



West Virginia Environmental Council's

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 6 – No Excuses

Now is the time for the West Virginia Legislature to enact strong, comprehensive legislation regulating the drilling of Marcellus Shale natural gas wells in the state.

At yesterday's public hearing on the proposed legislation in the House Chamber, Brynn Kusic, who described herself as a West Virginia native and young mother, said, "This is a historic moment in our state. The delegates in this room are in a position to create legislation to protect our future generations."

And now is the time.

The Legislature has had more than two years of committee presentations on the benefits and impacts of Marcellus shale drilling from all the various stakeholders, including the industry, environmental groups and affected citizens.

As a result, the Joint Interim Judiciary Committee of both the House and the Senate has approved a comprehensive draft bill that would regulate the new technologies of horizontal drilling and hydraulic fracturing that enable the production of Marcellus shale gas.

During last year's session, Randy Huffman, cabinet secretary of the WV Department of Environmental Protection, told the Legislature that DEP did not have the statutory tools and enough inspectors and other staff to regulate all the problems associated with drilling the Marcellus.

So in April last year Huffman began a programmatic review of the entire WV oil and gas regulatory framework and sought input from all of the same stakeholders. In October he convened a smaller taskforce of stakeholders to further discuss the specifics of what should be included in a new regulatory package. Both Dave McMahan and I served on that taskforce.

As a result, the DEP also drafted a comprehensive bill that not only addresses the drilling and fracturing of horizontal Marcellus shale wells, but also strengthens the current regulatory program for drilling shallow "conventional" wells.

So the Legislature now has two comprehensive Marcellus Shale bills before it.

The West Virginia Environmental Council and the WV Surface Owners' Rights Organization are working closely together on this legislation. Frankly, there are things we like in both bills, and where the Judiciary bill is stronger in one area, the DEP bill is stronger in another.

To be sure, there are things that are not included in either of the draft bills that we would like to see in the final bill. We will continue to push for some of those in the legislative process.

But both bills contain new protections for water resources, land use and human health and both bills contain new protections for surface owners.

The Legislature now has everything it needs to pass a comprehensive bill. And as lawmakers meet to deliberate on this legislation, the drilling continues across the state, still largely unregulated.

There is no acceptable excuse for not passing the necessary environmental protections from Marcellus Shale drilling activity this session.

If the Legislature fails to act, then the DEP must stop issuing new drilling permits.

There is no excuse.

Our song bird friends are beginning to sport their spring mating colors, so keep your feeders full and enjoy the show.

Marcellus Drilling Regulations - Keep up the Pressure! Public Hearing Fills House Chamber

By Leslee McCarty, WVEC Lobbyist

Thursday afternoon's hearing in the House Chamber was amazing! Again and again, people rose to their feet to tell their stories, or the stories of affected citizens who could not make the trip to Charleston. Paul Philips and his wife were there from Sissonville. They had one minute apiece to try and convey the horror of what they have experienced. He showed us his blood work reports, containing proof of his exposure to toxic chemicals he believes have come from the air pollution wafting over his house from three gas wells on his property. Later he told me, "I lost thirty lambs the first year they started drilling. At first I didn't make the connection, but as time went on, and we started having health effects, I began to realize it was probably something to do with the chemicals."

On and on the stories went. "They de-watered the stream near us. Orange gel covered the stream and fish were dead. Downstream town water supplies were not notified of the spill. DEP does not have enough inspectors." Louanne Fatora, West Union.

"My little boy came running to me saying, 'Mommy, it stinks, what is happening?' We saw a cloud of gas enveloping the house. His headaches are frequent. We don't drink our water. I am afraid his headaches may come from using the water to shower or just living so close to the air pollution from the wells." Paul Phillips' daughter-in-law, a nurse at Ruby Memorial.

Carol Warren, of the Council of Churches held up a five dollar bill. "This is paper, those are people." She pleaded with the Legislature not to sacrifice our state's people on the altar of money.

On and on it went - the litany of fear, anger, abuse and sickness with landowners who don't own their mineral rights having large operations located on the surface they own. "I thought this was America," said one property owner who was forced to have huge negative impacts on his land by the gas company drilling, roads and pipelines.

And now what? We wait. We continue to call, write and visit our legislators. We hope for justice. We work for regulations that will abate the abuses. We see that the message is getting out. Newspaper TV and radio coverage has been good for press conferences and hearings, so we hope the Legislators are getting the message.

Today, the first attempt from House Judiciary to put the two big bills regulating Marcellus drilling into one bill, surfaced. Last year we nearly passed a bill that would have made some steps in the right direction, but at the last minute, it failed. We can't let that happen again.

We need everyone's help to regulate this juggernaut! Keep up the pressure, please! If we fail to get a bill by March 12, we fail to protect our state and her people for another year. Tell your legislators not to let that happen!

Dissolved Solids Standard Would Protect Drinking Water, Aquatic Life

*By Evan Hansen: Gazette Op Ed
February 5, 2011*

Legislators are now considering a new total dissolved solids (TDS) standard to protect West Virginia's streams and rivers. TDS includes substances that impact the odor and taste of drinking water, deposit scale in pipes and harm aquatic life.

Here in north-central West Virginia, TDS problems have recurred since 2008, when high levels in the Monongahela River fouled drinking water supplies in Pennsylvania. High TDS levels again in fall 2009 led to a toxic algae bloom and a massive fish and mussel kill in Dunkard Creek. Our state Department of Environmental Protection is concerned, and has proposed a new standard of 500 milligrams per liter (mg/L). This standard matches that of Pennsylvania, but is twice as lenient as the 250 mg/L recommended by the federal Environmental Protection Agency.

The proposed standard fills a gap in our state rules, because we have no enforceable TDS standard to protect rivers and streams as sources of drinking water. It is critical to understand the difference between drinking water standards under the Safe Drinking Water Act and public water supply standards under the Clean Water Act. A federal TDS Safe Drinking Water Act standard of 500 mg/L is already in place, but this standard applies at the tap and is an unenforceable guideline that public water systems strive to achieve. This standard does nothing to ensure that our rivers and streams provide clean source water.

While the new standard is intended to protect rivers and streams as sources of drinking water, it would also begin to protect the life in those streams. DEP has proposed the TDS standard to ensure that stream water can be efficiently treated for drinking. If the standard is applied to all of the state's rivers and streams as proposed, it would, as a side benefit, protect fish and other aquatic life everywhere across the state. But if it is applied only at intake pipes for public water systems, as some are proposing, the aquatic life protection would be significantly weakened. While a TDS level that truly protects aquatic life can be debated in future legislative sessions, this standard is a solid first step toward preventing future nightmare scenarios like the fish kill on Dunkard Creek, where there is no public water intake and where TDS reached levels more than thirty times the proposed standard.

The 500 mg/L limit would be an instream standard; dischargers would not necessarily have to meet it at their discharge pipes. The new TDS standard, like all instream standards, would be used to calculate permit limits for dischargers such as wastewater treatment plants, industrial facilities, and coal mines. Some dischargers have expressed concerns that their water pollution control permits would be strengthened to the point that limits may not be achievable. In reality, however, TDS discharge limits would be site-specific and would depend on the flow coming out of the pipe as well as the flow and TDS level that already exists in the receiving stream. A wastewater treatment plant, for example, that discharges to a major river would generally be permitted to discharge at levels higher than 500 mg/L if the river is relatively clean. This is because of the dilution that such a river provides. There are certainly some situations in which dischargers' permit limits would need to be strengthened in order to ensure that the new standard is met in the stream. But even if the 500 mg/L standard were assigned at end-of-pipe, permits would still allow maximum daily concentrations to exceed 500 mg/L.

It is important for legislators to be clear about what is being proposed: a Clean Water Act instream standard to protect source water used by public water systems. No such standard exists now. Legislative action is necessary to fill this gap in our regulations.

(Hansen is founder and president of Downstream Strategies, an environmental consulting firm in Morgantown.)

“I’m sorry, Dave, I’m afraid I can’t do that.” Hal, in 2001 A Space Odyssey

We had a request today to let our volunteer lobbyists know which legislators were voting which way on Marcellus Drilling Regulations. Boy, do we wish we could do that! We know it is frustrating, and it may seem like we should know this by now, but we just can’t and here is why.

There are at least three versions of the bills right now, with today’s appearance of the Committee Substitute in House Judiciary. In the “weighted version” of the bills, this one tops the charts at 200 pages, beating the DEP version by twelve pages. Since it just appeared a few minutes ago, we have not had time to evaluate the changes.

And if we have not evaluated it, we are pretty sure legislators have not had a chance. Then we don’t know if the Senate will use this version of the bill or continue to consider the bills they have. This gives us two versions of pooling, one in each house, plus the two that were combined, but which still could be used if anyone decides to propose that.

So if we ask legislators how they are going to vote on Marcellus Drilling Regulation, they will surely say, “Which bill?” And we would have to say “Pick one.” So even though it is getting late in the session, it is too early for a head count on Marcellus.

Two Delegates Vote Against Mine Safety Measure in Committee Roll-Call Vote

By John Christensen, WVEC Lobbyist

The purpose of HB 2437 is to require cutter heads, long wall shears, and other mining machines to automatically shut-off when the methane level reaches one percent in the vicinity of the machine to further protect health and well-being of our state’s miners.

The bill was introduced by Delegates Caputo, Manchin, Longstreth, Poore, Manypenny, L. Phillips, and D. Poling in order to protect against another disaster like the Upper Big Branch mine explosion which killed 29 miners April 5th of last year. The bill has no senate version so far.

Incredibly, when the House Energy, Industry and Labor committee took up the bill this week, WV Coal Association VP and lobbyist Chris Hamilton argued against the passage of the bill characterizing it as an “unnecessary regulatory burden” that would slow down production. Two Republican delegates from Putnam County, Troy Andes and Brian Savilla agreed with him, and voted against the bill in a rare roll-call vote.

Del. Mike Caputo (D-Marion) delivered a very emotional and inspiring speech in favor of the bill’s passage just before the vote, and the bill passed. After the vote Chris Hamilton was heard to say “Atta Boy Troy!”

I have always wondered why Coal Association lobbyists like Chris Hamilton and others never wear their Ethics Commission ID badges. My guess is that they consider it an “unnecessary regulatory burden.”

EPA Submits Draft Hydraulic Fracturing Study Plan to Independent Scientists for Review

The Draft Plan Is Open To Public Comment

EPA Press Release date: 02/08/2011

The U.S. Environmental Protection Agency (EPA) today submitted its draft study plan on hydraulic fracturing for review to the agency's Science Advisory Board (SAB), a group of independent scientists. Natural gas plays a key role in our nation's clean energy future and the process known as hydraulic fracturing is one way of accessing that vital resource. EPA scientists, under this administration and at the direction of Congress, are undertaking a study of this practice to better understand any potential impacts it may have, including on groundwater. EPA announced its intention to conduct the study in March 2010 and use the best available science, independent sources of information, a transparent, peer-reviewed process and with consultation from others. Since then, EPA has held a series of public meetings across the country with thousands attending and the agency has developed a sound draft plan for moving forward with the study.

The scope of the proposed research includes the full lifespan of water in hydraulic fracturing, from acquisition of the water, through the mixing of chemicals and actual fracturing, to the post-fracturing stage, including the management of flowback and produced or used water and its ultimate treatment and disposal.

The SAB plans to review the draft plan March 7-8, 2011. Consistent with the operating procedures of the SAB, stakeholders and the public will have an opportunity to provide comments to the SAB during their review. The agency will revise the study plan in response to the SAB's comments and promptly begin the study. Initial research results and study findings are expected to be made public by the end of 2012, with the goal of an additional report following further research in 2014.

For a copy of the draft study plan and additional information:

<http://yosemite.epa.gov/sab/sabproduct.nsf/02ad90b136fc21ef85256eba00436459/d3483ab445ae61418525775900603e79!OpenDocument&TableRow=2.1#2>

More information on hydraulic fracturing:

www.epa.gov/hydraulicfracturing

“Energy Efficient Building Act” Moves Through Both Houses

By John Christensen, WVEC Lobbyist

The Energy Efficient Building Act (SB 201 and HB 2890) advanced through committees in both chambers this week.

SB 201, sponsored by Senators McCabe, Browning, Foster, Wells, Stollings, Klempa and Kessler, made its way through the Senate Economic Development committee and is now in the Senate Finance committee.

HB 2890, a “same as” bill sponsored by Delegates Ashley and Manchin, was passed by the House Energy, Industry and Labor committee and is now before House Finance.

If adopted, the bill would authorize the creation of a new tax credit for eligible expenditures incurred in placing in service a residential or nonresidential energy efficient buildings. The fourteen page bill describes the process by which the credit can be attained using the Energy Star ® program to identify plans for the construction of the buildings. The examples

of qualified energy saving systems in the buildings are interior lighting, heating, cooling, ventilation, hot water systems and the building's "envelope."

The bill lays out the procedure by which the tax credit will be applied for and awarded, the timelines, the amounts and how they are calculated. The amount of the tax credit must be taken over a ten-year period at one tenth per year to be determined by the eligible taxpayer and may be taken as either business franchise, corporate net income, or personal income tax. The bill also allows for transfer or sale of the credit in the event the building is sold.

The bill's incentive should encourage the construction of energy efficient buildings, thereby reducing the total amount of energy consumed in the state.

We think this is basically a good bill that has gained wide support from both houses. The Senate version looks to be the one that will win out so far and should pass out of the Finance committee early next week.

WVEC Lobby Team Celebrates Valentines' Day

A heart felt thank you to DL Hamilton for the lovely "valentines' dinner" she held for the lobby team and a few friends we are working with this session.

We'd like to share a few of the "winning" poems we came up with when DL gave us the start of the poem, "roses are red, mountains are green" and asked us to finish the poem. Keeping them anonymous, we wrote our thoughts on separate pieces of paper. We then were asked to read them aloud and guess who wrote which poem.

Here is a few of them:

"Roses are red, mountains are green The coal company knows how to (*bleep*) up a stream."

"Roses are red, mountains are green Gather your rosebuds or you'll die as a teen."

"Roses are red, mountains are green And King Coal is black, but we've got the E-team."

"Roses are red, mountains are green Live in this valley, and it (*bleeps*) up your spleen."

"Roses are red, mountains are green If we don't change our policies we will soon be dead."

And the winner is: "Roses are red, mountains are green The hills of West Virginia are beautiful and serene." – by John Christensen.

Slurry Injection Ban Bill in House Judiciary

The House Judiciary Committee will debate and vote on HB 2850, the Slurry Injection Ban bill on Monday, February 21 at 1:00 pm.

On Tuesday, the Sludge Safety Project will hold a Press Conference with affected community members in the Secretary of State's conference room at 12:45 pm.

Join Sludge Safety Project on these days if you are interested in this important issue.

Do You "Alternet"?

To get disturbing and probably necessary news, you can go to this link and subscribe to "Alternet". Today's issue has articles about the Koch brothers controlling the Wisconsin governor's crazy move to threaten state workers with the National Guard and the assault by the right on the EPA – and therefore on our environment. <http://www.alternet.org>

Celebrating The Life of Winnie

Our dear friend and outspoken environmentalist Juanita “Winnie” Fox passed away this past Tuesday, February 15th. Winnie was 90 years young.



Winnie Fox confronting Bill Raney, Coal Association President, during an “Overweight Coal Truck” rally at the state capitol. March, 2002.

Photo by Denise Poole

Winnie was absolutely passionate about, and committed to social justice and protecting the environment her entire adult life. She is an inspiration to hundreds of activists, who love and respect her brave, unwavering and direct approach when speaking truth whenever and wherever she felt it necessary.

There are many stories and memories about Winnie being at anti mountaintop removal rallies, a DEP office sit-in, numerous vigils, and always in every instance she maximized her actions to have her opinion and voice heard – getting arrested, trying to get arrested, wrapping herself in the American flag, waving signs, speaking out and continually writing letters to the editor, letters and phone calls to our state and congressional representatives.

WVEC is proud to have known and worked with Winnie, and honored to have bestowed our 2010

“Mother Jones” Award to her.

Winnie lived a life filled with family, friends, and her hopes for a better future for all of us. WVEC expresses both our gratitude and condolences to her children, grandchildren and friends.

A celebration of her life will take place on Saturday February 19th from 7:00 – 8:30 pm at Wasvanawha’s 825 4th Avenue in Huntington. The family has asked in lieu of flowers, donations may be directed to OVEC, PO Box 6753, Huntington WV 25773 or CRMW, PO Box 651, Whitesville WV 25209.

Solid Waste Bills Update

By John Christensen, WVEC Lobbyist

Here is a brief update on solid waste legislation currently under consideration by the Legislature this session. Most of these bills have not yet been placed on a committee agenda, and therefore have little chance of being adopted this session.

Senate Bill 427: Provides a personal income tax credit of up to \$600 for fees paid for recycling services. Sponsored by Senators Dan Foster and Evan Jenkins. Referred to Senate Judiciary, then Finance.

House Bill 2814: This year’s “Bottle Bill,” it would establish a recycling program with a five-cent deposit and refund mechanism for most beverage containers. This is a good bill that once again has little hope of being enacted this session. Sponsors are Delegates Fleischauer, Talbott, Brown, Manypenny, Mary Poling, Staggers and Hatfield. Referred to House Judiciary, then Finance.

House Bill 2136: Imposes a five-cent tax on each plastic shopping bag given to customers by grocery stores, drug stores and convenience stores. Sponsored by Delegates Doyle, Brown and Moore. Referred to House Finance.

House Bill 2017: Authorizes Class I and Class II cities to enact ordinances governing additional standards pertaining to solid waste collection operators (including recycling). Sponsored by Delegates Marshall and Fleischauer. Referred to House Political Subdivisions, then Judiciary.

House Bill 2153: Requires the Department of Environmental Protection to remediate any waste tire pile in the state consisting of twenty-five tires or more. Sponsored by Delegates Iaquina, Talbott, Martin, Fragale and Miley. The bill has been passed out of House Judiciary and awaits action in House Finance.

House Bill 3047: This is a bad bill that repeals a ban on certain electronics being deposited in state landfills. It's an attempt to overturn a bill the Legislature passed last year, which banned electronics from being land-filled. Sponsored by Delegates Howell, Andes, R. Phillips, Evans, Cowles, Ellem, Gearheart, Sigler, Hall, and Stowers. Referred to Judiciary. We hope this one does not see the light of day.

House Bill 3048: Requires public schools to institute mandatory recycling programs. While this sounds like a good idea, it allows the schools to keep the money for their own use, which could harm recycling efforts by smaller solid waste authorities statewide. Some counties are already doing this successfully without the legislation. More thought needs to be given to this bill. Sponsored by Delegates Manchin, Longstreth, Caputo and Fleischauer. Referred to House Education, then Finance.

Hampshire County Commission Establishes Marcellus Advisory Committee

At its regularly scheduled meeting on February 8th, the Hampshire County Commission adopted a resolution establishing the Hampshire County Marcellus Shale Natural Gas Advisory Committee, to advise the county commission and to educate county citizens about the potential benefits and dangers of new technologies for extracting natural gas in the Marcellus shale region.

The advisory committee was modeled on a similar committee established last year by the government of Garrett County MD, across the Potomac River from Hampshire County. Like other parts of West Virginia, the Potomac Highlands region is experiencing the beginnings of a boom in natural gas production, as the state seeks another base industry to fill the vacuum that a declining coal industry will leave behind.

Think Renewable

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 201	Energy Efficient Building Act	Finance
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	Passed Senate, to House EIL

SB 244 Coalbed Methane Ownership (<i>Interim Bill</i>)	EIM
SB 245 Funding for Chesapeake Bay Watershed Restoration (<i>Interim Bill</i>)	Passed Jud., to Finance
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	Passed Nat Res, to Finance
SB 460 Law Enforcement Practices for Division of Forestry	On Second Reading
SB 465 Marcellus Gas and Manufacturing Development Act	Passed EIM, to Finance
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
SB 510 Adopting 2009 Energy Code for building projects using state funds	Finance
SB 531 Promulgating rules for environmental sampling	EIM
SB 537 Creating tax credit for businesses that compost	Econ Dev
SB 547 Developing method for assessing narrative water quality standards	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 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	Passed EIL, to Judiciary
HB 2554 Intrastate Coal and Use Act (<i>Ridiculously Bad Bill</i>)	EIL
HB 2688 Adding a member from labor to Surface Mine Board (<i>Bad Idea</i>)	EIL
HB 2740 Banning covenants that restrict the installation or use of solar energy systems	Judiciary
HB 2741 Exempting solar energy systems from real and personal property taxation	Judiciary
HB 2776 Residential Renewable Energy Systems Tax Credit (<i>Great Idea</i>)	EIL
HB 2795 Jobs Impact Statement Act (<i>Devil in the Details</i>)	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 (<i>WVEC Bill</i>)	Judiciary
HB 2814 Bottle Bill (<i>Great Bill Again</i>)	Judiciary
HB 2834 Total Dissolved Solids Bill (<i>Carryover Bill</i>)	Gov Org
HB 2842 Coalbed Methane Ownership (<i>Interim Bill</i>)	Judiciary
HB 2844 Funding for Chesapeake Bay Watershed Restoration (<i>Interim Bill</i>)	Judiciary
HB 2850 Banning Coal Slurry Injection (<i>GREAT Interim Bill</i>)	Judiciary
HB 2851 Surface owner's right to purchase mineral interests	EIL
HB 2878 Hydraulic Fracturing and Horizontal Drilling Gas Act (<i>Interim Bill</i>)	Judiciary
HB 2890 Energy Efficient Building Act	Passed EIL, to Finance
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	Passed EIL, to Finance
HB 2955 Assessing certain fees to coal mine operators	Passed EIL, to Finance
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 (<i>Terrible Idea</i>)	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	Passed Gov Org, to Judiciary
HB 2986 Relating to forest fire seasons	Passed Nat Res, to Judiciary
HB 3026 Authorizing DOH contracts with oil and gas operators	Transportation
HB 3042 Regulating oil and gas wells (<i>DEP Bill</i>)	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
HB 3101 Clarifying timber severance tax	Finance
HB 3118 Relating to private developers constructing new water systems	Pol Sub
HB 3126 Requiring railroad company provide pesticide safety information	Transportation
HB 3129 WV Energy Expansion Fund	Gov Org
HB 3131 Ten-year moratorium on severance taxes from recovering waste coal	EIL
HB 3141 Requiring bonds for projects that impact state roads	Transportation
HB 3201 Increasing number of Public Service commissioners	Gov Org

Calendar of Events

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.Progressivity.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

April 17: WVEC Board of Directors meeting. Elkins.

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

Support the West Virginia Environmental Council

2206 Washington Street East, Charleston WV 25311

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

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