clean Coal Technology Council's powers and duties ( <b>Coal's Bill</b> )	Gov Org
SB 509	Creating Office of Energy Advisor ( <b>Coal's Bill</b> )	EIM
SB 517	Relating to state utility construction projects ( <b>Coal's Bill</b> )	Judiciary
SB 518	Granting DEP Advisory Council rule-making authority ( <b>Coal's Bill</b> )	Judiciary
SB 568	Moratorium on slurry injection permits ( <i>Great Bill</i> )	EIM
<b>House Bills</b>		
HB 2098	Prohibiting oil and gas operators from daylighting	EIL
HB 2133	Increasing the penalties for discarding trash on land and in streams	<b>Passed Nat Res, to Judiciary</b>
HB 2321	Extending the alternative-fuel motor vehicle tax credit ( <i>Great Bill</i> )	Finance
HB 2363	Jobs Impact Statement Act ( <i>Perennial Bad Bill</i> )	EIL
HB 2474	Exempting fish farm sludge from DEP sludge management requirements ( <i>Bad Bill</i> )	<b>Passed House, to Senate Ag</b>
HB 2535	Creating a tax credit for certain solar energy systems ( <i>Great Bill</i> )	EIL
HB 2565	Industrial accidents and emergency response regulations ( <b>think MIC</b> )	EIL
HB 2602	Establishing a returnable beverage container deposit program ( <b>Bottle Bill</b> )	EIL
HB 2682	Alternative and Renewable Energy Portfolio Act ( <b>Governor's Bill</b> )	EIL
HB 2764	West Virginia Public Campaign Financing Act ( <b>Clean Elections</b> )	Judiciary
HB 2860	Regulating the sequestration and storage of carbon dioxide ( <b>Governor's Bill</b> )	Judiciary Subcommittee C
HB 2872	Allowing county school boards to enter into energy-saving contracts	Education
HB 2887	PSC Reforms Act ( <b>WVEC Bill</b> )	Judiciary
HB 2891	Renewable Portfolio Standards Sustainable Energy Act ( <b>WVEC Bill</b> )	EIL
HB 2892	Increasing just compensation for eminent domain takings	Judiciary
HB 2936	Restoring or keeping intact scenic views by coal and timber operators	Nat Res
HB 2948	Green Buildings Act ( <b>Interim Committee Bill</b> )	Gov Org
HB 2960	Marcellus Shale water pollution control ( <b>WVEC Bill</b> )	Gov Org
HB 2980	"West Virginia Energy Efficiency Act" ( <b>WVEC Bill</b> )	Gov Org
HB 3000	Imposing tax on electricity transmission lines ( <b>Governor's Bill</b> )	Judiciary
HB 3003	Continuing special reclamation tax on coal	Judiciary
HB 3023	Creating Oil and Gas Surface Owner's Bill of Rights ( <b>SORO Bill</b> )	EIL
HB 3033	Strengthening vehicle emission standards	EIL
HB 3037	Establishing a returnable beverage container deposit program ( <b>New Bottle Bill</b> )	Judiciary
HB 3058	Eliminating the use of light plastic bags	EIL
HB 3081	Coal-to-Liquid Act of 2009 ( <i>Terrible Tax Credits Bill</i> )	EIL

(NOTE: All agency rules bills have been introduced sporadically in both houses. WVEC is tracking those separately).





# Calendar of Events



**March 15:** Hiking Trek - Cannan Valley. Meet at Whitegrass Ski Touring Center at 10 AM. Canaan Valley Balsam Fir; visit a local balsam fir swamp and learn about this unique species of tree. Led by The Nature Conservancy's Mike Powell. Free of charge.

**For more information:** [www.whitegrass.com](http://www.whitegrass.com) or call (304) 866-4114.

**March 17:** WV SORO (Surface Owner's Rights) Day at the Legislature. Come and join us, bring your family and friends and we will help introduce you to your Senators & Delegates.

**For more information:** (304) 346-589.

**March 27 & 28:** 3rd Annual Conference, "Growing a Green Generation". Oglebay Resort & Conference Center. Two keynote speakers - Ruth McCully, Director of EPA's office of Health Protection and Environmental Education and Vince Meldrum, past director of Earth Force. Panel discussion on Green Schools with WV education, environmental, and community leaders.

**For more information:** 1 (800) 624-6988.

**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](mailto:deniseap@earthlink.net) or call Denise, (304) 617-7073.

**May 1:** WV Citizen Action Group's Annual Spring Fundraiser. Woman's Club of Charleston - 1600 Virginia Street East. Great buffet, progressive friends, silent auction. More details soon!

**For more information:** WV-CAG office, (304) 346-5891.

**May 30:** Kanawha Valley Connections: Creating Pathways to Sustainability" Fair. Habitat for Humanity Restore, 815 Young Street, Charleston. All day event. Sustainability themes showcased include, local foods, businesses & jobs, conservation, energy sources, recycling, health, economic development, culture, transportation, recreation. Looking for more local area businesses, artists, environmental organization for booth displays.

**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, interesting booths, wood walks, booths, gourmet food, live music and much more.

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

**For more information:** [www.lapaixherbfarmproducts.com/lavender\\_fair\\_2009.htm](http://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](http://www.wvecouncil.org)

\_\_\_\_\_ Renewed Membership

\_\_\_\_\_ New Membership

### Membership Levels

\_\_\_\_\_ Change of Address

\_\_\_\_\_ Donation

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

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

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

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

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

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

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

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

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

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

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

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

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

