



West Virginia Environmental Council's

GREEN Legislative Update

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Under the Dome

*By Donald S. Garvin, Jr.
WVEC Legislative Coordinator*

Week 5 – “I Lost It!”

I was lying there in my hospital bed Monday evening when I walked Evan Hansen and Duane Nichols.

They were returning to Morgantown after attending the raucous (and disastrous) Senate Natural Resources Committee meeting dealing with the Water Quality Standards Rule earlier that day.

Evan plopped himself down in the chair next to my bed, threw up his hands, and with that wonderful smile on his handsome face said, “I lost it!”

He then went on to describe a shouting match that erupted during an interview after the meeting in which he accused Jason Bostic, vice president and lobbyist for the WV Coal Association, and Dave Flannery, long-time lawyer and lobbyist for the WV Chamber of Commerce, of lying to the committee about the current status of the state’s water quality standards.

Evan said he pointed a finger at Bostic and said, “You’re a liar.” And Bostic replied in kind. And it went back and forth like that for several minutes.

As Evan recounted the event to me, I began laughing so hard the new stitches from my surgery started to ache.

First of all, Evan Hansen is founder and president of Downstream Strategies, an environmental consulting firm in Morgantown. Evan is a scientist and a researcher. He is extremely cautious and professional. And *everyone* who has ever worked with Evan would agree that he is among the most mild-mannered and soft-spoken guys around.

Secondly, it was obvious that Evan was embarrassed that he had “lost his cool.”

After further recounting the gruesome details of the committee meeting, Evan said: “I don’t know how you guys (meaning the lobby team) do it. How do you keep from losing it?”

I began laughing again, recalling a similar incident that happened to me in the first week of the session back in 2003. I even wrote my Week – 1 *Under the Dome* column about the incident, and titled it, “I Lost It.”

The answer to your question, Evan, is that we obviously don’t always keep from “losing it.”

But let's get back to Monday's Senate Natural Resources Committee meeting. *Daily Mail* reporter Ry Rivard in writing about it said, "***At times, lawmakers seemed to struggle with the science and the complicated regulatory framework.***" (* see Rivard's article below)

And that's the real problem.

As I have pointed out before, in most other states the expert agencies promulgate rules and the legislature can only vote them up or down. West Virginia is one of only two or three states that actually allow the legislature to amend (or even totally re-write) rules prepared by a regulatory agency.

The result is the *TOTAL* politicization of the rulemaking process. Not only do the polluters' lobbyists get one or two bites at the apple, they get the ultimate last big bite as the rule progresses through each committee in both the House and the Senate.

Until we take the rulemaking authority away from the legislature, we will continue to be faced with a rulemaking process that is not based on science, but is based instead on the whims, half-truths and "bottom line" profit values of polluters.

And so, Brother Evan Hansen, I am proud of you. This week you have earned a medal of combat from the WVEC lobby team. If we can find an appropriate medallion at a military surplus store, I will gladly pin it on your chest.

Winter seems to just keep on keeping on, so please remember to keep your bird feeders full this week.

Lawmakers Dismantle Water Quality Standards

Senators Worry EPA Standards Unnecessary For Human Health, Too Costly

By Ry Rivard - Daily Mail, Capitol Reporter

Charleston Daily Mail

State senators on Monday systematically gutted new water quality standards proposed by the state Department of Environmental Protection, including a rule designed to clean up out-of-control algae blooms on the Greenbrier River.

Members of the Senate Committee on Natural Resources, bowing in part to concerns by the state's natural gas and coal industries, took the DEP's rules package and dismantled parts of it piece-by-piece, setting one provision aside for study and taking others out entirely.

Senators said they were concerned the rules were overly burdensome on industry, too costly and unnecessary when it comes to protecting human health.

The proposed rules package, the product of a three-year internal review by the state DEP, was rolled out last May at the first stage of the year-long public rule-making process. The rules have been the source of controversy ever since.

One was meant to curb algae blooms that have choked parts of the Greenbrier River, making stretches of it useless for swimming and fishing. Serious complaints began in 2007 during a dry summer when the blooms became particularly noticeable.

"There's just too much algae growing in the river to fish," James Summers, a member of the DEP's water resources section, told the Senate committee.

Summers said 30 to 60 miles of the river's bottom gets covered with algae. A report he did in 2008 is full of photos of algae also covering the surface of the water.

The DEP regulations would have curbed the amount of phosphorus in the river. Algae feed on phosphorus, which is a key component of fertilizer and human sewage. High levels cause algae to grow uncontrollably, running off other aquatic life. The DEP's new phosphorus rule would have applied only to the Greenbrier and would have been in effect only between May 1 and Oct. 31 of each year.

Even though fertilizer is used on golf courses and farms in the area, Summers said studies showed most of the phosphorous is dumped by sewage treatment plants.

"It's not until you get those constant discharges that you see blooms," he told members of the committee.

But the cost to control phosphorous at the half dozen sewage treatments plants along the river would total about \$11 million in one-time costs and \$1 million in maintenance each year, said Scott Mandirola, the director of the DEP's division of water and waste management.

That would almost inevitably mean higher rates for customers.

"So they would have to increase their costs?" asked Sen. Karen Facemyer, R-Jackson.

Mandirola replied that treatment plants would.

Even though the DEP rules don't make the state pick up the tab, Sen. Walt Helmick, D-Pocahontas, suggested the bill be sent to the Senate Finance Committee.

"I assume the legislators from that area will push the state to pay for it," he said.

Sending the bill to multiple committees is a good way to kill it. The bill already was set to go to the Senate Judiciary Committee after it left Natural Resources.

"I personally don't care," said Helmick, the former finance committee chairman. "I just always took 'em up there so I could kill 'em."

Minutes later, Helmick, who said he was concerned that the DEP's work didn't do enough to consider the phosphorous content of soaps and detergents flowing into the river, amended the bill to call for further study.

The amendment passed, effectively killing the phosphorous limits. The only objection was from Sen. Clark Barnes, R-Randolph.

Leslee McCarty, the coordinator for the Greenbrier River Watershed Association, an environmental group, said after the meeting that the problem had been studied enough.

"We need help on the Greenbrier River," she said. "How can we invite somebody to our tourism place and say, 'You can ride along the Greenbrier River Trail, but don't swim in the river because it's disgusting?'"

The Natural Resources Committee also removed regulations from the DEP proposal that would have capped the solid particles allowed in river and stream water.

The coal industry was particularly concerned about the provision. They argue that the way the DEP was going about it - by limiting the number of "total dissolved solids" - was too much of a catch-all. Another way to regulate water is by putting specific limits on each kind of solid, such as iron, for example.

Sen. Herb Snyder, D-Jefferson, who is not a member of the committee but is a water chemist, appeared as a kind of expert witness. He said he had been trying to broker a deal between the environmentalists and industry.

He called the total dissolved solid limit a "very general standard." He said he had helped prepare an amendment to simply limit sulfates, a kind of runoff commonly seen from coal production.

"My efforts were to attempt to salvage some of what DEP proposed," he said.

Snyder's amendment, which was introduced by Sen. Larry Edgell, D-Wetzel, took the total dissolved solid cap and narrowed it so it regulated only sulfates and applied only to measurements taken a half-mile from water intakes.

Jason Bostic, vice president of the West Virginia Coal Association, then came up and told the committee, "I would say we probably couldn't comply with that standard."

Evan Hansen, the head of Downstream Strategies, a Morgantown-based environmental consulting group, said the amendment would "do nothing to solve the problem."

"Restricting it to a half mile would, in my opinion, make the rule have very little effect," he said.

The committee then voted to take out the sulfate cap. Because they had turned the total dissolved solid limit into just a sulfate limit, that meant the entire section of the rules meant to improve overall water quality had been rendered essentially moot.

In a third change, the committee also removed a provision from the rules package that would have limited the amount of water that could be withdrawn from streams. Lawmakers cited vague wording and noted the Legislature is already set to consider such limits this session in bills designed to regulate drilling of natural gas in the Marcellus shale. A great deal of water must be shot into the ground to release the gas from the shale.

At times, lawmakers seemed to struggle with the science and the complicated regulatory framework, and lobbyists on each side took turns calling each other liars following the meeting.

In an interview after the meeting, Hansen accused Bostic and a lobbyist from the state Chamber of Commerce of "lying to legislators" during remarks they gave to the committee over a particularly technical matter.

In a separate interview, Bostic accused Hansen of lying, too, and said the DEP had overstepped its bounds by repeatedly failing to heed lawmakers' advice that the agency limit its regulatory approach.

McCarty blamed the lobbying prowess of the state's industry groups for weakening DEP's proposals.

Marcellus Shale Pooling Provisions Get Attention In House Judiciary

By Leslee McCarty, WVEC Lobbyist

With at least two big regulatory bills being introduced, it was good to see the House's Judiciary swing into action Thursday morning with Subcommittee A looking at pooling. By far the most complex and controversial provisions, the pooling parts were removed from HB 2878 early on and are in what is called the DEP Marcellus bill (SB 424). But since industry wants the pooling provisions, it is thought they will continue to receive consideration. Delegates on Subcommittee A include Frazier (Chair), Ferro, Fleischauer, Michael, Barker, Manypenny, Caputo, Pino, Longstreth, Ireland, Ellem, Lane, Hamilton and Miller. They will be doing the heavy lifting in the House on Marcellus regulations.

The presenters Thursday were Kevin West, of EQT, Dave McMahon of WV SORO, Ron Hayhurst, WVMOA - mineral owners association, and Bob Hartz, NARO, a national organization of mineral royalty owners. The latter two gave very short introductions and Dave McMahon made his presentation interesting by using delegates as examples of surface, mineral owners and lease owners. No action was taken by the subcommittee at this informational meeting.

Speaking of informational meetings, the weekly joint meeting of House Judiciary and Finance this week brought two Wetzel County men to the capitol to share their stories of Marcellus developments' impacts on their lives and property. With many people attending from E-Day, there was a good crowd in the Chamber. Unfortunately, there were only about a dozen delegates in attendance.

Marty Whiteman and Ed Wade let us know what it is like to be affected by the drilling, and of course, the picture was very frightening! Marty does not own his mineral rights, and EQT has put a huge drill pad on his 100 acre farm, right in his former hayfield. He is now buying hay to feed his animals and his family is constantly dealing with noxious fumes from the drilling process. Lights, noise and truck traffic were also touched on by the two presenters. It is so helpful to put a human face on this "goldrush!" Thanks to Marty and Ed for making the trip and for joining us for E-Day.

We believe there will be a hearing coming up on one of the Marcellus bills, so keep a sharp eye out and plan to come and testify. It will be the only time average citizens will make their case, so we hope for a good turnout, but notice may be short.

In Other Marcellus Shale News

Mary Krueger with the Wilderness Society sent us a link to this new report on Marcellus Shale Development from the Tyndall Center for Climate Change Research in England. It is thorough and very interesting.

On WVEC website: http://www.wvecouncil.org/legisupdate/2011/02_11_tn_jsp.pdf

From the report's conclusions:

“It is clear however, that while shale gas extraction, at a global level, does not involve the high energy and water inputs at the scale of other unconventional fuels, such as oil derived from tar sands, it does pose significant potential risks to human health and the environment. Principally, the potential for hazardous chemicals to enter groundwater via the extraction process must be subject to more thorough research prior to any expansion of the industry being considered.

Additionally, while being promoted as a transition route to a low carbon future, none of the available evidence indicates that this is likely to be the case. It is difficult to envisage any situation other than shale gas largely being used *in addition* to other fossil fuel reserves and adding a further carbon burden. This could lead to an additional 11ppmv of CO₂ over and above expected levels without shale gas – a figure that could rise if more of the total shale gas resource were to be exploited than envisaged in the scenarios. This would be compounded if investment in shale gas were to delay the necessary investment in zero and very low carbon technologies.”

Delegate Manypenny Introduces Resolution to Fight PATH

By John Christensen, WVEC Lobbyist

After more than two and a half years trying to convince the WV Public Service Commission to cancel plans for the PATH power line, this week Del. Mike Manypenny (D-Taylor) introduced **HCR 58** on behalf of a group of more than 250 PATH interveners.

HCR 58 asks the PSC commissioners to consider the Dominion Alternative 1 proposal instead of building the 275 mile 765KV transmission line (known as PATH) through the heart of the Mountain State. The alternative plan would rebuild existing lines from Mt. Storm to Doubs, and from Pruntytown to Mt. Storm. This would save ratepayers up to 30% of the cost of the PATH transmission line. Since these would be essentially repairs of existing 500KV lines and require no new rights-of-way across private or federal land, it makes the permitting process much less involved and time-consuming than PATH's.

Rebuilding the existing lines will fix all but a few of PJM's problems with reliability and thermal overload, and takes no new land from WV landowners. Another positive impact for the rebuild is that it should be accomplished with more WV workers instead of bringing in thousands of out of state specialized workers.

The leadership group involved in the citizens' fight met with key lawmakers this week during E-Day festivities, which should help make passage of the resolution even more likely. The E-Day festivities included presentation of WVEC's Laura Forman Grassroots Award to Keryn Newman, who is one of the most passionate and effective organizers against the PATH project.

HCR 58 has twenty sponsors and could be considered for passage as early as next week. So we urge you to call or email your House of Delegates member, urging them to support this important resolution.

Lawmakers Call for Balance in Drilling of Marcellus Shale

By Paul Nyden, staff writer

The Charleston Gazette - February 10, 2011

Natural gas drilling in West Virginia has exploded in recent months with the discovery of the Marcellus Shale formation, and state lawmakers repeated Wednesday that they want to make sure developers drill without harming local communities.



Senator Dan Foster (D-Kanawha) speaks at Press Conference. February 09, 2011

Photo by Chip Ellis

“We are committed to do it right,” Senator Jeff Kessler, (D-Marshall) said at a state Capitol news conference with other lawmakers and representatives of environmental and surface rights groups.

“We support jobs creation and wealth creation that are done in an environmentally friendly manner,” Kessler said. “West Virginia has an opportunity to develop wealth. But let’s make sure we do it right.”

Marcellus Shale natural gas reserves are located between 5,000 feet and 9,000 feet under the surface throughout much of West Virginia, as well as western New York, central and western Pennsylvania and eastern Ohio. The Marcellus Shale field is considered the second-largest natural gas field in the world.

State lawmakers are considering bills to regulate the extraction of Marcellus gas reserves by hydraulic fracturing, or “fracking” – a process that injects millions of gallons of water, often laden with a variety of chemicals, deep underground to fracture rock in order to release gas reserves.

Drilling companies have generally declined to reveal what chemicals they use in fracking.

Some areas, such as Phillippi in Barbour County, worry that fracking could threaten their water supplies, said Delegate Tim Manchin, (D-Marion.)

“We want to make sure what happens to this state will not be the same as what happened with coal in the early 1900’s,” Manchin said.

Senator Orphy Klempa, (D-Ohio) agreed: “We need economic development. But we also need fresh clean water and fresh clean air.”

Delegate Barbara Fleischauer, (D-Monongalia)



"Standing Room Only" – During the Press Conference

Photo by Gary Zuckett

pointed out the state Department of Environmental Protection (DEP) has only 17 field inspectors to cover this new drilling activity, as well as 57,000 wells already producing gas.

“I think Marcellus Sale is the most important issue before the state right now,” she said. “We need to find a balance.”

Dave McMahon, who represents the West Virginia Surface Owners’ Rights Organization, was also concerned about regulating and inspecting gas wells, as well as protecting surface lands owned by people throughout the state.

“These inspectors have to inspect 57,000 active wells, 6,000 wells that should be plugged and between 900 and 3,000 new permits each year,” McMahon said.

Beth Little of the West Virginia Sierra Club worries about chemicals that Marcellus Shale drillers put into the water they use to fracture underground rocks.

“Our water may have more heavy metals, radioactive materials and toxins polluting it,” she said. “People in rural West Virginia would find it hard to buy unpolluted water for themselves, and especially for their animals.”

Drilling new wells “has the potential to help our people in many ways, to help our businesses in many ways,” said Senator Dan Foster, (D-Kanawha) but I want to balance that, as a physician, with protecting health.

“We have the highest rate of chronic diseases of any state in the country. We can’t have a healthy economy without healthy people,” Foster said.

Goodwin Grants Order Blocking MIC Unit Start-Up

By Ken Ward Jr.

The Charleston Gazette - February 10, 2011

Chief U.S. District Judge Joseph R. Goodwin granted a request today by 16 Kanawha Valley residents for a court order to temporarily block Bayer CropScience from restarting its MIC production unit at its Institute plant.

The temporary restraining order will be in effect for 14 days.

The residents filed suit on Tuesday asking Goodwin to block Bayer from resuming MIC production until, among other things, comprehensive plant inspections are conducted by the U.S. Environmental Protection Agency and the federal Occupational Safety and Health Administration.

The Institute plant's stockpile of MIC -- for years, the facility stored a quarter-million pounds of the chemical on site -- has been a focus of concern for many valley residents since December 1984, when a leak of the chemical killed thousands of people near a Union Carbide plant in Bhopal, India.

Bayer is in the process of restarting the MIC unit after a significant modification project, but plans to operate it for only about 18 months before it stops making, using or storing the chemical at its Institute site.

The suit accuses Bayer of "chronically reckless operation" of the plant and "admitted dishonesty in public communications" with residents of the Kanawha Valley. It alleges Bayer can't be trusted to restart the MIC unit safely, and notes that start-ups and shut-downs can be the most dangerous times in the operation of complex chemical units.

To Support “People Concerned About MIC: www.peopleconcernedaboutmic.com

The group is accepting donations and other forms of support. You can also contact Maya Nye, Spokesperson at (304) 389-6859

E-Day Brings Groups, Citizens to the Capitol

By Denise Poole, WVEC

WVEC's 22nd annual "E-Day" on Wednesday featured representatives from over 30 environmental groups & sustainable businesses, and in excess of a hundred citizens to the halls of the state capitol.

Many people took the opportunity to be a "citizen lobbyist" for the day, and talk with their representatives on the controversial issue of Marcellus Shale gas drilling (*see related articles in this update.*) Others continued outreach and education efforts on numerous environmental issues important to West Virginia.

The displays caught the attention of both legislators and attendees. Slide shows of Marcellus Gas well sites; visual images of WV rivers needing protection; samples of coal slurry contaminated water; green building; water protection; renewable energy and anti mountaintop removal mining were just a few of the highlights.

Performance artist Jude Binder brought yet another dimension to the day. Jude (pictured at right), gave pause for thought about Kayford Mountain, and the issue of mountaintop removal.

The Press Conference on "Regulating Marcellus Gas" was very successful, and was covered well by the press (*see article by Charleston Gazette writer Paul Nyden in this update.*)

We'd like to thank Senators Jeff Kessler, Dan Foster, and Orphy Klempa along with Delegates Mike Manypenny, Barbara Fleischauer and Tim Manchin for joining Dave McMahan (WV-SORO) and Beth Little (WV Sierra Club) to speak to the issue.

Thank you to everyone who attended and participated in E-Day!



Performance artist **Jude Binder** during E-Day at the Capitol. February 9, 2011

Photo by Leslee McCarty

WVEC 2011 Awards Bestowed

WVEC is honored to have bestowed our 2011 awards to the following individuals during our E-Day Awards Dinner: Mary Wimmer (Mother Jones); Delegate Tim Manchin (Chuck Chambers Public Service); Judy Bonds, *posthumously* (Linda Schnautz Courage); Sara Halstead-Bolton (Green Entrepreneur); Keryn Newman (Laura Forman Grassroots Activism) and Laura Steepleton (Youth Activism).

We'd like to note that Sara Halstead-Bolton could not be in attendance due to an illness in her family, and Judy Bond's daughter Lisa accepted on her mother's behalf.

A special thank you to all our award presenters: Beth Little, Karen Grubb, Carol Warren Michael Estep, Patience Wait and Matt Rosenberg.

E-Day Benefit Dinner

We'd like to recognize the following people for their contribution in making this E-Day Benefit Dinner a success: Musicians Andy Park, Mark Davis, Steve Hill and "Michael & The Archangels"; Movers & Shakers / Chefs / Bartenders: Greg Carroll, Denise Poole, John Christensen, Leslee McCarty, Kevin Smith, Carol Warren, Todd Garland, Karen Grubb, Frank Young, Becky Young, Mary Ellen O'Farrell, Mary Ann Maul, Rebecca Park, Julie Archer, Robin Godfrey, and DL Hamilton.

Citizen Lobby Days – Continue Each Wednesday

Join Us! WV Chapter of the Sierra Club, WV Environmental Council, WV-SORO and others working to protect our land and water resources from destructive drilling practices

What? Citizen Lobby Days

When? Where? Each Wednesday (or any day*) during the 2011 Legislative Session (Starting January 19, 2011) at the State Capitol in Charleston

Why? To urge lawmakers to strengthen West Virginia's oil and gas drilling laws

Please call Chuck, Julie or Denise in advance so we can be sure to meet with you and maximize our time. Chuck Wyrostok, WV Sierra Club Outreach Coordinator, at (877)-252-0257 or wyro@appalight.com; Julie Archer at (304) 610-9094 or julie@wvsoro.org; Denise Poole, WV Environmental Council at (304) 414-0143 or deniseap@earthlink.net

*A group of organizations working on these issues have picked Wednesdays as Citizen Lobby Days, however, with a little advance notice we'll be happy to meet you anytime you are available to come to Charleston. Please contact Chuck or Julie in advance to arrange a time and location to meet. We also recommend calling ahead to schedule an appointment with your legislators.



Please Be Our Valentines!

Valentine's Day is Monday. We will be hard at work in the bowels of the capitol, and will REALLY need your love to help get us through the day.

So send us your love! It's easy to do, just put your "love check" in the mail to our office. It will make us all warm and fuzzy inside to know that we are that special to you.

Hugs and Kisses,
The WVEC Lobby Team

Speaking Of Valentines Our "fearless leader" Don Garvin, has been out with a medical condition during the first part of the session. The lobby team has really missed you Don! We look forward to your return this coming week.

Denise, Leslee and John

Bills We Are Tracking

Bill Number	Title	Committee
Senate Bills		
SB 12	Public health assessment of DEP rules (<i>WVEC Bill</i>)	Health
SB 24	Creating Green Buildings Act	Finance
SB 41	Creating Jobs Impact Statement Act (<i>Devil in the Details</i>)	Econ Dev
SB 54	Additional private lodging at Stonewall Jackson Lake State Park	Nat Res
SB 201	Energy Efficient Building Act	Econ Dev
SB 224	Repealing nuclear power plant ban (<i>Perennial Terrible Bill</i>)	EIM
SB 225	WV Innovation and Development Act	Econ Dev
SB 227	Creative Communities Development Pilot Program	Econ Dev
SB 244	Coalbed Methane Ownership (<i>Interim Bill</i>)	EIM
SB 245	Funding for Chesapeake Bay Watershed Restoration (<i>Interim Bill</i>)	Judiciary
SB 248	Banning Coal Slurry Injection (<i>GREAT Interim Bill</i>)	Judiciary
SB 258	Hydraulic Fracturing and Horizontal Drilling Gas Act (<i>Interim Bill</i>)	Judiciary
SB 271	Adding members to DEP Advisory Council (<i>Perennial Terrible Bill</i>)	Gov Org
SB 314	Natural Gas Resources Transportation Road System	Transportation
SB 336	WV Energy Efficient Buildings Program Act	Gov Org
SB 353	Increasing tax on gas from Marcellus Shale	EIM
SB 360	Awarding of attorney fees by Surface Mine Board	EIM
SB 366	Underground Storage Tank Administrative Fund	Finance
SB 370	Assessing certain fees to coal mine operators	EIM
SB 372	Dedication of coalbed methane severance tax proceeds	EIM
SB 424	Regulating oil and gas wells (<i>DEP Bill</i>)	EIM
SB 445	Relating to forest fire seasons	Nat Res
SB 458	Updating Logging Sediment Control Act	Nat Res
SB 460	Law Enforcement Practices for Division of Forestry	Nat Res
SB 465	Marcellus Gas and Manufacturing Development Act	EIM
SB 468	Intrastate Coal and Use Act (<i>Terrible Idea</i>)	EIM
SB 480	Clarifying timber severance tax	Nat Res
SB 491	Creating WV Future Fund	Finance
SB 494	Additional protections from timbering operations on public lands	Nat Res
House Bills		
HB 2024	Green Buildings Act (<i>WVEC Bill</i>)	Gov Org
HB 2025	West Virginia Energy Efficiency Act (<i>WVEC Bill</i>)	Gov Org
HB 2026	Prohibiting coal sludge impoundments (<i>Great Bill</i>)	EIL
HB 2056	West Virginia Renewable Energy Act (<i>Great Bill</i>)	EIL
HB 2135	Plug-in electric vehicle tax credit (<i>Great Idea</i>)	Transportation
HB 2136	Plastic Shopping Bag Excise Tax Act (<i>Good Idea</i>)	Finance
HB 2153	Requiring DEP to remediate waste tire piles	Passed Judiciary, to Finance
HB 2160	Incentives for energy conservation by electric utilities	EIL
HB 2170	Requiring DEP approve coal mine permits in six months (<i>Perennial Bad Bill</i>)	Judiciary
HB 2172	Requiring DEP to monitor litigation (<i>Pro Industry Bill</i>)	Nat Res
HB 2219	Verifiable Science Act (<i>Perennial Terrible Bill</i>)	Gov Org
HB 2232	Planning and zoning restrictions for mining and manufacturing activities	EIL
HB 2352	Extending the alternative-fuel motor vehicle tax credit	Finance
HB 2401	Renewable Portfolio Standards Sustainable Energy Act (<i>WVEC Bill</i>)	EIL
HB 2403	Marcellus gas well operations use of water resources (<i>Carryover Bill</i>)	Judiciary
HB 2404	Low Emission Vehicle Act	EIL
HB 2422	Creative Communities Development Act	EIL
HB 2448	Creative Communities Development Pilot Program	EIL
HB 2514	Honeybee-friendly strip mine reclamation	EIL
HB 2554	Intrastate Coal and Use Act (<i>Rediculously Bad Bill</i>)	EIL
HB 2688	Adding a member from labor to Surface Mine Board (<i>Bad Idea</i>)	EIL

HB 2776 Residential Renewable Energy Systems Tax Credit (Great Idea)	EIL
HB 2795 Jobs Impact Statement Act (Devil in the Details)	EIL
HB 2800 Creating the West Virginia Ski Resort Industry Commission	Gov Org
HB 2809 Stopping accelerated rate recovery and revising definition of need for power lines	EIL
HB 2810 Relating to interconnection and net-metering (WVEC Bill)	Judiciary
HB 2814 Bottle Bill (Great Bill Again)	Judiciary
HB 2834 Total Dissolved Solids Bill (Carryover Bill)	Gov Org
HB 2842 Coalbed Methane Ownership (Interim Bill)	Judiciary
HB 2844 Funding for Chesapeake Bay Watershed Restoration (Interim Bill)	Judiciary
HB 2850 Banning Coal Slurry Injection (GREAT Interim Bill)	Judiciary
HB 2851 Surface owner's right to purchase mineral interests	EIL
HB 2859 Election of Public Service Commissioners	Gov Org
HB 2878 Hydraulic Fracturing and Horizontal Drilling Gas Act (Interim Bill)	Judiciary
HB 2890 Energy Efficient Building Act	EIL
HB 2915 Repealing sections of the Alternative and Renewable Energy Portfolio Act	EIL
HB 2938 Tax credit for plug-in electric and compressed natural gas vehicles	Transportation
HB 2940 Requiring liners in all new surface coal-waste impoundments	EIL
HB 2953 Dedication of coalbed methane severance tax proceeds	EIL
HB 2955 Assessing certain fees to coal mine operators	EIL
HB 2957 Requiring 2009 Energy Code for projects using state funds	Gov Org
HB 2960 Underground Storage Tank Administrative Fund	Judiciary
HB 2972 Intrastate Coal and Use Act (Terrible Idea)	EIL
HB 2974 Relating to Coopers Rock State Forest	Nat Res
HB 2979 Awarding of attorney fees by Surface Mine Board	Judiciary
HB 2985 Updating the Logging Sediment Control Act	Gov Org
HB 2986 Relating to forest fire seasons	Nat Res
HB 3026 Authorizing DOH contracts with oil and gas operators	Transportation
HB 3042 Regulating oil and gas wells (DEP Bill)	Judiciary
HB 3045 Forest Fairness Act	Nat Res
HB 3088 West Virginia Energy Efficiency Act	Gov Org
HB 3099 Marcellus Gas and Manufacturing Development Act	Finance

There Oughta Be A Law!

There is still time for someone to write a bill stating the following:
 "It shall be illegal to read aloud your power point presentation or read the WV Code when referring to them in Committee hearings." We can read!!!

Think Renewable

"In wildness is the preservation of the world."

Henry D. Thoreau





Calendar of Events



February 17: 7th Annual WV Small Farms Conference, "Living Off the Grid in West Virginia". Lakeview Resort & Conference Center (outside of Morgantown, WV.) Full day of workshops focused on alternative energy. Topics include: Living off the grid, reaping the rewards of the solar power system, geothermal heating and cooling, and building a net-zero energy home. An afternoon field trip will visit a net-zero energy home nearby powered by wind and sun.

Registration is \$50. No advance registration is required.

Full agenda available at: <http://getpimby.blogspot.com/>

February 17: Forum, "BP Disaster in the Delta: Clean Up or Cover-up?" WV State University Student Union - room 134, Charleston. Begins at 7:00 PM. A detailed, pictorial account of a six month investigation by independent journalist Dahr Jamail. Sponsored by WV Citizen Action Education Fund.

February 20: White Grass Winter Outing - A winter-themed snow shoe tour, White Grass Ski Touring Center, Davis WV - 1 PM. Learn about all the unique wildlife habitats in Canaan Valley and much more. For more information, visit www.whitegrass.com or call (304) 866-4114.

March 2: FREE SCREENING – 'Dirty Business - "Clean Coal" and the Battle for our Energy Future.' West Virginia State Theater / The Cultural Center, Capitol Complex. Screening at 7:00 PM. Panel with filmmaker and other experts at 8:30 PM.

Please RSVP: <http://bit.ly/DirtyBusiness-RSVP>

March 8: Women on the Bridge. Southside Bridge, 12:00 noon. Celebrate 100th anniversary of International Women's Day, and in support of women victims of war. Unites women, men and children all over the world – women building the bridges of peace and hope.

Visit: www.Progressity.com/MeetMeOnTheBridge to sign up and participate.

March 12: Last day of legislative session.

April 2-6: 6th Annual "Week in Washington". Organized by The Alliance for Appalachia. Opportunity to pass the Clean Water Protection Act and the Appalachia Restoration Act.

For more information and to register: www.ilovemountains.org or call (304) 546-8473

April 16: "A Sustainable Affair" – Celebration! Davis & Elkins College campus, Elkins WV. Sustainable Living for WV and the Center for Sustainability Studies of D&E celebrate over 10 years of sustainability initiatives and fairs. Beginning at 4:00 PM - Halliehurst Mansion: Wine Tasting, music, Group of 12 juried vendors (green energy, agriculture, local artisans); 6:00 PM – 8:30 PM - "Sustainable Feast" dinner. Join us at the "Ice House" on campus from 9:00 PM till Midnight with live music by Fox Hunt!

For more information: deniseap@earthlink.net

May 19-21: The New River Symposium, "Bridging the Gaps: Collaborations for Sustainability" – Concord University, Athens WV.

For more information contact: Dr. Roy Ramthun – rramthun@concord.edu

May 27-30: Heartwood's 21st Annual Forest Council. To be held at Camp Ahistadi, Damascus, Virginia. Join Heartwood as they focus on **Energy**. Hosted by Southern Appalachian Mountain Stewards, The Clinch Coalition, Mountain Justice, The Alliance for Appalachia, Dogwood Alliance and Wild South.

For more information: katey.lauer@theallianceforappalachia.org or (304) 546-8473



Legislative Session 2011 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

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 regular Legislative Session.

We welcome letters, articles, and artwork from readers and reserve the right to edit or reject submissions. Please send materials to Denise Poole, *editor* at deniseap@earthlink.net

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