



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 3 – The Next Day

I was there, one of the “environmentalists” at the Monday meeting with coalfield residents and the Governor that Ken Ward mentions in his article in the column next to this.

We met in the somewhat gloomy big white tent the Governor seems to have permanently attached to the stately Governor’s mansion. It was really quite formal – tables covered with white tablecloths, coffee and snacks served on the Governor’s china.

And a big bowl of fancy mixed nuts in front of every chair (the perfect metaphor?).

Since it was a “private” meeting and the press was not allowed, perhaps you would like to know who all was at the table.

Well, there were the Congressional delegations, or their representatives. There was the Senate President and the Speaker of the House. There were several county commissioners from the southern coalfields. Dennis Sparks was there from the Council of Churches. Kathy Mattea was there and treated us with a beautiful song. And the Governor, of course.

Other State senators and delegates were seated around the room at smaller tables, along with the Governor’s staff from the Department of Environmental Protection and the Division of Energy. Ted Hapney from the UMWA, and Chris Hamilton and Jason Bostic from the WV Coal Association were also assigned to the cheap seats.

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Manchin Promises Review of Coal Critics’ Complaints

By Ken Ward Jr., Charleston Gazette

Gov. Joe Manchin on Monday promised to review citizen complaints about lax enforcement of strip-mining regulations and urged the coal industry and its critics to discuss their differences without resorting to violence and intimidation.

“What we’re looking for is trying to find a balance,” Manchin said after a private meeting with coalfield residents, environmentalists and several academics who have studied coal’s negative impacts. “You would like to think there’s got to be some common ground.”

Manchin met with coal’s critics about two months after a similar private summit with West Virginia’s major coal executives and coalfield elected officials.

“It’s just the right time to talk with each other, instead of talking at each other,” said Raleigh County resident Bo Webb, an activist who organized the meeting. Webb, Manchin and other citizens — including well-known activists Judy Bonds and Maria Gunnoe — met for several hours, then appeared together at a news conference.

Reps. Nick J. Rahall, D-W.Va., and Shelley Moore Capito, R-W.Va., both attended. Sen. Jay Rockefeller, D-W.Va., attended the coal executive meeting but did not show up for the meeting with coalfield residents. Sen. Robert C. Byrd, D-W.Va., sent staffers to both meetings.

Citizens were not allowed to attend Manchin’s meeting with coal executives, but several coal lobbyists

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WVEC's Annual E-Day!

Wednesday, February 24th

At the Capitol:

9 am till 2 pm - Lower Rotunda
Environmental Lobby Day - Booths & more

E-Day Benefit Dinner & Award Ceremony

Charleston Women's Club

5:30 pm - 8:30 pm

Soup, Salad & Desert Bar

Cost: \$15 donation

E-Day After Party

The Empty Glass - 410 Elizabeth Street, Charleston

9:00 pm - 11:00

Live Music

Cost: \$5 donation

"We Are NOT For \$ale" Cassette Tapes Discovered

Flashback! Several WVEC "We Are NOT For \$ale" cassette tapes recorded in the early 1990's as a project for WVEC have surfaced, thanks to long time WVEC board member (and pictured on the cover) Cindy Rank.

These tapes feature Mike Morningstar, Colleen Anderson, Stewed Mulligan, David Morris, Kate Long, Barney and the Bedrockers, Larry Groce, Ron Sowell, Mountain Thyme, and Tom Rodd.

The lyrics address the environmental issues of the day, including the "garbage wars", huge land fills, deforestation, mining and more.

If you would like one of these treasures, send \$10 (includes postage and handling) to: WVEC, 2206 Washington St. E., Charleston, WV 25311

They are also available in the office, E-Day, & events while they last.

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

Listen Live: West Virginia Legislature page <http://www.legis.state.wv.us/> and click on "listen live."

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.

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Don Garvin
Legislative Coordinator
dsgjr@aol.com

Don Alexander
Web Site /E-Mail Listserve Coordinator
paradox@spectrumz.com

www.wvecouncil.org

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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:

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

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But Bill Raney was at the big table, seated right next to me. Bill took lots of notes.

The list of “coalfield residents, environmentalists and several academics” who spoke to all of those above included Bo Webb (who asked the Governor for this meeting), Vernon Haltom, Maria Gunnoe, Judy Bonds, Bob Kincaid, and Janet Keating. They were as eloquent and passionate as ever in their presentations and arguments against mountaintop removal coal mining.

Dr. Ben Stout from Wheeling Jesuit University spoke about his studies of water contamination caused by the underground injection of coal sludge. Dr. Michael Hendryx from WVU spoke about his studies of the health impacts from coal mining to residents of the coalfields. And Rorie McIlmoil, now with Downstream Strategies in Morgantown, spoke about their recent studies that forecast a sharp decline in coal production for central Appalachian coal.

When it was my turn, I mentioned WVEC’s support for all those fighting mountaintop removal mining. Then I said that I was disappointed that the Governor did not have a vision for a “post-coal” economy for West Virginia, and I touted our *Citizens’ Energy Plan* and our legislative agenda for renewable energy and energy efficiency.

I left the meeting with a slight sense of hope that perhaps an ongoing dialogue had begun.

But then came the next day.

On Tuesday both the House and the Senate introduced a resolution at the Governor’s request opposing “the adoption of a national cap and trade program for carbon dioxide and greenhouse gas emissions that is unduly burdensome to the State of West Virginia.”

The resolution states, “That the Legislature of West Virginia is opposed to the adoption of a national cap and trade program for carbon dioxide and greenhouse gas emissions if it creates unnecessary volatility in the energy market, fails to address the energy and security needs of this country, threatens the jobs of hardworking men and women, raises energy costs to an unacceptable amount.”

The resolution goes on to say that the proposed national cap and trade program “would reduce West Virginia’s gross domestic product by an estimated \$750 million by 2020 and by an estimated \$1.75 billion by 2030; and . . . West Virginia would lose up to 10,000 jobs by 2020 and up to 22,000 jobs by 2030 if the proposed cap and trade program is enacted.”

The only remotely positive language in the resolution is a couple of sentences that urge Congress “to support measures that encourage investments in technology to address carbon dioxide and greenhouse gas emissions,” which I guess is a backhanded admission that climate change is a real problem after all.

It makes me wonder if the Governor has even looked at the proposed federal legislation that this resolution addresses. The last I read HR 2454, the American Clean Energy and Security Act of 2009, is so watered down with loopholes and handouts for the coal industry that most analysts believe its provisions are not nearly enough to save the planet from the effects of global warming.

Well, no matter.

Both the Senate and the House moved quickly this week and passed the resolution.

Good grief.

Winter is rearing its brutal head again, so please keep your bird feeders full.

In The News . . .

PSC Expands Outages Investigation

The state Public Service Commission has agreed to expand its investigation of power outages involving more than 200,000 utility customers in December.

The commission said Thursday it plans to include all electric utilities in the state as requested by its Consumer Advocate Division. Originally, the commission planned to investigate only Appalachian Power and Allegheny Energy, the state’s largest electric utilities. However, the commission says it’s not going to expand the investigation to telephone companies as requested.

The commission also is adding a third public hearing on the outages. This one is set for March 18 in Iaeger. Two others are planned for March 11 in Clarksburg and March 16 in Mount Gay.



" Never expect the people
who caused a problem to solve it."

Albert Einstein

Expanded Renewable Tax Credit Bill Coming Soon

By John Christensen, WVEC Lobbyist

Delegate Mike Manypenny (D-Taylor) is sponsoring another super bill that would expand on the solar tax credit bill passed last year. The new bill would cover additional renewable energy systems covered under the current tax credit, plus it increases the dollar amount of the credit by a thousand dollars.

The systems included are active and passive solar, bio-mass energy, bio-mass systems, direct use geo-thermal, geo-thermal energy, and geo-thermal heat pump systems, hydro energy systems and wind energy systems. The systems must either generate electricity, heat or cool a structure, or provide hot water for a structure or solar process heat; furthermore the hot water system must derive at least fifty percent of its energy to heat or cool from a renewable energy source.

The tax credit is equal to 25% of the cost to purchase and install the system up to a maximum of \$3000. The credit can only be taken in five equal increments over a five consecutive year tax period; therefore, only one-fifth of the total credit allowed may be taken in one calendar year. This should help the fiscal note and make it easier to sell to other legislators.

To say this bill has a diverse group of sponsors (11 total) is an understatement. One of the bill's co-sponsors is none other than Del. Mike Ross (D-Randolph).

Thanks again to Del. Manypenny for his unwavering support of the objectives contained in WVEC's *Citizens' Energy Plan*.

"Friends of Coal" License Plate Bill Advances

SB 206, the "Friends of Coal" license plate bill passed this week out of the Senate Transportation and Infrastructure Committee, and now goes to Senate Finance Committee.

The bill is sponsored by Senate President Tomblin (D-Logan), and senators Green (D-Raleigh), McCabe, (D-Kanawha), and Stollings (D-Boone).

Since it will bring money into the state coffers - the ten dollar application fee goes into the State Road Fund (!) - it should have smooth sailing.

Bill Would Limit Local Land Development Regulation

By Leslee McCarty, WVEC Lobbyist

It's baack!!

Senate Bill 181, sponsored by Senator Don Caruth (R-Mercer) undermines the ability of counties and municipalities to enact ordinances when extraction of natural resources is in play. This is the same bill the senator introduced last session.

Senator Caruth told me last year that he considers this a "Coal Bill." But as many of us know, there are other minerals and gas being extracted all over the state and all of them would be included in this bad bill.

The text of the bill is short, but not sweet:

"§8A-4-6. Effect of adopted subdivision and land development ordinance. After enactment of a subdivision and land development ordinance by the governing body, all subsequent subdivisions and land development must be done in accordance with the provisions of the subdivision and land development ordinance: Provided, That nothing in this chapter authorizes an ordinance, rule or regulation preventing the complete use of natural resources by the owner outside of urban areas."

If your county has a comprehensive plan, or is working on one, or even if you hope some day they will, tell your commissioners about this bill that would tie their hands. Also, please contact your senators and delegates and ask them to oppose this legislation.

In The News ...

Capito Helps Form Coal Caucus

U.S. Rep. Shelley Moore Capito said this week she's forming a congressional coal caucus with several colleagues in the House of Representatives.

Democratic congressmen Nick Joe Rahall and Alan Mollohan announced they would also join the caucus.

Capito says the caucus is aimed at "promoting awareness of coal and technology that may make it cleaner and safer, among other things."

In the same vein, Congresswoman Capito and her husband recently flew at taxpayer expense to Copenhagen for the climate change summit. Her Washington staff said her tax-paid junket was "standing up for West Virginia coal."

What's Up With the Bottle Bill?

By Linda Frame, WV Citizen Action Group

We have worked really hard to promote a WV Bottle Bill over the past seven (is it really?) Legislative Sessions. Last year we were able to get the bill through a House Judiciary Subcommittee, meet with the governor, host wonderful experts and business representatives to tout the benefits of the legislation and work with statewide media to gain grassroots support.

Unfortunately the bill has not won over important House or Senate leadership during our campaign. Governor Manchin has stated that he will not only support the concept but introduce his own bill. Reminders of this promise to the governor have gone unanswered and we can only assume that the business lobby has done its job and talked him out of supporting us.

The bill will be re-introduced this year with amendments and improvements added from last year's debates in subcommittee meetings. We will continue to work to gather support and need your calls to Governor Manchin to bring him back around.

To Contact the Governor's office:

The Honorable Governor Joe Manchin
1900 Kanawha Blvd East
Charleston, WV 25305
Call toll-free: 1-888-438-2731
e-mail: governor@wv.gov

We all have so many issues to care about and causes to support in one way or another. WV-CAG remains committed to this important piece of litter control legislation. A Bottle Bill is a win-win for all. It increases recycling, decreases litter and creates jobs! Hopefully Governor Manchin will remember his promises and we will have good news to report soon.

Until then, thanks so much for caring about, making calls for, and supporting this issue!!!

Shameless Plea - Week Three

The contributions sent in thus far have really lifted our spirits and we so enjoy the words of encouragement so many of you include.

So here we go again. Please please donate what you can afford. We know your hard earned dollars have many other places to go, especially these days. We appreciate any amount you can give at this time.

Your 2010 Lobby Team

Manchin Promises ... cont. from page 1

took part in Monday's meeting with citizens. News media were prohibited from attending both sessions. United Mine Workers officials attended both sessions.

Webb said the governor had agreed to review citizen concerns about enforcement by the state Department of Environmental Protection, and Manchin said he certainly knows environmental groups are not happy with the DEP.

"There were a lot of questions concerning DEP and the frustrations we heard loud and clear," Manchin said. "We want to make sure enforcement is being done in an expedient and prudent manner."

Webb said he and other citizens who are campaigning to stop mountaintop removal wanted to make it clear that they are "not opposed to coal."

"We are adamantly opposed to mountaintop removal, steep-slope strip mining," Webb said. "We must not be so complacent that we allow the destruction of our mountains and the extermination of our communities."

Manchin said later that his interpretation is that the citizens are opposed to mountaintop removal "as we know it," adding that he told the citizens, "I wasn't at that conclusion, nor do I believe that."

"We had a respectful agreement to disagree," Manchin said.

Manchin started the news conference by responding to citizen concerns that coal industry workers have threatened and intimidated them, especially at a federal Corps of Engineers public hearing where all mining opponents were shouted down when they tried to testify.

"We will not in any way, shape or form in this state of West Virginia tolerate any violence against anyone on any side," Manchin said. "If you're going to have the dialogue, have respect for each other."

Singer and West Virginia native Kathy Mattea, who attended Monday's meeting, praised Manchin for taking a strong stand against violence and in favor of reasonable discussions about coal issues.

"I want this conversation to take place in an atmosphere of safety," Mattea said. "I've watched some people hear each other in the last 24 hours, and that's a beautiful thing. It gives me a lot of hope and it makes me very proud."

Think Renewable

Bills We Are Tracking

<u>Bill Number</u>	<u>Title</u>	<u>Committee</u>
Senate Bills		
SB 12	Allow regional water and wastewater authorities set rates w/out PSC approval	Gov Org
SB 33	Allow counties to limit managed timberland valuation	Finance
SB 57	Require timber operators repair damaged roads and rights-of-way	Transportation
SB 69	Creating Energy Efficient Building Act (residential and commercial)	Transportation
SB 82	Requiring jobs impact statement for proposed legislation (<i>Perennial Bad Bill</i>)	Econ Dev
SB 85	Repealing nuclear power plant ban (<i>Perennial Terrible Bill</i>)	EIM
SB 112	Depositing blasting program penalties in Special Reclamation Fund	EIM
SB 156	Public health assessment of DEP rules (WVEC Bill)	H&HR
SB 168	Relating to overweight coal trucks	EIM
SB 181	Limiting land development ordinances (<i>Perennial Bad Bill</i>)	Econ Dev
SB 183	Limiting diesel vehicles' idling	Transportation
SB 184	Creating WV Energy Efficient Buildings Program (loan funds)	Transportation
SB 193	Reporting certain geologic information incidental to oil and gas drilling	EIM
SB 201	Limiting lawsuit punitive damages (<i>Bad Bill</i>)	Judiciary
SB 206	Friends of Coal license plate (<i>Stupid Bill</i>)	Passed Trans to Finance
SB 211	Creating Protection of Water Act (interesting private land bill)	Nat Resources
SB 233	Supreme Court Public Campaign Financing Pilot Program	Judiciary
SB 236	Creating Aquaculture Development Act	Agriculture
SB 235	Creative Communities Development Pilot Program	Econ Dev
SB 238	Allow Public Land Corporation to enter into mineral rights agreements	Judiciary
SB 350	Recategorizing recycled energy as renewable energy resource (<i>Ridiculous Bill</i>)	Econ Dev
SB 355	Extending expired terms of Oil and Gas Inspectors' Examining Board members	EIM
SB 357	Extending Hazardous Waste Management Fee	Finance
House Bills		
HB 2009	Tax credit for use of West Virginia coal	EIL
HB 2314	Surface mining severance taxes	EIL
HB 2321	Extending the alternative-fuel motor vehicle tax credit (<i>Great Bill</i>)	Finance
HB 2461	Creating a State Trail Authority	Gov Org
HB 2363	Jobs Impact Statement Act (<i>Perennial Bad Bill</i>)	EIL
HB 2375	Removes planning and zoning exemption for mining and manufacturing	EIL
HB 2499	Require DEP remediate waste tire piles consisting of more than twenty-five tires	Passed Jud, to Finance
HB 2511	Allow counties to limit managed timberland valuation	Nat Res
HB 2514	Verifiable Science Act (<i>Perennial Bad Bill</i>)	Gov Org
HB 2640	Adding a member to the Surface Mine Board that represents the interest of labor	EIL
HB 2680	Increasing DEP advisory council to nine members (<i>Perennial Bad Bill</i>)	Gov Org
HB 2735	Changing the membership of the State Conservation Committee	Agriculture
HB 3096	Providing tax credits for the sale of locally grown produce	Agriculture
HB 3206	Authorizing DEP Secretary to sign NPDES permits (<i>Bad Bill</i>)	Gov Org
HB 3279	Prohibiting permits for slurry injection and sludge impoundments (<i>Great Bill</i>)	EIL
HB 4008	Green Buildings Act (WVEC Bill)	Gov Org
HB 4001	Regulating Marcellus Shale Gas Well Drilling (<i>Great Bill</i>)	Gov Org
HB 4012	West Virginia Energy Efficiency Act (WVEC Bill)	Gov Org
HB 4130	Supreme Court Public Campaign Financing Pilot Program	Judiciary
HB 4162	Providing tax credit for certifications by US Green Building Council	EIL
HB 4177	Dedicating five percent of coal severance tax to county of origin	Finance
HB 4187	Continuing hazardous waste management fee until 2015	Gov Org
HB 4193	Relating to the groundwater protection fund	Nat Res
HB 4218	Modifying the definitions of "shallow well" and "deep well"	Nat Res
HB 4246	Tax credit for electric plug-in vehicles	Roads and Trans
HB 4249	Requiring DOH to use recycled materials	Roads and Trans
HB 4250	Energy Efficient Building Act (residential and commercial)	EIL

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



Calendar of Events



February 13: Winter Bird Walk. White Grass - 10 am.
Led by Refuge Wildlife Biologist Ken Sturm.
For more information: (304) 866-4114.

February 16: Environmental Film Festival. Warner Theatre, 147 High Street, Morgantown. \$8. in advance or \$10 at the door.
Hosted by WV Rivers Coalition.
For more information: (304) 637-7201

February 20: WV Go Green Convention. WV Wesleyan College, Rockefeller Gymnasium. 12:00 - 5:00 pm.
For more information: contact Shawn McPherson at (304) 669-8459; McPherson_sm@wvwc.edu.

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 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. Homemade Soup & Salad buffet. Admission is a donation of \$ 15 to WVEC.

February 24: E-Day After Party! Live music at the Empty Glass. 410 Elizabeth Street, Charleston. Admission donation of \$5. per person (or whatever you can afford).

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

March 13: Session concludes.

March 27: Vandalia Garden Festival. Cultural Center, Charleston.
For more information: contact Ann Nye, nyeann@ma.rr.com

April 16: WV CAG Spring Fundraiser. Charleston Women's Club.
Save this date - details to be announced.

April 16 & 17: 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 the Hillbilly Gypsy's.
Stay tuned for more details.
For more information: contact Denise Poole at deniseap@earthlink.net

May 1: WV Herb Association Spring Conference. Beckley. Stay tuned for more details.

May 22: Kanawha Valley Sustainability Fair. Habitat for Humanity ReStore, 301 Piedmont Rd., Charleston. 10 am - 4 pm.

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

Don't Forget E-Day! February 24th

Support the West Virginia Environmental Council

2206 Washington Street East, Charleston WV 25311

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

Renewed Membership
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Membership Levels

Name: _____

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- _____ \$ 10 Student / Senior
- _____ \$ 25 Regular
- _____ \$ 50 Seedling
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- _____ \$ 250 Enviro Steward
- _____ \$ 500 Canopy
- _____ \$ 1,000 Old Growth
- _____ \$ Other

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