



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 1 – State of the State??

It must be difficult for the governor of a state that ranks almost dead last in every measurable category of well-being to get up in front of state legislators and television cameras, look them in the eye, and claim that the state of the state is “strong.”

Yet that’s what Governor Joe Manchin told West Virginians Wednesday night.

He told us that when he looks at West Virginia he sees “a state of prosperity, NOT a state of missed opportunities.”

Oh, come now, Mr. Governor. You must not be looking very hard.

You might try talking to the cashier I spoke with at Shoney’s a few days ago who told me she was sure glad she had a second full-time job just so she could pay her heating bills this winter.

I’m no economist, but as far as I can tell, even from his own speech, the only thing that has saved this state from going bankrupt is a massive infusion of federal stimulus funds. And the Governor’s only real plan for future fiscal soundness is to urge West Virginians to be sure they are counted in the 2010 census so the state will be eligible for even more federal dollars.

And as for “missed opportunities”, well, from my perspective, we have had six years of missed opportunities under this Governor, particularly where the environment is concerned.

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Energy Issues Dominate

E-Council’s Legislative Agenda

By Donald S. Garvin, Jr.
WVEC Legislative Coordinator

The West Virginia Environmental Council has adopted a list of legislative priorities for the 2010 session of the West Virginia Legislature that will focus primarily on problems arising from energy development and use in the state.

For the most part, WVEC’s legislative agenda represents a continuation of priorities and campaigns from previous years. And most of the energy issues are elements of WVEC’s *Citizens’ Energy Plan* effort (see http://www.wvecouncil.org/issues/renewable_energy/WVEC_Citizen_Energy_Plan_2008.pdf).

In an effort to address climate change and greenhouse gases, and reduce West Virginia’s carbon footprint, WVEC will support two bills.

The first is the West Virginia Energy Efficiency Act, HB 4012. This bill includes a revenue sharing mechanism for utilities so that if the company can lower a consumer’s bill through reduced energy consumption then the utility can generate a higher profit rate. The bill mandates that utilities submit a plan to the WV Public Service Commission (PSC) to reduce (per capita) energy consumption by 15% by 2015.

The second is the West Virginia Green Buildings Act. There are three bills (HB 4008, SB 69, SB 184) that would require – in one fashion or another – that new state buildings be built to the Silver certification level of “green” standards under the LEED’s certification program. This

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WV Environmental Council's

2010 Legislative Session

Kick-Off Blast!!!

Tuesday, January 19th ~ 7 PM till 10:30 PM

WVEC Office, 2206 Washington Street E., Charleston
Benefit for WVEC

Music by Maya Nye, Chet Lowther, and the jazz
sounds of Dugan Carter & Dave Lloyd !

Refreshments, Great friends, 2010 Lobby Team,
Cash donation bar with your favorite spirits!

Suggested Donation: Whatever you can afford

For more information: (304) 414-0143 / deniseap@earthlink.net



Post Debate Party

Join us after the Kennedy / Blankenship Debate:
WVEC Office - 2206 Washington Street E., Charleston

Bring your own beverages and snacks to share if you like -
or donate to WVEC for refreshments provided.

A good time will be had by all !!!

Legislative Session 2010 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.

WV Environmental Council

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Under the Dome

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“2009 was a tough year for coal,” the Governor said, because “some want to villainize this resource.”

“We must continue to stand up for our coal miners and their families! We are not asking for a handout. All we’re asking for is the permission to work!” he said (in one of the few really animated sections of his address).

Of course, what the Governor was referring to was the federal Environmental Protection Agency’s recent decisions surrounding mountaintop removal coal mining permits.

The Governor praised his Alternative and Renewable Energy Portfolio Act that the Legislature passed last year as requiring “one-fourth of the energy used in our state to come from alternative or renewable energy sources by the year 2025,” without ever mentioning that because of the way the bill defines “alternative energy” all of that twenty-five percent can come from the mining and burning of more coal.

He then went on to tout “clean coal” technologies such as the carbon capture and sequestration project at AEP’s Mountaineer Power Plant in Mason County (which he called “successful” even though it has just started operation), and the proposed coal-to-liquids plant in Mingo County (a truly economically unsustainable venture, if ever there was one).

He even took credit for the development of wind farms in West Virginia (in spite of the fact that state policies have had little to do with that).

And, he said, “with new ways to recover massive natural gas reserves from the Marcellus Shale, we are poised to power our nation for the next century.”

That pretty well sums up this Governor’s vision for the future of the Mountain State, one in which, as he sees it, “West Virginia will play an increasingly important role in our nation’s energy future” and West Virginia coal will be the nation’s “primary energy source as we make the transition to the fuels of the future.”

And, finally, the Governor actually claimed that, “There is a balance to be had between our economy and our environment and West Virginia is leading the way in finding that balance.”

Well, 2009 was also a tough year for West Virginia’s environment, Governor.

There was the massive 30-mile fish kill on Dunkard Creek caused by unregulated discharges of pollutants from underground mine water pools. The

Monongahela River is suffering from the discharge of those same pollutants from both coal mining and now oil and gas exploration. Ecosystems in the coalfields in West Virginia continue to be plagued by the loss of headwater streams to mountaintop removal mining. And citizens in the coalfields continue to be plagued with ill health due to contamination of groundwater and surface water from coal sludge.

So where’s the balance, Governor Manchin?

And why do you find it so difficult to embrace a post-coal vision for the state, a vision of new environmentally sustainable economic opportunities?

This has been a really tough winter folks, so please remember our fine-feathered friends and keep your bird feeders full.

Lawmakers Might Propose Limits On MIC Storage

Some Kanawha County legislators said they might propose limits on the storage of methyl isocyanate, a deadly chemical kept at the Bayer CropScience plant in Institute, after a Judiciary Interim Subcommittee meeting this week.

The committee heard testimony from Nick Crosby, Bayer’s vice president of Institute site operations, as well as from Maya Nye representing People Concerned About MIC (Maya is a WVEC board member).

On Saturday it was reported that DEP inspectors issued four citations to Bayer for alleged mismanagement of the MIC tank. Inspectors discovered the problem during a June 2009 inspection, and formal violation notices were issued in late September. No fines have been issued, and DEP officials said last week they don’t know if Bayer has fixed the problems.

Shameless Plea ... Week One

The session is off to a quick start, and as you can imagine, so is your WVEC lobby team. Without your support we simply could not represent you at the Capitol.

Thank you for your donations so far - please keep them coming in. If you have not as yet contributed we ask that you send in whatever you can afford.

The 2010 Lobby Team

Meet The WVEC Lobby Team

I Fish, Therefore, I Am

By Donald S. Garvin, Jr.

WVEC Legislative Coordinator

Spoiled by another two-months at my Wyoming cabin in 2009, I am back again to lead the WVEC lobby team in our efforts to save what's left of West Virginia's environment.

Although my official residence is the beautiful community of Buckhannon in Upshur County, for the last eleven years I have been part of the lobby team, so it's beginning to seem to me like I spend more time at the Capitol than at home.

These words from Norman Maclean's "A River Runs Through It" generally sum up my philosophy on life:

"Eventually, all things merge into one, and a river runs through it. The river was cut by the world's great flood and runs over rocks from the basement of time. On some of the rocks are timeless raindrops. Under the rocks are the words, and some of the words are theirs . . . I am haunted by waters."

I Seek, Therefore, I Am

By Denise Poole, Program Coordinator

I'm pleased to once again serve as part of the WV Environmental Council lobby team effort. This session marks my 15th year with WVEC, first as a "rookie" lobbyist in 1995. That was my shock introduction to the crazy world of our WV legislature which brought me face to face with heroes and villains, promising legislation and down right greed - and the halls of the Capitol by which they maneuver.

My focus this year will be on communications, publications, outreach and event coordination. Watch for our weekly *Green Legislative Update* newsletter each Friday, Action Alerts, Notices, Press Releases, and events during the session.

Meanwhile, my other passion and work is with the "Sustainable Living for West Virginia" organization. This has kept me quite busy and excited about our continued growth and plans for 2010 and beyond. This is where my efforts will continue after this session.

See the calendar of events (page 8) for details of our upcoming annual WV Sustainable Fair on the campus of Davis & Elkins this April, and stay tuned for more

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information about other projects in planning stages.

Otherwise, I prefer to seek out special places to enjoy good live music, camping, hiking, traveling, family and friends whenever I can.

Feels Like Opening Day!

By John Christensen, WVEC Lobbyist

It's great to be back for my fourth year on the lobby team and Charleston is starting to feel like my home away from home. I am blessed to have wonderful friends who take care of my housing needs and our support network is getting stronger every year at the Capitol. Our enthusiasm for this session is at an all-time high right now because we have an experienced lobby team; hopefully it will last throughout the sixty-day slug-fest.

Our bills are consistent with the needs of the environmental community and maybe we can even prompt our state government leaders to develop a realistic and sustainable energy policy that our citizens will benefit from. While we are on that subject, I *like* bills that encourage folks to invest in their future green energy needs while increasing the value of their homes and reducing their carbon footprints. The legislature got that started last session with a solar energy tax credit bill, but I would like to add to that this year with an expanded version with even more credits covering more technologies . . .

Since our lobby team went home last April I have started a new career in the "off season" working for Mountain View Solar and Wind based in Berkeley Springs, as a renewable energy consultant. This has got to be the most rewarding job I have ever been associated with (next to lobbying for E-Council of course). I educate my customers about their options for energy producing systems that actually increase their property value, reduce their electric bills which in turn helps give them a pay back period. Tell that to anyone selling gas generators, heat pumps or appliances.

Mountain View's owner is Michael McKechnie who received our Green Entrepreneur award two years ago and is poised to have a great year in 2010, hiring even more people to assist in this growing field. Mike has been helpful at the legislature as well - last year he spoke in front of both House and Senate committees, helping to educate them on the benefits of renewable energy for our state's future.

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I'm Back!

By Leslee McCarty, WVEC Lobbyist

A partial session wasn't enough. I'm back and it looks like it might be even more enjoyable this year, as I have only gotten lost one time at the Capitol so far and it is day two! Being here at the first of the session makes me feel like I will be able to get a better handle on all of the bills we are supporting and fighting.

On the home front, I sold my little chapel and so now am not in the lodging business anymore. Lots of time has been dedicated to fixing up the log house in Lewisburg, including installing new energy efficient windows and letting more light in. Our Greenbrier River Watershed Association website at www.greenbrier.org got a facelift. Pocahontas County Farmland Protection Board garnered a half a million dollars in federal matching funds to protect seven properties. Our Humane Society is gearing up for a new shelter in Pocahontas and the Great Greenbrier River Race will take place on April 24th in Marlinton. Those are about all my current activities. I forgot to quit volunteering when I retired!

Greetings From Your New WVEC Staff

By Stacy Slaughter, Office Coordinator
stacydslaughter@yahoo.com

I am pleased to announce I am the WVEC's new Office Coordinator.

I am currently working on a master's degree. I enjoy spending time outdoors. I love tent camping, hiking, and fishing. I also enjoy spending time on the water. I am concerned with the preservation of our natural resources and the improvement of our environment. I am a lifelong resident of West Virginia. I am the proud "mom" of four entertaining cats and one extremely hyper dog.

I look forward to working for the WVEC and meeting everyone.

**Legislative Kick Off Blast Benefit:
Tuesday, January 19th
WVEC Office - 7 PM - 10:30 PM**

Financial Disclosure Bill Advances In Legislature

In its first act of the 2010 regular session, the House Judiciary Committee unanimously approved legislation Thursday to toughen financial disclosure requirements for public officials (HB 4016) — and also to close a “revolving door” for lobbyists.

Committee members unanimously approved an amendment that would impose a one-year moratorium before former legislators, public officials and legislative and executive branch employees could become lobbyists.

The amendment has been dubbed the “Puccio Amendment” and comes one week after former Manchin chief of staff Larry Puccio registered as a lobbyist for Consol Coal and other entities.

E-Day Scheduled

Wednesday, February 24 - 9AM - 2PM

**Day Activities: Lower Rotunda
Environmental Lobbying**

Press Conference

Evening Festivities:

Woman's Club of Charleston - 5:30PM - 8:30PM

After Party: Empty Glass 9PM - ???

Oil and Gas Rule Passed by Interim Committee

DEP's proposed changes to the Oil and Gas Well Rule (35CSR4) passed out of the Joint Legislative Rule-making Review Committee Wednesday morning, with no changes to the proposed rule.

Industry lobbyists were out in force, but they had no amendments offered. So the stage is now set for us to deal with this rule for the rest of the session.

Manchin Proposes Public Financing for Supreme Court Elections

According to press reports, Governor Manchin will propose using a public financing pilot project for the two state Supreme Court elections in 2012.

He hopes the process will address fears that West Virginia justices can be bought by wealthy campaign donors.

Wonder where those fears came from?

Energy Issues Dominate

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means the buildings must earn at least 33 out of 69 possible points based on six criteria: sustainable sites, water efficiency, energy and atmosphere, materials and resources, indoor environmental quality, and innovation and design process.

WVEC will also continue to support a PSC Siting Reforms Bill (last session's bill number was HB 2887). This bill was drafted in response to inadequacies in the TrAILCo transmission line siting process. The bill would require utilities to disclose both the direct and indirect environmental impacts of proposed transmission lines. This legislation requires companies to analyze other alternatives, such as energy efficiency, as a means to avoid reliability problems on the grid. It would require transmission companies to give written notice to any affected landowner when an application is filed with the PSC and it would prohibit any new lines within five miles of designated scenic locations.

Another issue of high priority to the E-Council is the impact on human health caused by the injection of coal slurry into underground mine pools. The Department of Environmental Protection's own study (which can only be called superficial at this point) has shown contamination of nearby groundwater supplies from this process, and the agency has put in place a temporary moratorium on the issuance of new slurry injection permits. Meanwhile, the Legislature is waiting for the Department of Health and Human Resources to complete its analysis of the health impacts from slurry injection and sludge impoundments. Coalfield residents who are suffering as a result of this practice cannot afford to wait – particularly when there is a cost-effective alternative disposal process. WVEC will continue to support the Sludge Safety Project in its efforts to enact legislation that would permanently ban the underground injection of coal slurry. You can read more about the Sludge Safety Project at <http://www.sludgesafety.org/>.

WVEC will also support comprehensive legislation to address the multitude of new environmental issues surrounding the drilling of Marcellus Shale natural gas wells. The increase in drilling in recent years has revealed serious deficiencies with the regulation of normal oil and gas well drilling in West Virginia. The drilling of wells to the Marcellus Shale formation takes these existing problems to a new level. Marcellus wells use huge amounts of water to drill and “fracture” the gas formation,

and in turn produce huge amounts of wastewater to dispose. DEP's Office of Oil and Gas has proposed some rule changes that would require the use of synthetic liners in drilling pits and establish construction standards for waste pits and water storage impoundments. But these rule changes do not go far enough. WVEC will support additional changes in the rule and additional legislation that will address: water withdrawal from rivers and streams, the content of “frac” fluids, and the disposal of wastewater.

WVEC will continue to support a Public Health Impact Assessment Bill (SB 156). This legislation would require the Bureau of Public Health to provide the Legislature with an independent assessment of the public health impacts of DEP rules proposals to change water quality or air quality standards.

And finally, WVEC will ask the Legislature to adopt a resolution calling for an “accountability” of both the Department of Environmental Protection and the Public Service Commission.

WVEC on Facebook

By Leslee McCarty
WVEC Lobbyist

Sometimes when we are lobbying it feels like there are just the four of us. I got to thinking it must seem like that to our representatives, too, so I wanted to make sure you know the issues and news in real time so you can call or send email to your representatives and let them know you are paying attention. Also, I think letters to the editor are wonderful ways to let your fellow citizens and your elected officials know *you* know what they are up to here in Charleston.

If you go to the West Virginia Environmental Council Facebook page, you will see that I am posting nearly every day to let you know what is happening. I signed up for Twitter, but haven't done my first tweet yet. Hopefully, it will not be necessary!! So sign up as our Facebook friend and get in on the action! Right now there are over 800 people on there as friends. Let's go for 1000!

Think Renewable Energy



Calendar of Events



January 19: WVEC Legislative Kick Off Blast. WVEC office, 2206 Washington Street East, Charleston. 7:00 PM - 10:30 PM. Refreshments, Live music by Maya Nye, Chet Lowther, and the jazz sounds of Dugan Carter & Dave Lloyd.

For more information: (304) 414-0143 or deniseap@earthlink.net

January 21: Post-Debate Party. After the Kennedy / Blankenship Debate, join us at the WV Environmental Council office - 2206 Washington Street East, Charleston.

Please bring snacks & drinks if you like, or donate to WVEC for provided refreshments.

For more information: (304) 414-0143 or danny@seac.org

January 24: Gateway to the Refuge - Brook Trout, WV Native Trout. White Grass, 10 AM. This outing will explore the native habitat of this important bio-indicator of our headwater stream's health.

For more information: (304) 866-4114

February 24: E-Day at the Capitol. 9 AM till 2 PM. Lower Rotunda. This is our Environmental Lobbying Day - a perfect opportunity to "go ye out and lobby" for everyone. Booth displays, announcements, press conference and more are planned.

For more information, or for table/booth reservations: contact Kevin Smith, a_clean_wv@yahoo.com

February 13: Winter Bird Walk. White Grass - 10 AM. Led by Refuge Wildlife Biologist Ken Sturm.

For more information: (304) 866-4114.

February 24: E-Day Benefit Dinner & Awards Ceremony. Woman's Club of Charleston. 5:30 PM - 8:30 PM. Join us as we celebrate our achievements and honor recipients of our WVEC awards. Enjoy our famous homemade Soup & Salad buffet. Admission is a donation of \$ 15 to WVEC.

E-Day After Party! Live music at the Empty Glass, 410 Elizabeth Street, Charleston. Admission only \$5. per person.

February 26: Anniversary of Buffalo Creek Disaster. Stay tuned for details of commemorating this 1972 disaster.

March 13: Session concludes.

April 17 & 18: WV Sustainable Fair. Davis & Elkins College Elkins, WV. Speakers & Workshops on Energy, WV Agriculture & Organic Foods, Community Gardening. Green Booths . " A Sustainable Feast" Benefit Dinner Friday evening. Live Music throughout the event, culminating with a Saturday evening concert from 7 PM - 10 PM. Musicians include Mike Morningstar, The Ginsangers and others to be confirmed.

Stay tuned for more details.

For more information, contact Denise Poole at deniseap@earthlink.net

July 11: Lavender Day - at LaPaix Herb Farm. Alum Bridge - Lewis County. Limited to 100 participants only. Includes workshops, guided walks, booths, gourmet lunch by Chef Dale Hawkins. Attendance by reservation only.

For more information:

www.lapaixherbfarmproducts.com

Support the West Virginia Environmental Council

2206 Washington Street East, Charleston WV 25311

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

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_____ \$ Other

Please Note:

We are discontinuing our mailing of our weekly paper *Legislative Update* newsletters (with very few exceptions) beginning next week.

Be sure we have your current e-mail address by going to our website:
www.wvecouncil.org/take_action/

If you absolutely do not have an e-mail address, please contact the WVEC office: (304) 414-0143 if you need to remain on our paper mailing list.

Help us save resources - and be sure we have your most recent contact information so we can continue to keep you informed of all the latest at the Capitol.

Thank you, WVEC Board of Directors

**2010 Legislative
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Kick-Off Blast!!!**

**Tuesday, January 19th
7 PM till 10:30 PM**

**WVEC Office
2206 Washington Street East,
Charleston WV**

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