



Green

Legislative Update

Published Weekly During West Virginia's Legislative Session

Volume: 20 Number: 8 Date: April 3, 2009

Under the Dome

By Donald S. Garvin, Jr. WVEC Legislative Coordinator

Week 8 – Putting Lipstick On a Pig II

The most disappointing of the Governor's energy bills is **SB 297**, the "Alternative and Renewable Energy Portfolio Act."

It is such a missed opportunity.

Instead of offering a real renewable portfolio standard, it does a Texas two-step around it.

SB 297 is a long and complex piece of legislation. It basically sets up a system of tradable credits for electricity produced by alternative and renewable sources. These credits will be used to meet the Governor's goal that by the year 2025 25% of the electricity sold annually to customers in West Virginia comes from alternative or renewable sources.

Credits are given for "renewable energy" resources, which include: solar photovoltaic or other solar electric energy, solar thermal energy, wind power, run of river hydropower, geothermal energy, biomass energy, biologically derived fuel including methane gas, ethanol not produced from corn or biodiesel fuel, fuel cell technology, and recycled energy such as waste heat recovery.

Credits are also given for projects that reduce greenhouse gas emissions and for energy efficiency and demand-side energy reduction initiatives.

However, credits are also given for "alternative energy" resources for the production or generation of electricity include all of the following: advanced coal technology, coal bed methane, natural gas, fuel produced by coal gasification or liquefaction, synthetic gas,

.... continued on page 3

Transmission Line Tax Is Dead

By John Christensen, WVEC Lobbyist

It gives me great pleasure to report that **HB 3000**, also known as the Governor's Transmission Line Tax Bill, met a timely demise in House rules committee Wednesday where it was laid to rest after making it to third reading with amendments pending.

The bill garnered our attention weeks ago as it was introduced rather late (though not unexpected) and seemed to take on a life of its own on the fast track due to relentless pressure applied by the "Governor's people".

In reality, this bill was all about two new transmission lines, not about the tax. Trail and PATH are the high voltage towers proposed by AEP and Allegheny Power to provide extension cords from the Ohio valley to east coast cities through 17 counties and 290 miles (PATH) or the one from Monongalia County to Virginia (Trail) which crisscross in beautiful Tucker county making an X across our state.

The WVEC lobby team and friendly delegates tried to have it amended, put into a study resolution or just put on a shelf to die. And after a call to action from our members all across the Mountain State who have organized to oppose these gargantuan power lines, we organized a successful public hearing in the House chamber.

We got an unsolicited gift from an unlikely delegate - Jonathan Miller (R-Berkeley) - who offered up two last minute floor amendments that looked like they might pass, but were apparently not acceptable either to the Governor or legislative leadership. As it turned out the bill met it's final "coupe de gras" in House rules committee where it was pulled from final reading.

Something tells me we haven't seen the last of this turkey. We are hearing rumors that the Governor will call a "special session" to revisit this. So we need to keep sending emails and making phone calls thanking the rules committee delegates for their wise decision.

The battle is not over on this one.

"Green Jam" Huge Success!!

By Frank Young, WVEC Treasurer

Wednesday night's "Green Jam" was one of our most profitable fundraisers ever — and it was put on at such short notice.

Attendance was very, very good. I got there a little past 7:00 and it took me ten or 15 minutes to elbow my way to the bar to get a beer!

I estimate that at the height of it there were 60 people there at one time. But some left and others came in all evening. And folks were generous with their donations to the West Virginia Environmental Council.

Thanks so much to musicians Chet Lowther & Maya Nye, Andy Park, Karen and Shawn, and others who all played for free. And let's especially offer a big WVEC salute to Greg Carroll for the food and his other out-of pocket expenses of putting this on, for which Greg asked for not one penny of reimbursement. Thanks also to Chuck Wyrostok, Sally Swisher, Gary Zuckett and anyone else who helped pull off this shindig.

It was a great time for all!

WV Sustainable Fair!

"Green Makes \$en\$e" ~ April 17 & 18 Stonewall Resort ~ Roanoke, WV

Jeffrey Barrie, keynote ~

"Kilowatt Ours, the Conservation Solution"
Seminars, Demonstrations, Exhibits, Art Show
Gourmet benefit dinners Friday & Saturday evening
For more information,

visit www.sustainablelivingforwv.com
Or contact Denise Poole, deniseap@earthlink.net
or call Denise (304) 617-7073
Co-Sponsors & Hosts: Sustainable Living for WV,
Davis & Elkins College, Stonewall Resort

Legislative Session 2009 Information Sources:

Legislative Reference & Information Center:

MB-27, Bld. 1 - State Capitol Complex, Charleston WV 25305

WV Legislative web-site: www.legis.state.wv.us

(For bill tracking, bulletin board (journals), legislators' e-mails.)

To Call Toll Free: 1-877-565-3447 or local Charleston area: (304) 347-4836

WV Environmental Council Web-site: www.wvecouncil.org

WVEC Office: (304) 414-0143

CAPWIZ: http://capwiz.com/catholicconferencewv/issues/alert/

?alertid=10836991

Ohio Valley Environmental Coalition:

<u>www.ohvec.org/ovec_news.html</u> and <u>www.ohvec.org/news_gen.html</u> daily. Every morning, OVEC checks scores of news sources and posts links.

WV Environmental Council 2009 Board of Directors:

Danny Chiotos, *President*Jim Kotcon *Past President*Chelena McCoy, *Vice President*Karen Grubb, *Secretary*Frank Young, *Treasurer*

Greg Carroll John Christensen
Don Gasper Sherry Evasic
Mary Ellen O'Farrell
Denise Poole Bill Price
Cindy Rank Kevin Smith
Matthew Ivan Stiefel
Chuck Wyrostok Gary Zuckett

Membership Organizations:

WV Highlands Conservancy
WV Rivers Coalition
Ohio Valley Environmental Coalition
WV Citizen Action Group
WV Sierra Club
Coal River Mountain Watch
Plateau Action Network
Mountain State Education &
Research Foundation
Mon Valley Clean Air Coalition
Upper Monongahela River Assn.
Sustainable Living for WV

Chuck Wyrostok
Outreach Coordinator
wyro@appalight.com

Don Garvin

Legislative Coordinator

dsgir@aol.com

Denise Poole

Program Coordinator
deniseap@earthlink.net

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

www.wvecouncil.org

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. LegislativeUpdate, is published weekly during the Legislative Session.

Legislative Update welcomes letters, articles, and art work from readers and reserves the right to edit or reject submissions. Please send materials to:

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

Under the Dome

.... continued from page 1

integrated gasification combined cycle technologies, waste coal, tire-derived fuel, pumped storage hydroelectric projects, and nuclear energy.

Well, there's the heartburn.

The Governor's plan will actually award credits for continuing to produce and release more carbon dioxide into the atmosphere.

SB 297 is not about decreasing our carbon footprint, but instead promotes coal-to-liquids and other "clean coal" technologies, along with burning tires.

SB 297 is all about mining more coal. It's all about more mountaintop removal.

Thirty-three states now have "real" renewable portfolio standards.

West Virginia is not among them, and that's a huge missed opportunity for the new renewable economy rising all around us.

Spring rains are here again this Friday, so please continue to keep those bird feeders full.

Think Renewable Energy

Blair Mountain Added To National Historic Register

Blair Mountain - site of the historic 1921 coalmining labor battle – was named this week to the National Register of Historic Places.

The designation, made by the Keeper of the National Register, includes a 10-mile stretch of Logan County ridges where thousands of miners fought federal troops as part of a United Mine Workers organizing fight. The designation covers about 1,600 acres, along a fairly narrow strip that runs northwest from near the town of Blair.

"This is a major victory," said Bill Price, a Sierra Club staffer who worked on the project. "We are just thrilled at the Keeper's decision and of the recognition it gives to labor history in Southern West Virginia."

Getting this designation was a battle in itself.

Congratulations to all those friends of WVEC who worked so hard for so long on making this happen!

Senate Bill 753 Would Tie Counties' Hands

By Leslee McCarty, WVEC Lobbyist

Senate Bill **753**, introduced by Senator Don Caruth (R-Mercer), would effectively take regulation of natural resource extraction out of counties' regulatory domain, even for counties with comprehensive land use plans.

Caruth's proposed addition to West Virginia Code Section 8A-4-6 ("Effect of adopted subdivision and land development ordinance") reads, "That nothing in this chapter authorizes an ordinance, rule or regulation preventing the complete use of natural resources by the owner outside of urban areas."

Thursday's meeting of the House Political Subdivisions Committee (passed overwhelmingly) drew interest from oil and gas and coal lobbyists in the bill, and we have heard from several counties with Marcellus shale gas exploration issues that they are very worried about this bill. Also concerned are people from Berkeley County, who are facing their own extractive industry issues.

The last stop before a floor vote in the House is the Judiciary Committee, chaired by Carrie Webster (D-Kanawha). WVEC and WVCAG are now working together on this bill and may request a public hearing. We would need a really good showing, with county commissioners present. A list of the House Judiciary Committee members can be found here:

http://www.legis.state.wv.us/committees/house/ HouseCommittee.cfm?Chart=jud

If you can help us by getting some county commissioners, planning commission members, or other officials to commit to coming for a hearing next week, contact me, Leslee McCarty lesleemac@frontiernet.net. We have no idea at this time when the hearing might be.

And if you know any House Judiciary Committee members, please call them and discuss your opposition to this dangerous and pernicious bill.

"Clean Coal" ... is an oxymoron

Down the Legislative Rabbit Hole

By Leslee McCarty, WVEC Lobbyist

Alice remarks to the Duchess: 'The game's going on rather better now,' she said, by way of keeping up the conversation a little.

"Tis so,' said the Duchess: 'and the moral of that is - "Oh, 'tis love, 'tis love, that makes the world go round!"

'Somebody said,' Alice whispered, 'that it's done by everybody minding their own business!'

'Ah, well! It means much the same thing,' said the Duchess, digging her sharp little chin into Alice's shoulder as she added, 'and the moral of *that* is -"Take care of the sense, and the sounds will take care of themselves."

From, Alice in Wonderland by Lewis Carroll.



So why are we telling you a children's fairy tale? Because when you visit the Legislature, you find many fables being presented as true stories. And every day I feel as though I have gone down the rabbit hole with Alice.

For example, the Legislature was considering a bill declaring that wells going 6,000 feet deep are "shallow wells." Yes, it's true! And why would they be doing that? They wanted to make it easier for out-of-state gas companies to extract gas from Marcellus Shale and potentially contaminate our water resources.

Read the following article to find out how other communities are fighting back against drillers. http://www.fwweekly.com/
content.asp?section=News&type=Feature

"Clean coal" technologies are listed in the Governor's Renewable Energy Portfolio, along with burning tires to make electricity, as "alternative energy" sources - and an amendment *added* **nuclear power** to the list of alternatives! All of these come before the list of renewables like solar, biomass and wind.

And as we reported last week, energy efficiency, which would be the easiest thing to do to reduce emissions, is hardly mentioned! It seems West Virginia will never get away from being a "coal state" until the last lump of coal is extracted. Maybe we need a new campaign called "Count the Cost of Coal."

Besides the few good legislators we can count on to talk sense in the Capitol, and a few good public servants (like those who make presentations about the harm of selenium and then watch as legislators vote to allow coal mines to avoid more regulation), the only hope we seem to have these days is the new administration in Washington.

So far, they have tied stimulus funds to green jobs, energy efficient buildings and renewables, and threatened to enforce the Clean Water Act - sending our Governor to Washington to plead the Mountain Top Removers' case and occasioning a Senate Resolution (SR 50) declaring that our undying love affair with coal is not over!

Of course, Clean Elections legislation will not pass this year, despite Herculean efforts, but we may be inching ever closer to that elusive goal.

If we continue to have a Governor and Legislature that can be bought and paid for by the highest bidder, we will **never** get the protections we need for the environment or the clean energy and green jobs we need. We *must* have leadership to move us – out of our days as the state everyone feels sorry for and laughs at – to a brighter image as an innovator in the new world of renewable energy we must all embrace.

Something must force the changes we need in West Virginia. The Coal Boys are not going quietly, and the Marcellus Gas Boys are right behind them at the trough, and hey, move over, the Power Company Boys want in!! But if we can elect an Obama at the national level, maybe we can fix what is wrong with our state before it is stripped, exploited and scarred beyond recognition in every area.

By the way, our state is one of only **three** that **DO NOT** have legislative proceedings available online for folks to see what is actually happening at the Capitol. Perhaps if we could see them in action, West Virginians would get mad as Hell and not take it anymore!

When will the public begin to call the tune?

000

.... continued on page 5

page 4

Down the Legislative Rabbit Hole

.... continued from page 4



"Will you walk a little faster?' said a whiting to a snail.

"There's a porpoise close behind us,
and he's treading on my tail.

See how eagerly the lobsters and the turtles all advance!
They are waiting on the shingle will you come and join the dance?
Will you, won't you, will you, won't you,
will you join the dance?

Will you, won't you, will you, won't you,
won't you join the dance?"

Illustrations and quotes from Alice - http://www.cs.cmu.edu/~rgs/alice-I.html

SB 78 - "In God We Trust" and "Friends of Coal" License Plate Bill !!!

In Coal We Trust? The Epitome of Denial ...

By John Christensen, WVEC Lobbyist

In a move that should have happened a day earlier, (April Fool's Day), the State Senate proclaimed the coal mining industry the state's most important economic benefactor. **SR 50** proclaims the black rock to be "the beall-to-end-all" of our great state and many influential senators got up to speak on coal's behalf.

Senator Frank Deem (R-oil and gas) spoke about the concept of global warming and climate change being "grossly exaggerated" and that it had nothing to do with human activities.

Senator Jeff Kessler (D-black gold) spoke that without coal there was no "viable alternative" left for citizens to count on to keep the lights on and challenged environmentalists by saying in effect, that they couldn't handle it if the lights were to be turned off for forty eight hours, and that they'd be "begging" for coal-powered electricity producers to turn the lights back on.

Senator Walt Helmick (D-bottled water) rose in support of the black rock for it's substantial revenue enhancing qualities. Then, it was announced that the coal association would be holding a reception just outside the senate chamber after the session for free food and drink and even a big black (chocolate) cake with blue icing!

It was a huge surprise for me personally when one of my own senators from the eastern panhandle, Senator Herb Snyder (D-Solid Waste), rose to speak the praises of how *wonderful* it is to have coal money distributed in the panhandle - and how the industry was like mom and apple pie. It took me awhile to get over *that* one.

One by one, a total of *eight senators* spoke with forked tongue about the glories of the coal industry - but the biggest whopper of all was told by Senator Ron Stollings (D-Massey) whose county has the most coal mining. He said he has treated coal miners and their families for many years (he's a doctor) but failed to mention the harmful effects of coal mining. Stollings went on to sing praises for Coal's contribution to the workman's comp fund, and again failed to mention an important fact - it was renegade coal companies that bankrupted the fund years ago when Govenor Underwood was in charge.

Perhaps the most incredible claim of the entire affair came at the beginning of the proclamation where the first "whereas" talked about how the legislature works tirelessly to improve the "quality of life" for the citizens of the mountain state ...

I just felt like shouting "April Fools!"

Federal Judge Blocks Streamlined MTR Permits

Federal regulators may not approve new mountaintop removal operations through a streamlined permitting process until they further study the impacts of the proposed mining, a federal judge ruled this morning.

U.S. District Judge Joseph R. Goodwin issued an injunction that blocked the U.S. Army Corps of Engineers from authorizing new valley fills through its "nationwide permit" procedure.

In a long-awaited ruling, Goodwin concluded that the corps had not fully examined the cumulative impacts of approving mountaintop removal mines through this streamlined procedure.

"The loss of thousands of miles of streams in Appalachia over the past twenty years ... and the loss of over 200 miles of streams in West Virginia alone vividly illustrates the impacts associated with mountaintop mining," Goodwin wrote in a 63-page opinion.

Goodwin ruled in a case that had been awaiting a decision since August 2007, when lawyers asked the judge to review new issues after a federal appeals court overturned a previous decision by Goodwin against the corps.

The decision puts more pressure on the Obama administration to work out its plans for dealing with the mountaintop removal issue. Corps lawyers have 60 days to decide if they will appeal Goodwin's decision.

"Judge Goodwin, I think, properly observed that the corps has not be complying with the law," said Joe Lovett, director of the Appalachian Center for the Economy and the Environment. "I hope with the new Obama administration the corps was already in the process of changing its behavior, and I hope this will help it along."

The case differs from the one in front of U.S. District Judge Robert C. Chambers. Chambers ruled on — and was later overturned by the 4th U.S. Circuit Court of Appeals on — whether the corps had properly studied the potential impacts of "individual" clean water act permits for mountaintop removal mines.

Goodwin was reviewing, in a suit brought by the Ohio Valley Environmental Coalition and other groups, the corps' previously typical practice of using the more streamlined "nationwide permit" process for valley fills.

Since Goodwin's initial ruling in July 2004, the coal industry has more frequently been using individual

permits than the streamlined process, said Carol Raulston, spokeswoman for the National Mining Association.

But the ruling is still another blow to the coal industry, and a victory for citizen groups who are fighting to reduce or eliminate mountaintop removal.

Since Jan. 1, the corps' Huntington District has issued at least three nationwide permit authorizations for surface mining activities, according to agency records.

Goodwin's ruling and injunction apply only within the boundaries of the U.S. District Court's Southern District of West Virginia.

But within the district, the judge not only enjoined the corps from authorizing new mines under the streamlined process, but also blocked mine operators who intervened in the case "from all activities authorized" under the streamlined permit process.

(From a March 31 *Charleston Gazette* article by reporter Ken Ward Jr.).

Gazette Endorses McGinley for OSM Head

In an April 1 editorial the *Charleston Gazette* endorsed West Virginia University law professor – and long-time WVEC friend – Pat McGinley for Director of the U.S. Office of Surface Mining, Reclamation and Enforcement.

The *Gazette* says that the Obama administration is considering at least two Appalachian lawyers with records of representing coalfield residents for the position.

One is McGinley, and the other is Joe Childers of Lexington, KY.

Over the weekend, the *Louisville Courier-Journal* endorsed the Kentucky candidate to lead OSM, citing Childers' 30 years of work on behalf of coalfield residents.

Not wanting to be outdone, the *Gazette* urged "President Obama and his Interior Department to pick McGinley."

"He has also spent a career representing coalfield families on issues involving property rights, taxes, water and blasting," the *Gazette* said.

"McGinley also has an impressive scholarly record in the subject and is a confirmed champion of openness in government. He would bring the perfect background and ethic to the job of protecting the public's interest."

We here at WVEC couldn't agree more!

Public Financing for Supreme Court Races Killed in Senate Judiciary Committee

By Carol Warren
WV Citizens for Clean Elections

Last week we reported that the Supreme Court Public Financing Pilot Project (SB 311) was taken up and passed out of Judiciary Committee. We received some excellent support from friendly Senators and sponsors of our legislative bill, as well as House allies, in our effort to convince Senator Walt Helmick (D-Pocahontas) to place the bill on the Finance Committee agenda.

We were elated Tuesday morning to find the bill on the Finance Committee agenda (I have copies of the agenda, suitable for framing!). Julie Archer and I went into the Finance Committee meeting feeling upbeat and relatively confident. The meeting was well underway when Del. Tim Manchin (D-Marion) came into the room to let us know the bill had been pulled. Apparently, the Governor is thinking of forming a commission to deal with judicial elections, thought this legislation might "interfere" with the commission's work, and asked Senator Helmick not to take it up.

Of all the outcomes we never expected! A number of our allies were quite upset, and even some opponents told us they were sorry about the way things had happened. We intend to explore ways to obtain representation for the WV Citizens for Clean Elections coalition on the Governor's commission!

The last couple of weeks have really been a roller coaster ride for those of us working on the Public Campaign Financing bills! Thanks so much to all of you who have supported our efforts with phone calls, email, and letters to legislators over the past weeks and years.

Rest assured that Citizens for Clean Elections will continue the fight for public financing of political campaigns.

Quote of the session:

"Its nice that we have fish with two eyes on the rights sides of their heads, but we need these mining jobs."

Delegate Woody Ireland (R-Ritchie) talking about the Selenium standards.

House Resolution Supports Coal River Wind Farm

By Alison Knezevich Charleston Gazette Staff writer

More than 40 members of the House of Delegates have signed a resolution supporting the development of a wind farm on Coal River Mountain in Southern West Virginia.

Members of the group Coal River Mountain Watch hit the Capitol Thursday to lobby for the resolution, which was introduced this week by Raleigh County Democrat Sally Susman.

Advocates for developing a utility-scale wind farm say it would produce more jobs and tax revenue than Massey Energy's planned mountaintop removal mining operation. If strip mining continues to expand in the area, they say, local communities won't be able to benefit economically from wind energy potential.

On Thursday, the group held a news conference with several delegates to promote the resolution.

"We are for West Virginia energy, no matter what it is," Susman said. "It is an energy state, and we just have to keep it open for everybody."

The project could make West Virginia a national leader in renewable energy, supporters say.

Another sponsor, Mike Manypenny, D-Taylor, said the state could have commercialized wind energy "a long time ago."

"It's time that we diversify West Virginia's resources," he said. "Coal's been king. Well, it's time that wind sits on the throne next to coal."

Rock Creek resident and community organizer Lorelei Scarbro said people who live in the area fear the effects of Massey's plans.

"Everything that I have is at risk, along with many, many other people who live along this mountain," she said. "What we are trying to do is salvage what's left in our area."

The resolution has been referred to the House Rules Committee.

Editor's Note: The amazing number of signatures on this resolution is the result of a tremendous lobbying effort by Rory McIlmoil and Lorelei Scarbro. Between the two of them they burned a lot of shoe leather and refused to take the first "no" as an answer. You guys ROCK!

Active Bills We Are Tracking

Bill Number Title Committee

Senate Bills

SB 45	Authorizing DEP Secretary to sign NPDES permits (<i>Bad Bill</i>)	Passed Senate, to House Jud.
SB 92	Eliminating timber severance tax (<i>Bad Bill</i>) (similar to HB 2931)	HB 2931 in Senate Finance
SB 23	4 Fish Poop Bill (<i>Bad Bill</i>) (same as HB 2474)	HB 2474 On First Reading
SB 27	9 Industrial accidents and emergency response regulations (same as HB 2565)	SB 279 in House Judiciary
SB 29	7 Alternative and Renewable Energy Portfolio Act (Governor's Bill)	SB 297 in House Judiciary
SB 37	5 Relating to Office of Coalfield Community Development (Governor's Bill)	SB 375 in House Finance
SB 39	6 Carbon dioxide sequestration (Governor's Bill) (same as HB 2860)	HB 2860 in Senate EIM
SB 46	1 Extending selenium compliance time (<i>Terrible Bill</i>) (no House bill)	SB 461 in House Judiciary
SB 50	7 Clean Coal Technology Council's powers and duties	SB 507 in House Gov Org
SB 56	4 Requiring DEP finalize mine permits in six months	SB 564 in House Judiciary
SB 58	5 Reduces amount of solid waste deposited on free day	SB 585 in House POL Sub
SB 60	O Continuing special reclamation tax on coal (same as HB 3003)	SB 600 in House Judiciary
SB 71	5 Chesapeake Bay Restoration Initiative	SB 715 in House Judiciary
SB 75	3 Limiting land development ordinances	SB 753 in House Judiciary

·	•
House Bills	
HB 2133 Increasing the penalties for discarding trash on land and in streams	HB 2860 in Senate Nat Res
HB 2474 Fish Poop Bill (<i>Bad Bill</i>) (same as SB 234)	On First Reading in Senate
HB 2535 Solar Energy Tax Credit (<i>Great Bill</i>) (similar to SB 608)	HB 2535 in Senate Finance
HB 2565 Industrial accidents and emergency response regulations (same as SB 279)	SB 279 in House Judiciary
HB 2682 Alternative and Renewable Energy Portfolio Act (Governor's Bill)	SB 297 in House Judiciary
HB 2781 Tax credit for LEEDs certification of sawmills (Guthrie's Bill)	HB 2781 in Senate Finance
HB 2976 Updating State Energy Building Codes	HB 2976 in Senate Judiciary
HB 2860 Carbon dioxide sequestration (Governor's Bill) (same as SB 396)	HB 2860 in Senate EIM
HB 2931 Eliminating timber severance tax (<i>Bad Bill</i>) (similar to SB 92)	HB 2931 in Senate Finance
HB 3000 Transmission line tax (Governor's Bill) (same as SB 505)	DIED IN HOUSE RULES
HB 3003 Continuing special reclamation tax on coal (same as SB 600)	SB 600 in House Judiciary
HB 3206 Authorizing DEP Secretary to sign NPDES permits (<i>Bad Bill</i>) (same as SB 45)	SB 45 in House Judiciary

The Final Week - What To Look For

True to form, the Legislature has put off decisions on most of the important environmental legislation until the very last week of the session.

Other than the Governor's "transmission line tax bill" - HB 3000 - none of the Governor's major energy related bills has passed both houses. So the WVEC lobby team is still working on:

SB 297 – The Alternative and Renewable Energy Portfolio Act

> **SB** 375 – Post Mining Land Use Master Plans HB 2860 – Carbon Dioxide Sequestration

Regulations

Good energy related bills that are still alive include HB 2535, which would provide a \$2,000 residential solar energy tax credit, and HB 2976, which updates state building codes.

We are concerned about SB 279, industrial accidents and emergency response regulations that are far

too weak, and which does not address at all the problem of MIC.

And there is a host of terrible bills that should suffer a fitting death. These include:

SB 45 — Authorizing DEP Secretary to sign NPDES permits

SB 461 — Extending selenium compliance time for coal mines

SB 564—Requiring DEP finalize mine permits in six months

> **SB 753** — Limiting land development ordinances **HB 2931** — Eliminating the timber severance tax

As you can see from our bill tracking list, we have removed all the "dead wood" - all the bills that have already failed to make it through the legislative process. We will deal with all that in our *Legislative Wrap Up* issue.

Right now, we have more than enough "live wood" to deal with!





Calendar of Events



April 8: STOP PATH (Potomac-Allegheny Transmission line.) Meeting. Lewis County Senior Citizens Center, Weston, WV. Begins at 6:30 PM. The Concerned Citizens of Lewis County have scheduled this informational meeting. Detailed information about PATH may be found at http://www.titzensagainstpath.com/wordpress/. and http://calhounpowerline.wordpress.com:80/.

For more information about this meeting contact: Kaycee Lamb (304) 269-5731

April 11: Legislative Session adjourns at midnight.

April 17 & 18: Annual WV Sustainable Fair 2009 - "Green Makes \$en\$e". Stonewall Resort, Roanoke WV (exit 91 off I 79.) Jeffrey Barrie, noted filmmaker, serves as keynote speaker addressing "Kilowatt Ours - The Energy Conservation Solution". New edition of his film will be shown, followed by a question & answer period. Other Highlights: Seminars on Green Building, Slow Food WV, Fuel Cell Technology, Solar Energy, 21st Century Collaborative, Children's Gardening; Exhibits, Demonstrations, Art Exhibit - "Sustenance for the Soul", Alternative Transportation. Gourmet Benefit Dinners: "Taste of WV - Farmers & Their Chefs" (Friday, cost \$25) and "A Sustainable Feast" (Saturday - cost \$40). Live auction Saturday evening with auctioneer Bob Stewart, of Stewart's Auction Co., Jane Lew, WV. Admission only \$5. at the door. Reservations for either or both dinners available in advance.

For more information: www.sustainablelivingforWV.com or call Denise, (304) 617-7073 - deniseap@earthlink.net

April 25: Earth Day Celebration. Folk Life Center, Pipestem WV. Features a panel discussion on wind power; live music, camping.

For more information: Shelly Turner -(304) 466-0626.

May 1: WV Citizen Action Group's Annual Spring Fundraiser. Woman's Club of Charleston - 1600 Virginia Street East. Great buffet, progressive friends, silent auction. Live Music by the Voo-Doo Katz! Tickets just \$30 a person / \$10 for students. For more information: WV-CAG office, (304) 346-5891.

May 1-3: WV Highlands Conservancy's Wild & Wonderful Spring Review. Camp Horseshoe, Monongahela National Forest. Celebrate the passage of the Wild Mon Act! Forest Service Officials and resource specialists will discuss recreation activities, oil & gas development and more. For more information & registration: www.wvhighlands.org or contact: Marilyn Shoenfeld (304) 866-3484 or (304) 940-5737.

May 2: 15th annual "Cheat River Festival" - Friends of the Cheat fundraiser. Location is just outside Albright, WV in Preston County. Features live music, art, vendors, 5K run, river sports and more.

For more information: www.friendsofthecheat.com

May 30: Kanawha Valley Connections: Creating Pathways to Sustainability" Fair. Habitat for Humanity ReStore, 815 Young Street, Charleston. All day event. Sustainability themes showcased include, local foods, businesses & jobs, conservation, energy sources, recycling, health, economic development, culture, transportation, recreation. Organizers are seeking exhibitors with green or sustainable products, practices.

For more information: Will Taylor, (304) 382-1233.

June 27: 6th Annual Lavender Fair - "Just Keep Dancing!".

LaPaix Herb Farm, Lewis County (just outside of Weston.) The farm is listed as a National Historic Landmark (May/Kraus Homestead.) Workshops and talks on using herbs for crafts, culinary and medicinal purposes, organic wild edibles, etc.

Demonstrations, interesting booths, wood walks, gourmet food, live music and much more.

Admission: \$5/person, \$10/family (one car)

For more information: www.lapaixherbfarmproducts.com/lavender-fair-2009.htm



If you would like to have your event listed in the WVEC Calendar, please e-mail Denise Poole: deniseap@earthlink.net or call: (304) 414-0143.

Support the West Virginia Environmental Council

2206 Washington Street East, Charleston WV 25311 Phone: (304) 414-0143 www.wvecouncil.org

Renewed Membership Change of Address		New Membership Donation	Membership Levels			
				\$	10	Student / Senior
Name:						Regular
				\$	50	Seedling
Address:				\$	100	Sustaining
				\$	250	Enviro Steward
City, State, Zip:				\$	500	Canopy
				\$1	,000	Old Growth
Phone:	e-mail			\$ (Other	

"Oh beautiful, for smoggy skies, insecticided grain,
For strip-mined mountains majesty above the asphalt plain.
America, America, man sheds his waste on thee,
And hides the pines,
With billboard signs,
From sea to oily sea."

George Carlin