



*West Virginia Environmental Council's*

# GREEN Legislative Update

*Published Weekly during West Virginia's Legislative Session*

Volume: 24 Number: 5

Date: **February 7, 2014**

## **Under the Dome**

By Donald S. Garvin, Jr.  
WVEC Legislative Coordinator

Week 5 – Bills, Bills, Bills

Last week I told you that the House of Delegates promised a slower and more deliberate approach in dealing with the aboveground storage tank legislation. Well, that is certainly the case. So far no committee has actually taken up the bill.

But there is legislative life out there beyond the water crisis.

For example, **SB 461**, the “Future Fund” bill passed out of the Senate Economic Development Committee this week. It goes now to Senate Finance. It is almost certain to pass the full Senate – it has 31 of the 34 senators listed as sponsors! Senate President Jeff Kessler (D-Marshall) is the lead sponsor.

Under the proposed legislation, the first \$175 million in natural gas severance taxes the state received in any given year would continue to be distributed as normal between the general fund and producing counties. But 25 percent of any revenue received beyond that amount would go into an investment fund that would accumulate interest. The interest could then be used for improving infrastructure, providing tax relief, economic development initiatives and education enhancement.

So that's the relatively good news. Now for the bad.

The coal boys are back at it. Take **HB 4275**, for example. The bill's title is “Making West Virginia's Water Pollution Control Act Consistent with the Federal Water Pollution Act.” In fact, this bill does just the opposite. Federal law is clear that *all* permit conditions are subject to enforcement. And one of the conditions in every WV mining discharge permit

is that NO discharge can violate any WV water quality standard, even if a specific effluent limit is not set in the permit.

This bill is a rehash of SB 615 that the legislature passed in 2012, and which has been struck down three times in Federal Court. HB 4275 has been single referenced to House Judiciary Committee. Let's hope it stays there.

Then there's **HB 4238**. "The purpose of this bill is to provide a tax credit to coal producers who sell coal to taxpayers who increase their consumption of West Virginia coal in this state for the purpose of increasing coal production and coal related employment in West Virginia."

The legislative findings section of the bill reads as follows: "The Legislature finds that this state and this region are blessed with large quantities of mineable coal that is suitable for use as fuel to generate electricity and for other industrial uses; that other coal producing states in the region offer incentives to businesses to consume coal produced in those states; that there are sound economic reasons for locating electric power generating facilities and other industrial facilities that consume coal in the coal fields; and that many West Virginia miners work in mines located in this state and that the state will benefit by encouraging additional production of West Virginia coal . . . Therefore, encouraging greater utilization of coal produced by West Virginia miners and consumed at West Virginia power plants and industrial facilities, is in the public interest and promotes the general welfare of the people of this state, in that it will increase employment opportunities for West Virginia residents."

Enough said. There is a fiscal note attached to the bill, so perhaps the Finance Committee will notice it is a budget buster.

And then there's **HB 4346**, "establishing separate standards of performance for carbon dioxide emissions." This bill is simply an attempt to do an "end-around" federal attempts at reducing carbon dioxide emissions. It's sure to wind up in court if the legislature passes it.

The bill was referred to House Energy Committee, and then to Judiciary. Here's wishing it a peaceful demise.

Winter is not giving up! So remember to keep the birdfeeders full.



**A Petition has just been filed to compel DEP and BPH to carry out existing duties.**  
To read this petition and sign, go to: <http://www.courtswv.gov/supreme-court/clerk/pdf/20140207141333090.pdf> ...

## Suit Targets DEP, DHHR Inaction On Chemical Spill

By David Gutman  
The Associated Press

A new legal action accuses two state government agencies of "collective dereliction of their duties" in not taking steps that could have prevented the Jan. 9 Elk River chemical spill that contaminated drinking water supplies for 300,000 West Virginians.

The emergency petition, filed with the state Supreme Court, says the state Department of Health and Human Resources and the Department of Environmental Protection ignored state laws and rules that required them to protect drinking water supplies. The 36-page petition also says that state officials ignored warnings that such an incident was possible, and did not adequately responded to public concerns following the spill of Crude MCHM from the Freedom Industries' tank farm.

"Despite several clear warnings that West Virginia residents in the Kanawha Valley were at imminent risk of toxic exposure, respondents refused to take the actions necessary to protect the public health and the environment as required by statutes and regulations," says the petition, filed Friday (February 7).

Lawyers Jennifer Wagner and Bren Pomponio from the public interest law firm Mountain State Justice and Michael Becher and Joe Lovett from the group Appalachian Mountain Advocates filed the petition.

The petitioner are two nonprofit groups, Covenant House and the West Virginia Coalition Against Domestic Violence, that serve needy and in-crisis members of the community, and two area residents, Monique Watkins and Virginia Gardner. In a statement, Covenant House, said, "This is a time of crisis. Our system has failed us. Our water supply was compromised. The public trust breached.

"This has affected every person in our community, and it has impacted the low-wage worker and homeless populations disproportionately," the statement said.

"Every day, more than 200 people count on Covenant House to help find housing, to take a shower, do their laundry, secure food and clothing, or some other emergency subsistence," the statement said. "It is a significant hardship for the low-wage worker to pay for bottled water to drink, to bathe their children in, and to cook."

Named as respondents in the petition were DEP Secretary Randy Huffman, DHHR Secretary Karen Bowling, and Dr. Letitia Tierney, the commissioner for DHHR's Bureau for Public Health.

Officials from the agencies did not immediately respond to requests for comment. Among the specific allegations in the petition:

- Public health officials failed to require adequate emergency response and source-water protection plans for the Elk River water supply.
- The public health bureau did not maintain and update a comprehensive hazardous materials list that includes materials frequently used in West Virginia and appropriate emergency response procedures.
- DEP did not require Freedom Industries to submit pollution control and groundwater protection plans for its tank farm, despite its location 1.5 miles upstream from the public water intake, and did not properly inspect the site to ensure its safety.
- DEP has not kept the public informed about the cleanup of the Freedom Industries' site, leaving citizens with little information about "whether the spill site poses an ongoing threat to the Elk River and to the downstream drinking water intake."
- DEP is violating its duty to protect the existing uses of the Elk River, including its use as a public drinking water supply.

The petition notes that a 2002 DHHR report documented a variety of potential threats to the Elk River water supply, concluding that it was "highly susceptible to contamination" and identifying the Freedom site as a source of "large volumes of potential contamination."

"Although the [public health bureau] recognized the serious risk of potential spills of contaminants into the source water, including from the Freedom Industries site, it did not take any further action as recommended by the report, including determining the actual risk and consequences of a spill from the chemicals stored at the Freedom facility or other coordination with government agencies," the petition says.

Also, the petition notes that the state has never acted on a three-year-old recommendation by the U.S. Chemical Safety Board to create a new chemical accident prevention program.

The petition asks the Supreme Court to order the DHHR and the DEP to show why the agencies should not be forced to implement the chemical accident prevention program, require water protection plans from public water systems, properly monitor the impacts of the Jan. 9 spill, and report information from that monitoring to the public.

"Even weeks after the spill, the public has not received any information about the safety of their water except unsupported and general statements about a one part-per-million safe threshold," the petition says. "Many affected residents still feel unsafe drinking or cooking or bathing with their water and a survey of legislators revealed that none of the legislators who responded were drinking tap water in the affected area.

"The chemical spill and its impacts were avoidable and should have come to no surprise to respondents," the petition says. "Respondents have been advised on numerous

occasions to take steps to prevent just such a disaster, and they were aware of the risk to the water supply and other threats to the public health of residents near chemical facilities in West Virginia.

"However, despite their clear duty to act, respondents chose to ignore clear recommendations and their own statutory and regulatory requirements to prevent the disaster," it says. "Further, in the wake of the spill, respondents have failed to meaningfully and accurately disseminate information and otherwise study the impacts of the spill on public health and the environment.

"In order to prevent similar disasters in the near future, respondents must be compelled to comply with their statutory duties to protect the lives, health, and livelihoods of West Virginians from chemical exposure."

This article appeared in the Associated Press, February 7, 2014. Reprinted here by permission.

Full petition here:

<http://www.courtswv.gov/supreme-court/clerk/pdf/20140207141333090>

### **Aluminum Update – A Victory!**

Last week we told you that we were expecting the Senate Judiciary Committee to amend DEP's Water Quality Standards "rules" bill, S. B. 136, to remove the part of the bill that increased the concentration of aluminum permissible in streams.

This week the Committee took a different approach, which was to incorporate the water quality rule into a Rules Bundle containing all the DEP Rules. The Rules Bundle is now S.B. 133. The Rules Bundle did not include the aluminum change. Thursday it passed the committee unanimously! Its next destination is the Senate floor. So, S.B. 133 is now the bill to watch.

We extend a great big "Thank you!" to everyone who helped discourage this degradation of water quality.

### **Public Hearing on S. B. 373**

By Vickie Wolfe  
WVEC Lobbyist

As you're probably aware, on Monday evening there was a public hearing on S.B. 373 in the House chamber. It was a joint hearing convened by the three House committees to which S.B. 373 is referenced: Health and Human Resources, Judiciary and Finance.



S.B. 373 would create a regulatory program for above-ground storage tanks, and it passed the Senate unanimously about ten days ago.

The turnout was huge. About 50 people spoke, and a number of themes emerged in their comments, e.g.:

- People still don't trust their water, some said they still aren't using it even for laundry.
- People are angry, and some are contemplating leaving the state.

*Photo: Rebecca Roth, of Charleston holds her daughter Lucy Boettner – while waiting to speak at the public hearing.*

- Laws are useless if unenforced; therefore the bill should provide for citizen lawsuits.
- The bill's loopholes should be removed.

Dr. Jim Kotcon, Sierra Club Energy Chair and a WVEC board member, made a couple of poignant points: if we want clean water, he said, we should listen to those who advocate for it, and not to the polluters. And, in Einstein's words, "We cannot solve problems using the same kind of thinking that created them."

But perhaps the evening's most powerful moment was Colleen Anderson's a capella rendition of a song she'd penned for the occasion:

If you love my West Virginia,  
You will keep her waters clean;  
If you love my West Virginia,  
You will keep her mountains green.  
If you love my West Virginia,  
Love her wonderful and wild;  
You'll respect her like your mother  
And defend her like your child.

If you love my West Virginia,  
You would suffer for her sake.  
If you love my West Virginia,  
You will give more than you take.  
If you love my West Virginia,

You would grieve to see her kneel  
To the ones who only use her  
For the riches they can steal.

And if you love my West Virginia,  
You will hold her in your soul.  
If you love my West Virginia,  
You won't watch her mountains fall.  
If you love my West Virginia,  
You will fight to see her stand  
With her summits bathed in glory  
Like our Prince Emmanuel's land.

You can watch the entire public hearing online at:

<http://wvpublic.org/post/video-water-crisis-public-hearing-house-delegates?nopop=1>

## **Weekly Statehouse Aquapocalypse Update**

By Vickie Wolfe  
WVEC Lobbyist

On Wednesday afternoon, Governor Tomblin convened a press conference that included officials from the CDC and the EPA. Dr. Tanja Popovic, director of the CDC's National Center for Environmental Health, expressed confidence in the safety of the water supply. When pressed, officials were unable to explain why testing of home plumbing systems would not be a good idea, and shortly after the press conference Tomblin administration officials said they would develop a plan for doing so.

As we mentioned in the above (Public Hearing) article, S.B. 373, which would regulate above-ground storage tanks, has been referenced to three House committees, and those committees jointly held a public hearing on Monday. Aside from that, this week's aquapocalypse activity consisted of much testimony before committees.

At two meetings this week, the House Health and Human Resources Committee heard testimony from Dr. Rahul Gupta, Health Officer and Executive Director, Kanawha-Charleston Health Department; Jeff McIntyre, President and CEO, West Virginia American Water; Tom Curtis, American Water Works Association; Dr. Letitia Tierney, Commissioner of the Bureau of Public Health; Ryan Palmer, Commissioner, WV Public Service Commission; and Amy Swann, Executive Director, WV Rural Water Association.

The Legislative Oversight Commission on State Water Resources also held two meetings this week, at which they heard from Dr. Gupta, Dr. Tierney, and Jimmy Gianato, State Director of Homeland Security.

Dr. Gupta relayed a few suggestions for improving S. B. 373. He intimated that he had no safety concerns about drinking the water, although his physician wife has chastised him for doing so and he is repelled by the odor. Dr. Tierney expressed confidence that the water is safe for all uses.

WVAW's Mr. McIntyre told the HHR committee that monthly bills mailed beginning Friday, February 7 would contain credits of 1,000 gallons for residential customers and 2,000 gallons for businesses, which amounts to \$10.29 and \$20.58, respectively.

Video of some recent testimony heard by the Water Commission, as well as meeting minutes and other documents, can be viewed here:

<http://www.legis.state.wv.us/Senate1/water.cfm>

## **Bills Would Allow Unlimited Dumping of Drilling Waste in Landfills**

By Donald S. Garvin, Jr.  
WVEC Legislative Coordinator

Legislation proposed by the Department of Environmental Protection would allow commercial solid waste landfills throughout the state to accept unlimited amounts of potentially radioactive drill cuttings and drilling mud.

The bill permits that disposal even if it results in the facility going over its maximum monthly permitted limits (tonnage caps) if the drilling waste is placed in a separate cell dedicated solely for drilling wastes.

The bill amends the Solid Waste Management Act with the following language: "Notwithstanding any other provision of this code to the contrary, a commercial solid waste facility may lawfully receive drill cuttings and associated drilling waste generated from horizontal well sites above the monthly tonnage limits of that commercial solid waste facility: *Provided*, That the drill cuttings and associated drilling waste are placed in a separate cell dedicated solely to the disposal of drilling waste. The secretary may allow solid waste facilities that are actively constructing a separate cell for drilling waste to accept drilling waste until September 30, 2014, without counting it towards the permitted monthly tonnage limits: *Provided*, That, under no circumstances may a solid waste facility exclude or refuse to take municipal solid waste until it has reached its monthly permitted tonnage limits."

The bill does not provide for additional liners for this waste. Nor does it provide for equipment to measure the radiation of the material as it comes into the landfill, or the leachate that results from the material's storage, or require monitoring of any kind.



For our many allies who have been concerned about this issue for several years now, this legislation is totally unacceptable.

There are "same as" bills in each house: SB 474 and HB 4411.

### **Tomblin Meeting on Chemical Tank Bill Excluded Environmentalists**

Environmental group lobbyists weren't asked by the Governor's Office for their input as the chemical storage tank bill was developed, and had only brief, informal discussions with DEP officials prior to the legislation being introduced.

By Ken Ward Jr.  
The Charleston Gazette

Two weeks ago, Gov. Earl Ray Tomblin held a news conference to announce his legislative response to the Elk River chemical leak. The governor unveiled proposed legislation aimed at creating a new regulatory program for aboveground chemical storage tanks.

"This proposed legislation includes reasonable, commonsense provisions to regulate aboveground storage tanks across the state, including those located in areas of critical concern near our public water supply and distribution systems," the governor said at the Jan. 20 news conference.

A day earlier, a select group of business lawyers and industry lobbyists met with the governor's staff and officials from the state Department of Environmental Protection to go over the governor's bill.

"See everyone there and please be prepared to discuss the bill section by section," Jason Pizatella wrote in an email message announcing the meeting.

Pizatella called the event a meeting "with the stakeholders."

The West Virginia Chamber of Commerce was invited. So were the Oil and Gas Association and the Coal Association. Trade associations representing grocers, manufacturers, trucking firms and energy companies were included, according to the Governor's Office.

But the chief lobbyist for the West Virginia Environmental Council -- the environmental community's umbrella lobby group at the Capitol -- said that his organization wasn't included in the governor's meeting.

"Neither I nor anyone else I know of in the environmental community knew about that meeting," Don Garvin said Monday. "You telling me about it is the first I've heard about that meeting."

Asked what discussions the environmental council had about the governor's bill prior to its unveiling at that news conference, Garvin said, "There were none."

Garvin said that environmental group lobbyists weren't asked by the Governor's Office for their input as the bill was developed, and had only brief, informal discussions with DEP officials prior to the legislation being introduced.

"I've had some just offhand discussions with DEP," Garvin said. "Other than that, we really weren't given an opportunity to just sit down and tell the DEP or the governor what we thought."

Pizatella's announcement of the "stakeholders" meeting, held at the state Lottery Commission building on Pennsylvania Avenue on a Sunday afternoon, was among the records released by the Governor's Office in response to a Freedom of Information Act request about the chemical tank legislation.

Also included were email messages in which several prominent industry lawyers and lobbyists offered suggestions for the governor's legislation -- before the bill was finalized Jan. 20 or introduced Jan. 22.

Peter Markham, Tomblin's general counsel, said late last week that administration lawyers and a variety of officials from the DEP wrote the governor's proposal.

"There were a lot of cooks in this kitchen," Markham said.

Among those with input on a draft of the governor's bill was Markham's predecessor as Tomblin's general counsel, Charleston lawyer Kurt Dettinger, who is now with the law firm of Steptoe & Johnson.

"I reviewed it and offered some comments on it," Dettinger said. "As you digest a big piece of legislation, you ask questions and you provide feedback you are asked to provide."

Dettinger refused to identify the client he was working for in reviewing the governor's chemical tank legislation. Records at the state Ethics Commission list him as a lobbyist for Antero Resources, a major natural gas producer, and Braskem/Odebrecht, the company that proposes to build a natural gas "cracker" plant in Wood County.

In July 2011, when Dettinger was Tomblin's general counsel, he denied a Charleston Gazette public records request that sought information about what sort of input industry groups had on an executive order on regulation of the Marcellus Shale drilling boom in the northern part of the state.

Records show Dettinger was making suggestions to Pizatella about the governor's chemical tank bill as late as 10:23 a.m. Jan. 20, less than four hours before Tomblin announced his proposal during the 2 p.m. news conference.

Dettinger forwarded for Pizatella an email he received from another Steptoe & Johnson lawyer, David Flannery, in which Flannery suggested the bill should include the option of civil fines -- not just criminal penalties -- for violations of the chemical tank requirements.

Like Dettinger, Flannery declined to identify a client he was working for in reviewing the governor's draft legislation. Flannery was not listed as a registered lobbyist on the latest booklet published by the Ethics Commission.

Asked to describe his role in helping to develop the governor's legislation, Flannery said last week, "You give me more significance with your question than is probably appropriate. I wish I had that much stroke with the Governor's Office."

As introduced, the governor's bill added the language Flannery suggested, but increased the potential criminal penalties from six months in jail and a \$10,000 fine to up to a year in jail and a \$25,000 fine. Those penalties were reduced to the levels Flannery suggested in a related bill passed by the state Senate.

Records released by Tomblin's office also show that Rebecca Randolph, president of the West Virginia Manufacturers Association, submitted proposed legislative language to DEP general counsel Kristin Boggs at about 6 p.m. on the evening after the governor's "stakeholder" meeting.

In an email message to Boggs, Randolph provided a list of 18 different exemptions that would exclude various types of aboveground storage tanks from the governor's bill.

"In looking at this and determining what would address some of our concerns with the [bill], I'd submit the following for consideration," Randolph said.

Industry officials have said that the types of tanks proposed to be exempt are covered by other laws or regulations, but Sen. John Unger, D-Berkeley, has asked legislative staff to provide more details about those other laws or regulations.

The governor's bill did not include the exact wording proposed by Randolph, but it did include a long list of exemptions. The bill passed by the Senate contains similar exemptions, and citizen groups have complained strongly about those provisions.

During a public hearing Monday night, longtime West Virginia Sierra Club leader Jim Kotcon offered lawmakers some advice for moving forward and reforming the system in response to the chemical leak.

"Who are we listening to?" Kotcon asked. "If you want a bill that protects clean water, you should probably listen to people who advocate for clean water, not the polluters."

Later in the hearing, West Virginia Coal Association Vice President Chris Hamilton spoke on behalf of the state Business and Industry Council, a collection of industry trade groups.

"What occurred at Freedom [Industries] must never again happen in West Virginia," Hamilton told lawmakers. "And BIC members stand ready to offer our resources and expertise within our members as we craft this needed amendment to public policy in West Virginia."

This article was printed in the Charleston Gazette on February 4, 2014. Reprinted here by permission. <http://www.wvgazette.com/News/201402040046>

### **U.S. House Transportation Field Hearing Regarding Elk River Spill Monday February 10 - Charleston**

A U.S. House hearing is scheduled in Charleston at the Kanawha County Courthouse Ceremonial Courtroom 4 (2<sup>nd</sup> Floor) 407 Virginia Street East, Charleston, WV on Monday February 10<sup>th</sup> for the **Transportation & Infrastructure Committee**.

The list of people testifying published to date: *(updated Feb. 6, 2014)*:

U.S. Senator Joe Manchin (D-WV)

Mr. Gary Southern, President, Freedom Industries (invited)

Mr. Jeff McIntyre, President, West Virginia American Water

Mr. Jimmy Gianato, Director, West Virginia Division of Homeland Security and Emergency Management

Mr. Gordon Merry, Director, Cabell County Office of Emergency Services

Dr. Rafael Moure-Eraso, Chairman, U.S Chemical Safety Board

Mr. Dale Petry, Director, Kanawha County Homeland Security and Emergency Management

Mr. Mike Dorsey, Director, Homeland Security and Emergency Response, West Virginia Department of Environmental Protection

Dr. Letitia E. Tierney, Commissioner, Bureau for Public Health and State Health Officer, West Virginia Department of Health and Human Resources

Currently Dr. Rahul Gupta of the Kanawha-Charleston Health Dept. is not on the list of invited speakers, nor is anyone from the grassroots community. They only have government officials and WV American Water's president. They even invited Freedom Industries!

Call Rep. Capito's office at (202) 225-2711 or her district office in Charleston at (304) 925-5964 and Rep. Nick Joe Rahall's office at (202) 225-3452 ask them to invite Dr. Gupta to the panel.

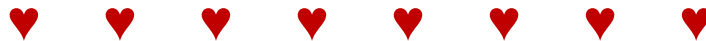
Also ask them to invite a grassroots community advocate such as:  
Angie Rosser of WV Rivers Coalition  
Maya Nye of People Concerned About Chemical Safety  
Evan Hanson of Downstream Strategies

These people are here in WV and have extensive knowledge regarding clean water and the chemical spill. Their voices are important.

<http://democrats.transportation.house.gov/press-release/rahall-house-transportation-committee-examine-elk-river-chemical-spill-charleston>

### **Worth Reading:**

EPA Staff Struggling to Create Pollution Rule.  
[http://www.nytimes.com/2014/02/05/us/epa-staff-struggling-to-create-rule-limiting-carbon-emissions.html?smid=fb-share&\\_r=0](http://www.nytimes.com/2014/02/05/us/epa-staff-struggling-to-create-rule-limiting-carbon-emissions.html?smid=fb-share&_r=0)



### **Shameless Plea**

Send us your love ..... next Friday is Valentine's Day, so there's no better time for you to show us how much we mean to you. Large checks (or small) are most welcome.

This has been a grueling winter for the WVEC lobby team. It's been hard on us physically and because we spend the day in a building where there is no love, it's been tough on us mentally.

Seriously, we depend on your financial support to maintain the lobby team at the capitol.

Since 1989 we have been an effective voice for environmental protection at the legislature. So send us some love, and we'll send you ours in the legislative update next week!

*Thanks, the WVEC lobby team*





## WVEC's E-Day at the Capitol

"Water Is Life – Keep It Clean"

Day of ACTION

**Monday, February 17, 2014**

**Senate Side Hallway & Upper Rotunda Alcoves  
State Capitol, Charleston ~ 9:00 a.m. – 3:00 p.m.**

**Press Conference at 12:30 p.m. (in Lower Rotunda)**

**Displays, Citizen Lobbying, Action**

(If your group would like to participate, please contact Karen Yarnell:

[Karen.yarnell@fairmontstate.edu](mailto:Karen.yarnell@fairmontstate.edu))

## **E-Day Benefit Dinner & Awards Ceremony**

**Woman's Club of Charleston (Corner of Elizabeth St. / Virginia Ave.)  
From 6:00 p.m. – 9:00 p.m.**

**Buffet Dinner, Awards, Music & Poetry**

**Award Presentations: 7:15 p.m.**

**Kevin Smith (*posthumously*) ~ *Mother Jones***

**Angie Rosser ~ *Linda Schnautz Environmental Courage***

**Evan Hansen ~ *Don Gasper Science in the Public Interest***

**Karan Ireland ~ *Laura Forman Grassroots Activist***

**Music by Marium Bria & Ammed Solomon; Performance by Jude  
Binder – accompanied by Andy Park.**

**Poetry reading by Crystal Good.**

**Donation of \$15 per person**





## Calendar of Events



**February 8:** [My Clean H2O Matters!](#) The people unite to bill West Virginia American Water for costs resulting from the coal-processing chemical MCHM in our water supply. Join members of OVEC, WV Citizen Action Group, NAACP, the local faith community and others at First Baptist Church, 432 Shrewsbury Street, Charleston, WV, starting at 10 a.m.

We will march to the West Virginia American Water Company on Court Street. There we will bill the water company for our losses. Here's [the invoice](#) we'll deliver to the water company.

This event - to go on snow, rain or shine - is held in solidarity with the [Mass Moral March](#) going on February 8 in North Carolina.

**February 13:** [WV Free Day at the Capitol](#). 9:00 a.m. – 3:00 p.m. State Capitol complex.

**February 13:** [Backcountry Film Festival](#), Byrd Center at Shepherd University, Shepherdstown WV. The Festival features stunning footage of snowy peaks and high-country adventure, and moving stories of people who have found meaning and answers to life's questions by spending time in the quiet, cold snow of the backcountry. Join us for a fun night of films, prizes, music and celebration.

Films start at 7:00 pm at the Byrd Center at Shepherd University. Tickets are only \$5. For information and tickets, [click here](#).

**February 14:** [Rally For Water](#). Lower Rotunda, State Capitol. Begins at 10 a.m. Sponsored by WV Sierra Club. Citizens from all over West Virginia will demand that government heed the warnings of the big spill and make strong water law and strict enforcement a reality.

**February 17:** [WV Environmental Council's Annual "E-Day at the Capitol"](#) – 'Water Is Life – Keep it Clean'. **A Day of Action & Citizen Lobbying**. WV State Capitol - Senate hallway, Upper Rotunda & alcoves. From 9:00 a.m. – 3:00 p.m. ► **Press Conference** in the Lower Rotunda at 12:30. Environmental Groups / Organizations / Sustainable Businesses, Citizen Lobbying will be located in Upper Rotunda alcoves & Senate Side Hallway.

For group display registration: [Karen.yarnell@fairmontstate.edu](mailto:Karen.yarnell@fairmontstate.edu)

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

**February 17:** [WV Environmental Council's Annual "E-Day Benefit Dinner & Awards Ceremony"](#). Woman's Club of Charleston. 6:00 p.m. – 9:00 p.m. Buffet dinner, music by Marium Bria & Ammed Solomon, Poetry by Crystal Good, performance piece by Jude Binder – accompanied by Andy Park. Awards bestowed at 7:15 p.m. Donation of \$15 per person at the door. Cash donation bar. Proceeds go in support of the WV Environmental Council's lobbying efforts.

For more information: [deniseap@earthlink.net](mailto:deniseap@earthlink.net)

**February 24:** [WVU Law National Energy Conference 2014](#). Erickson Alumni Center, WVU. This is a free, one-day conference. Features speakers from air and energy regulatory agencies, electric utilities, energy producers, academic institutions, environmental groups, and public

policy organizations to explore legal, policy, economic, and other issues surrounding the new rules, including:

EPA's rule-making process and the likely framework of the EPA rules.

Options available to states for complying with the EPA rules.

Options available to utilities and other energy producers for complying with the EPA rules.

Socio-economic implications for coal dependent states.

Flexibility and the Path Forward for Coal Dependent States

Coal fired power plants supply approximately 40 percent of the electricity generated in the United States, but also contribute 80 percent of the power sector's carbon dioxide (CO<sub>2</sub>) emissions.

In June 2013 President Obama directed EPA to complete CO<sub>2</sub> emission standards for new and existing power plants by June 1, 2015. In September, 2013 EPA proposed standards for new power plants under Section 111(b) of the Clean Air Act. In June 2014, EPA is expected to propose standards and guidelines for existing power plants under Section 111(d) of the Clean Air Act, which will become effective one year later, in June 2015.

Major coal producing regions of the country and states served by electric utilities relying heavily on coal fired generation potentially will bear disproportionate adverse impacts from the EPA's regulation of CO<sub>2</sub> emissions. At the same time, EPA's rules are expected to provide a number of compliance options for states in achieving the CO<sub>2</sub> emission standards. This conference will examine pending EPA regulation under section 111(d) of the Clean Air Act and explore the policy frameworks available to states for developing CO<sub>2</sub> emission reduction strategies for existing power plants.

Panelists will discuss compliance options likely to be made available to states, potential impacts on the power sector as well as the broader economic implications of the EPA regulations for coal-producing regions.

U.S. Senator **Joe Manchin** (D-W.Va.) has been invited to give the keynote address.

The luncheon speaker will be **Charles Patton**, President and Chief Operating Officer of Appalachian Power. PRESENTED BY STEPTOE & JOHNSON PLLC

**Feb 27 - March 1:** Dimensions of Political Ecology Conference. To be held at the University of Kentucky, Lexington.

For more information: [www.politicalecology.org](http://www.politicalecology.org)

**March 9 – 16:** Mountain Justice Spring Break. North central West Virginia - focused on coal and fracking issues, beautiful location, camping and indoor lodging, all food and programs provided for low cost alternative spring break.

For more information: [www.mjsb.org](http://www.mjsb.org)

**March 22:** WVEC Board of Directors meeting. TBA

**June:** WVEC Board of Directors June Retreat. TBA

**June 21 & 22:** 9<sup>th</sup> Annual Lavender Fair. To be held at the beautiful LaPaix Herb Farm, Alum Bridge WV. Theme: "Choose Love". Tracks: 1) Honoring the Earth. 2) We Are All Connected. 3) Just Herbs. This is a very popular event, so please register early to ensure attendance. Car pooling is encouraged.

Reservations are limited to 100 per day. Cost: \$50 per day per person. Includes gourmet luncheon.

For more information: [www.lapaixherbfarm.com](http://www.lapaixherbfarm.com)



**Fall 2014: 25<sup>th</sup> Annual WVEC Fall Conference!** Join us as we celebrate **25 years** of protecting West Virginia's environment and being your voice at the WV state capitol! Exact location and plans TBA. Stay tuned!

► To have your event posted, please contact Denise Poole: [deniseap@earthlink.net](mailto:deniseap@earthlink.net)

### **Legislative Session 2014 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

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

WVEC Office: (304) 414-0143

**Ohio Valley Environmental Coalition:** <http://ohvec.org/news.php>

Every morning, OVEC checks scores of news sources and posts links.

**WV Citizen Action Group:** <http://www.wvcag.org>

WV -CAG Office: (304) 346-5891

**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](mailto:deniseap@earthlink.net)



# Support the West Virginia Environmental Council

P.O. Box 1007, Charleston WV 25324

Phone: (304) 414-0143 [www.wvecouncil.org](http://www.wvecouncil.org)

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Old Growth:	_____ \$1,000	Other:	_____

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*WVEC Legislative Update Newsletter*

*February 7, 2014*